

<b>Title of Report:</b>	<b>Amendments to the Constitution - Parts 4, 7 and 13 of the Constitution</b>
<b>Report to be considered by:</b>	Council
<b>Date of Meeting:</b>	12 December 2013
<b>Forward Plan Ref:</b>	C2728

**Purpose of Report:** To review and amend Part 4 (Council Rules of Procedure), Part 7 (Regulatory and Other Committees Rules of Procedure) and Part 13 (Codes and Protocols) in light of legislative changes, policy changes and recent government guidance.

- Recommended Action:**
1. To agree the amendments and any additional changes required prior to the report being discussed at Full Council.
  2. To seek delegated authority for the Monitoring Officer to make amendments to Part 5 (Executive Rules of Procedure) and Part 6 (Scrutiny Rules of Procedure) in respect of the use of Electronic Communication Devices and the Code of Practice Relating to Televising and Sound Recording of Meetings to align them with the changes made to Parts 4 and 7.
  3. To agree that the changes will come into effect on the 13 December 2013.

- Reason for decision to be taken:**
1. To ensure that the Council has adjusted the scheme in light of legislative and policy changes.
  2. To consider the changes requested by the Portfolio Holder for Finance in respect of the publication of amendments in respect of the annual budget meeting.

**Other options considered:** Not to agree the changes

**Key background documentation:** None

The proposals will help achieve the following Council Strategy principles:

- CSP7 - Empowering people and communities**
- CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy principles by:  
Ensuring that the Constitution is up to date

Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Jeff Beck
<b>E-mail Address:</b>	jbeck@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	E-mailed on 29 October 2013

Contact Officer Details	
<b>Name:</b>	David Holling/ Andy Walker
<b>Job Title:</b>	Monitoring Officer/ S151 Officer
<b>Tel. No.:</b>	01635 519422/ 01635 519433
<b>E-mail Address:</b>	<a href="mailto:dholling@westberks.gov.uk">dholling@westberks.gov.uk</a> / <a href="mailto:awalker@westberks.gov.uk">awalker@westberks.gov.uk</a>

### Implications

<b>Policy:</b>	Will require changes to the Constitution
<b>Financial:</b>	None – will be undertaken within existing resources.
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	Will require the Constitution to be updated
<b>Property:</b>	None
<b>Risk Management:</b>	None

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>

# Executive Report and Summary

---

## 1. Introduction

- 1.1 Following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution.
- 1.2 A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Parts 4 (Council Rules of Procedure), 7 (Regulatory and Other Committees Rules of Procedure) and 13 (Codes and Protocols) of the Constitution.
- 1.3 The report was considered at the Governance and Audit Committee meeting on the 25 November where a number of changes were made to the report.

## 2. Part 4 Council Rules of Procedure

2.1 The following key changes have been made to the document by Officers:

- (a) Align the Use of Electronic Devices (4.6.2) with the proposed Social Media Protocol which will also be discussed at the December 2013 Council meeting.
- (b) Amend paragraph 4.13.7 (Amendments to Motions) to take on board the request made by the Portfolio Holder for Finance about making information available on amendments proposed at the annual budget meeting.
- (c) Amend Appendix A to take cognisance of the guidelines issued by Central Government on broadcasting meetings.

2.2 The following changes were requested by Governance and Audit Committee:

Item/ Ref	Amendment
Para 4.6.2	Delete the words 'seek the consent of' and replace with 'inform' in the first paragraph.
Para 4.6.2	Delete the words 'The Chairman of the relevant meeting will have absolute discretion to prevent the use of devices if such use is deemed to be disrupting the meeting. In the second paragraph. This paragraph needs to be aligned to paragraph 4.15. (Behaviour of Members)  This should be replaced with 'If at a Council meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.'
Para 4.6.2	Insert the word 'so' between 'do' and 'in' in the first sentence of the last paragraph.

Para 4.8.3	That the word Gambling Act in the final paragraph be written using a capital 'G'
Para 4.9.12 (p)	That a Member named under Rule 4.6.2 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.
Para 4.12.2	Delete the word fax and search remainder of the documents to ensure all references removed.
Para 4.13.7	In the first line of the last paragraph replace the word 'substantive' with the word 'substantial'.
Part 4 Appendix A	If approved this will be replaced with Appendix A

### 3. Part 7 Regulatory and Other Committees Rules of Procedure

3.1 The following key changes have been made to the document by Officers:

- (a) To standardise information presented on the various meetings covered by this part of the Constitution.
- (b) Align the Use of Electronic Devices (7.2.5) with the proposed Social Media Protocol which will also be discussed at the December 2013 Council meeting.
- (c) Remove reference to authority to appoint Members to Outside Bodies as this function has been delegated to the Leader of the Council.
- (d) Removal of reference to Urgency Sub-Committee as this committee no longer forms part of the Council's governance structure.
- (e) Amend Appendix A to take cognisance of the guidelines issued by Central Government on broadcasting meetings.

3.2 The following changes were requested by Governance and Audit Committee:

Para 7.1.1 & 7.1.2	Delete the words 'or the Local Development Framework'
Para 7.2.5	Align the text to the wording on 4.6.2
Para 7.2.5	Insert the word 'so' between 'do' and 'in' in the first sentence of the last paragraph.
Para 7.3.4	Delete the words 'or the Local Development Framework'
Para 7.3.1	Insert 'and licensing' after the word 'planning' in the second line of the bold text
Para 7.8	Delete the first sentence and in the second sentence replace the word 'Commission' with the word 'Committee'. Remove any similar text to the first sentence from the rest of the Constitution.
Para7.13.4	Remove the reference to U.S. Formatting and insert a bullet point next to 'Adjoining Ward Member(s)'. 
Para 7.13.7	Delete the words 'or the Local Development Framework'
Para 7.14.2	Amend the first sentence to read 'The procedure set out below shall apply in respect of each item where any of the following persons are present:'
Para 7.14.3	In the fourth bullet point delete all the text from e.g. onwards
Part 7 Appendix A	If approved this will be replaced with Appendix A

#### 4. Part 13 Codes and Protocol

4.1 The following key changes have been made to the document by Officers:

- (a) To align this Part of the Constitution with the revisions to the Members Code of Conduct which will also be discussed at the December 2013 Council meeting.
- (b) To update the Officer's Code of Conduct to align it with changes to a number of HR Policies and to provide additional clarity to this section of the Constitution. This section has also had the text changed in respect of gifts and hospitality to align it with current working practices.
- (c) Appendix B (Protocol for Decision Making by Individual Executive Member) to align it with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- (d) Appendix H (Members Code of Conduct) will also be discussed at the December 2013 meeting.
- (e) Appendices D and E will be amended at the March 2014 Council meeting once they have been considered by the Standards Committee.
- (f) Appendices A, G and J will be amended at the March 2014 Council meeting once they have been considered by the Governance and Audit Committee.
- (g) Appendices F and I will be amended at the May 2014 Council meeting once they have been considered by the Governance and Audit Committee.
- (h) Appendix C was amended at the September 2013 Council meeting.

4.2 The following changes were requested by Governance and Audit Committee:

Para 13.1.10	Make a reference to the fact that posts referred to in para 13.1.10 are politically restricted
Para 13.1. 11	Replace the heading 'Role of Group Executives' with 'Politically Restricted Roles'
Para 13.3.4	In the fourth bullet point the word 'spokesperson' should be written with a small 's'.
Para 13.3.7	Replace the word 'has' with 'have' in the second line of the third paragraph and the last line of the fourth paragraph.
Para 13.4.1	The word conduct in the last paragraph should be written with a capital 'C'.
Para 13.4.8	Replace the word 'should' with the word 'must'.
Para 13.5.4	Add an 's' onto the word 'cost' in the last line of the second paragraph
Para 13.5.5	Replace the word 'They' with 'The Head of Service' in the second line of the final paragraph on this page
Para 13.5.6	Replace 'scp' with 'spinal column point'
Para 13.5.10	In the first sentence of the second paragraph delete the word 'they'.
Para 13.5.11	Delete the first paragraph.

Para 13.5.12	The second paragraph insert an apostrophe into the word 'employees' in the last line
Para 13.5.13	The word 'should' with the word 'must' in all four paragraphs.
Appendix B item 5	Replace the word 'happy' with 'content'

## 5. Proposals

5.1 It is proposed that the amendments to Parts 4, 7 and 13 of the Council's Constitution be approved.

## 6. Equalities Impact Assessment Outcomes

6.1 This item is not relevant to equality.

## 7. Conclusion

7.1 The report is a required update to take cognisance of legislative and policy changes. For the avoidance of doubt the Changes to Parts 4, 7 and 13 will come into effect on the 13 December 2013.

## Appendices

---

Appendix A – Part 4 of the Constitution (Council Rules of Procedure)

Appendix B – Part 7 of the Constitution (Regulatory and Other Committees Rules of Procedure)

Appendix C – Part 13 of the Constitution (Codes and Protocols)

## Consultees

---

**Local Stakeholders:** Not consulted

**Officers Consulted:** Andy Day, Sarah Clarke, Moira Fraser, Finance and Governance Group, Corporate Board

**Trade Union:** Consulted on Appendix 1 and the Trade Unions comments were discussed in depth at the Governance and Audit Committee meeting on the 25 November 2013