

Report of the Director of Governance

Report of the Monitoring Officer on suggested Constitutional Changes

Summary

1. To provide the first tranche of suggested constitutional changes to the committee for consideration and discussion.

Background

2. Members will recall that, at its meeting on 19 July 2023, the Monitoring Officer indicated that a review of the Constitution was underway, and that the first tranche of suggested change would be brought to the Committee for its consideration and discussion.
3. As indicated on 19 July, the first elements of the Constitution to be considered are the Council Procedure Rules (Appendix 3) and the Public Participation Protocol (Appendix 8).
4. The proposed changes have been developed through examination of other Constitutions, together with suggestions made by other Members and the Independent Person. They are attached as annexes (in tracked and clean formats; odd numbered annexes are tracked, even numbered annexes are clean) to this report and cover the following:
 - a. Annexes 1 and 2 relate to the Council Procedure Rules;
 - b. Annexes 3 and 4 relate to the Public Participation Protocol;
 - c. Annexes 5 and 6 relate to the Staffing Matters and Urgency Committee scope of operation and terms of reference;
 - d. Annexes 7 and 8 relate to the Officer Employment Procedure Rules; and
 - e. Annexes 9 and 10 relate to the Contract Standing Orders.

5. Key changes over the current constitution are:

Public Participation

- An amendment to the public participation section, to clarify that requests to participate can't be submitted before the papers are published for a meeting;

Meetings

- Meeting lengths will be cut to 2 hours and 30 minutes, with a guillotine warning 10 minutes before the cut off, and unfinished business will be dealt with as at present (i.e., taken to have been moved and seconded, and voted on without debate);
- The order of business has been switched around, so that business reports are dealt with earlier in the agenda, and the various Deputy Leader/Executive Member report items and the general 'question session' for the Executive have been replaced with an extended question session for the Leader's Report, allowing questions to all Executive Members in a single session, with one supplementary rather than three;
- The Leader's Report will cover the work of the whole Executive, and there will then be a 30-minute question session in respect of any member of the Executive;

Motions

- The number of motions per ordinary meeting will be cut from four to two, and a word limit of 500 words will be imposed;
- Motions, and amendments, will need to provide details of both their financial and legal implications, need to be submitted 11 working days before the meeting, to ensure that all the implications are assessed, and fall within the clarified scope about what motions can and can't cover;

Other

- Greater clarity on changes in Leadership and what happens if no clear Leader emerges; and
- A clear process for budget amendments.

SMU / OEPR

- Clarity is provided in relation to the key posts which SMU will be directly involved in the recruitment of; and
- Clarity is provided in relation to those posts subject to specific disciplinary procedures.

CPR

- Contract procedure rules have been updated to provide enhanced compliance measures, reinforced Procurement and Legal's position, and streamlined our processes.
6. The reduction in the length of the meeting will be facilitated by the reduction in the number of motions to be discussed, together with the rationalisation of the reports and question sessions. This will provide a more focused meeting, and a more inclusive and family-friendly approach for Members, Officers, and the public.

Implications

Financial – None directly arising from this report.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – None directly arising from this report.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Recommendations

7. It is recommended that Members:
- a) consider the proposed constitutional changes;
 - b) endorse the proposed constitutional changes for onward transmission to Council, subject to any amendments the committee suggests; and
 - c) provide any further suggested topics for Constitutional amendments.

Reasons for the Recommendation

8. To allow the Committee to consider the proposed Constitutional changes, propose such amendments as the Committee considers necessary, and endorse their onward transmission to Council for final approval.

Options

9. Members may choose to agree with the proposed Constitutional changes, or to agree them with amendments, and to endorse them

for onward transmission to Council; or to not endorse the proposed changes.

Author and Chief Officer responsible for the report: Bryn Roberts, Director of Governance and Monitoring Officer

Report Approved **Date** 16 October 2023

Wards Affected: List wards or tick box to indicate all **All**

For further information please contact the author of the report

Background Papers:

- None

Annexes:

- Annex 1 – Council Procedure Rules – Tracked Version
- Annex 2 – Council Procedure Rules – Clean Version
- Annex 3 – Public Participation Protocol – Tracked Version
- Annex 4 – Public Participation Protocol – Clean Version
- Annex 5 – Staffing Matters and Urgency Committee ToR – Tracked Version
- Annex 6 – Staffing Matters and Urgency Committee ToR – Clean Version
- Annex 7 – Officer Employment Procedure Rules – Tracked Version
- Annex 8 – Officer Employment Procedure Rules – Clean Version
- Annex 9 – Contract Procedure Rules – Tracked Version
- Annex 10 – Contract Procedure Rules – Clean Version