



*St Edmundsbury*  
BOROUGH COUNCIL

# D294

## Democratic Renewal Working Party 14 February 2013

### Amendments to the Constitution

#### 1. Summary and reasons for recommendation

- 1.1 Each year the Constitution is updated to reflect the changes which have been agreed through full Council each year.
- 1.2 In working through the Constitution to make these amendments, several other inaccuracies were spotted, such as references to old officer titles, changes to Council priorities etc. This report requests authority to make relevant changes to the Constitution to bring it up to date.

#### 2. Recommendation

- 2.1 That the Head of Legal and Democratic Services be given delegated authority to make the amendments to the Constitution outlined in Section 5 of this report, in order to remove inaccuracies.

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### 3. Corporate priorities

3.1 The recommendation meets the following, as contained within the Corporate Plan:

(a) Corporate priority: *'working together for an efficient council'*.

### 4. Key issues

4.1 Each year the Constitution is updated to reflect the changes which have been agreed through full Council each year. Since the last review in February 2012 there have been a number of changes, including a number of amendments as a result of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, changes with regard to Standards etc, which need to be incorporated into the Constitution.

4.2 In working through the Constitution to make these amendments, several other inaccuracies were spotted, such as references to old officer titles, changes to Council priorities etc. This report requests authority to make relevant changes to the Constitution to bring it up to date.

### 5. Amendments required

5.1 The following table sets out the amendments required to the Constitution to remove inaccuracies and bring it up to date.

Page/para number	Detail
2, fourth para	Change number of Members on the Cabinet from "up to 6" to "up to 9" to reflect legislation.
5, para 1.3	The Council has a new Vision which should replace the vision and mission shown, and new Corporate Priorities.
11	Policy Framework – this has not been updated for many years, and it is recommended that delegated authority be given to the Head of Legal and Democratic Services to amend the Policy Framework, in order to clarify what policies and strategies should be approved through full Council.
Article 3 (pp 25/26) and pp 53/54 – Standards Committee	Attached at Appendices A and B are replacement Terms of Reference for the already-agreed interim Standards Committee. These will apply until a new Joint Standards Committee is agreed.
41	Reference to Best Value reviews is outdated and should be removed.
44, final para	Reference to the Design Panel should be removed, as this no longer exists.
156, Section 10	The Corporate Communications Manager has requested that procedure rules on the recording of Council meetings be amended to that shown in Appendix C attached, in order to change the emphasis to be more positive and emphasising what is allowed rather than what is not allowed.
156, para 12.1	Remove link to e-petitions on website, as link sometimes moves, instead refer to Council's website.

158	Remove mention of Motions being entered into a book, as these are available on the website on both the agenda and in the minutes.
172 and 176	Petitions Scheme, remove references to links (which are not actually set out) and instead refer to Council's website.
195, para 1.5	Remove reference to Cabinet meeting at least 10 times per year as some years it may meet less than this.
209, 4.1	Insert "up to" before "six", and insert "and, as required," after "budget monitoring" to reflect the more usual programme of Performance and Audit Scrutiny Committee meetings.
217, 2.13	Head of Legal and Democratic Services now responsible for Data Protection.
29, para 20 of new Scheme of Delegation to Officers	Replace "To maintain the Register of Common Lodging Housekeepers" with "To maintain the Public Register of Houses in Multiple Occupation" to reflect legislation.
Various	Officer job titles should be updated throughout the Constitution to reflect the current position.

## 6. Other options considered

- 6.1 The Constitution is an important reference document for all Members and officers and therefore must be kept up to date.

## 7. Community impact

### 7.1 Crime and disorder impact *(including Section 17 of the Crime and Disorder Act 1998)*

- 7.1.1 Not applicable.

### 7.2 Diversity and equality impact *(including the findings of the Equality Impact Assessment)*

- 7.2.1 Not applicable.

### 7.3 Sustainability impact *(including completing a Sustainability Impact Assessment)*

- 7.3.1 Not applicable.

### 7.4 Other impact *(any other impacts affecting this report)*

- 7.4.1 Not applicable.

## 8. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

- 8.1 The Democratic Renewal Working Party and/or full Council are consulted on any proposed changes to the Constitution.

## 9. Financial and resource implications *(including asset management implications)*

- 9.1 Not applicable.

**10. Risk/opportunity assessment** *(potential hazards or opportunities affecting corporate, service or project objectives)*

<b>Risk area</b>	<b>Inherent level of risk (before controls)</b>	<b>Controls</b>	<b>Residual risk (after controls)</b>
Officers or Members refer to old versions of the Constitution and the decision-making process is not based on the most up to date version.	Medium	The Constitution is updated annually to incorporate any amendments agreed through full Council	Low

**11. Legal and policy implications**

11.1 The Constitution reflects the legislation upon which the Council's decision making process is based, and therefore must be kept current.

**12. Wards affected**

12.1 Not applicable.

**13. Background papers**

13.1 Not applicable.

**14. Documents attached**

14.1 None.

## **ARTICLE 9 - THE STANDARDS COMMITTEE**

### **9.1 Standards Committee**

9.1.1 This Council has resolved to establish a Standards Committee which need not comply with political balance rules in Section 15 of the Local Government and Housing Act 1989.

### **9.2 Membership**

9.2.1 The Standards Committee will comprise three Councillors.

9.2.2 Borough Councillors shall not hold office as Members of the Committee for more than two consecutive terms of four years.

9.2.3 The quorum of the Committee will be 2 Members. The Members of the Committee will not have substitutes.

### **9.3 Role and Function**

9.3.1 The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct and ethical governance by Councillors;
- (b) assisting Councillors to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption and revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct;
- (f) dealing with any reports from the Monitoring Officer on any matter which is referred to the Monitoring Officer for investigation; and
- (g) the exercise of (a) to (f) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.

9.3.2 The Standards Committee will not cover the conduct of officers, for which separate provisions apply.

## Appendix B – Functions of Standards Committee

<b>C. Standards Committee</b>	
<b>Membership and Meeting Arrangements</b>	<b>Functions</b>
<p>Standards Committees do not have to comply with political balance rules in Section 15 of the Local Government and Housing Act 1989.</p> <p>The Standards Committee will comprise three Councillors.</p> <p>A Member of the Cabinet may not Chair the Committee.</p>	<p>The Standards Committee will have the following roles and functions:-</p> <ul style="list-style-type: none"> <li>(a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;</li> <li>(b) assisting Councillors to observe the Members' Code of Conduct;</li> <li>(c) advising the Council on the adoption and revision of the Members' Code of Conduct;</li> <li>(d) monitoring the operation of the Members' Code of Conduct;</li> <li>(e) advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct; and</li> <li>(f) dealing with any reports from the Monitoring Officer on any matter.</li> </ul> <p>The Standards Committee will not cover the conduct of officers, for which separate provisions apply.</p>

## **Appendix C**

### **10. RECORDING OF COUNCIL MINUTES**

10.1 Subject to 10.3 below, people may photograph, film or record democracy in action at Council, Cabinet, Committee or Sub-Committee meetings (other than any part of such a meeting from which the public are excluded), subject to:

- (a) the Head of Legal and Democratic Services being notified at least five working days in advance, except in exceptional circumstances where the Head of Legal and Democratic Services may agree to a shorter notice period;
- (b) the person chairing the meeting giving permission (if the chairman is not known in advance, permission can be given by the Head of Legal and Democratic Services, or deputy);
- (c) no flash or lighting being used without the prior agreement of the chairman; and
- (d) fixed points for cameras or recording equipment being agreed in advance so they do not impinge on the decision-making process or block viewing from the public seating area.

### **10.2 Use of Social Media**

10.2.1 People attending Council, Cabinet, Committee or Sub-Committee meetings may use social media during the meetings (other than any part of such a meeting from which the public are excluded), subject to:

- (a) phones or other equipment being silent during operation; and
- (b) the use of equipment not distracting those involved in the democratic process or impinging on decision making.

### **10.3 Public Question Time**

10.3.1 Public question time at meetings of full Council shall be recorded. Upon request, the Head of Legal and Democratic Services shall produce a transcript, within 5 working days, of the relevant part of the question time session.