

Name of meeting: Council

Date: 20 May 2015

Title of report: Proposed Changes to the Council's Constitution

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan ?	Not Applicable
Is it eligible for "call in" by Scrutiny ?	Not Applicable
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director – Legal, Governance & Monitoring	David Smith 29.4.2015 No Financial Implications Yes
Cabinet member portfolio	Resources

Electoral [wards](#) affected:

All Ward councillors consulted:

Public or private:

Public

1. Purpose of report

- 1.1 To set out the proposed changes to the Council's Constitution as described in the following paragraphs and as set out in more detail in the attached Appendix which shows the proposed amendments.
- 1.2 To seek Members approval and/or comments and/or recommendations in relation to these proposed changes.
- 1.3 To authorise the Assistant Director (Legal, Governance and Monitoring), to make alterations to the constitution, and any consequential drafting amendments, to reflect the approved changes.

2. Key points

2.1 This report considers changes to:

- 2.1.1 Council Procedure Rules (Part 4 of the Constitution).

- 2.1.2 Reflect new legislation relating to the procedures which would need to be adopted by the Council in the event that there were allegations of misconduct about statutory officers.

2.2 Council Procedure Rules

The majority of the proposed changes to Council Procedure Rules are drafting amendments for tidiness/consistency and to provide clarification in parts for example, there are a number of changes to tidy up the drafting in relation to the Cabinet (Holding Executive to Account) meeting. The changes to the Council Procedure Rules are set out in Appendix 1 of this report and the proposed amendments are shown in track change. Key changes are as follows:

- CPR 10(2) to request that 24 hours' notice is given for any deputation, not just those to be submitted to HEA Cabinet. This notice is also requested to be given in writing
- The addition of CPR 10(6) to replicate the wording, for consistency, provided at 11(8) in respect of oral questions
- The removal of CPR 11(10) as it is no longer applicable
- The amendment of CPR 12(12) to take account of webcasting facilities
- CPR 13(5)(i) to clarify the time permitted for comments/questions to Cabinet portfolio holders
- The addition of CPR 19(5)(i) to set out the precedent
- The addition of CPR 19(5)(iii) to clarify (for the avoidance of doubt) the voting procedure at meetings of Council to determine the budget
- CPR 38(9) updates the list of Committees/Panels upon which a member of Cabinet should not be appointed as Chair
- The amendment of CPR 42(5) to reflect the changes regarding the introduction of recorded voting at Planning Committees

2.3 Changes to the Constitution to Reflect New Legislation Relating to Dismissing Statutory Officers

Members are asked to note that the recent Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) require Local Authorities to amend their standing orders to incorporate the new arrangements for taking disciplinary action against the most senior Council staff. This modification must be made by the first Ordinary Council meeting held after 7 May 2015 Elections. This is the meeting after Annual Council. The new regulations replace the requirement for a Designated Independent Person (DIP) to investigate allegations of misconduct by senior Local Government officers in England by an Independent Panel (IP). A further report will be brought to this Committee with more details of changes at a later date.

3. Implications for the Council

It is essential that the Council's Constitution is regularly reviewed and updated to ensure that it remains fit for purpose and to enable Council meetings to be conducted in a fair, business like and effective manner. It is also essential that the Constitution complies with current legislation. Failure to do so could lead to legal challenges, unnecessary procedural delays and less transparency in the Council's democratic practices.

4. Consultees and their opinions

Various officers in Legal, Governance & Monitoring Service and Resources.

The report was submitted to the meeting of Corporate Governance and Audit Committee on 24 April 2015, where Members;

- (i) noted the proposals and requested that the wording of CPR 13(2)(ii) be changed to provide clarification that, the total time for this item, including presentations and questions should not exceed 60 minutes whereby Cabinet Members shall be entitled to a maximum time of 30 minutes to make Portfolio presentations to Council, and the remainder of the 60 minutes shall be allocated to comments/questions. The attached appendix has been amended to reflect this.
- (ii) noted the detail of the new legislation in regards to the dismissal of Statutory Officers, and that a further report would be submitted to a future meeting.
- (iii) endorsed the amendments relating to CPR 19 but requested that Leading Members given consideration to the format of the meeting of Budget Council.
- (iv) requested that, pursuant to CPR 10(2), consideration be given to the introduction of a facility to enable members of the public wishing to submit a deputation to register their intention via the online agenda.

5. Next steps

Subject to approval, to update the Constitution.

6. Officer recommendations and reasons

- (i) That the proposed changes to Council Procedure Rules, as set out in paragraph 2.2 and Appendix 1, be approved.
- (ii) That the information as set out in paragraph 2.3 regarding Dismissing Statutory Officers be noted and that a further report be submitted to a future meeting of Corporate Governance and Audit Committee.
- (iii) That the Assistant Director (Legal, Governance and Monitoring), be authorized to make alterations to the constitution, and any consequential drafting amendments, to reflect the approved changes.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer and relevant papers

Julie Muscroft, Assistant Director, Legal, Governance & Monitoring.

Appendix A.

9. Assistant director responsible

Julie Muscroft, Assistant Director, Legal, Governance & Monitoring, 3rd Floor

North, Civic Centre I. Telephone: 01484 221000. Email:
julie.muscroft@kirklees.gov.uk