

<p>Part 2, Article 6 “Scrutiny”</p>	<p>Para. 6.01 is no longer needed as covered in new scrutiny committee section (see below) Para. 6.02 is a cross-reference to where Scrutiny functions were but is no longer needed as everything is in the same section now. Para. 6.03 is a cross-reference to the Scrutiny Procedure Rules and this will be covered in that section.</p>	<p>Part 2, Section D6 – Scrutiny Committees</p>
<p>Part 2, Article 7 “The Cabinet”</p>	<p>Para. 7.01 re Cabinet functions has been amended slightly. This paragraph refers to functions being the Executive’s by law but we have taken the example constitution wording which sets out the relevant regulations as it is a bit clearer. Para. 7.02 re form and composition has been retained and moved into example constitution format Para. 7.03 re the Leader has been retained and moved into example constitution format Para. 7.04 re Cabinet Members has been retained and moved into example constitution format Para. 7.05 re the Deputy Leader has been retained and moved into example constitution format (re-ordered to follow Leader section) Para. 7.06 re Cabinet Support Members was not in example constitution but we have retained it and set it out within the Cabinet Members section Para. 7.07 re following the Executive Procedure Rules has been retained and moved into example constitution format</p>	<p>Part 2, Section E – The Cabinet (Executive Functions)</p>

	Para. 7.08 is a cross-reference to where Cabinet functions were but is no longer needed as everything is in the same section now	
Part 2, Article 8 “Regulatory and Other Bodies”	This article just sign-posted to part 3 of the current constitution so is no longer needed	N/A
Part 2, Article 9 “The Audit and Governance Committee”	Para. 9.01 re appointing a chair is covered by new example constitution wording Para 9.02 re membership, independent persons and parish members has been retained Para 4.02 is a cross-reference to where Audit and Governance functions were but is no longer needed as everything is in the same section now.	Part 2, Section D7 – Audit and Governance Committee (subsection 1)
Part 2, Article 10 “Area Committees and Forums”	Retained the text and inserted into the summary and explanation section of the new constitution	Part 1, Summary and Explanation
Part 2, Article 11 “Joint Arrangements”	For the equivalent of para. 11.01 (types of joint arrangement) and 11.02 (who can establish joint arrangements) we have gone with the wording in the example constitution on this as it is clearer but the substance of what it is saying has not changed from our original constitution. Para. 11.03 (access to information) will be considered as part of the review of the access to information rules to see whether it is covered there or needs retaining. The equivalent of para 11.04 (delegation to other authorities) in the example constitution wasn’t clear so we have retained our original wording. At para. 11.05 (contracting out) the wording in the example constitution is the same as our original constitution so has been retained.	Part 2, Section F – Joint Arrangements
Part 2, Article 12 “Officers”	Para 12.01 re general matters on key officers is reflected in new constitution wording	Part 1, Summary and Explanation

	<p>Para. 12.02 re Head of Paid Services functions reflected in new constitution wording for Scheme of Delegation</p> <p>Para. 12.03 re Monitoring Officer functions reflected in new constitution wording for Scheme of Delegation</p> <p>Para. 12.04 re Head of Finance functions reflected in new constitution wording for Scheme of Delegation</p> <p>Para. 12.05 re resources for Monitoring Officer and Chief Finance Officer reflected in new constitution wording for Scheme of Delegation</p> <p>Para. 12.06 re officers' obligation to comply with employee code is covered in new constitution</p> <p>Para. 12.07 re recruitment and dismissal detailed in the employment procedure rules is covered in new constitution (summary and explanation)</p> <p>Para. 12.08 re reference to officers making decisions under Scheme of Delegation is covered in new constitution (introduction to decision making)</p>	<p>Part 2, Section G - Officer Scheme of Delegation</p> <p>Part 1, Summary and Explanation</p> <p>Part 2, Section A – Introduction to Decision Making</p>
<p>Part 2, Article 13 “Decision Making”</p>	<p>Para. 13.02 (principles of decision making) has been amended to reflect wording in example constitution – see para. 9 of Part 2, Section A – Introduction to Decision Making of new constitution. Apart from clearer wording, minor changes also include: taking account of relevant considerations only, specifically referring to the Monitoring Officer and Chief Finance Officer in relation to seeking professional advice and having regard to statutory duties (including best value).</p>	<p>Paras. 13.01, 13.02 and 13.04-13.08 included in Part 2, Section A – Introduction to Decision Making</p>

Part 2, Article 14 “Finance, Contracts and Legal Matters”	Para 14.01 and para. 14.02 are just cross-references to the Finance Procedure Rules and Contract Procedure Rules which are no longer needed Paras. 14.03-14.05 re legal proceedings, authenticating documents and the common seal are all reflected in new constitution wording for Scheme of Delegation	N/A Part 2, Section G - Officer Scheme of Delegation
Part 2, Article 15 “Review and Revision of Constitution”	Wording updated to reflect example constitution wording, including a more fuller explanation of changes made by fact or law that the Monitoring Officer can make	Part 1, Summary and Explanation
Part 2, Article 16 “Suspension, Interpretation and Publication of the Constitution”	Para. 16.01 adopted more general suspension wording from the example constitution to say the can be suspended by law or as permitted by the rules within it Para. 16.02 re Chair’s responsibility to interpret constitution is reflected in new constitution wording in summary and explanation section Para. 16.03 re publication reflected in new constitution wording in summary and explanation section	Part 1, Summary and Explanation
Part 3, Section 1 “Introduction”	This section covers the description of Council Functions, Executive Functions and Local Choice Functions. We have gone with the wording in the example constitution on this as it is clearer but the substance of what it is saying has not changed from our original constitution.	Part 2, Section A – Introduction to Decision Making
Part 3, Section 2 “Council Functions”	Table contained functions which were not Council functions (e.g. functions of planning and licensing committee). These have been deleted so section only contains Council functions.	Para 1 and table included in Part 2, Section C – Full Council (subsection 1)

	Functions are now listed in the new format of the example constitution (rather than a table) and combined with other functions – see below	
Part 3, Section 3 - “Responsibility for local choice functions”	Para.1 has been amended to reflect wording in example constitution (clearer wording). Added “The determination of an appeal against any decision made by or on behalf of the authority” to list of Local Choice Functions as this is in the example constitution and comes from the Functions and Responsibilities Regs – suggested delegated to Chief Exec and Strategic Directors as they currently perform these functions	Para.1 and table are now in Part 2, Section B - Responsibility for Local Choice Functions
Part 3, Section 4 - “Responsibility for executive arrangements”	The section re executive arrangements has been retained but moved to the Leader section in line with example constitution layout Membership section incorporated into example constitution format Example constitution did not have quorum so have transferred that section across to it Have taken the example constitution wording for the functions and transferred in any that were not included from ours Removed list of portfolios as the example constitution links to the website with them listed which seemed a better way to do it Delegation wording has been retained and moved into example constitution format	Part 2, Section E – The Cabinet (Executive Functions)
Part 3, Section 5 “Bodies exercising Council functions” para 1 “Full Council”	New constitution does not include all the functions contained within this section. Functions in current constitution will be incorporated into new constitution (pending consultation with HR, Finance and Planning).	Para 1 included in Part 2, Section C – Full Council (subsection 1)

	<p>Retained separate functions for the Licensing Committee and Licensing Subcommittee (example constitution had them all as functions of the Licensing Committee and delegated on an ad hoc basis but we felt separating them out was clearer)</p> <p>Retained separate function wording for the Taxi and Private Hire sub-committee</p>	
<p>Part 3, Section 5 “Bodies exercising Council functions” para 6 “Investigatory Committee”</p>	<p>Transferred into the example constitution format for all committees.</p> <p>Following discussion with Head of HR, have introduced more functions from the example constitution as current constitution is quite general.</p> <p>Additional changes made to the officers referred to following further input from Head of HR</p>	<p>Part 2, Section D3 – Investigatory Committee</p>
<p>Part 3, Section 5 “Bodies exercising Council functions” para 7 “Employee Joint Consultative Committee”</p>	<p>Transferred into the example constitution format for all committees.</p> <p>Retained existing wording as wasn’t in the example constitution.</p> <p>Following consultation with the Head of HR - Removed minimum meeting requirement of twice-yearly and left it say ‘as and when required’ given there has been no need for the committee to meet in recent years and it only needs to meet when the Employee Consultation Group has been unable to resolve a matter</p> <p>Updated references to unions (changed name to Unite and removed CATT) – will need to consult unions on new allocation of representatives i.e. GMB now have 2 instead of 1, following removal of CATT</p>	<p>Part 2, Section D8 – Employee Joint Consultative Committee</p>

Part 3, Section 5 “Bodies exercising Council functions” para 8 “Independent Remuneration Panel”	Transferred into the example constitution format for all committees. Retained existing wording as wasn’t in the example constitution but included some further detail from the Panel’s terms of reference e.g. how chair appointed.	Part 2, Section D9 – Independent Remuneration Panel
Part 3, Section 5 “Bodies exercising Council functions” para 9 “Appointments Committee”	Transferred into the example constitution format for all committees. Followed example constitution wording for functions as clearer, but no substantial changes. Additional change made to make it clear that the Chair is appointed annually by Full Council as this was already occurring in practice so now the Constitution reflects this Additional changes made to the matters reserved to the Committee following further input from Head of HR	Part 2, Section D2 – Appointments Committee
Part 3, Section 5 “Bodies exercising Council functions” para 10 “Local Plan Committee”	Transferred into the example constitution format for all committees. Retained existing wording as wasn’t in the example constitution.	Part 2, Section D5 – Local Plan Committee
Part 3, Section 6 “Advisory Bodies and Working Parties”	Text retained and inserted into decision-making section	Part 2, Section A – Introduction to Decision Making
Part 3, Section 7 - “Scheme of Delegation” para 1 “Scope of the Scheme” and 2 “Exercise of Delegated Powers”	New cascade of delegations has been adopted. Section G1 provides an introduction to the scheme of delegation including “General Principles” and “General Limitations”.	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 3 “General Functions to be Discharged by the Chief Executive and Strategic Directors”	New cascade of delegations has been adopted. Section G2 sets out general delegations to designated officers (“designated officers” is defined as HOS and above).	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 4 “Chief Executive”	New cascade of delegations has been adopted.	Part 2, Section G - Officer Scheme of Delegation

	Section G3 sets out the delegations to the Chief Executive and Statutory Officers.	
Part 3, Section 7 - “Scheme of Delegation” para 5 “Strategic Director of Place”	New cascade of delegations has been adopted. Section G2 sets out general delegations to designated officers (“designated officers” is defined as HOS and above).	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 6 “Strategic Director of Housing and Customer Services”	New cascade of delegations has been adopted. Section G2 sets out general delegations to designated officers (“designated officers” is defined as HOS and above).	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 7 “Arising from His/Her respective functions the Chief Executive and Directors are authorised”	New cascade of delegations has been adopted. Section G2 sets out general delegations to designated officers (“designated officers” is defined as HOS and above).	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 8 “Head of Legal and Commercial Services”	New cascade of delegations has been adopted. Section G3 sets out the delegations to the Chief Executive and Statutory Officers.	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 9 “Specific Delegation to officers in consultation with others”	New cascade of delegations has been adopted. Section G2 sets out general delegations to designated officers (“designated officers” is defined as HOS and above).	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 - “Scheme of Delegation” para 10 “Designated Authorised Officers” - “Signatories to Financial Documents”	New cascade of delegations has been adopted. Section G2 sets out general delegations to designated officers (“designated officers” is defined as HOS and above).	Part 2, Section G - Officer Scheme of Delegation
Part 3, Section 7 “Scheme of Delegation” para 11 “Joint Arrangements”	The wording has been preserved but the list of joint arrangements has moved to sit with the powers to enter into joint arrangements – see para. 1.8 of Part 2, Section F – Joint Arrangements	Part 2, Section F – Joint Arrangements
Part 3, Section 8 - “Proper Officer Designations”	These have been maintained, though some further statutory functions have been added.	Part 2, Section G - Officer Scheme of Delegation

	<p>Some are noted as TBC where they new and further consideration needs to be given to the appropriate officer.</p> <p>These now appear in Section G4 “Proper Officer and Specified Officer Functions”</p>	
Part 4, Section 1 - “Council Procedure Rules”	<p>Wording largely retained and moved into example constitution format.</p> <p>Example constitution added an “Interpretation and Chair’s Ruling” section, added section on “Chair of the Council and Deputy Chair of the Council” setting out what happens if these roles become vacant, added section on “Public/Councillor Participation at Meetings”, added section on “Committees and Sub-Committees”,</p>	Part 3, Section A – Council and Committee Procedure Rules
Part 4, Section 2 – “Members’ Substitute Scheme Procedure Rules”	<p>No changes – the example constitution did not have a separate substitute scheme. We took the view to retain it and therefore will keep it as originally drafted (and updated in the last constitution review). When pulling together the final document it will be formatted to look the same as the rest of the new constitution.</p>	Part 3, Section I - Councillors’ Substitute Scheme Procedure Rules
Part 4, Section 3 - “Access to Information Procedure Rules”	<p>Wording largely retained and moved into example constitution format</p> <p>In the table describing exempt information, the ‘interpretation’ column has been removed to match the example constitution format as it appeared a bit repetitive</p> <p>The example constitution sets out requirements for a forward plan, etc. but as the relevant regulations were replaced in 2012 and introduced Executive Decision Notices, we have retained our constitution wording on that</p>	Part 3, Section C – Access to Information Procedure Rules

Part 4, Section 4 – “Budget and Policy Framework Procedure Rules”	Current version retained but amendments made by s151 Officer to make the definition of virement clear	Part 3, Section E - Budget and Policy Framework Procedure Rules
Part 4, Section 5 – “Executive Procedure Rules”	<p>Wording largely retained and moved into example constitution format.</p> <p>Example constitution added section on “Key Decisions and Urgency”, added a section on “Public or Private Meetings of the Executive”, “Attendance Rights”, “Speaking Rights”, “Questions by Councillors”, “Questions by Public”, “Minutes”, “Record of Attendance”, “Councillor Conduct”, “Disturbance by Public”, “Disclosure of Personal Interests” and “Effect of Disclosable Pecuniary Interests on Participation”, which have been included, as seemed sensible to do so.</p> <p>Quorum already included at Part 2, Section E – The Cabinet (Executive Functions) so removed from the rules to avoid duplication</p>	Part 3, Section B – Cabinet (Executive) Procedure Rules
Part 4, Section 6 – “Scrutiny Procedure Rules”	<p>Wording largely retained and moved into example constitution format.</p> <p>Example constitution added sections on “Work Plan”, “Agenda for the Scrutiny Committees”, “Rights of Cabinet Members” and “Crime and Disorder Matters”, which have been included to bring it up-to-date and cover more content.</p> <p>Have removed “The Scrutiny Committees will in any event have access to the Cabinet’s Executive Decision Notice and timetable for decisions” as these are publically available, so no need to state this.</p>	<p>Part 3, Section D – Scrutiny Procedure Rules</p> <p>Part 2, Section D6 – Scrutiny Committees</p>

	Removed the section on Who May Sit on the Scrutiny Committees and Co-Optees as these are covered in the Functions section as set out in Part 2, Section D6 – Scrutiny Committees Moved Co-Optees from Scrutiny Procedure Rules to functions as fits better under that section.	Part 2, Section D6 – Scrutiny Committees
Part 4, Section 7 – “Contract Procedure Rules”	Current version retained but minor amendments made to avoid confusion over who can authorise grants and in relation to being clearer on exemptions that Heads of Service can give from seeking quotes	Part 3, Section G - Contract Procedure Rules
Part 4, Section 8 – “Financial Procedure Rules (Financial Regulations)”	Current version retained but amendments made by s151 Officer – Virements - clear authorisation levels between officers/portfolio holders, cabinet/council dependant upon value and impact of virement Supplementary estimates - clear definition of a supplementary estimate and clear authorisation levels between officers/portfolio holders/cabinet/council dependant upon value and type of funding source (external or council). Internal audit section updated to reflect latest guidance The delegations to the s151 Officer within this have been included in the Scheme of Delegation in line with the example constitution (this will be cross-checked when the rules have been reviewed)	Part 3, Section F - Financial Procedure Rules Part 2, Section G - Officer Scheme of Delegation
Part 4, Section 9 – Officer Employment Procedure Rules	Content retained and moved into example constitution wording/format.	Part 3, Section H - Officer Employment Procedure Rules

Part 5, Section 1 – Member Code of Conduct	This has been updated recently as a separate document based on a Countywide agreed version so no changes have been made to this. When pulling together the final document it will be formatted to look the same as the rest of the new constitution.	Part 4, Section A - Councillors' Code of Conduct
Part 5, Section 2 – Protocol Member and Officer relations	Content retained and moved into example constitution wording/format. Rights of councillors to access documents and reporting of meetings by press and public have been moved to the Access to Information Procedure Rules as it seems more appropriate there (and is in line with how the example constitution laid it out).	Part 4, Section C – Protocol on Councillor/Officer Relations
Part 5, Section 3 – Employees' Code of Conduct	New version produced based on another example. Head of HR carried out consultation with staff and unions and took into account comments in finalising the new version	Part 4, Section B - Officers' Code of Conduct
Part 5, Section 4 – Planning Code of Conduct	Following review the view has been taken that our current planning code is preferable to the example constitution so no changes to this are being made. When pulling together the final document it will be formatted to look the same as the rest of the new constitution.	Part 4, Section G - Planning Code of Conduct
Part 5, Section 5 – Licensing Code of Conduct	The example constitution did not have a Licensing Code of Conduct and upon general review the view has been taken that no changes are required. When pulling together the final document it will be formatted to look the same as the rest of the new constitution.	Part 4, Section H - Licensing Code of Conduct

Part 5, Section 6 – Procedure and Resolution of Dispute/Conflict between Officers and Members	The example constitution did not have a procedure for resolving disputes/conflict between officers and members and upon general review the view has been taken that no changes are required. When pulling together the final document it will be formatted to look the same as the rest of the new constitution.	Part 4, Section D - Procedure and Resolution of Dispute/Conflict Between Officers and Councillors
Part 5, Section 7 – Roles and Responsibilities for Councillors	No changes	Part 4, Section E - Roles and responsibilities for Councillors
Part 5, Section 8 – Monitoring Officer Protocol	The example constitution did not have a monitoring officer protocol and upon general review the view has been taken that no changes are required. When pulling together the final document it will be formatted to look the same as the rest of the new constitution.	Part 4, Section F - Monitoring Officer Protocol
Part 6 – Members’ Allowance Scheme	As there is a set process for reviewing the allowance scheme it is not appropriate to review as part of this work but in any event our current wording is driven by legislative requirements so it is unlikely that amending the wording would be necessary	Part 5 - Councillors’ Allowance Scheme
Part 7 – Member Structure	This will be inserted from current constitution	To be inserted into Section A
Part 8 – Departmental Structure	This will be updated to reflect current structure in the final version	To be inserted into Section A
Part 9 – Glossary	Checked and updated and incorporated into doc	Part 6

Additions to New Constitution

Paragraph Reference	Effect of Addition
<p>2.23, Part 2, Section D6 – Scrutiny Committees</p>	<p>This introduces the following Scrutiny function:</p> <p>“will discharge the Council’s scrutiny functions in relation to the reduction of crime and disorder pursuant to the Crime and Disorder Act 1998:</p> <p>2.23.1 shall have power to scrutinise decisions or actions taken in connection with the discharge of its crime and disorder functions by any responsible authority and make recommendations or reports to the Council in relation to the discharge of those functions;</p> <p>2.23.2 may co-opt additional members to serve on the Committee;</p> <p>2.23.3 may require the attendance before it of any officer or employee of any responsible authority or co-operating body;</p> <p>2.23.4 may make a report or recommendation to a responsible authority or co- operating body; and</p> <p>2.23.5 shall exercise its functions in accordance with any appropriate regulations.”</p> <p>This is a legal requirement that is not currently expressly stated in our constitution</p>
<p>2.1.4, Part 2, Section D2 – Appointments Committee</p>	<p>This introduces a new Advisory Committee function:</p> <p>“To hear appeals against Chief Officers for dismissal or stage 2 of the grievance procedure whilst noting the role of the Investigatory Committee for the discipline of Statutory Officers.”</p> <p>Our constitution does not currently specify where these appeals would be heard.</p>