

**Constitution Review 2012-13  
Items for Consideration**

No.	Item	Part/ Page Ref	Lead Person
1.	<p><b>Officer Delegation : Head of Communities &amp; Neighbourhoods</b> A new Officer Delegation for the Head of Communities and Neighbourhoods is requested to consider and make all decisions relating to Neighbourhood Plans.</p> <p><u>Action Proposed</u> <b>To agree the following new Officer Delegation for the Head of Communities and Neighbourhoods :-</b></p> <p><b>To consider and make all decisions relating to Neighbourhood Plans.</b></p>	Part 3 Officer Delega- tions Page 23	HR
2.	<p><b>Officer Delegation : Deputy Proper Officer Provisions</b> On page 45, it be made clearer that the first paragraph relates to elections therefore the word 'Elections' has been added to the heading. The other 4 paragraphs are offered for deletion as these are duplicated on Page 2 under 'Introduction'.</p> <p><u>Action Proposed</u> <b>To agree the changes on Page 45 of Part 3 as shown at Appendix A2.</b></p>	Part 3 – Officer Delega- tions Page 45	AT
3.	<p><b>Committee Function : Rename Development Committee</b> The Leader requests that it be considered that the Development Committee be renamed Planning Committee.</p> <p><u>Action Proposed</u> <b>To rename the Development Committee and call it the Planning Committee.</b></p>	Part 3 Page 14	Leader
4.	<p><b>Committee Function : Appeals Committee</b> The delegated functions of the Committee be amended to remove item 3 which reads as follows as legislation dictates a separate appeals route for Freedom of Information matters :-</p> <p>(3) To determine any appeals arising from a decision of non-disclosure of information under the Freedom of Information</p>	Part 3 Page 16	AT

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	<p><b><u>Action Proposed</u></b>  <b>To agree that delegated function (3) be deleted.</b></p>		
5.	<p><b>Procedure Rule : Motions without Notice – Correction</b>  Procedure Rule 12.1(p) reads :-</p> <p><i>‘12.1 (p) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4’</i></p> <p>There is an error in these numbering references and it should refer to Rule 19.3 where it states 20.3 and it should read 19.4 where it reads 20.4 as 12.1(p) is referring to the below :-</p> <p style="text-align: center;"><b>Member not to be heard further</b></p> <p>19.3 <i>If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.</i></p> <p style="text-align: center;"><b>Member to leave the meeting</b></p> <p>19.4 <i>If a Member continues to behave improperly after such motion is carried, or if a Member has spoken or acted in an inappropriate manner the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.</i></p> <p><b><u>Action Proposed</u></b>  <b>To agree that Procedure Rules 19.3 and 19.4 replace 20.3 and 20.4 in 12.1(p) under Motions without Notice.</b></p>	Part 4 Rule 12.1(p)	AT/SE
6.	<p><b>Procedure Rule : Timing for speeches at Full Council</b>  Current Procedure Rule 13.4 reads :-</p> <p><b>Content and length of speech</b></p> <p>13.4 <i>Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.</i></p> <p><b><u>Action Proposed</u></b>  <b>To agree the following change to this procedure rule to allow provision for the Leader and Leader of the Opposition to speak for 10 minutes :-</b></p> <p><b>Content and length of speech</b></p> <p>13.4 <i>Speeches must be directed to the question under</i></p>	Part 4 Rule 13.4	Leader

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	<p><i>discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor <b>apart from the Leader and Leader of the Opposition who may speak for up to 10 minutes.</b></i></p>		
7.	<p><b>Procedure Rule : Questions by Members - Correction</b> Current Procedure Rule 10.6(e) should read 10.6(c) as this is an error in the consecutive numbering.</p> <p><u><b>Action Proposed</b></u> <b>To agree that Procedure Rule 10.6(e) be renumbered 10.6(c).</b></p>		AT/SE
8.	<p><b>Contract Procedure Rules</b> The Contract Procedure Rules have been revised and these are attached at Appendix A8.</p> <p><u><b>Action Proposed</b></u> <b>To agree the revised Contract Procedure Rules.</b></p>	Part 4 Page 90	DG/TH
9.	<p><b>Leader of the Opposition and Other Group Leaders</b> To recognise other Group Leaders and formalise the role of Leader of the Opposition being the Leader of the largest opposition group in Article 2 of the Constitution, an item be added to read as follows :-</p> <p><b><i>‘(e) Leader of the Opposition and Other Group Leaders</i></b> <i>The Council recognises other Group Leaders and may, if it considers appropriate to do so, appoint a Leader of the Opposition, being the Leader of the largest opposition group.’</i></p> <p>The Leader of the Opposition and other Group Leader(s) role be defined in the Roles and Responsibilities document as set out in Part 5 of the Constitution and be amended as shown at Appendix A12.</p> <p>Also since the abolition of the OSA function and so that there is some political balance in the individual appraisals of the Corporate Management Team (CMT), it is proposed that the Leader of the largest Opposition Group be involved in the appraisals of all 3 members of CMT.</p> <p><u><b>Action Proposed</b></u> <b>To agree formalising the role of Leader of the Opposition being the Leader of the largest opposition group and recognise other group leaders, Article 2 of the Constitution be amended to add the following :-</b></p>	Part 2, Article 2 and Part 5	Leader/ LA

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	<p><b><u>‘(e) Leader of the Opposition and Other Group Leaders</u></b>  <b>The Council recognises other Group Leaders and may, if it considers appropriate to do so, appoint a Leader of the Opposition, being the Leader of the largest opposition group.’</b></p> <p><b>To agree that the Leader of the Opposition and other Group Leader(s) role be defined in the Roles and Responsibilities document as set out in Part 5 of the Constitution and be amended as shown at Appendix A12.</b></p> <p><b>Also that the Leader of the Opposition role include involvement in Corporate Management Team’s individual appraisals and these matters be reflected in the Member Roles and Responsibilities document set out in Part 5 of the Constitution.</b></p>		
10.	<p><b>Equality and Diversity Statement</b>  The Equality and Diversity Statement has been reviewed and updated to reflect current arrangements and latest legislation and aspirations and this is attached at Appendix A10.</p> <p><b><u>Action Proposed</u></b>  <b>To agree the revised Equality and Diversity Statement.</b></p>	Part 9	DG/CC
11.	<p><b>Code of Conduct</b>  Clarification was sought from the LCC on the meaning and scope of paragraph 7(2) of the Code which reads as follows :-</p> <p><b><i>‘7(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.’</i></b></p> <p>The LCC advice is that it covers the requirement to publish reasons for decisions taken by the Executive or Cabinet and this does not apply to Melton.  However it also covers decisions on planning applications where it is necessary to demonstrate the decision was taken strictly on planning grounds and this does apply to Melton.</p> <p>It is also mentioned that it may be good practice to give reasons for decisions on code of conduct cases where it might be appropriate to refer to how a Member may have been judged to have breached a particular element of the code.</p>	Part 5 Codes and Proto- cols	AT

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	<p><b><u>Action Proposed</u></b>  <b>To note the clarification relating to 7.2 as shown above and how it relates to Melton.</b></p>		
12.	<p><b>Part 5 – Codes and Protocols – Appendix A12 – proposed amendments shown in tracked changes</b></p> <p><b>(a) Consequential Officer Name Changes and current arrangements with regard to the Planning Code of Conduct</b></p> <p><b><u>Action Proposed</u></b>  <b>To agree outstanding officer name changes to be in line with the staff structure as well as changes to reflect current practice arrangements, these being :-</b></p> <ul style="list-style-type: none"> <li><b>• Head of Legal Services being replaced with Solicitor to the Council in the Planning Code of Conduct</b></li> <li><b>• Strategic Director being replaced with Head of Communications in the Monitoring Officer Protocol</b></li> <li><b>• Head of Finance being replaced with Head of Central Services in the Monitoring Officer Protocol</b></li> </ul> <p><b>To agree the word ‘prejudicial’ be replaced with ‘pecuniary’ where appropriate in the Planning Code of Conduct</b></p> <p><b>To agree the word ‘model’ be removed from preceding the words ‘Code of Conduct’ in the Planning Code of Conduct</b></p> <p><b>(b) Code of Conduct</b>  For clarity on interests for dual-hatted Members to add the words ‘or parish council’ at the end of 13(3)(g)</p> <p><b><u>Action Proposed</u></b>  <b>To agree insertion of the words ‘or parish council’ at the end of 13(3)(g)</b></p> <p><b>(c) Code of Conduct</b>  The following note at the end of 12(1)(d) be deleted and reworded to be 12(2) as shown in the action proposed :-</p> <p><i>[Note: In addition, Standing Order 30 requires you to leave the room where the meeting is held while any discussion or voting takes place.]</i></p> <p><b><u>Action Proposed</u></b>  <b>To agree the insertion of the following item at 12(2) of the Code and deletion of the note as written above :-</b></p>	Part 5 Codes and Proto- cols	AT

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	<p><b>12(2) In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.</b></p> <p><b>(d) Task Group Protocol</b> The document has been reviewed to reflect current working arrangements.</p> <p>Also linked to this item, Article 7 in Part 2 of the Constitution called 'Task Groups, Local Strategic Partnership and Forums' has been amended slightly to remove the following wording :-</p> <p>'A member will only be able to vote if they are appointed as a voting member of a relevant Committee.'</p> <p><b><u>Actions Proposed</u></b> <b>To agree the proposed changes to the Task Group Protocol</b></p> <p><b>To agree deletion of the following wording in Article 7 of Part 2 of the Constitution :-</b></p> <p><b>'A member will only be able to vote if they are appointed as a voting member of a relevant Committee.'</b></p> <p><b>(e) Minutes Procedure</b> This document has been reviewed to reflect practical working arrangements.</p> <p><b><u>Action Proposed</u></b> <b>To agree the proposed changes to the Minutes Procedure</b></p> <p><b>(f) Member Roles and Responsibilities</b> The document has been reviewed to reflect the changes in committee structure, to clarify the Leader of the Opposition role and CMT appraisals as well as the Leader of other groups</p> <p><b><u>Action Proposed</u></b> <b>To agree the proposed changes to the Member Roles and Responsibilities</b></p> <p><b>(g) ICT Protocol for Members</b> The document has been reviewed to reflect the changes as a result of the approved ICT Package for Members and its more flexible approach eg. no Council password security</p>		

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	applied to laptops  <b><u>Action Proposed</u></b> <b>To agree the proposed changes to the ICT Protocol for Members</b>		