

**Committee:** ANNUAL COUNCIL

**Agenda Item**

**Date:** May 13, 2008

**5**

**Title:** AMENDMENTS TO THE CONSTITUTION

**Author:** Michael Perry, Assistant Chief Executive,  
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Item for decision

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## Summary

1. On the 22 April the Council considered a number of proposed amendments to the Constitution. Some of these arose from proposals by the Constitution Task Group, some reflected changes in legislation and others were merely updating the Constitution since the last review. A large number of amendments were approved on 22 April but amendments to the Summary, Articles of the Constitution and Rules of Procedure as well as other amendments relating to the proposed change to the Area Panels/Forums were required to lay on the table until this meeting. This report is to highlight to members the outstanding Constitutional revisions arising from the recommendations of the Constitution Task Group and of a further revision required due to legislative change.

## Recommendations

2. That members consider and determine the amendments to the Constitution proposed by the Constitutional Task Group.
3. Members approve the outstanding amendments to the Constitution arising from changes in legislation.
4. Members authorise a further revision to the Constitution to delete all references to allegations of misconduct being made to the Standards Board for England and also to clarify that the procedure for making such complaints to Standards Committees is now in force.

## Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author.
  - None.

## Impact

6.

Communication/Consultation	Letters have been sent to all parish clerks informing them of the proposed changes to
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	the Constitution and a press release has been issued. Any responses will be reported verbally.
Community Safety	None.
Equalities	None.
Finance	None.
Human Rights	None.
Legal implications	The Standards Committee (England) Regulations 2008 were made on 17 April 2008 and become effective 8 May 2008.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

### Situation

7. Whilst many of the amendments proposed to the Constitution were approved by the Council on 22 April there were a number which due to the provisions of the Constitution and/or Rules of Procedure could not be debated when they were moved and seconded and were therefore carried forward to this meeting.
8. Attached is a schedule of the outstanding amendments arising from the recommendations of the Constitution Task Group and the recent change in legislation.
9. Although at the time of drafting of my report presented to Council on 22 April it was known that there would be changes in legislation to provide for complaints of misconduct to be addressed to Standards Committees rather than the Standards Board for England no commencement date was then known. Consequently the proposed amendments to the Constitution dealing with issues of breach of the Code of Conduct were drafted in the alternative with complaints to the Standards Committee being stated to take effect from 'a date to be fixed'. The appropriate statutory instrument was published on 18 April and it is now known that the new procedures came into effect on 8 May. The Constitution should therefore be further amended to reflect the new statutory procedure.

### Risk Analysis

10. There are no risks associated with this report.

**AMENDMENTS TO THE CONSTITUTION RECOMMENDATIONS BY THE CONSTITUTION TASK GROUP AND  
CONSEQUENTIAL AMMENDMENTS**

<b>Location</b>	<b>Provision</b>	<b>Delete</b>	<b>Insert</b>	<b>Reason for amendment</b>
Part 1 Summary	What's in the Constitution	"Area Panels"	"Area Forums"	Constitution Task Group recommendation
	How decisions are made	"3 Area Panels"	"2 Area Forums"	Constitution Task Group recommendation
		"deal with"	"consult on"	Constitution Task Group recommendation
	Citizens' rights		After "Standards Board for England" insert "or (from a date to be fixed) to the Standards Committee of the Council"	Change in legislation
		Mick Purkiss's name and contact details	Those of Peter Snow	

Location	Provision	Delete	Insert	Reason for amendment
Part 2 Articles of the Constitution	Article 1 para 1.5	After "Scrutiny Committee" delete "and"; after "Performance Select Committee delete "8" Delete "and 11 Area Panels"	"8"  Insert "and 9"	Correction of error  Constitution Task Group recommendation
	Article 2 para 2.2	2007	2011	Update
	Article 3 para 3.1.5.(iv)		After "Standards Board for England" insert "or (from a date to be fixed) the Standards Committee of the Council"	Change in legislation
	Article 4 para 4.2.11	"task groups and"		Correction of error
	Article 7 para 7.2.8	"or area"		Constitution Task Group recommendation
	Article 8 para 8.2	"area"	"district"	Clarification

<b>Location</b>	<b>Provision</b>	<b>Delete</b>	<b>Insert</b>	<b>Reason for amendment</b>
	Article 10 para 10.3.8 to be renumbered 10.3.9	“10.3.8 (from a date to be fixed) determining whether complaints regarding alleged breaches of the Members Code of Conduct should be referred to the Monitoring Officer or the Standards Board for investigation.		Change in legislation
	Article 10.3.9 (renumbered)	“10.3.7”	“10.3.9”	Change in legislation
	Article 11	Entire article	Attachment A	Constitution Task Group recommendation
	Article 14 para 14.7		After “resources to the” in the heading and after “The Council will provide the” in the text insert “Head of Paid Service”	To reflect current legislation
	Article 16 para 16.5	“any two persons” “categories”	“anyone” “list”	To expedite the sealing of documents when required
	Article 17 para 17.1	“task group”	“working group”	Constitution Task Group recommendation
	Article 17 para 17.5	“of the Council”		To clarify the position of Chairmen of

				Committees
Location	Provision	Delete	Insert	Reason for amendment
Part 3 Rules of Procedure	Rule 1.2		New 1.2.4 “receive nominations for the positions of chairman and vice-chairman of the two Area Forums, ratify those nominations and appoint the chairmen and vice-chairmen”. Renumber existing 1.2.4 as 1.2.5	Constitution Task Group recommendation
	Rule 22	“Rules 3 – 20”	“Rules 3 – 21”	To clarify the position of Chairmen of Committees
Access to Information Procedures Rules	Rule 4	“Area Panels”		Constitution Task Group recommendation

<b>Location</b>	<b>Provision</b>	<b>Delete</b>	<b>Insert</b>	<b>Reason for amendment</b>
Part 4 Scheme of Delegation	Policy Committees Overall Role	The whole of para 8		Constitution Task Group recommendation
	Para 7	The whole paragraph		Constitution Task Group recommendation
	Area Panels	The whole section		Constitution Task Group recommendation
Part 5 Codes and Protocols	Code of Corporate Governance para 2.1	“Three Area Panels meet five times a year to deal with issues of local interest”	“Two Area Forums meet three times a year to discuss issues of local interest.”	Constitution Task Group recommendation
Part 7 Structure of the Council		“Area Panels”	“Area Forums”	Constitution Task Group recommendation

<b>Location</b>	<b>Provision</b>	<b>Delete</b>	<b>Insert</b>	<b>Reason for amendment</b>
Part 8 Role of Members	Role of Chairmen of Area Forums para 3	All		Constitution Task Group recommendation
	Paras 5 & 8	"Panel"	"Forum"	Constitution Task Group recommendation
	Para 7	All		Constitution Task Group recommendation