

**COUNCIL  
11 JULY 2019**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: CONSTITUTIONAL AMENDMENTS**

REPORT OF: SERVICE DIRECTOR: LEGAL AND COMMUNITY & MONITORING OFFICER  
EXECUTIVE MEMBER: LEADER OF THE COUNCIL  
COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

**1. EXECUTIVE SUMMARY**

1.1 This reports set out a number of requested amendments to the Constitution.

**2. RECOMMENDATIONS**

2.1 That Full Council approves the amendments to the Constitution set out in paragraphs 8.1-8.3 and notes Executive delegations as per 8.5-8.6.

**3. REASONS FOR RECOMMENDATIONS**

3.1 To meet the requests of the new administration.

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 None.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

5.1 There has been a request following the election from the new administration to bring forward a report to the July Council meeting to deal with a few amendments. One of these (8.1) was raised at Annual Council on 21 May. The proposed changes have been forwarded to the Leader, Deputy Leader and Conservative Leader (as Group Leaders) for consideration. No other consultation has taken place.

**6. FORWARD PLAN**

6.1 This report does not contain a recommendation on an Executive key decision and has therefore not been referred to in the Forward Plan.

## 7. BACKGROUND

- 7.1. The Monitoring Officer has a duty to monitor and review the Constitution. The last detailed review took place in 2018 and was reported through to Full Council for approval in January 2019.
- 7.2. Following the cancellation of a Full Council meeting in April, the question was raised as to the ability to do this without consulting Group Leaders. At Full Council in May this issue was further raised by the Leader with the instruction to bring a report back to Council to ensure that such consultation takes place before a Full Council meeting is cancelled on any future occasion.
- 7.3. A further request was also made with regards to the number of questions that may be put to the Council meeting by Members. This issue had been considered by Full Council in January 2019 and Council resolved this to be two per political group. An amendment was put for this to be three and this was lost. It is proposed that the issue of 3 questions be put to the membership once again.
- 7.4. The report also confirms the Executive changes made by the Leader to section 14 of the Constitution, which is now reported, as per section 5.9.1(d).

## 8. RELEVANT CONSIDERATIONS

### **Ordinary meetings – cannot be cancelled without consultation (section 4.8.2)**

- 8.1. It is proposed that the following section is amended (as underlined) so that 4.8.2 reads as follows:

*“There will be six ordinary meetings each year. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council’s annual meeting. Meetings will not be cancelled by the Chairman without consulting all Group Leaders in advance. The order of business at ordinary meetings will be as follows:...”*

### **Maximum number of questions to be asked by Members - proposed to increase (Section 4.8.11(d)):**

- 8.2. Currently, providing questions are received in time, two questions can be put to a meeting of Full Council, Cabinet, Committee and Sub-Committee. The proposed amendment is that this is now three, so that section 4.8.11(d) reads:

*“For any one meeting each Political Group may submit up to three ~~two~~ questions under 4.8.11(b) or 4.8.11(c) if either:...”*

### **Motions on Notice – proposed to widen scope (section 4.8.12 (c))**

- 8.3. It is proposed that the scope of Member motions on notice is amended so that section 4.8.12(c) reads:

*“Motions must be about matters for which the Council has a responsibility for or ~~and~~ which are relevant to ~~and~~ ~~or~~ specifically affect the District. The final decision to include any Motion on the agenda shall lie with the Chairman of Council in consultation with the Proper Officer.”*

- 8.4. This will marry up with the wording for Member questions.

#### **Section 14 Responsibility for Functions (Delegations to the Executive) confirmation**

- 8.5. The Leader of Council presented the names of the Executive Members to Full Council on 21 May 2019. Such information regarding names, addresses and wards is available on the Council's website<sup>1</sup>.
- 8.6. Execute delegations were finalised by the Leader on 3 June 2019 and are now confirmed as per the requirement under section 5.9.1(d). In the main, the changes related to the Executive Member titles, and those changes are set out in Section 14 of the Constitution, in the right hand column (available on the internet<sup>2</sup>).

### **9. LEGAL IMPLICATIONS**

- 9.1. Full Council's terms of reference include "approving of adopting the Policy Framework". The Policy Framework includes the Constitution.
- 9.2. Section 9P of the Local Government Act 2000 sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.
- 9.3. The Proper officer is required to report the changes to Executive delegations as per section 5.9.1(d).

### **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no specific financial implications to the report. However, some of the proposed changes alter the delegations in relation to financial matters.

### **11. RISK IMPLICATIONS**

- 11.1 Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

### **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The proposals made within this report for changes to the Constitution do not materially affect any groups with protected characteristics.

### **13. SOCIAL VALUE IMPLICATIONS**

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<sup>1</sup> <https://www.north-herts.gov.uk/home/council-and-democracy/councillors/your-councillors>

<sup>2</sup> <https://www.north-herts.gov.uk/sites/northherts-cms/files/S14%20-%20Constitution%20Final%2017.1.19.pdf>

13.1 The Social Value Act and “go local” policy do not apply to this report.

#### **14. HUMAN RESOURCE IMPLICATIONS**

14.1 There may be an additional impact regarding the number of questions and the scope of motions for a meeting, in terms of officer time preparing a response for Members and it potentially being unclear as to which area this will fall under (if this is not something that the District Council has responsibility for), as well as length of the evening meetings.

#### **15. APPENDICES**

15.1 None.

#### **16. CONTACT OFFICERS**

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#### **17. BACKGROUND PAPERS**

Current NHDC Constitution 2019: <https://www.north-herts.gov.uk/home/council-and-democracy/council-constitution>