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## Proposed Amendments to the Constitution

Appendix A

The proposed changes to the Constitution outlined below have been allocated into two categories:-

1. For Recommendation to full Council
2. Minor amendments for incorporation into the Constitution, following the next update approved by full Council, using the Monitoring Officer's delegated powers.

### 1. For recommendation to Council

Section of the Constitution	Background	Proposed Amendment
<b><u>02. Public Participation and Rights</u></b>		
<b>Appendix 1 – Procedure for speaking at planning committees, section 2.3</b>	<b>Section 2.3 states the order of speakers, with the officer presenting the report as speaking last, at 2.3 e). This has previously not been normal practice at each of the strategic and area planning committees whereby the officer speaks first to present the report and then the public speakers put forward their views, then for members of the Committee to be allowed to ask questions of clarification from public speakers, prior to member debate.</b>	<p><b>Amend 2.2 to read:-</b>            For each item, the Committee Chair will introduce the item and ask the Planning Officer to present <b>their report and</b> any updates. <b>The Chair will then call any registered speakers to present their comments to the Committee.</b></p> <p><b>Amend 2.3 to read:-</b>            The order of speakers will be:  <b>a) Planning Officer who presents the report</b>  <b>b) One third party speaker for and one third party speaker against the proposal</b>  <b>c) One Parish/Town Council representative</b></p>

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Section of the Constitution	Background	Proposed Amendment
		d) One Ward Councillor e) Applicant or their agent/representative
<b><u>05. Part 3 Access to Information Procedure Rules</u></b>		
<b>Agenda and Supporting Papers – Rights of Access. Section 5.2</b>	To reinforce the rights of access to agenda and supporting papers.	<b>Insert additional sentence at 5.2 “The Monitoring Officer will not refuse to supply such documents without reasonable cause.”</b>
<b><u>Section 22.9.2 a)</u></b>	This refers to making records when “ <b>granting</b> ” a permission or licence. It is incomplete and should read as “ <b>granting or refusing</b> ”. Also, when refusing an application for a permission or licence, the reasons for refusal should be recorded.	<b>Amend 22.9.2 a) to read ‘Granting or refusing a permission or licence’.</b>
<b><u>Section 22.11, c)</u></b>	To make clearer that there are no cases where a Member is appointed to a Committee, Joint Committee or outside body solely by an officer. These appointments are be made following consultation with and at the direction of, Group Leaders. Such appointments should always be recorded.	<b>Amend 22.11.2 c), consistent with decisions made at the May 2021 Annual Meeting of the Council, to read ‘...delegated to Officers in consultation with the relevant group leader.’</b>
<b><u>01. Part 1 Decision Making</u></b>		
<b><u>Section 2.1.2</u></b>	This states that there are three types of council meeting. It could be argued that there is a fourth distinct type, the Budget Meeting.	<b>The budget meeting falls under the definition of ordinary meetings as per 2.1.2 b). For clarity, amend sentence as follows:-</b>

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	Section 2.1.4 details special conditions for the Budget Meeting.	“Ordinary meetings which are held bi-monthly (inclusive of the annual Budget meeting of the Council).”
<b><u>Section 2.2.2</u></b>	This does not specify a minimum size for the Executive. There must be a minimum size specified, otherwise, the Leader could have an Executive of himself and his Deputy.	<b>Amend as per Section 9C(3)(b) of the Local Government Act 2000 to read:</b>  '...The Leader will then appoint a minimum of two and a maximum of 8 other Councillors who, together with the Leader form the Executive.'
<b><u>09. Part 2. Officer Scheme of Delegation</u></b>		
<b><u>Section 7.1</u></b>	This section deals with the exercise of the reserve powers of the Statutory Officers. It states that these powers may only be exercised by the nominated officer or their deputy. This should make clearer who may or may not be a deputy in these circumstances.	<b>Amend to reflect the same requirements set out in Part 9.2 Officer Scheme of Delegation Section 5.1 of the Constitution</b> 'Statutory Officers' powers which are reserved to that designated officer through legislation may only be exercised by the nominated officer or their deputy, in accordance with Part 9.2 - Officer Scheme of Delegation, Section 5.1 of the Constitution.'
<b><u>Section 8.4</u></b>	Following a service restructure where the Chief Executive reallocates delegated powers to other posts, this section states that they will notify the Monitoring Officer. They should also notify members.	<b>Amend to read:-</b> Where a service has been restructured, the Chief Executive shall have authority to reallocate the delegated powers to other posts and shall give notice to the Monitoring Officer. This shall be considered to be a minor change to the constitution and within the Monitoring Officer's delegated authority. Any changes should be updated in the

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		Constitution and published as soon as is practicable, with notification provided to the relevant Executive Member/s or Chair of a Committee.'
<b><u>11. Delegate Table General Provisions – Third Row</u></b>	This refers to declared civil emergencies. This should be conditional on the Chief Executive notifying the Leader and the Executive Committee.	<b>Amend to read:-</b> 'To assume all the powers of the Council necessary to respond to a declared civil emergency for the duration of the immediate response phase, <b>subject to notification to the Leader of the Council and members of the Executive of the assumption of those powers.</b> '
<b><u>11. Delegate Table Budget Accounts and Assets – First Row</u></b>	This refers to powers to incur revenue and capital expenditure. This includes the following condition: <b><u>“Cannot negotiate and approve borrowing Up to £100k for unbudgeted revenue expenditure.”</u></b> This is incorrect, because it implies that officers can approve loans over £100k.	<b>As part of the wider set of conditions, amend to reflect the original drafting intention that the current single condition be read as two separate conditions, i.e</b> <ul style="list-style-type: none"> <li>• Cannot negotiate and approve borrowing</li> <li>• Up to £100k for unbudgeted revenue expenditure.</li> </ul>
<b><u>11. Delegate Table Budget Accounts and Assets – Third Row</u></b>	This refers to the agreement of conditions in relation to grant funding to be received by the Council. It should be clearer that there is a condition on this, because otherwise it could allow officers to place any obligation upon the Council.	<b>Amend to read under the Conditions column:-</b> <b>Subject to the conditions set out in Part 9.7 - Financial Procedure Rules, Section 34.3.</b>  <i>[For clarity, Section 34.3 states:- Where the use of external funding for projects requires a financial commitment from the Council and budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Chief Officer, in</i>

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		<i>conjunction with the CFO, will provide a written report to the Executive giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. This report should also set out the ways that the external funding sought supports the Council's service priorities.]</i>
<b>08. Part 1. Roles of Councillors and Office Holders</b>		
<b><u>Section 1.1 a)</u></b>	This refers to the organisations that a councillor should work with. One of the most important ones are not currently included, the <b>Towns and Parishes</b> .	<b>Amend 1.1 a) 1<sup>st</sup> bullet point to read as follows:-</b> Spend time out and about, learning about the communities that you represent, supporting your residents, working with local organisations (such as GPs, schools, police, local businesses, <b>town and parish councils</b> , and voluntary organisations)
<b><u>Section 2.2</u></b>	There is an additional key task of the Leader of the Council's responsibility that is not listed here: <b>"Perform annual appraisal of Head of Paid Service"</b> .	<b>Insert at 2.2 the additional key task:-</b>  <b>"f) Perform annual appraisal of Head of Paid Service"</b> .
<b><u>Section 4.1.1 c)</u></b>	This section refers to the Chair of the Council's responsibilities in chairing Council debates. However, it does not specify <b>who</b> will debate. It is implicit that it will be the Councillors, but this has not always been practised on all former councils. It is suggested that this be made more explicit.	<b>Amend 4.1.c) to read:-</b> Ensure that the Council meeting is a forum for <b>council members</b> to the debate of matters of concern to the local community and the place at which members are able to hold the Executive to account.

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Section of the Constitution	Background	Proposed Amendment
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**2. For incorporation into the Constitution following the next update approved by full Council, using the Monitoring Officer’s delegated powers.**

Section of the Constitution	Proposed Amendment	Proposed Amendment
<b><u>General</u></b>		
<b><u>Use of pronouns</u></b>	The Constitution currently refers refers to he/she throughout the document.	That pronouns throughout the Constitution become gender neutral, with ‘He/She’ to be replaced by ‘ <b>They/Their/One/One’s</b> ’ throughout.
<b><u>05. Part 3 Access to Information Procedure Rules</u></b>		
<b>Section 13.4 c)</b>	This reference to the decision taker within the Executive’s Forward Plan references a “body”. To avoid ambiguity or possible misinterpretation, it would be advisable to define explicitly what this means.	<b>Amend 13.4 c) to read:-</b>  ‘the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a <b>decision-making</b> body’
<b><u>09. Part 2. Officer Scheme of Delegation</u></b>		
<b><u>Section 5.1 Second Sentence</u></b>	This reference to authorisations to other officers includes “ <b><u>These shall be...</u></b> ”	<b>Amend to read:-</b> ‘Officers with delegated powers may, in writing, authorise another officer or officers to exercise those

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	To avoid potential misinterpretation, this would be better worded as <b><u>“Such authorisations shall be...”</u></b>	powers. <b>Such authorisations</b> These shall be in writing, and must be held within the service, <b>and</b> <del>Such authorisations</del> must be subject to limitations and conditions.’
<b><u>08. Part 1. Roles of Councillors and Office Holders</u></b>		
<b><u>Section 4.22 b)</u></b>	This section refers to the Key Tasks for Scrutiny Chairs, specifically <b>“Managing and developing a balanced work programme for the committee which includes investigative scrutiny, holding the <u>executive</u> to account...”</b> The word <b>“<u>executive</u>”</b> means <b>“<u>those responsible for the Council’s services...</u>”</b> However, it can be mistaken for the executive in a wider sense, rather than the “Executive” meeting as a formal decision making body.	<b>In Section 4.22 b), in order to clarify, amend ‘...the executive...’ to read ‘...the <b>Executive...</b>’</b>

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**End of Appendix**