

OFFICIAL-[SENSITIVE]

| Proposed changes to the Constitution.<br><b>Changes in red.</b><br>Page references are to the Constitution pages.            |  |  |
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| Provision of the Constitution  | Proposed change and reasons  | Final version proposed   |
| Planning Committee Terms of Reference, paragraph g   | Under a strict interpretation of paragraph g in the Planning Committee Terms of Reference, a consultant isn't caught by the requirement for an application in the circumstances listed, to go to Committee. in the same circumstances for a Council Officer, the application has to be determined by Planning Committee. This ensures openness and transparency when dealing with such applications. | (g) If a serving Councillor, senior officer or senior manager of the Council (Team Manager and above), Planning Officer or other Planning team member <b>(including a consultant employed to carry out the role of a Planning Officer)</b> advising or determining on planning applications, submits an application to the Authority for himself/herself or on behalf of any other person, or are the Partner or Relative of the same who submits their own application, they will inform both the Planning Manager and the Authority's Monitoring Officer and not take part in processing or determining the Application. |
|  | In the same paragraph it is not clear that close personal friends are included as well as relatives.   | <b>Add to the end:</b><br><br><b>For the avoidance of doubt the reference to "person" in this paragraph includes any relative, friend or close associate.</b>  |
| Delegation of functions to officers (within the Planning Committee section within the Functions Scheme at Section Seventeen) | Add a new bullet point to the list (I suggest after the current first bullet about all submissions under the legislation that states:  | <b>All applications for certificates of lawfulness (as these do not require an assessment of material planning considerations).</b>  |

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| <p>Delegation of functions to officers (within the Planning Committee section within the Functions Scheme at Section Seventeen)</p> | <p>Add another new bullet that says:</p>   | <p>All planning applications that relate to amendments to original planning permissions that were themselves determined under delegated powers.</p>  |
| <p>Council Procedure Rules, 12.7 Alteration of Motion</p>   |  | <p>12.7 Alteration of Motion<br/>         (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion. "Friendly amendments" will be dealt with in this way, where the motion proposer agrees the proposed change.</p> |
| <p>Council Procedure Rules 9. Questions by Cllrs</p>  | <p>There are some clarifications of questions which need to take place but currently there is no formal provision for the Monitoring Officer to reject them.</p> <p>For example, it is the case that on some occasions, questions outline facts which are incorrect. Currently there is negotiation between the Monitoring Officer and the Questioner to amend the facts. Should the Questioner be unwilling to amend, there is no direct reason for rejection of the question, unless the contents are defamatory, frivolous or offensive. In circumstances where the factual inaccuracies are significantly misleading this is not helpful to the debate or public perceptions of the Council.</p> | <p>Proposed additional paragraph 9.4 (i):</p> <p>(i) Where the text of the question contains substantially incorrect factual statements and the questioner refuses to amend the text of the question.</p>  |

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|   | <p>One way to deal with this is to add a power to paragraph 9.4 for the Monitoring Officer to reject a question in these circumstances.</p>  |  |
| <p>Council Procedure Rules<br/>10. Motions – on Notice.</p> | <p>The same issue arises with motions proposed on notice – that the contents of the motion are substantially factually incorrect. This has the potential to be more damaging as Council is actually taking a decision on a motion. Again the system relies on the proposer of the motion agreeing to make changes to the wording of the motion.</p> <p>Members could consider adding a similar provision to that for questions.</p>  | <p>Proposed additional paragraph 10.2 Scope (j):</p> <p>(j) Where the text of the motion contains substantially incorrect factual statements and the proposer refuses to amend the text of the motion.</p>   |
|   | <p>Where a motion seeks to change or make a Cabinet decision, it should not be possible for the motion to proceed. There is always an opportunity for the Monitoring Officer to discuss this with the motion proposer and seek a compromise. However if a motion proposer should refuse to amend the motion there is only the provision that allows the HOPS to advise the Chair that it is illegal.</p> <p>A clear statement that Council cannot make decisions that are within the Cabinet’s functions could cover this.</p> | <p>Add the following statement to 10.2 Scope:</p> <p>The Monitoring Officer will reject any motion which recommends the Council to make a decision in relation to a Cabinet function or to change a Cabinet decision. Such a motion will be referred to Cabinet for consideration.</p> |

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|  | This would still allow debate by Council on whether and in what terms to refer a matter to Cabinet.  |   |
| 11 Motions and amendments without notice.                                  | Where the motion is complex – such as when an alternative budget is proposed – a response will need to be worked through and considered financially and legally in advance of the Council Meeting. This should not therefore be a motion which is put forward without notice.  | <p>Add after 10.6:</p> <p><u>10.6 Alternative Budget proposal</u></p> <p>Prior to moving a motion or amendment in Council proposing an alternative budget to the proposals of the Cabinet, a Cllr must in advance of the meeting seek the views of the Section 151 Officer. A failure to do so will result in the motion being rejected by the Chair.</p> <p>The motion must contain sufficient detail within it to justify the proposal. The Chair will take the advice of the Statutory Officers in determining this.</p> |
| Appendix to the Constitution Two – Members’ Travel and Subsistence Policy. | There is no requirement for Cllrs to submit their travel and subsistence claims within a specified time frame. Officers’ claims should be submitted monthly and are subject to approval by the Section 151 Officer if claimed outside 3 months. There is therefore a decision to be made as to whether claims should be submitted by Members within 3 months of the claim arising. | <p>Add in an extra sentence as follows:</p> <p>Members will submit claims within 3 months of the claim arising. All claims for a particular financial year are to be submitted within one month of 31 March.</p>  |
| Council Procedure Rules<br>10 Motions - on Notice                          |  | 10.1 Motions - on Notice  |

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|                       | <p>Currently there is no requirement for a Councillor proposing a motion to inform the Council who will be seconding the motion. Some Proposers do include this information.</p> <p>Some councils require that a motion is submitted by 2 Councillors – presumably the mover and seconder. This would give a degree of certainty as to what would be moved and seconded at Council and prevents speculation on the day.</p> <p>Accordingly it is proposed to add this requirement to the Rules.</p> | <p>Change the requirement to the motion being signed by two Councillors, so that it reads:</p> <p>Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by <b>the proposed mover and seconder of the motion</b> <del>at least one Councillor</del>, must be delivered to the Monitoring Officer not later than midday on the day twelve clear working days before the date of the meeting. These will be published on the Council's web site. There is a limit of one motion, per <b>Councillor Member</b>, per meeting. Details of motions submitted by Councillors on notice will be circulated to the Cabinet immediately after the deadline has passed.</p> |
| <p>Changes to EAC</p> | <p>To ensure the full process is in place to deal with employment matters relating to the Statutory Officers.</p>   | <p>This is on another report to Standards Committee.</p>   |