

GOVERNANCE COMMITTEE

7 FEBRUARY 2017

REPORT OF MONITORING OFFICER

CONSTITUTION UPDATE 2016 17

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.

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) **Part 4 – Rules of Procedure**
Procedure Rule 22.2 – Public Speaking at Planning Committee

To approve the tracked changed amendments to Part 4 (Appendix A), Procedure Rule 22.2 relating to public speaking at the Planning Committee

(b) **Part 5 – Codes and Protocols**
Code of Conduct for Members and Officers dealing with Planning Matters

To approve the tracked changed amendments to Part 5 (Appendix B), relating to the Code of Conduct for Members and Officers dealing with Planning Matters

(c) **Part 4 – Rules of Procedure**
Substitute Policy for Committees and Sub Committees

To approve a slightly updated version of the Substitute Policy which amends the example Attendance Register to reflect current Members

(d) **Part 5 – Codes and Protocols**
Members' Code of Conduct – Page 5

To update reference to the Equality Act to be 2010 and not 2006

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 adoption and inclusion in the Constitution.

3.3 At the review of the Constitution by the Committee at the last meeting in November 2016, Members felt that there were areas relating to planning that needed updating. Therefore Appendices A and B have been reviewed by the Head of Regulatory Services in respect of planning matters and any amendments proposed are shown as tracked changes for Members' consideration. At the same meeting two other items were raised, one which related to a deceased Member being listed on the example Attendance Register of the revised Substitute Policy and this has been amended to include current Members and is shown at Appendix C. The other related to the previous year of the Equality Act and this has also been updated to reflect the current act.

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.

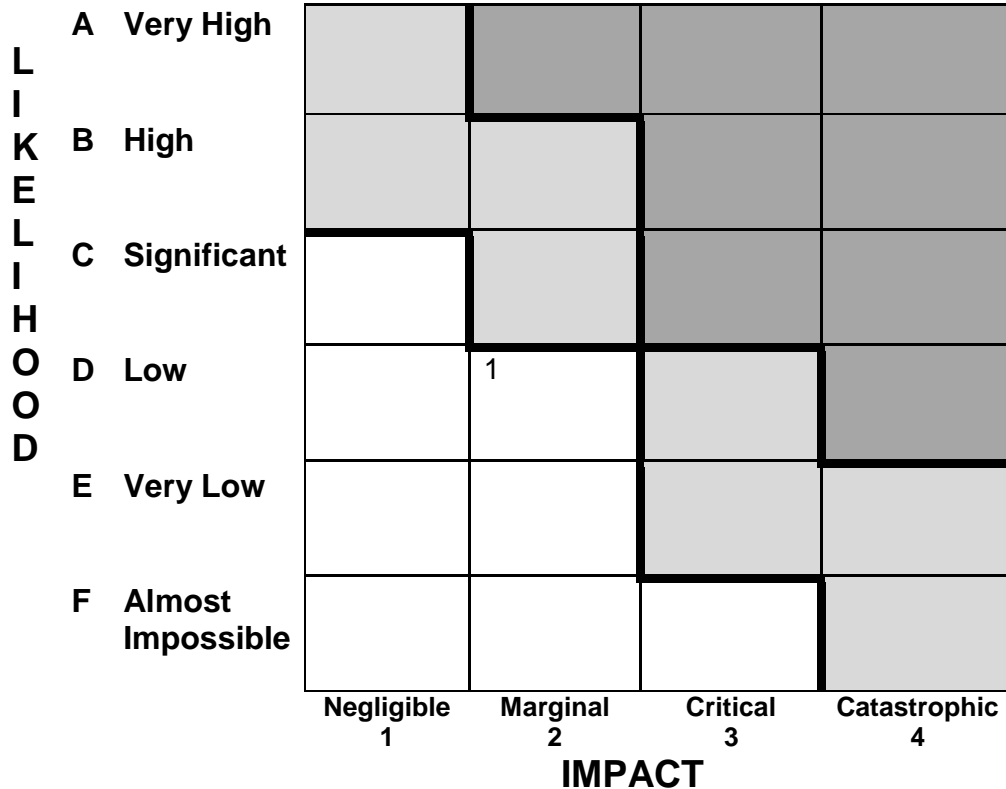
8.0 EQUALITIES

8.1 An Equalities Screening Assessment has drafted and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 The risks associated with the 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 is regular 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 Roberts/Sarah Evans
Date: January 2017

Appendices : Appendix A – Part 4 – Rules of Procedure (Planning) – Feb 2017
Appendix B – Part 5 – Codes & Protocols (Planning) – Feb 2017

Background Papers: Constitution 2016 17

Reference : X : Committees\Governance\2016 17\070217\Constitution Update 2016 17