

Appendix 1 – Amendments List (including use of Monitoring Officer delegation)

Monitoring Officer: Minor Amendments and/or Corrections

To be implemented using the Monitoring Officers delegation.

Amendment	Location
Remove instances of term 'Lead Member'	MJTB ToR Outside Bodies table x2 Part C1, Questions on notice Part D3, Codes
Remove additional text in Officer responsibilities section, as new Heads of Service now in post.	Head of Spatial Planning and Economic Development Head of New Business and Housing Development Interim Director for the Local Plan
Amend 'Head of Legal Partnership' to 'Monitoring Officer' in C1, Rule 12.	C1, Rule 12.3
Cross-referencing between rules required	C1, Rule 15.5.4 should reference Rule 15.9
Word 'urgent' missing from Call-In and Urgency procedure rule	C2, Rule 13.5.1
Amend numbering of Rules 15-17 in C4, to form part of Rule 14.	C4, Rules 14-17.
Inclusion of Schedule 2 in Member Allowances and removing reference to previous outside bodies schedule (now elsewhere in the Constitution)	Part F

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.

1. Cancellation of Meetings

Part C1 (Rules of Procedure), Rule 2.5 (Cancellation of Meetings)

'In exceptional circumstances the proper officer may cancel or alter the date, time or location of any meeting'.

Reason for the proposed amendment:

This amendment would allow the Proper Officer to simply change the date of any meeting without having to cancel the existing meeting and call a new meeting.

2. Motions on Notice (Council)

In order to allow the Council to deal with a motion, without referral to Cabinet or a PAC, the following options are proposed to amend Part C1, Rule 12.9 (Motions of Notice)

12.9. If the subject of a motion comes within the province of any Cabinet Function, at the meeting: -

12.9.1. The Mayor shall first allow for a debate.

12.9.2. If the Member moving the motion so proposes, and the Member seconding the motion is in agreement, the Mayor shall call a vote on whether to refer the matter directly to the Cabinet for consideration. (a) Should Council so resolve, the motion shall be referred. (b) Should Council refuse to so resolve, the motion shall be deemed to have fallen.

12.9.3. If there is no proposal to refer the matter directly to the Cabinet, the Mayor shall refer the matter to the relevant Policy Advisory Committee.

12.10. If the subject of a motion concerns a matter within the competence of any other Committee:

12.10.1. The Mayor shall first allow for a debate;

12.10.2. The Mayor shall then declare the motion referred to the relevant Committee for consideration.

12.11. For the purposes of Rule 12.10, any motion that seeks to amend any Provision within Part A of this Constitution, or any Rule within Part C of this Constitution, shall be regarded as within the competence of the Democracy & General Purposes Committee.

A. OPTION 1 SIMPLIFIED

INSERT BEFORE 12.9 and renumber 12.9 and 12.10 as sub-headings.

'Unless the Mayor determines the matter is best dealt with by Council (where normal debating rules would apply)'

B. OPTION 2 – COMPLEX AND SPECIFIC (style of current constitution) INSERT AFTER 12.11

12.12 For any motion, the Mayor may determine, in consultation with the Leader for a motion to which 12.9 applies, or the relevant committee chairman for a motion to which 12.10 applies, that the Council will determine the motion without either 12.9 or 12.10 applying. This determination may be made before any meeting where the motion is to be considered, or during the meeting, including at the

conclusion of the debate.

Text in red is optional

PLEASE NOTE: Part A1 7 (Changes to the Constitution) still prevents constitutional amendments being made by motion without first being considered by D&GP Committee and takes precedence over Part C. A reference to Part A could be made here so someone could read Part C in isolation but it would make it more complex.

3. Amendment to C1, Appendix A: The Council's Petition Scheme

To provide clarification to the rules of procedure, it is proposed that Part C1 (Council Procedure Rules), Appendix A: The Council's Petition Scheme be amended as follows:

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Appendix A: Petitions

1. The Council welcomes petitions from Local Residents. Subject to Para.2 below, all petitions received by the Council will be presented to the Council, Cabinet or a Committee or Sub-Committee.
2. If so required by a signatory to a petition, it may be presented in person at meetings of the Council, Cabinet or a Committee or Sub-Committee, subject to compliance with the following procedure: -
 - 2.1. The wording of the petition to be presented must be given in writing to the Proper Officer at least two (2) weeks before the day of the meeting. Ward Members will be notified of the wording of petitions when received;
 - 2.2. Only petitions containing signatures of 100 Local Residents will be eligible for submission to the Council, Cabinet or Committee or Sub-Committee;
2.3 If a petitioner has submitted a petition of at least 100 signatures requesting a Senior Officer of the Council to attend, give evidence and provide information on activities for which they are responsible, then that Senior Officer will attend; (a Senior Officer is the Chief Executive, Director, or Head of Service). A factual briefing note on the petition's subject matter may be provided to the Council by the relevant Officers.
 - 2.3. Petitions must be presented to the Proper Officer at least one (1) ~~or~~ day before the day of the meeting (i.e. two days) of the Council, Cabinet or Committee or Sub-Committee;
 - 2.4. No more than three (3) petitions may be presented per meeting;
 - 2.5. If more than one petition is notified to the Proper Officer to the same meeting, they shall rank in order of priority according to the time of notice given;
 - 2.6 Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition and be an active supporter of the body submitting the petition.

Para.

Appendix A: Petitions

This may include sometimes acting for that petitioner in a professional capacity;

2.7 (a) At a Council meeting, at the conclusion of the speech of the presenter, subject to paragraph (b) below, either:

(a)(i) a debate will take place on the petition for up to a period of twenty minutes or if the petition has at least 1,500 signatures, with no time limit for the debate. The debate should take place with the intention that the petition and the views of the Council will then be referred to the appropriate **decision-making body** (being either the Cabinet or one of the Council's other Committees or Sub-Committees); or

(a)(ii) the petition will be considered at the meeting in conjunction with any report that has been placed on the agenda concerning the matter raised in the petition; or

(a)(iii) the petition will be considered at the meeting if it is felt that a [factual briefing note report](#) is not necessary.

The debate will be subject to normal council debating rules with the exception that at the end of the debate no vote [on the petition](#) will be taken, but the petitioner will have an opportunity to speak for a further period of three minutes responding to the issues raised in the debate.

(b) If the Mayor determines that it is inappropriate to debate the petition, [for example](#) if no factual briefing note has been prepared by Officers or [a report is required](#), then the petition will [either](#) be [deferred to the next meeting of Council or](#) referred without further discussion to the next ordinary meeting of the appropriate Cabinet, Committee or Sub-Committee when it will be included in the appropriate officer's report;

2.7 (c) **For the Cabinet, Committees or Sub-Committees** at the conclusion of the speech, ~~the presenter of~~ the petition will be:

(c)(i) referred without further discussion to the next ordinary meeting of the appropriate Committee or Sub-Committee or to the Cabinet, when it will be included in the appropriate officer's report;

(c)(ii) considered at the meeting in conjunction with any report that has been placed on the agenda concerning the matter raised in the petition; or

Para.

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(c)(iii) considered at the meeting if Members feel that a report is not necessary.

2.8 ~~Rules 2.7 (c)(i-iii) apply only to the Committees or Sub-Committees with decision-making powers.~~ Petitions cannot be presented to Policy Advisory Committees.

2.9 The item relating to a petition will be placed on the agenda immediately following the minutes of the previous meeting of the Council, Cabinet or Committee or Sub-Committee.

2.10 Any report relating to the subject matter of the petition will be placed on the agenda immediately following the presentation of petitions (or in the order petitions are presented if more than one petition is presented at the meeting)

2.11 If more than one petition is notified to the proper officer to the same Council, Cabinet, Committee or Sub-Committee meeting, they shall rank in order of priority according to the time of notice given under 2.1 above.

2.12. No petition may be presented relating to an application for a licence;

2.13. No petition may be presented to the Annual Meeting of the Council or to any meeting of the Audit, Governance and Standards Committee.

3. Petitions which are not to be presented in person at meetings of the Council or appropriate Committee will be reported to that body.
4. Provision will be made for a facility to submit petitions electronically.

4. Members as Substitutes on Committees

The unnumbered paragraph following 2.5.3, as set out below, is to be deleted:

Members may attend meetings as Substitutes only if the Full Member arrives after the substitution has been made, and opts to take their seat and no other Full Members belong to that Political Group are absent, the substitution shall end and the Member attending as a Substitute shall cease to sit on the Committee and shall be deemed a Visiting Member.

Reason for the proposed amendment:

To remove unnecessary wording, which causes confusion as this is standard practice anyway.

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, Part C2 (Committee Procedure Rules), Rule 5 (Notice of Meetings and Business to be discussed) is proposed to be amended by inserting a new paragraph 5.2.4 below:

5.2. The agenda shall accommodate: -

5.2.1 For any Policy Advisory Committee, the Forward Plan set by the Cabinet;

5.2.2 For all Committees, any: -

(a) Member Agenda Item Requests

(b) Motions referred to that Committee following Full Council

(c) Previous resolutions of that Committee in respect of its Work Programme;

5.2.3 In respect of the Overview and Scrutiny Committee, any: -

(a) Member Call-In,

(b) Any Member "Call for Action"

(c) The Forward Plan set by the Cabinet

[5.2.4 Rules 5.2.2. and 5.2.3 do not apply where an Overview and Scrutiny Meeting has been called for the purpose of reviewing a call-in request.](#)

6. Visiting Members

In order to provide clarification as to who the replacement representative will be, the Committee is asked to consider which Officer is the Monitoring Officer's representative in the scenario contemplated by Part C2, Rule 7.3.7:

Where the Committee resolves to exclude the press and public any Visiting Member shall be entitled to remain at the discretion of the Chairman if they are satisfied, on the advice of the Monitoring Officer or their representative at the meeting, that the Visiting Member has a need to know in respect of the item being considered by the Committee in private.

7. Protocol for reviewing Overview and Scrutiny Committee Reports

Part C2, Paragraph 13.3 currently states:

13.3 Protocol for dealing with Overview and Scrutiny Review Reports once submitted to the Cabinet

- 13.3.1. Where a report's recommendations cover the portfolio of more than one Cabinet Member portfolio, the Cabinet Member principally responsible, will assume responsibility for soliciting a response to those recommendations from any other relevant Members on the Executive and including it in the response. When a report is submitted to the Cabinet, the Leader of the Council will assume responsibility for co-ordinating a response. The report will usually be presented by the Chairman of the Overview and Scrutiny Committee.
- 13.3.2. If the Cabinet or the appropriate Cabinet Member substantively accepts the recommendations of the Overview and Scrutiny Committee, they will respond in writing within four weeks of receiving the report. If the response period falls within or shortly after a significant holiday period or an election then the period may (with the consent of the Overview and Scrutiny Chairman) be extended in order to give the Cabinet (or the appropriate Cabinet Member) sufficient time to consider the report.
- 13.3.3. If the Cabinet or the appropriate Cabinet Member does not substantively accept the recommendations the matter will be referred to the next meeting of the Cabinet for debate. The Cabinet will then debate the issue and the relevant Cabinet Member will subsequently respond immediately in writing to the Overview and Scrutiny Committee.

- 13.3.4. The Overview and Scrutiny Committee will then consider the response at its next meeting and may request the Cabinet Member to attend the meeting. It will then forward any comments it may have on the response to the Cabinet or Cabinet Member for consideration. Having considered the comments of the Committee, the Cabinet or Cabinet Member will then formally adopt their response at their next meeting.
- 13.3.5. If the recommendations of the report have a significant impact on the policy framework or budget, it will be necessary for the report of the Overview and Scrutiny Committee to be submitted to full Council together with the response of the Cabinet or Cabinet Member. The council will then determine the issue.

To simplify the proposal, it is proposed that it be amended to read as follows:

13.3. Protocol for dealing with Overview and Scrutiny Review Reports once submitted to the Cabinet

- 13.3.1. Where a report and/or recommendations are submitted by the Overview and Scrutiny Committee to the Cabinet, the Cabinet will consider the report, and provide a response to the Overview and Scrutiny Committee which will include what actions, if any, it proposes to take. The report will usually be presented at the meeting by the Chairman of the Overview and Scrutiny Committee.
- 13.3.2. The Cabinet's response will be provided within two months of the Overview and Scrutiny Committee's report being presented to the Cabinet. If the response period falls within or shortly after a significant holiday period or an election then the period may (with the consent of the Overview and Scrutiny Chairman) be extended in order to give the Cabinet sufficient time to consider the report.
- 13.3.3. In reviewing the report, the Cabinet will be provided with advice from the appropriate officers on the report and/or recommended actions from the Overview and Scrutiny Committee.
- 13.3.4. Once the Cabinet has considered the report alongside the officer/s advice, its response will be [published. presented to the Overview and Scrutiny Committee at its next meeting \(unless it has already been reviewed through call in\)](#). The Overview and Scrutiny Committee may require the Cabinet and/or relevant [Cabinet Lead](#) Member for the review topic to attend the meeting and comment on the response issued.

8. Protocol on Honorary Alderman

In order to reflect the previous position to allow the title of Honorary Alderman to be conferred posthumously, it is proposed that Part E3, Paragraph 2.4 be amended as follows:

2.4 Honorary Aldermen cannot be appointed posthumously, [other than in exceptional circumstances](#).