

Amendment to the Constitution

Timetable

Meeting	Date
Democracy and General Purposes Committee	31 January 2024
Council	21 February 2024

Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Russell Fitzpatrick, Monitoring Officer and Angela Woodhouse, Director of Strategy, Insight and Governance Oliviya Parfitt, Principal Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report outlines proposed amendments to the constitution following a review of the snagging list held by the Monitoring Officer and Democratic Services. The report also contains a list of minor amendments made by the Monitoring Officer for noting.

Purpose of Report

Decision (Recommendation to Council).

This report makes the following recommendations to this Committee: That

1. The use of the Monitoring Officer's delegation to amend the Constitution as outlined in Appendix 1 to the report, be noted;
2. The Committee consider the proposed amendments outlined in Appendix 1 to the report, make amendments as required and recommend their approval to Council.

Amendment to the Constitution

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities.</p>	Director of Strategy, Insight and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>We do not expect the recommendations to materially affect the achievement of cross-cutting objectives. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities</p>	Director of Strategy, Insight and Governance
Risk Management	See Section 5 of the report.	Director of Strategy, Insight and Governance

Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Director of Strategy, Insight and Governance
Staffing	There are no staffing implications	Director of Strategy, Insight and Governance
Legal	The Local Government Act 2000 requires each Local Authority to have a Constitution which should be kept up to date. Aside from the specific legislative requirements, the document should also include 'such other information as the authority considers appropriate' (LGA 2000, Section 9P(1)).	Legal Team
Privacy and Data Protection	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Director of Strategy, Insight and Governance
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	No implications	Director of Strategy, Insight and Governance
Procurement	No implications	Director of Strategy, Insight and Governance
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Principal Democratic Services Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 Democracy and General Purposes have a responsibility to regularly review the constitution in conjunction with the Monitoring Officer and recommend proposed changes where significant to the Council.

- 2.2 Over the course of the year, the Monitoring Officer, Director of Strategy, Insight and Governance and Democratic Services Officers make note of any issues identified within the Constitution, such as minor corrections and/or unintended consequences of rules or their practicality. These are then brought to the Committee for review.
- 2.3 The issues identified so far this year have been outlined below and are shown in detail in appendix 1 to the report. The use of the Monitoring Officers' delegation since September 2023 has also been included in the appendix for information

Proposals for the Committee's Consideration:

The proposed amendments have been identified through track changes.

1. **Cancellation of Meetings**, to allow Proper Officer to change the meeting date (when required)
 2. **Motions on Notice (Council)** to allow Council to deal with a Motion;
 3. **Petition Scheme** for clarification of the rules of procedure.
 4. **Members as Substitutes on Committees**, to remove paragraph 2.5.4 (currently unnumbered in the published constitution but follows 2.5.3) as the intent of the paragraph is standard practice and the paragraph is over complicated.
 5. **Notice of Meetings and Business to be discussed**, to allow for additional Overview and Scrutiny Meetings to be called to review a call-in request without requiring the usual standing items.
 6. **Visiting Members**, Reference made to Monitoring Officer Representative in advising the Chairman on Visiting Member attendance during Part II proceedings – unclear who the representative is.
 7. **Protocol for receiving Overview and Scrutiny Committee Reports** (Committee and Cabinet), to simplify the protocol
 8. **Protocol on Honorary Alderman**, to allow for the title to be conferred posthumously in exceptional circumstances.
- 2.4 Amendment 2 has been put forward following Member feedback that the existing Motions on Notice rule is complex and that there is a significant time delay to the relevant Policy Advisory Committee considering a matter after

full Council. Two alternatives have been put forward for the Committee to consider.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Review the changes outlined in Appendix 1 to the report, amend as required and recommend that these be approved by the Council.

As part of this option, additional changes could be put forward by the Committee, which would be subject to Officer advice at the meeting.

- 3.2 Option 2 – Do Nothing. **This is not recommended as the issues have been identified to amend and improve the constitution.**
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. The purpose of the change is to add clarity to the process and ensure there is a clear process in place for the removal of the Leader.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Chairman and Vice-Chairman of the Committee have been consulted on the proposed changes.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agrees to recommend the changes shown in Appendix 1, these will be presented to Council for decision on 21 February 2024. If approved the Constitution will be updated and republished online.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Amendments List (including use of Monitoring Officer delegation)
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9. BACKGROUND PAPERS

Maidstone Borough Council Constitution.