

Amendments to the Constitution – November 2022

To assist updates are underlined and highlighted in yellow in the final column of the table below: “Revised wording (subject to approval)”

Heading	Section	Page	Current wording	Revised wording (subject to approval)
Article 11	11.04	32	Not currently included in 11.04 Role.	Additional role to be added (as recommended by Cabinet 7 July 2022): <ul style="list-style-type: none"> Dealing with any reports relating to Councillor Allowances including the noting of the actual Councillors’ Allowance paid for the preceding year and reports of the Independent Remuneration Panel.
Article 12	12.03	34	<p>The following rules will apply:</p> <ul style="list-style-type: none"> Minority order provision will not apply on issues where the Committee has met in quasi-judicial mode, as determined by the Monitoring Officer or on matters solely the responsibility of the Licensing Committee. Any decision may be referred back (at the Committees discretion) to the Committee, where an error or fact or law has been made and where permissible under the legislation. 	<p>The following rules will apply:</p> <ul style="list-style-type: none"> Minority order provision will not apply on issues where the Committee has met in quasi-judicial mode, as determined by the Monitoring Officer or on matters solely the responsibility of the Licensing Committee. Any decision may be referred back (at the Committees discretion) to the Committee, where an error or fact or law has been made and where permissible under the legislation. <u>Before being permitted to sit on the Licensing Committee or a Licensing Panel, Councillors will be required to attend full training and then attend a refresher training session every 2 years or sooner should there be a significant change in legislation. Any Councillor who has received full or refresher training and has not participated in a panel hearing in the 2 years since their last date of training will</u>

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				<p>be encouraged to attend the full annual training session. This is a minimum requirement and Councillors are not precluded from attending any full or refresher training session should they wish.</p>
Article 18	Part 2	44	<p>Suspension, Interpretation and Publication of the Constitution</p> <p>18.01 b. Procedure to Suspend: A motion to suspend any Rules (including Standing Orders) will not be moved without notice unless at least one half of the whole number of Councillors of the relevant body is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in <u>Article 1</u>.</p> <p>INCONSISTENT with the Rules of Procedure as set out below:</p>	<p>Suggest Article 18 is amended to reflect paragraph 41.01 as follows:</p> <p>18.01 b. Procedure to Suspend: A motion to suspend any Rules (including Standing Orders) will not be moved without notice unless there shall be present a quarter of the members of the Council, or in the case of the Cabinet or a Committee, at least three members. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in <u>Article 1</u>.</p>
Rules of Procedure	Part 4 Miscellaneous	97	<p>Suspension of Standing Orders Paragraph 41.01 Except in the case of a motion under Standing Order 24.05, a motion to suspend Standing Orders shall not be moved under Standing Order 11.0 - that is without notice given in pursuance of Standing Order 10.0 - unless there shall be present at least a quarter of the members of the Council, or in the case of the Cabinet or a Committee, at least three members.</p>	

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Scheme of Delegation	Part 3, Appendix C	55	<p>Specific Staff Delegations</p> <p>Not currently included but suggested to account for any job title/role changes or succession/acting up arrangements that occur between reviews of the Constitution as a result of Organisational Change.</p>	<p>New Paragraph 2.02</p> <p>2.02 Any post specifically referred to below shall be deemed to include any successor post, or a post that includes within the job description, elements relevant to any particular delegation, which were also present in the former post and shall include anyone acting up or seconded or discharging the functions of the post on an interim basis.</p>
Scheme of Delegation	Part 3, Appendix C	57-60	<p>Responsibility of Functions</p> <p>Functions relating to planning and development matters.</p> <p>Functions 48-68 - Delegation: Executive Head of Planning and Economy</p>	<p>Responsibility of Functions</p> <p>Functions relating to planning and development matters.</p> <p>Functions 48-61, 63, 67, 68 – Delegation: Executive Head of Planning and Economy or Planning Manager</p>
Scheme of Delegation	Part 3, Appendix C	65	<p>Function 100</p> <p>Delegation: Executive Head / Environment</p>	<p>Function 100</p> <p>Delegation: Executive Head of Environment</p>
Scheme of Delegation	Part 3, Appendix C	70	<p>Responsibility of Functions</p> <p>Functions relating to Property and Assets</p> <p>Function 127</p> <p>w) The negotiation and agreement of terms for the imposition, modification and conveyances on property titles.</p>	<p>Responsibility of Functions</p> <p>Functions relating to Property and Assets</p> <p>Function 127</p> <p>w) The negotiation and agreement of terms for the imposition, modification and removal of covenants on property titles.</p>
Access to Information Procedure Rules	Part 4, Paragraph 4.0	102	<p>Notices of meetings</p> <p>The Council will give at least five clear days' notice of any meeting by publishing details of the meeting.</p>	<p>Notices of meetings</p> <p>The Council will give at least five clear working days' notice of any meeting by publishing details of the meeting.</p>

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Access to Information Procedure Rules	Part 4, Paragraph 5.0	102	<p>Access to Agenda and Reports before the Meeting</p> <p>The Council will publish copies of the agenda and reports open to the public at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.</p>	<p>Access to Agenda and Reports before the Meeting</p> <p>The Council will publish copies of the agenda and reports open to the public at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.</p>
The Forward Plan	Part 4, Para 15.01	106	<p>Period of Forward Plan</p> <p>Forward Plans will be prepared on a monthly basis by the Leader to cover a period of four months.</p>	<p>Period of Forward Plan</p> <p>Forward Plans will be prepared on a monthly basis by the Democratic Services Manager to cover a period of four months.</p>
The Forward Plan	Part 4, Para 16.0	107	<p>General Exception</p> <p>c. after five clear days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).</p>	<p>General Exception</p> <p>c. after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).</p>
The Forward Plan	Part 4, Para 20.01	108	<p>Report Intended to be taken into Account</p> <p>Where an individual member of the Cabinet receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least five clear days after receipt of that report.</p>	<p>Report Intended to be taken into Account</p> <p>Where an individual member of the Cabinet receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least five clear working days after receipt of that report.</p>

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The Forward Plan	Part 4, Para 21.01	108	<p>Rights to Copies</p> <p>b. any decision taken by an individual member of the Cabinet. The documents must be provided as soon as practicable but no later than 10 clear days after the request is received.</p>	<p>Rights to Copies</p> <p>b. any decision taken by an individual member of the Cabinet. The documents must be provided as soon as practicable but no later than 10 clear working days after the request is received.</p>
Procedure Rules for Area Committees and the Administration Committee	Part 4, 2.04	120	<p>Who can put items on a Committee Agenda?</p> <p>B The Leader or the Chair or Vice-Chair of an Area Committee or the Administration Committee may put on the agenda of a relevant Committee meeting any matter which they wish, whether or not authority has been delegated to the Committee or any Councillor or member of staff in respect of that matter. The Monitoring Officer will comply with the member's request in this respect.</p> <p>C The provisions in paragraph (b) above are in addition to the right of councillors to submit a Notice of Motion to a Committee on any matter relevant to that Committee, in accordance with standing order 7 (in Council and Committee Procedure Rules in Part 4).</p>	<p>Who can put items on a Committee Agenda?</p> <p>B The Leader or the Chair or Vice-Chair of an Area Committee or the Administration Committee may put on the agenda of a relevant Committee meeting any matter which they wish, whether or not authority has been delegated to the Committee or any Councillor or member of staff in respect of that matter. The Monitoring Officer will comply with the Councillor's request in this respect.</p> <p>C The provisions in paragraph (b) above are in addition to the right of councillors to submit a Notice of Motion to a Committee on any matter relevant to that Committee, in accordance with standing order 10 (in Council and Committee Procedure Rules in Part 4).</p>
Procedure Rules for Area Committees and the Administration Committee	Part 4, 2.05	120	<p>Sub-Committees</p> <p>The Administration Committee may appoint sub-committees for the purpose of considering a complaint(s) that a Member has breached the Council's Code of Conduct referred to the sub-committee by the Monitoring Officer. The procedure for these meetings will be in accordance</p>	<p>Sub-Committees</p> <p>The Administration Committee may appoint sub-committees for the purpose of considering a complaint(s) that a Councillor has breached the Council's Code of Conduct referred to the sub-committee by the Monitoring Officer. The procedure for these meetings will be in accordance with the</p>

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			with the procedure agreed by the Council and published here.	procedure agreed by the Council and published here.
Financial Procedure Rules	Part 4, Appendix H	121-148	Job title referenced	Any reference to Head of Internal Audit to be updated to Chief Internal Auditor
Financial Procedure Rules	Part 4, Appendix H, paragraph 4.31	135	<p>Treasury Management</p> <p>The full Council is responsible for approving the Treasury Management Policy statement setting out the matters detailed in section 6 of CIPFA's Code of Practice for Treasury Management in Local Authorities 2017.</p>	<p>Treasury Management</p> <p>The full Council is responsible for approving the Treasury Management Policy statement setting out the matters detailed in section 6 of CIPFA's Code of Practice for Treasury Management in Local Authorities 2021.</p> <p><i>And agreement is sought to update any other reference to the 2017 Code of Practice to 2021.</i></p>
Financial Procedure Rules	Part 4, Appendix H, paragraph 4.49	137	<p>Information Technology</p> <p>4.49 The Information Technology Board, in liaison with the relevant Cabinet Lead, is responsible for overseeing the development, review and compliance with Digital Strategy.</p> <p>4.50 The Information Technology Board are authorised to make minor changes to the Digital Strategy in the light of changing circumstances, and in particular to keep it up to date.</p> <p>4.51 The Information Technology Board are authorised to agree and amend the annual</p>	<p>Information Technology</p> <p>4.49 The Executive Team is responsible for agreeing the priorities for IT Development activity which will be documented in an agreed IT Programme.</p> <p>4.50. The Head of IT, in liaison with their Executive Head, is responsible for overseeing the development, review and compliance with the IT Programme and reporting progress regularly to the Organisation Development Review Group.</p> <p>4.51 The Head of IT, in liaison with the Chief Accountant will highlight to the Executive Team any amendments to the IT Programme that may have</p>

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			investment programme within the CIP, in consultation with the Leader, subject to the Council's normal budgetary processes, including the consideration of ongoing revenue costs.	<u>budget implications subject to the Council's normal budgetary processes.</u>
Contract Standing Orders	Part 4, Appendix K	156	1.04 Every contract which the Council enters into must be recorded on the Contracts and Partnerships Register (under development). This register should be kept updated by every <u>Lead Specialist</u> and held centrally by the Chief Financial Officer. Details of the contracts register must also be published quarterly on the Council's website as part of the Government's transparency agenda.	<p>1.04 <u>Every contract made by the Borough Council or on its behalf shall comply with the Procurement Regulations and all other legal requirements, CSOs and financial regulations. Procurement Regulations refers to the following:</u></p> <ul style="list-style-type: none"> <u>a) the Public Contract Regulations 2015</u> <u>b) the Concession Contracts Regulations 2016</u> <u>c) the Utilities Contracts Regulations 2016</u> <u>d) the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021</u> <p>Every contract which the Council enters into must be recorded on the Contracts and Partnerships Register. This register should be kept updated by every <u>Service Manager</u> and held centrally by the Chief Financial Officer. Details of the contracts register must also be published quarterly on the Council's website as part of the Government's transparency agenda.</p> <p><i>And agreement is sought to update any other reference to EU or OJEU Regulation/Thresholds/Rules to Procurement Regulations/Thresholds/Rules as follows:</i></p> <p>Para 2.01 – update to <u>Procurement Regulations</u></p>
		157	Para 2.01 refers to <u>OJEU Rules</u>	

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		157	c. Contracts £75,000 up to EU Thresholds (exclusive of VAT)	c. Contracts £75,000 up to Procurement Regulations Thresholds
		158	Legal Requirements for below EU Threshold Contracts	Legal Requirements for below Procurement Regulations Thresholds
		158	3.01 – refers to EU thresholds	3.01 update to Procurement Regulations Thresholds
		158	C. internal Process for Contracts Valued £75,000 but less than EU Thresholds	C. Internal Process for Contracts Valued £75,000 but less than Procurement Regulations Thresholds
		161	14.01 i. refers to the Official Journal of the European Union (OJEU)	14.01 i. update to the Find A Tender
		162	18.01 i. For tenders valued above EU Thresholds	18.01 i. For Tenders valued above Procurement Regulations Thresholds
		164	24.01 ii. £75,000 up to EU Thresholds	24.01 ii. £75,000 up to Procurement Regulations Thresholds
		164	24.01 iii. Over EU Thresholds	24.01 iii. Over Procurement Regulations Thresholds
		166	31.01 For contracts above EU Thresholds	31.01 For contracts above Procurement Regulations Thresholds....
		166	31.02 reference EU law and European Technical Standards	31.02 remove reference to EU Law and European Technical Standards
Contract Standing Orders	Part 4, Appendix K	157	Rules of Procedure Financial Thresholds and Procurement Procedures 2.03 d	Rules of Procedure Financial Thresholds and Procurement Procedures 2.03 d

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		160	<p>Contracts above EU thresholds (exclusive of VAT)</p> <p>The officer must comply with the Public Contracts Regulations 2015 (PCR 2015) which governs the award of public contracts – refer to Section (D) for full details. Waivers cannot be sought in these circumstances. The EU Thresholds are...</p> <p>D Procedure for Contracts above EU Thresholds</p> <p>13.01 Contracts which exceed EU thresholds must comply with EU and UK Legislation, in addition to complying with these CSOs. The office shall consult with the Monitoring Officer or Legal Services on the appropriate tendering procedures to be followed.</p>	<p>Contracts above <u>Procurement Regulations Thresholds</u> (previously referred to as EU Thresholds)</p> <p>The officer must comply with the Public Contracts Regulations 2015, <u>Utilities Contract Regulations 2016, Concession Contracts Regulations 2016 and Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021 (exclusive of VAT)</u> which governs the award of public contracts – refer to Section (D) for full details. Waivers cannot be sought in these circumstances. The <u>Procurement Regulations</u> Thresholds are...</p> <p>D Procedure for Contracts above <u>Procurement Regulations</u> Thresholds</p> <p>13.01 Contracts which exceed <u>Public Contracts Regulations 2015 (PCR 2015), Utilities Contract Regulations 2016, Concession Contracts Regulations 2016 thresholds</u> must comply with UK Legislation, in addition to complying with these CSOs. The office shall consult with the Monitoring Officer or Legal Services on the appropriate tendering procedures to be followed.</p>
Contract Standing Orders	Part 4, Appendix K	161	<p>14.01 The type of procurement procedure must be advertised in:</p> <p>i. the <u>Official Journal of the European Union (OJEU)</u> both at tender invitation (the contract notice) and contract</p>	<p>14.01 The type of procurement procedure must be advertised <u>using</u>:</p> <p>i. the <u>Find a Tender Service</u> both at tender invitation (the contract notice) and contract award stage (the contract award</p>

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		161	award stage (the contract award notice). 15.01 Once the advertisement has been placed on OJEU all the procurement documents must be available free of charge electronically.	notice). 15.01 Once the advertisement has been placed in line with the requirements in paragraph 14.01 , all the procurement documents must be available free of charge electronically.
Contract Standing Orders	Part 4, Appendix K	164	Not currently included in the Contract Procedure Rules	New Paragraph regarding Dynamic Purchasing Systems – See Appendix 2 for details.
Codes and Protocols (Staff/Councillor Relationships)	Part 5,	182	The Distinctive Roles of Councillors and Staff – Political Neutrality of Staff Discussions between Staff and Councillors on policy issues are quite proper. In particular Corporate Leadership Meetings are held periodically at which Management Team meets senior administration Councillors to discuss substantive matters. Those meetings have no Executive decision powers beyond those matters specifically delegated to the staff concerned.	The Distinctive Roles of Councillors and Staff – Political Neutrality of Staff Discussions between Staff and Councillors on policy issues are quite proper. In particular Corporate Leadership Meetings are held periodically at which Corporate Leadership Board meets senior administration Councillors to discuss substantive matters. Those meetings have no Executive decision powers
Codes and Protocols – Local Code of Conduct for Councillors and Staff dealing with Planning Matters	Part 5, Appendix O, paragraph 1.01	188	General Role and Conduct of Councillors and Staff Legislation emphasises the overriding requirement that the public are entitled to expect the highest standards of conduct and probity by all persons holding public office. There are a number of statutory provisions and codes setting standards which must be followed if the public perception of the integrity of public service, particularly town and country planning, is to be maintained and	General Role and Conduct of Councillors and Staff Legislation emphasises the overriding requirement that the public are entitled to expect the highest standards of conduct and probity by all persons holding public office. There are a number of statutory provisions and codes setting standards which must be followed if the public perception of the integrity of public service, particularly town and country planning, is to be maintained and improved. Councillors are

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			improved. Councillors are reminded that they are required to comply with the statutory provisions on the disclosure of pecuniary interests, the National Code of Local Government Conduct , this Council's Standing Orders and Scheme of Management and Delegation.	reminded that they are required to comply with the statutory provisions on the disclosure of pecuniary interests, the Councillors' Code of Conduct , this Council's Standing Orders and Scheme of Management and Delegation.
Codes and Protocols – Local Code of Conduct for Councillors and Staff dealing with Planning Matters	Part 5, Appendix O, paragraph 2.03	189	All Councillors participate in development control decision-making through the five local area committees. However, initial decision-making during preparation of the Local Plan and other major planning policies is limited to those Councillors who sit on the Policy and Review Committee . It is this Committee which allocates significant areas for development and other uses. Thus, Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on this Committee. Any Councillors, who are in this category, should also avoid membership of the relevant Working Groups. Although not decision-making forums, these Working Groups are particularly influential in land-use policy formulation.	All Councillors participate in development control decision-making through the five local area committees. However, initial decision-making during preparation of the Local Plan and other major planning policies is limited to those Councillors who sit on the Policy and Review Committee* . It is this Committee which allocates significant areas for development and other uses. Thus, Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on this Committee. Any Councillors, who are in this category, should also avoid membership of the relevant Working Groups. Although not decision-making forums, these Working Groups are particularly influential in land-use policy formulation. <i>*The Policy and Review Committee may be appointed by Council for the purpose of developing the Local Plan</i>
Councillors' Allowances	Part 6	196	For a copy of the current scheme please contact the Head of Finance .	For a copy of the current scheme please contact the Democratic Services Manager .
Councillors' Allowances	Part 6	197	Councillor Training and Development	Councillor Training and Development

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			<p>The 2017 Independent Review Panel considered that certain training courses (specifically those on development control; finance; and standards/code of conduct/ethical framework) should be mandatory for all Councillors. The Council agrees that training in these areas is important and all Councillors are encouraged to attend such training.</p>	<p>The Council considers that the following training courses are mandatory for all Councillors:</p> <ul style="list-style-type: none"> • development control and planning • finance • standards/code of conduct/ethical framework • licensing (for those Councillors appointed to the Licensing Committee) <p>The Council agrees that training in these areas is important and all Councillors must attend such training.</p>
Councillors' Allowances	Part 6, 6.0	197	<p>Travel and Subsistence</p> <p>b. The current rates of travel and subsistence can be obtained from the Head of Finance.</p>	<p>Travel and Subsistence</p> <p>b. The current rates of travel and subsistence can be obtained from the Democratic Services Manager.</p>