
AMENDMENTS TO CONSTITUTION

Committee: Council

Date: 22 February 2022

Report Author: Legal Services Manager & Monitoring Officer and Democratic Services Manager & Deputy Monitoring Officer

[W144]

1.0 **ISSUE**

1.1 To review the Constitution and consider proposed amendments.

2.0 **RECOMMENDATIONS**

2.1 That Council be recommended to approve the proposed amendments to the Constitution namely: -

2.1.1 Note the change to the period for Agenda despatch/publication to 7 days for Council, the 2 Policy Committees and Audit Committee as detailed in 3.2 below and amend the Access to Information Procedure Rules as set out in Appendix 1;

2.1.2 Amend Council Procedure Rules 6 & 10.1 to reflect the move to 7 clear working days for the despatch/publication of the full Council Agenda as detailed in 3.3 below;

2.1.3 Amend Council Procedure Rule 8.1.2 to designate the Monitoring Officer (Deputy Monitoring Officer in absence) as the responsible officer in relation to Public Question Time as detailed in 3.4 below;

2.1.4 Amend Council Procedure Rule 8.1.4 to include the Leader of Council as a relevant member to which a public question can be put as detailed in 3.5 below;

2.1.5 Consider the existing Council Procedure Rule 24.1.3 for calling of Special Meetings as set out in 3.6 below and the amending of the Procedure Rule in accordance with one of the two options detailed;

2.1.6 Amend the officer delegations as set out in 3.8 and Appendix 1.

2.2 That the Legal Services Manager and Democratic Services Manager be authorised to make any consequential changes to the Constitution arising from the agreed amendments.

3.0 BACKGROUND/OPTIONS

- 3.1 From the Autumn of 2021, the Chairmen of Council, the 2 Policy Committees and Audit Committee introduced more formalised procedures to ensure the smooth and efficient running of their Committees and facilitate fuller and more informed debate at meetings. This included encouraging Members to submit written questions on the content of reports in advance of the meeting and following a more formalised process for the order of business for each agenda item.
- 3.2 Following discussions by the Chief Executive with Group Leaders, a change to Agenda despatch/publication arrangements was agreed to provide more time for Councillors to formulate and submit written questions on the content of reports going to forthcoming meetings of the aforementioned Committees. With effect from the pre-budget committee cycle commencing in January 2022, Agenda despatch/publication for full Council, the 2 Policy Committees and Audit Committee were moved to 7 clear working days, instead of the statutory 5 clear working days, on an informal basis to start with until the situation could be formalised via Constitutional amendments this full Council meeting. The regulatory Planning and Licensing Committees remain subject to the '5 day rule'. The proposed amendments to the Access to Information Procedure Rules are contained within Appendix 1 and shown as 'track changes'.
- 3.3 Amendments also are required to Council Procedure Rule 6 to reflect the move to 7 clear working days for the despatch/publication of the full Council Agenda and to Procedure Rule 10.1 to increase the period for the written submission of Motions with Notice from 8 clear working days to 10 clear working days, to enable them to be included on the Agenda for a Council meeting.
- 3.4 At present, the Constitution does not set out the procedure for the assessment of public questions in relation to whether the question is considered to be improper (for example, whether it is offensive, slanderous or discloses information that the Council should keep confidential) before the Chairman invites the questioner to read out their question/statement. An amendment is required to Council Procedure Rule 8.1.2 to allow for the Monitoring Officer (or Deputy Monitoring Officer in absence) to be formally designated as the responsible officer for checking if the question is improper before the question/statement is read out.
- 3.5 The Constitution currently only allows public questions to be put to the Chairman of Council or Chairman of the relevant Committee. An amendment is required to Council Procedure Rule 8.1.4 to include the Leader of Council as the relevant Member to which a public question can be put.
- 3.6 Following the establishment of an Audit Committee comprising 5 Members with effect from May 2021, attention also has been drawn to an apparent anomaly in Council Procedure Rule 24.1.3 regarding the calling of Special Meetings of Committee, Sub-Committee, Panel or Working Party meetings. This Procedure Rule states that:

‘A special meeting shall also be called on the requisition of half of the whole number of the Committee, Sub-Committee, Panel or Working Party, delivered in writing to the Chief Executive, but in no case shall fewer than four Members requisition a special meeting.’

In the case of Audit Committee and smaller Member bodies, this would require almost all Members of the body to requisition a special meeting. Under the circumstances, it may be more reasonable for the requisition requirement to be set at simply half of the whole number of the Committee, Sub-Committee, Panel or Working Party, or at half with no fewer than 3 Members (as this is a quorum).

- 3.7 All of the proposed amendments to Council Procedure Rules detailed in paragraphs 3.3 to 3.6 above are shown in Appendix 2 as ‘track changes’.
- 3.8 Following a restructuring at Anglia Revenues Partnership (ARP), a minor amendment is required to the officer delegations contained within the Terms of Reference for Finance and Assets Committee to reflect the new arrangements. The proposed amendments to the officer delegations are contained within Appendix 1 and shown as ‘track changes’.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The recommendations contained in paragraphs 2.1 and 2.2 reflect the arguments put forward in paragraph 3.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT (EIA)/CLIMATE IMPACT ASSESSMENT (CIA)

- 5.1 There are no additional financial implications arising from this report. An Equality Impact Assessment (EIA)/Climate Impact Assessment (CIA) are not required.

6.0 APPENDICES

Appendix 1 – proposed Constitutional amendments in respect of officer delegations and Access to Information Procedure Rules set out in paragraphs 3.2 & 3.8

Appendix 2 – proposed amendments to Council Procedure Rules set out in paragraphs 3.3 to 3.6

Background Documents

Current version of
Constitution July 2021

Location

Room 214B
The Grange
Ely

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