



Contains Confidential or Exempt Information	NO
Title	CONSTITUTIONAL AMENDMENTS
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Member reporting	Cllr. David Hilton
For Consideration By	Council
Date to be Considered	15 December 2015
Implementation Date if not Called In	
Affected Wards	All
Keywords/Index	Constitution

Report Summary

1. This report sets out amendments to the Constitution agreed by Council on the 15th December 2015.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
An up to date Constitution reflecting best practice will ensure democratic processes run efficiently and effectively, and ensure residents are informed of the correct processes.	From date of decision

1. Details of Recommendations

RECOMMENDATION: that Council:

- 1.1 Approves the amendments to the Constitution in the Appendix; and

2. Reason for Recommendation(s) and Options Considered

2.1 The Constitution of the Council is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

2.3 Parish Council Membership on Crime and Disorder Overview and Scrutiny Panel.

The Terms of Reference for Overview and Scrutiny Panels allows the co-opting of part of its membership from Parish Councils. The Crime and Disorder Overview and Scrutiny Panel consists of 7 members with 2 being co-optees from the Parish Councils.

Where a vacancy exists, the current process of selecting a nominee from the Parish Councils involves notifying the Parish Councils of the vacancy and inviting nominations. Where more than one nomination has been received, a ballot is held where the Parish Councils may vote for one candidate.

The process is not formalised within the Constitution for the Crime & Disorder Overview & Scrutiny Panel and the Chairman has requested that the selection process is formalised within the terms of reference for the panel in para A3 (c) of Part 4A 'Purpose and Procedure Rules for Overview and Scrutiny' in the Constitution.

2.7 Changing the Constitution

The Constitutional Sub-Committee is unique as a committee of Council in that it's current terms of reference do not allow the committee to make any decisions without express permission from full Council. Likewise there are no provisions in the Constitution for simple updates in changes in law to be made unless a report to Council is made

The result of this is that many simple and immaterial amendments to the Constitution often require a report to full Council.

The proposal is that where a decision has been made by Council, Cabinet or any of their subcommittees (and a matter hasn't already been expressly reserved to Council in law or the Constitution) then the Constitution may be changed to reflect such decision without further approval by full Council. Where a decision of Cabinet or any subcommittees of Cabinet or Council has been made (or delegated in general terms), then such decision or delegation shall deemed to include the necessary changes to the constitution.

This shall not include matters that are reserved to full Council either in the Constitution or at law. This includes matters which cannot be delegated

under s101 of the Local Government Act 1972 such as setting the annual budget, policy framework, appointments and terms of reference for Council subcommittees, changing the Code of Conduct and approval of Members Allowance Scheme.

In addition, it is proposed that very minor and inconsequential changes of an editorial nature as may seem appropriate to make the Constitution internally consistent, up-to-date and readily understandable are delegated to the Monitoring Officer in consultation with the Chairman of the Constitutional Sub-Committee.

Where amendments have been made, then Democratic Services will notify all members of the changes and (if necessary) the reason for the change.

2.8 Appendix

The Appendix to this Report documents the proposed changes to Constitution.

Appendix

Change to Constitution

The changes shall be made as stated in the table (strikethrough denotes deletion of existing and underline indicates additional/replacement wording):

Paragraph 2.3 Crime and Disorder Overview and Scrutiny Panel

Paragraph and Part of Constitution	Amendment
Part 2B A3 (c)	<p>Change to ‘Decision Making Body’ for Functions relating to Overview & Scrutiny:</p> <p>c) Crime and Disorder</p> <p>The Crime and Disorder Overview and Scrutiny Panel may, in accordance with <u>The Crime and Disorder (Overview and Scrutiny) Regulations Statutory Instrument 2009 no.942</u> co-opt additional members to serve on the Panel subject to:-</p> <ul style="list-style-type: none"> i) the person co-opted to serve on the Panel shall not be entitled to vote on any particular matter, unless the committee so determines. ii) the co-opted person’s membership may be limited to the exercise of the Panel’s powers in relation to a particular matter or type of matter. <p>The co-opted person shall not be a member of the Cabinet of the Council.</p>

being an employee, officer or member of a responsible authority or of a co-operating person or body.

The Panel shall be 7 members and two further co-opted parish councillors one representing each of the northern and southern parishes.

Co-optees and substitutes for either the northern or southern Parish Councils shall be appointed as follows:

- a. Vacancies are notified to each Parish Council by the Council
- b. Parish Councils must submit in writing their nominations within 28 days of notification. Each Parish Council can only nominate one co-optee.
- c. Each nomination shall include details of the proposed co-optee with a maximum 100 word supporting statement
- d. Where more than one nomination is received then each Parish Council (in either the northern or southern Parishes) is then entitled to vote on the nominated candidates. The votes must be received within 28 days of notification.
- e. The nominee with the greatest number of votes shall be elected to the Panel as the co-optee. The nominee with the next highest number of votes shall be the substitute. In the event of a tie for either position the Chairman of the Panel shall select the nominee to be appointed as co-optee to the Panel.
- f. If only one nomination is received for either the northern or the southern parishes, the nominee will automatically be appointed as co-optee

The Panel shall be permitted to change the process of appointment as it see fits and decide the exact methodology.

Each co-optee and substitute shall remain on the Panel for a period of 4 years (requiring a re-appointment at Annual Council meeting). In the event the co-optee is absent from 2 or more meetings in any one year then the Panel may pass a resolution to remove the co-optee from the Panel.

Where a co-optee resigns then the substitute shall take the place as the co-optee on the Panel for the remainder of the term if the Panel resolves to accept the substitute. Where the substitute elects not to take up the position on the Panel, then the Panel shall seek further nominations from the Parish Councils and steps a. to f. above shall be followed. Where a substitute position is vacant then the Parish Council's shall be requested to nominate further substitutes and the process in points a to f shall be followed.

The parish council representatives to be required to liaise with relevant parishes on a regular basis.