

Appendix A – Table of Proposed Changes to the Constitution

Issue	Current Provision in Constitution	Proposed Change	Rationale for Change
Constituting working groups	Full Council has the responsibility for agreeing/amending the terms of reference for non-executive committees and working groups, save for those constituted by the scrutiny committee.	It is proposed to change this provision to reflect that the Audit and Governance Committee can constitute working groups as well.	It is common practice for A&G to convene working groups to consider matters such as this constitution review. This amendment is to make it clear that A&G do this and to reflect working practice.
Schedule of meetings	Full Council has the responsibility for agreeing the schedule of meetings for Full Council and Committees.	Addition of wording to provide the chair of the relevant committee with discretion to convene additional meetings not within the agreed schedule, or allowing the chair to change the time and place of meetings.	It is common for chairs to convene additional meetings or rearrange meetings for various reasons at their discretion. This additional wording is to make this clear in the constitution, particularly if unforeseen circumstances mean the time or place of meetings need to change.
Registerable interests and planning committee conflicts	In Section D4, a conflict of interest is when a member has a registerable interest which would prevent them from making a decision in accordance with the Councillors' Code of Conduct.	Removal of the word 'registerable', so that the clause refers to 'any interest'.	This ensures all potential conflicts are captured and can be dealt with accordingly, as per the Code of Conduct - Appendix B, not all interests are Registerable Interests but would still need to be disclosed and could still result in a conflict.
Notice to be treated as a political group to be given to the Proper Officer	None.	Amendment to the definition of Political Group, to acknowledge that notice will have been given under s15 of the Local Government and Housing Act 1989, using the Council's requisite form (and a link to a blank copy of the form will also be provided).	The amendment to the definition will make it clear that there is a requirement to fill in the form, and will make it easier for members to locate the blank form via the hyperlink.
Appointments Committee	The section of the Constitution dealing with the Appointments Committee refers to appointments of Council's Statutory Officers,	It is proposed to change this provision to make it clearer which roles are being referred to as within the scope of the Appointments Committee, making this	In the course of another piece of work, it was identified that some minor amendments would make the

	<p>Chief Officers and Deputy Chief Officers.</p> <p>It then does not use these definitions when setting out the functions of the Appointments Committee, instead referring to the Head of Paid Service, Strategic Director and Head of Service posts.</p>	<p>more consistent throughout the document.</p> <p>The definition of Appointments Committee would also be amended to reflect this.</p>	<p>wording more consistent and clear as to the scope of the Appointments Committee's role.</p>
Outside Bodies	<p>'An external organisation which has invited the Council to nominate representative(s) to serve on its management body.'</p>	<p>Expansion of the definition as set out in Appendix B, to include further information about how Outside Bodies are reviewed.</p>	<p>The proposed amendment is to clarify the current process. It will not involve any changes to the Council's way of working, but will ensure the Constitution expressly reflects the current process. Democratic Services keep a list of Outside Bodies, which they review on an annual basis, and the MO will work with them to review the necessary forms and information requested of the Outside Bodies.</p>
Suspension of Council Procedure Rules	<p>Part 3, Section A1, Paragraph 24.1 currently suspends a number of Council and Committee Procedure Rules, including suspension of Rule 10.</p>	<p>The list of Rules to be suspended is to remain, save that Rule 10 should no longer be included.</p> <p>Addition of the words 'potential or actual' in front of 'legal proceedings'.</p>	<p>Council and Committee Procedure Rule 10 relates to questions by members of the public.</p>

Legal Proceedings	The current provision for officers to recommend the need to institute, prosecute, defend etc. legal proceedings to the Head of Legal did not include potential legal proceedings, or the negotiation and settling of alleged disputes.	<p>Addition of the words 'alleged or actual' in front of 'disputes'.</p> <p>Addition of wording to make it clear that the Head of Legal and Support Services can then make the decision based upon the recommendation.</p>	<p>It would not be appropriate for Rule 10 to be suspended, as this is important for ensuring public questions are dealt with correctly.</p> <p>While it would be implied that the recommendation could relate to potential or alleged disputes, the Constitution does not currently provide for this – there may be a situation where a claim is likely, but settling it can bring the matter to a close. The amendments tidy up the wording and make sure these actions are covered in the Constitution.</p> <p>Likewise, it would be implied that the Head of Legal and Support Services could then make decisions in response to the recommendation, however this was not provided for, so has been expressly added for the avoidance of doubt, to ensure both parts of the document reflect each other.</p>
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<p>Payment of Compensation</p>	<p>The Constitution currently provides for delegated officers to approve compensation payments to remedy complaints.</p> <p>There is also a separate function of the Monitoring Officer to make compensation payments up to £500 to victims of maladministration, after consultation with the Chair of the Audit and Governance Committee.</p>	<p>It is proposed to remove the paragraph from the function of the Monitoring Officer, as this is covered elsewhere – see Appendix B – the existing provision can then be amended to make it clear that the Monitoring Officer has to advise on the appropriateness of compensation.</p>	<p>The requirement for the Monitoring Officer to advise on the appropriateness of compensation for maladministration is set out within the Summary of Monitoring Officer functions, so adding this wording to clause 12.3 ensures this will be acknowledged.</p> <p>The deletion is to deal with the duplication surrounding the compensation payments and ensure this is kept in one place, with the amended clarity of how maladministration compensation is dealt with.</p>
<p>Protocol on Councillor/Officer Relations - Requests for information on a 'need to know' basis</p>	<p>The Protocol deals with the provision of information on demonstrating a 'need to know', with requests for information to be made to the Strategic Director responsible.</p>	<p>The proposed amendment is for the request to be made to the Monitoring Officer, rather than the Strategic Director.</p>	<p>The Access to Information Procedure Rules provide that Councillors wishing to see confidential documents, or attend the confidential part of a meeting, should make a written application to the Monitoring Officer, setting out the reasons for having a 'need to know'. This is the process which has been followed, so this amendment ensures the Protocol aligns with this.</p>
<p>Protocol on Councillor/Officer Relations – Prejudicial Interests</p>	<p>Currently, the Protocol makes reference to 'Personal and prejudicial interests'.</p>	<p>The proposal is to instead refer to 'Registrable and Non-Registrable Interests', to use wording consistent with the Councillors' Code of Conduct.</p>	<p>These references related to the terminology in the previous code of conduct. Since the terminology has changed, we need to ensure the Protocol is updated to reflect that.</p>