

7 APRIL 2016

REPORT OF MONITORING OFFICER

CONSTITUTION UPDATE 2015 16

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider constitutional items and those approved will be referred to the Council for adoption and incorporation into the Council's Constitution.
- 1.2 To provide an opportunity for comments on the proposed Calendar of Meetings for 2016 17 before it is finalised for presenting for approval at the Annual Meeting.

2.0 RECOMMENDATIONS

- 2.1 To consider and approve the following and if approved by this Committee, refer to the Full Council for adoption :-

(a) Contract Procedure Rules (CPR) : Exemptions

To approve the Contract Procedure Rules Exemptions as set out at Appendix A and these replace the existing exemptions within the CPR in Part 4 of the Constitution.

(b) Council Procedure Rule 20.1

To approve that the following existing Procedure Rule 20.1 apply to Committees and Sub Committees :-

Removal of member of the public

20.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

(c) Council Procedure Rules 14.1 and 14.2

To approve that the italic formatting be removed to the existing Procedure Rules being 14.1 and 14.2 as these rules do not apply to Committees and Sub Committees :-

14. PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

14.1 *A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least six Members.*

Motion similar to one previously rejected

14.2 *A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be*

moved unless the notice of motion or amendment is signed by at least six members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

(d) New Officer Delegation to Head of Communities and Neighbourhoods

To make applications relating to Road Closures under Section 21 of the Town Police Clauses Act 1847.

2.2 To comment on the Calendar of Meetings 2016 17 before it is finalised for Members' consideration at the Annual Meeting of the Council.

3.0 KEY ISSUES

3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.

3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.

3.3 Contract Procedure Rules : Exemptions

The exemptions within the Contract Procedure Rules have been reviewed by the Officers' Programme Board and the proposals are presented at Appendix A for consideration by the Committee. Should these be approved, they will replace the existing exemptions within the Contract Procedure Rules.

3.5 Council Procedure Rule 20.1 - Removal of member of the public

It is noted that Procedure Rule 20.1 applies to meeting of the Full Council only and not to Committees and Sub Committees. This is shown in the Constitution as below and also Procedure Rule 22 explains that Rule 20.1 does not apply to Committees and Sub Committees.

Recently there has been an incident where it would have been helpful for Procedure Rule 20.1 to apply to a Committee and there doesn't appear to be a good reason why there would be a discrepancy between Procedure Rule 20.1 and 20.2. Therefore it is recommended that Procedure Rule 20.1 also applies to Committees and Sub Committees.

20. DISTURBANCE BY PUBLIC

Removal of member of the public

20.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

Clearance of part of meeting room

20.2 *If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.*

22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

22.1 All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 4 – 8, 10 – 13, 15 – 17, 19 – 24 (but not Rule 20.1) apply to meetings of committees and sub-committees. [Rules applying to committees and sub-committees are marked in italics for ease of reference.]

3.6 Council Procedure Rules 14.1 and 14.2

It has come to light that when the original Constitution was drafted, there was an error in the formatting of Procedure Rules 14.1 and 14.2 in that these rules are set out in italics as shown below. When such rules are in italics, it indicates that they apply to Committees and Sub Committees as well as Council Meetings. However these procedure rules do not apply to Committees and Sub Committees as explained at Procedure Rule 22 which is also set out below. Therefore it is proposed that the italic formatting be removed to existing Procedure Rules 14.1 and 14.2.

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Motion similar to one previously rejected

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3.7 New Officer Delegation to Head of Communities and Neighbourhoods

To enable the Council to make applications for road closures under Section 21 of the Town Policy Clauses Act 1847, the following new Officer Delegation is requested for approval :-

To make applications relating to Road Closures under Section 21 of the Town Police Clauses Act 1847

3.8 The above items are presented for approval by this Committee before referral to the Full Council for adoption.

3.9 Calendar of Meetings 2016 17

The proposed Calendar of Meetings for 2016 17 is enclosed at Appendix B and

there is an opportunity for the Committee to comment on it before it is finalised for presenting for approval at the Annual Meeting.

The Annual Calendar of Meetings is designed each year to ensure the statutory requirements of the Council's decision-making are followed as well as allows for policy and regulatory decisions to be made which contribute to the running of the Council and meeting the public's expectations.

As well as ensuring statutory financial deadlines are able to be met, the timetable has been drafted taking account of bank holidays, school holidays and Full Council meetings of the Leicestershire County Council.

There are five cycles of Committees within the Calendar of Meetings and each one includes all of the policy and regulatory Committees and ends with a Full Council Meeting. In addition there are monthly Town Area Committees, with five allocated as Main Committees.

Apart from the Planning Committee meetings which start at 6 p.m. and the Annual Meeting that starts at 7, all other meetings start at 6.30 p.m. All meetings are scheduled to be held at Parkside.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being a 'Well run Council'.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

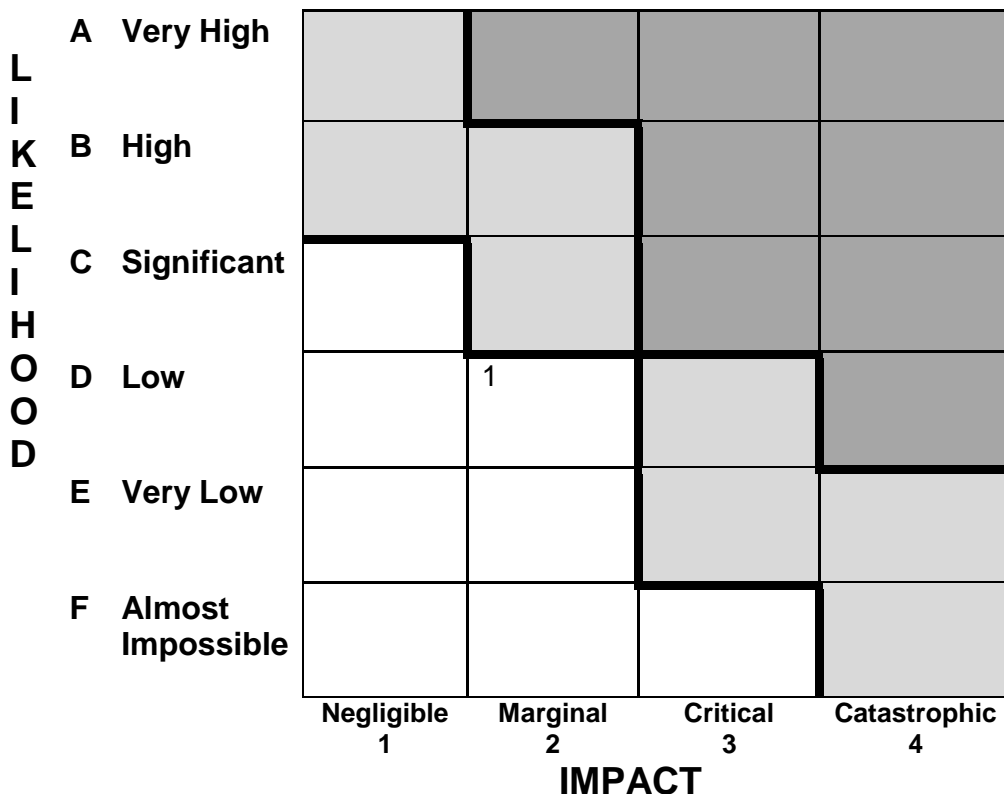
8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2



Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council’s website and electronically to Members and Officers to meet the Council’s corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 There has been internal consultation with Management Team and T3 to ensure the Constitution reflects the Council’s current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officer: Angela Tebbutt/Sarah Evans
Date: March 2016

Appendices: Appendix A – CPR Exemptions
Appendix B – Proposed Calendar of Meetings 2016 17

Background Papers: Constitution 2015/16

Reference: X : Committees\Governance\2015 16\070416\Constitution Update 2015 16