

Constitutional Log, Democratic Services

Note: This list is not exhaustive, as there have been times where the Democratic Services Team have had to infer a suitable course of action at short notice and there may be unintended consequences that have not been experienced at this stage. If further points are identified, they will be added to this list. Examples for each issue can be sent across on request - the intention was for this sheet to be a summary log, rather than a detailed list.

PART	Rule/s	PAGE	DETAILS	COMMENTS	CATEGORY	Action Agreed
A1	3.3	7	Rule providing part A with an overarching hierarchy over all other Parts	This requires multiple sections of the constitution to be reviewed in providing advice and is complex. This adds additional time to the provision of advice, which is particularly difficult during Committee Meetings where this should be provided promptly and with confidence.	Major	Retain Hierarchy and identify examples.
A&B	Various	Various	Details on the Committees in two sections, which means two sections have to be reviewed to identify the remits/purpose of these	It would be easier if it was in one section, or if a basic overview was given in Part A, with the majority of the detail in Part B.	Minor	Agreed - Review and re-presented to Group (A - purpose B - detail)
A-C	Various	Various	Language used not plain English	Use of latin and lengthy rules that can be difficult to understand.		Bring forward examples
A & Guide	Core Provision 5, 5.5	19-20	Meaning of Budget & Policy Framework, includes list of B&P framework items	List is not as comprehensive as in previous constitution, and it would be helpful to have these carried across. Raises questions and additional work (see example right).	Minor	Agreed - comprehensive list to be re-presented to group.
A2	6.7.1 (a)	25	Sub-Committee Membership 'drawn mainly from the parent committee'	Sub-Committee membership must be drawn from the Committee's membership.	Minor	Agreed to remove.

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A2 & C3	7.6.2 (g), 2.5.1 and 7	29, 165 and 171	Urgency Provisions	The current rules lead to an 'all or nothing' approach to urgency in that an issue being presented urgently has to have call-in waived to avoid presentation to the PAC. There is a lack of agreement being sought from Group Leaders. This is against standard practice and open to abuse/confusion.	Fundamental	Agreed - Alternative wording to be drafted and re-presented to the group.
C1-3	Various	Various	Inconsistent approach to naming positions; Chairman and Vice-Chair.	The same approach would be preferred.	Minor	Agreed - Chairman and Vice-Chairman and they in place of he/she
C1-3	Various	Various	Lack of Chairman's discretion. Examples can be given, ranging from simple to complicated matters.	Discretion is required given that it is not possible to account for all situations that could arise. This will still be needed once the rules within the constitution have been reviewed and improved where required.	Fundamental	Agreed - Chairman to have discretion on Visiting Members and managing meeting; examine wording for agenda setting and re-present to the group. Lead Members to be responsible for PAC agenda items.
C1	12.9/10 and 11	127	Notice on Motion for Executive Items	Motion has to go to the PAC before Executive unless a specific vote takes place for it to go to the Exec, and there is no discretion for the Council to deal with the motion. This is particularly difficult where an issue cuts across council and executive functions.	Fundamental	Agreed to review and present examples.

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C1 Appendix A	N/A	138-139	Outlines rules on receipt of petitions, including routes and no. of signatories required.	The limits are difficult to adhere to - especially for non-executive functions - a petition for a planning committee reaching over 100 signatures has to go to the Council, instead of the relevant decision-maker (planning). A simplified petition scheme would be preferred, particularly as it is a method of public engagement.	Fundamental	Agreed - Review from previous petitions scheme and re-present to the group.
C2	10	154	Questions on Notice	Lead Members do not currently sit as a PAC Committee Member, so cannot have questions directed to them. Query on if a Lead Member is substituting, are they then classed as 'sitting' on the Committee and therefore able to answer questions? If so, this would be at short notice. The Chairman decides whether the supplementary question is suitable (so even if the Lead Member could answer the question, they don't have the discretion to decide on the supplementary's relation to the original question). The Chairman can be asked questions, although they are not the decision-maker and cannot be asked questions at full council meetings. Intended principle for decision-makers to be asked questions isn't carried through consistently if C2 is applied to all committees.	Minor	Agreed - No questions to PAC Chairman with questions to the Executive only. Right of reply to be given to Lead Members following public statements at PAC meetings.
C2	3.2 & 3.3	143-144	Approach to appointing Chairman of PACS and OSC different. No preferences for any other Committees.	No preference from an Officer perspective, noted for working group to review approach post implementation. PAC Chairman - Any Party PAC Vice-Chairman - Preference to non-administration party OSC Chairman - Preference to largest non-administration Party OSC Vice-Chairman - Any Party	Minor	Agreed - No change, consider for major review.

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C2	11.5	156	Motions	Any motion has to be moved AND seconded; previously Chairmen used to assess the situation and if dissent had been expressed, a formal vote was taken, otherwise the issue was agreed if no dissent expressed.	Minor	Agreed to retain.
C2 & C3	7.2, 13 & 6	148-149, 157 & 170-171.	Rules on OSC attendance (officer and lead member) , OSC reports for the executive and call-in.	The rules concerning OSC are across both sections and it would be helpful to have them in one section (committee section) . The rules as currently drafted do not account for a call-in procedure, or set requirements on a call-in request, or the involvement from Councillors that submitted the call-in request at the meeting. This leads to patching together other constitutional rules.	Major	Agreed - To draft wording and re-present to the group based off of previous (2014) constitution.
N/A	N/A	N/A	No Rules on how the Executive receive and respond to OSC reports/recommendations	It would be better to have a process on how and by when the Executive have to respond to any OSC reports. This ensures that both the Executive and OSC are informed of how the two engage with one another.	Major?	As above, with previous constitution.
C2 & C3	11.3 and 3.5	153 and 166	Deadline of 4 p.m. one clear working day for public speaking (close of office for questions)	Inconsistent approach, easier to facilitate public engagement to the same deadlines (excluding planning)	Minor	Agreed - move to 4 p.m.
C2 & C3	2.5.4 and 3.1	142-143 and 168	Substitutes at Committee can only sit where they have notified proper officer or chairman before meeting begins, subs at Executive sub-committees have to let the proper office know after having sought approval from the Leader.	Committees - difficult to enforce, as it's not uncommon for visiting members to become substitutes due to the absence of their group member and at short notice generally. Approval required for Executive Sub-Committees would require proof of Leader's approval. Both add barriers for Substitute members to sit.	Major	Agreed to remove.

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C3	3.6	166-167	All agenda items have to be listed on Executive agenda	Means that even when there are no items to present; e.g. report from O&S Committee, the item still needs to be on the agenda. Change needed would be 'where applicable'.	Minor	Agreed to retain.
C3	3.5.1	166	Visiting Member registration by 4 p.m.	Doesn't allow discretion for the Chairman, and there may be instances where the Member was not able to register by 4 p.m. and/or the Executive wish to hear from the Visiting Member, e.g. if they are the relevant Ward Member.	Minor	See Row13 on Chairman's discretion & remove 4 p.m. deadline.
C4	14 and 15	181-182	Access to Information Procedure Rules don't take account of urgent items/decisions	Should be updated to reflect current practice of Proper Officer, where a report is published with less than 3 days notice before the decision.	Minor	Agreed - To be re-drafted and re-rpesetedn to the group, to reflect immediate request for urgent items.
C10	2.4	234	Refers to 'authority' rather than Council, and rules difficult to understand.	Taken from previous constituion and had not been reviewed in detail; content fine but may consider simpler wording.	Minor	Agreed to review.
N/A	N/A	N/A	No rules for Lead Member Meetings	Difficult to know how to facilitate Lead Member meetings, as there are no rules on how this would take place, particularly in relation to public/member engagement.	Fundamental	Agreed - Remove Lead Member Meetings, but include that decisions not taken within 28 days will be represented to the PAC.
A&C	Part A2, 3.4 Part C2, 7.3 Part C3, 3.5 Part C4, all	14 145 162 169-179	Access to information split across multiple sections.	Part A, 3.4 Rights of Members to Access Information & Meetings Part C Committee Procedure Rules, 7.3 Visiting Members Part C Executive Procedure Rules, 3.5 Attendance Part C - Access to Information Rules	Major	Agreed - include AtI rules within C4.

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All	All	various	Preference to refer to decision-makers as the Executive rather than the Cabinet	In communication via email, meetings and in Committee, the Executive are consistently referred to as the Cabinet. It would be preferable for there to be a consistency of language in order to avoid confusion for the public and for officers new to the council.	Minor	Agreed - To replace Executive and Lead Member with Cabinet and Cabinet Member
A2 and B2	A2, 6.5 & B2, 2.6	24 & 48	AGS Membership	CIPFA guidance has been updated to include x2 independent members for Audit Committee. Request made is for the working group to consider amending the committee's membership to reflect this.	Minor	Agreed to defer until further advice on guidance. Following advice, agreed to include 1 co-opted independent member.
A2	7.5		Administration Programme	This was unused at the May 2022 Annual Meeting, it undermines PACs, could be resource intensive.		Agreed to defer - following review, agreed to retain with 7.5.2 removed.
C3	2.5	165	Manner of Decision-Making	Key decisions may only be made by the Executive or individual executive members (where authorised by the Leader). This doesn't permit Officers to make key decisions (including where delegated)		Agreed - Draft wording and re-present to the group, to allow Officers to make key decisions where the result of an extant member decision.
C1/C2	N/A	various	Inconsistent approach to positions; Chairman and Member chairing the meeting.	Same approach would be preferred.	Minor	Agreed - Chairman to replace 'Member Chairing the Meeting'.
A2	6.2.4		The Executive shall nominate a Member on each PAC to coordinate its activities with the Executive	Suggested that this be removed as this does not happen in practice.	Minor	Agreed to remove.