

SUMMARY OF REVISIONS TO CONSTITUTION – JULY 2009

PART 1

Summary and Explanation of Revisions

Generally updated

PART 2 – ARTICLES

Article 1

Re-drafted to more clearly detail the objectives and general principles of the Constitution.

Article 2

Redraft limited. Reference to information on website added

Article 3

Redraft Limited

Article 4

Factual updates

Article 5

No change

Article 6

Redrafted to be less prescriptive, makes reference to Scrutiny Topic Groups rather than the various Panels. Detail of functions now included in Part 3 'Responsibility for Functions'

Article 7

General update. Details of the terms of reference of the various Executive bodies moved to Part 3 'Responsibility for Functions'.

Article 8

Revision brings together the former Articles 8, 9 and 10. Greater detail on the work of these bodies moved to incorporates the Part 3 'Responsibility for Functions'.

Article 9 (previously Article 11)

Now details the individual formal Joint working arrangements at Member level

Article 10 (Previously Article 12)

Factual changes and now less prescriptive

Article 11 (Previously Article 13)

Clarifies the types of decisions. Change to definition of 'Key Decisions' -

In 2001 the definition of a 'significant' decision included reference to expenditure or savings, exceeding £50,000 (revenue). It is recommended that this figure be raised to £75,000 in line with new Contract Standing Orders agreed earlier in 2008; and that it be clarified that such expenditure/savings have not been accounted for in the agreed Budget.

Concerning expenditure on the acquisition of goods, services or works – this has been simplified to exclude expenditure under £250,000. where provision has been made within the budget and are to be dealt in accordance with existing Council policy, contract standing orders and financial regulations.

Details have also been included of the specific provisions required for decision making by the Executive, Committees and Sub-Committees and Individual Councillors, and in the case of Key Decisions, individual officers.

Article 12 (Previously Article 14)

No change

Article 13 (Previously Article 15)

Now provides for the Chief Executive to authorise factual updates

Article 14 (Previously Article 16)

Now makes reference to the Council's website. This article has been revised to allow for all Members to be provided with a printed copy upon request rather than receive an updated hard copy automatically. The document will be available for public inspection and will be on the website.

PART 3 – RESPONSIBILITY FOR FUNCTIONS

No fundamental changes have been made although this section has been rewritten to allow the reader to more readily identify where decisions on individual matters are taken.

The terms of reference of the Executive, Executive bodies and all Committees are detailed here (rather than in Part 4 on the previous version), together with the allocation of functions to the Executive, collectively and individually

This section now includes a description of the role of the Leader and Executive Members

The Scheme of Delegation to Officers remains unchanged from that agreed in 2003.

Legislative provisions have been provided in table form

PART 4 – RULES OF PROCEDURE

Standing Orders (SOs)

Some rewording and re-ordering for clarification and ease of use

Standing Order 9 (formerly SO17)

Provisions for the Council Main Debate revised in line with the time limits trialled at Council meetings in 2008

Standing Order 10

Specific provision included for the Council Tax setting Debate. The Leader to have no time limit on speech. The seconder, Leader of Opposition and Leaders of Minority Opposition Groups allowed up to 6 minutes.

Standing Order 11 (formerly SO 12)

Some rewording and re-ordering for clarification and ease of use

Standing Order 12 (formerly SO13)

The maximum number of questions from the public reduced from 8 to a more manageable 6.

Standing Order 13 (formerly SO 11)
Standing Order 14 (formerly SO 15)
Standing Order 15 (formerly SO 14)

Some rewording for clarity

Standing Order 17 (formerly SO 18)

Addition of provision that Motions or amendments to change the budget and policy framework where there has been no officer report, requires the Chief Finance Officer to indicate that there is sufficient budget provision otherwise it may only be carried 'in principle' pending an officer report.

Addition of provision for seconder to reserve her/his right to speak

Revised time limits for speakers 'All other speakers' and 'right of reply' reduced to 3 minutes

Who has right of reply has been simplified

'Ending a debate' – now renamed 'Closure Motions' and includes provision for any debate that has been adjourned, or any business remaining if the meeting is adjourned, to come back to the next ordinary or extraordinary meeting.

Standing Order 20 (formerly SO 21)

Some rewording for clarity

Standing Order 23 (formerly SO 24)
Standing Order 24 (formerly SO 25)

Meetings of the Executive added to these provisions to reflect actuality

Standing Order 25 (formerly SO 26)

The term of office of a Committee clarified

Standing Order 26 (formerly SO 27)

Confirmation added that this is not applicable to the Executive

Standing Order 27 (formerly SO 28)

Simplified

Standing Order 37 (formerly SO 38)

Addition of a requirement to consult with the relevant Executive Member by an officer taking an urgent Key Decision.

APPENDIX A

Recognition that Executive Members may take Non-Key Decisions

Standing Order 41

Added provision that any vacancy for Chair or Vice-Chair, arising through the year, is to be reported to Council

Standing Order 44

Voting on appointments to be taken in alphabetical order of nominees family name

Standing Order 47

New – clarifying power to delegate

ACCESS TO INFORMATION RULES

Paragraph 1

Deletion of reference to Scrutiny Panels and Review Panels

Paragraphs 4, 5 & 8

Added reference to Council's web site

Paragraph 9

(b) & (c) Updated in line with legislation

Paragraph 11

Confirmation of the practice that Executive always sits in public unless it is considering Part II or Confidential information

Paragraph 12

Clarification of timescales added

Paragraphs 14 b and 15.

Addition - Provision for Vice-Chair to act in absence of Chair

Paragraph 17

Addition – Provision relating to Notices of Decisions

APPENDIX A

Paragraph 18

Recognition that Individual Member decision making only takes place in connection with Non-Key Decisions and in cases of urgency

Paragraph 19 and 21.2

Recognition that Officers may take Key Decisions

NOTE: Reference to the Executive meeting in private to take Non-Key Decisions deleted to reflect actuality

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Paragraph 2 a.

Added provision that initial deliberations by Executive are reported to Scrutiny Overview Committee

Paragraph 2 d.

Added – that Scrutiny Overview may report its comments directly to Council if necessary

Paragraph 3

Clarification as to what Council may do in relation to Executive's recommendations on Budget and Policy Framework matters

Paragraph 5

Added – Provision for Vice-Chair to Act in absence of Chair

EXECUTIVE PROCEDURE RULES

Reformatted with some changes in the title of sections to best reflect their content.

Amended to recognise that the Executive always meets in public except when considering exempt of confidential information in accordance with the access to information rules applied to Council and Committee meetings

SCRUTINY OVERVIEW RULES

Revisions throughout to take account of Topics Groups rather than the former Standing Panels

10 (c)

Confirmation that the Executive agenda must include provision for the Scrutiny Overview Committee to report to it

10 (e)

Confirmation that the Scrutiny Overview Committee may review the Forward Plan of Key Decisions

15

Addition formalising the reporting of urgent decisions taken by the Chair

16

Simplified

PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

Redrafted by Monitoring Officer to take account of new member Code of Conduct and Advice to Standards Committees

CODE OF GOOD PRACTICE FOR MEMBERS OF THE PLANNING AND DEVELOPMENT COMMITTEE

Redrafted by Monitoring Officer in consultation with Head of Regeneration and Planning to take account of new member Code of Conduct, advice from Standards Board and the changing laws on bias.