

Appendix B - Extracts of the Constitution showing proposed amendments

1	<u>Constituting working groups</u>
2	<u>Schedule of Meetings</u>
3	<u>Registerable Interests and Planning Committee conflicts</u>
4	<u>Notice to be treated as a Political Group to be given to the Proper Officer</u>
5	<u>Appointments Committee</u>
6	<u>Outside bodies</u>
7	<u>Suspension of Council Procedure Rules</u>
8	<u>Legal Proceedings</u>
9	<u>Payment of compensation</u>
10	<u>Protocol on Councillor/Officer relations – ‘need to know’ basis</u>
11	<u>Protocol on Councillor/Officer relations - interests</u>

1. Constituting Working Groups

Part 1

SECTION C - FULL COUNCIL

ONLY THE FULL COUNCIL SHALL HAVE RESPONSIBILITY:

17. agreeing and/or amending the **Terms of Reference** for Non-Executive Committees and working groups (save those constituted by the **Scrutiny Committee** or the Audit and Governance Committee) and deciding on their composition;

2. Schedule of Meetings

Part 1

SECTION C - FULL COUNCIL

ONLY THE FULL COUNCIL SHALL HAVE RESPONSIBILITY:

32. for agreeing an annual schedule of meetings for **Full Council** and **Committees**, save that the Chair of the relevant Committee may in their discretion convene an additional meeting not currently in the agreed schedule of meetings, or may change the time and place of meetings, subject to giving the requisite notice;

Part 3

SECTION A2 - PROCEDURE RULES

2. Ordinary Meetings of the Full Council

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by **Full Council**.

2.2 The **Chief Executive** is responsible for convening all ~~Committee~~Council meetings in accordance with the programme set under Rule 2.1.

2.3 A meeting of the **Full Council** will take place each year in order to calculate the **Budget** requirement and set the **Council Tax**. This is known as the **Budget Council meeting**.

N.B. The wording at 2.2 [as amended] would then need to be copied into the sections in the Constitution for each Committee: The Chief Executive is responsible for convening all Committee meetings in accordance with the programme set by Full Council, and any meetings which have been convened at the Chair's discretion in addition to those in the programme.

3. Registerable Interests and Planning Committee conflicts

Part 2

SECTION D4 - PLANNING COMMITTEE

3.6 For the purpose of this clause 3 a conflict of interest is where a member has any ~~registerable~~ interest which would prevent them from making a decision in accordance with the **Councillors Code of Conduct**.

4. Notice to be treated as a Political Group to be given to the Proper Officer

Definitions

Political Group

Two or more Councillors who have joined together and asked to be recognised as a **Political Group** and have given requisite notice under s15 of the Local Government and Housing Act 1989 to the Proper Officer using the Council's standard form [[link to the blank version of the form](#)].

5. Appointments Committee

PART 2
SECTION D2 – APPOINTMENTS COMMITTEE

1 COMMITTEE FORM AND STRUCTURE

Composition

1.1 The Appointments Committee will comprise four Councillors in Political Balance, one of whom must be a Cabinet Member, plus the relevant Portfolio Holder.

1.2 Members and the Chair will be appointed by Full Council annually.

Quorum

1.3 The Appointments Committee Quorum will be 3 Councillors.

2 MATTERS RESERVED FOR THE APPOINTMENTS COMMITTEE

~~2.1~~ With regard to appointments of the Council's Statutory Officers, Chief Officers and Deputy Chief Officers:

~~2.1.1~~ To interview shortlisted candidates for Head of Paid Service, Chief Officer, Deputy Chief Officer, Strategic Director and Head of Service posts;

~~2.1.2~~ To make recommendations to Full Council on the appointment of the ~~Chief Executive~~/Head of Paid Service;

~~2.1.3~~ To make decisions about all permanent appointments to ~~Strategic Director~~Chief Officer and Head of Service posts.

~~2.1.4~~ Undertake an annual appraisal of the performance of the ~~Chief Executive~~/Head of Paid Service.

~~2.1.5~~ To hear appeals from the Investigatory Committee

Part 6

Glossary of Terms

Appointments Committee

Determines matters relating to the appointment of the Councils' Statutory Officers, Chief Officers, ~~and~~ Deputy Chief Officers and Heads of Service— see Part 2.

6. Outside Bodies

Part 6

Glossary of Terms

Outside Body An external organisation which has invited the Council to nominate representative(s) to serve on its management body. Democratic Services keeps a list of Outside Bodies which is reviewed on an annual basis, and will work with the Monitoring Officer to review the necessary forms and information requested of the Outside Bodies.

7. Suspension of Council Procedure Rules

PART 3

SECTION A1 - INTERPRETATION AND CHAIR'S RULING

24. Suspension of the Council and Committee Procedure Rules

24.1 Rules 9, 11 to 15, 18 and 25 may be suspended by motion on notice or without notice, if at least one half of the whole number of Councillors are present. Suspension shall only be for the duration of the meeting.

8. Legal Proceedings

SECTION G2 – GENERAL DELEGATIONS TO DESIGNATED OFFICERS

4 Legal

4.1 To recommend to the Head of Legal and Support Services, where it is necessary to give effect to a decision of the Council, the need to institute, prosecute, defend, conduct, participate in, withdraw or settle any potential or actual legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.

4.2 To recommend to the Head of Legal and Support Services, the negotiation and settling of claims and alleged or actual disputes without recourse to court proceedings including the use of alternative dispute resolution

SECTION G3 – DELEGATIONS TO THE HEAD OF PAID SERVICE AND STATUTORY OFFICERS

3 Functions delegated to the Monitoring Officer (Head of Legal and Support Services)

3.18 Authority to consider and act upon the recommendations of delegated officers in accordance with Section G2 Clauses 4.1 and 4.2 and to sign any document necessary in legal proceedings on behalf of the Council and authority to sign informations and complaints, and lay them on behalf of the Council for the purpose of Magistrates Court proceedings unless Statute provides otherwise.

9. Payment of Compensation

PART 2

SECTION G2, CLAUSE 12.3

12.3 To approve compensation payments to remedy complaints in accordance with the Council's Complaints Procedure and Financial Procedure Rules in Part 3 provided that the Monitoring Officer has advised on the appropriateness of compensation for maladministration in accordance with s92 Local Government Act 2000.

SECTION G3, CLAUSE 3.16

~~3.16 After consultation with the Chair of the Audit and Governance Committee, to make compensation payments of up to £500 to victims of maladministration.~~

10. Protocol on Councillor/Officer Relations – ‘need to know’ basis

PART 4

SECTION C – PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

5.6 The exercise of the common law right depends upon a Councillor's ability to demonstrate a "need to know". In this respect a Councillor has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient. Requests made for information should be made in the first instance to the Monitoring Officer ~~Strategic Director~~ responsible who may be give suitable directions as to how the request shall be dealt with.

11. Protocol on Councillor/Officer Relations – Interests

PART 4

SECTION C – PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

5.5 It is important to note that these rights only apply where Councillors are clearly carrying out their role as elected representatives. Where any Councillor has a ~~disclosable pecuniary interest or a personal and prejudicial interest~~ Registrable or Non Registrable Interest in a matter the Councillor will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, Minutes and Background Papers relating to the public part of the Cabinet, Committee or Sub-Committee Agenda. In these circumstances, the Councillor must make it clear that s/he is acting in his/her private capacity and not as a Councillor. More information can be found in the Access to Information Procedure Rules in Part 3 of the Constitution