

Title of Report:	Amendments to the Constitution - Parts 4, 7 and 13 of the Constitution
Report to be considered by:	Council
Date of Meeting:	12 December 2013
Forward Plan Ref:	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 discuss 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.

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

Contact Officer Details	
Name:	David Holling/ Andy Walker
Job Title:	Monitoring Officer/ S151 Officer
Tel. No.:	01635 519422/ 01635 519433
E-mail Address:	dholling@westberks.gov.uk / awalker@westberks.gov.uk

Implications

Policy:	Will require changes to the Constitution
Financial:	None – will be undertaken within existing resources.
Personnel:	None
Legal/Procurement:	Will require the Constitution to be updated
Property:	None
Risk Management:	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"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is this item subject to call-in?	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.

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. (see appendix 1)

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. (see Appendix 1).

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.

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.

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)

Appendix 1 – Revised Appendix A (Protocol Relating to Televising and Sound Recording of Meetings) to Parts 4 and 7 of the Constitution

Consultees

Local Stakeholders: Not consulted

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

Trade Union: Not consulted