

Proposed Constitutional Changes

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Area/ issue and who raised	Current Constitution Reference	Proposed Changes/ Reason
General throughout		
<p>Reference to restrictions on participating in meetings applies to Disclosable Pecuniary Interests and non-Registrable Interests (such as family/ friends related ones), so this to be included throughout the Constitution as applicable.</p> <p>Some Member confusion evident during the preparation for the Local Plan Decision, advice provided, however, should be clearer in the Constitution.</p> <p>4.8.20(e); Section 8 Appendix 2, paragraph 1.3; Section 8 Appendix 3, paragraphs 1, 2,3, 6.</p> <p>Monitoring Officer raised.</p>		<p><i>Currently only clear in the Code of Conduct, but should also refer to this in other parts of the Constitution to marry up with the Code requirements.</i></p>
Section 4		
<p>4.8.1 ((a) (ix) Area Committee Chairs and Vice Chairs Default appointment to the Council in the event that no Chair is appointed in May and failure to appoint at the first Area Committee at the next available meeting following.</p> <p>Monitoring Officer raised.</p>	<p><i>(ix) appoint the Chair and Vice-Chair of Committees, with the exception of the Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions;</i></p>	<p><i>(ix) appoint the Chair and Vice-Chair of Committees, with the exception of the Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions. In the event that a Chair and Vice Chair cannot be appointed at the first meeting of an Area Committee or at the next available meeting, such appointment shall be made at the subsequent ordinary Council meeting.</i></p> <p><u>Reason</u> <i>To cover off situations where no Chair or Vice has been appointed for the civic year and avoids uncertainty.</i></p>

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<p>4.8.15 Previous decision/ 4.8.24 - 6 month rule as it applies to Sub-Committees</p> <p>Applies to Sub-Committees by virtue of 4.8.24</p> <p>Also some adjustments to reflect Sub-Committee application (subs; <i>quorum rule for Council should not apply for Committees/ Subs at CPR 4.8.8</i> – is based on statutory minimum and or Committee/ Sub size)</p> <p>Monitoring Officer raised.</p>	<p>4.8.15 Previous Decisions and Motions</p> <p>(a) Motion to Rescind a Previous Decision A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twelve members.</p> <p>(b) Motion Similar to One Previously Rejected A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twelve members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.</p> <p>(c) There shall be an exception to 4.8.15 (a) and (b) for motions moved as part of a Budget proposal at the Full Council meeting at which the annual budget is set. Such a motion must be made in accordance with the procedures set out in 4.8.14.</p> <p>4.8.24</p> <p>(c) The following Standing Orders apply to Committees and Sub-Committees (excluding the Employment Panel): 4.8.4 - 4.8.11(a),(c)-(i); 4.8.13(b)-(d),(f)-(l), (n)-(p); 4.8.14(a),(b),(d),(e),(g)-(i), (k), (m); 4.8.15 - 4.8.17; 4.8.19 - 4.8.22 (but not 4.8.20(a)); and 4.8.23.</p>	<p>4.8.24</p> <p>(c) <i>The following Standing Orders apply to Committees and Sub-Committees (excluding the Employment Panel): 4.8.4 - 4.8.7; 4.8.9 - 4.8.11(a),(c)-(i); 4.8.13(b)-(d),(f)-(l), (n)-(p); 4.8.14(a)-(e),(g)-(i), (k)-(n); 4.8.16 - 4.8.17; 4.8.19 - 4.8.22 and 4.8.23. 4.8.15 applies to Committees and only applies to Sub-Committees when making a final disciplinary decision.</i></p> <p><u>Reason</u> <i>During certain Sub-Committee proceedings, decisions may need to be revisited – and rule 4.8.15 does not make allowances for that. Following this amendment, the default position would be any statutory or other adopted procedural rules would be followed.</i></p>

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<p>4.8.23(a)</p> <p>Resolution of Full Council 22 September 2022</p> <p>That Full Council having taken the part 2 report and Mr Peter Oldham KC's advice into account, instructs the Service Director Legal and Community to draft an amendment to the Constitution, in consultation with Group Leaders, regarding the removal of Council Procedure Rule 4.8.23 (a) with the exception of Regulatory and Disciplinary Committees as well as certain statutory matters of Full Council, and present that wording to the next Full Council meeting on 10th November.</p>	<p>4.8.23 Decision Making</p> <p>(a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present for the entirety of the debate and consideration of that item.</p>	<p><i>Proposed changes in relation to this issue in red below (NB further change proposed to 4.8.24(c) <u>see above table box</u>)</i></p> <p><i>4.8.24 Application to Committees and Sub-Committees</i></p> <p><i>(a) All of these Standing Orders apply to meetings of Full Council, save 4.8.23(a) which only applies to Full Council when making Strategic Planning / Developmental or Statutory Officer Employment decisions.</i></p> <p><i>(b) The following Standing Orders apply to Cabinet: 4.8.6; 4.8.9 - 4.8.11(a),(e)-(h); 4.8.13(b)-(d), (f)-(l),(n)-(p); 4.8.14(a)-(d),(g),(k),(m); 4.8.15 - 4.8.17; 4.8.19 - 4.8.21 (but not 4.8.20(a)); and 4.8.23(b).</i></p> <p><i>(e) The following Standing Order 4.8.23(a) only applies to the following Committees: Council Tax Setting Committee; Employment Committee; Employment Appeals Committee; Licensing and Regulation; Planning Control Committee; any Licensing Sub or Standards Sub Committees.</i></p> <p><i>[Below is renumbered]</i></p> <p><i>(f) The following Standing Orders apply to the Employment Panel: 4.8.2(a), 4.8.5(a)(d), 4.8.6 (note the Panel must be appointed 20</i></p>

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		<p><i>days before the meeting under 12.8.12), 4.8.13(a)(b)(c)(l)(m)(n), 4.8.19 and 4.8.23.</i></p> <p><i>(g) Standing Order 4.8.9(d) shall not apply to Planning Control Committee or Area Committees. See applicable rule under Appendix 1 to section 8.</i></p> <p><u>Reason</u> <i>Follow up proposal to resolution of Council on 22 September 2022.</i></p>
Section 8		
<p>Section 8, Appendix 2 to Section 8, 1.2, 1.5, 1.7, 2.1</p> <p>Cllr Dennis-Harburg & Cllr Ruth Brown raised.</p> <p>Note that currently the Ward Member at the request of the Parish or Town Council can call in subject to 8.4.5©(ii) requirements being met.</p> <p>In addition there is an anomaly between the Terms of reference and the Appendix 2 that any Member can call in an application (not just ward Members) under 8.4.5(c)(iii) and they are required to speak to an item.</p> <p>Therefore the first to call in an application should be able to speak, provided this complies with 8.4.5(c)(iii), whether ward or</p>	<p>1.5 There will be a maximum of two “groups” of Member speakers (i.e. those supporting and those objecting) for each application. The time slot allocated to each “group” of speakers should not exceed 5 minutes except where the applications are Major Applications (see footnote below) where the time for each “group” will not exceed 10 minutes. In cases where Major Applications are of significant public interest the Chair can, in advance of the meeting, extend the maximum 10 minute period. Where this discretion is to be exercised the Democratic Services Manager will be informed. If more than one Member registers their wish to speak either for or against the application, they should be advised by the Democratic Services Manager to contact the first Member who has registered in an endeavour to agree how to make best use of</p>	<p><i>Relevant parts new in red</i></p> <p><i>1.2 The right of Non-Planning Control Committee Members to address the Committee should be in the following circumstances:</i></p> <p><i>1.2.1 the first Member who has called in the application (where this complies with 8.4.5(c)(iii);</i></p> <p>Subsequent renumbered.</p> <p><i>from paragraph 1.5 with possible amendment in red</i></p> <p><i>“...If more than one Member registers their wish to speak either for or against the application, they should be advised by the Democratic Services Manager to contact the first Member who has registered in an</i></p>

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<p>not. The rest subject to the Rules in Appendix 2 Section 8 and would have to register.</p>	<p>their total time. This time limit should be strictly adhered to in order to ensure that the business of the Committee can be transacted as expeditiously as is reasonably possible. It is suggested that the Committee, Member & Scrutiny Services Officer has the responsibility for time-keeping rather than the Chair.</p> <p>1.7 Members should only be allowed to address the Planning Control Committee if they have previously registered with the Council's Democratic Services Manager by 12 noon on the day of the meeting, but not before the agenda of the meeting has been made public (normally five working days prior to the meeting). They may speak at subsequent meetings, in the case of a decision being deferred.</p> <p>2.1 Those Members who have registered to speak should arrive at least 10 minutes before the meeting in order to make contact with the Committee, Member & Scrutiny Services Officer.</p>	<p><i>endeavour to agree how to make best use of their total time. Note that the first Member / or their replacement who has called in an application will be entitled to speak without registering to do so and will have the first right to speak. This...."</i></p> <p><i>Paragraph 1.7 with possible amendment in red</i></p> <p><i>1.7 With the exception of the first Member calling in the application, any other Members should only be allowed to address the Planning Control Committee if they have previously registered with the Council's Democratic Services Manager by 12 noon on the day of the meeting, but not before the agenda of the meeting has been made public (normally five working days prior to the meeting). They may all potentially speak at subsequent meetings, in the case of a decision being deferred.</i></p> <p><i>Paragraph 2.1 with possible amendment in red</i></p> <p><i>2.1 The first Member or their replacement who has called in an application and those Members who have registered to speak should arrive at least 10 minutes before the meeting in order to make contact with the Committee, Member & Scrutiny Services Officer.</i></p>

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Section 14		
<p>14.6.8(b)(iii) Community services including public halls, community centres and rural community buildings.</p> <p>Policy & Community Manager raised.</p>		<p><i>Remove, but leave wording “Community Services”.</i></p> <p><u>Reason</u> <i>These building are now largely in the hands of external organisations and to the extent not, this falls to the Enterprise directorate.</i></p>
<p>14.6.8(b)(vii)</p> <p>Policy & Community Manager raised.</p>	<p>Council’s Local Strategic Partnership including operational management and support for external partnership arrangements.</p>	<p><i>Remove.</i></p> <p><u>Reason</u> <i>Cabinet approved its decommissioning on 21 September 2021.</i></p>
<p>14.6.10 – Service Director: Regulatory Deputy Managing Director</p> <p>Managing Director raised.</p>	<p>(viii) In the absence of the Managing Director to exercise the functions, powers or duties of the Managing Director</p>	<p><i>Delete from the constitution and this will be dealt with under the relevant Services Directors Job Descriptions.</i></p> <p><u>Reason</u> <i>Agreed that Service Director: Regulatory would cease to be the designated deputy with effect from 1 January 2023. Due to workloads, Managing Director cover is to be shared between Service Directors.</i></p>