

## CHANGES FOR CONSIDERATION

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Petitions Scheme	<p>The petitions scheme has been reviewed and largely it is considered to remain fit for purpose. One change is proposed as follows:</p> <p>Remove the following exclusions from the petition scheme –</p> <ul style="list-style-type: none"><li>• Any matter which is currently or imminently subject to a consultation exercise.</li><li>• Any matter which is subject to a statutory consultation exercise, such as the Local Plan or other local development plan documents.</li></ul> <p>And replace with:</p> <ul style="list-style-type: none"><li>• Where any matter is currently or imminently subject to a consultation exercise, a decision as to whether the Petition can be dealt with under the Council’s Petitions Scheme will be made by the Head of Paid Service having received the advice of the Monitoring Officer on the matter.</li></ul> <p>A tracked changes version of the scheme is attached for your reference as <b>Appendix 2</b>.</p>	Part 7, Petitions Scheme. Page 291, Section 7.5
Delegation Scheme	<p>Members have previously received a copy of a Delegated Decision in relation to the senior management review and its effects on the Directors’ delegations. The Delegated Decision transferred existing delegations to the new Directors. No new delegations were included although now the two Directors have the same powers with the exception of the role of Head of Paid Service. This now needs formalising in the next version of the Constitution. The table showing the Delegation Scheme for Directors</p>	Part 3.1 Scheme of Delegation for Officers Pages 91-98, Section 4.10.

	<p>is attached at <b>Appendix 3</b>. There are no changes to the actual delegations from the Delegated Decision but the format of the table has changed to fit in with the format in the Constitution.</p> <p>In addition there are a couple of delegations to be moved to the Statutory Officers or to which the Statutory Officers are also added. Again these were included in the Delegated Decision and are not new. All the delegations have or will have new numbers.</p>	
Substitution Scheme	<p>At the Annual Meeting of Council it was reported that a substitution scheme would be put in place for scrutiny meetings, permitting substitution by non-executive members only.</p> <p>The suggested change of wording the constitution is as follows:</p> <p>New CPR 26: Substitution at Committee Meetings</p> <p>26.1 The Council will permit the allocation of seats on Scrutiny Committee only to substitute Members who are not current Members of the Executive.</p> <p>26.2 Substitute Members will have all the powers and duties of any ordinary Member of the Committee.</p> <p>26.3 Substitute Members may attend meetings in that capacity only –</p> <ul style="list-style-type: none"> <li>a) to take the place of the ordinary Member for whom they are the designated substitute;</li> <li>b) where the ordinary Member is expected to be absent for the whole meeting; and</li> <li>c) after their Group Leader/Deputy Leader / Party Whip or a majority of members of the relevant Group has notified the</li> </ul>	Part 4.1 Council Procedure Rules Page 130.

	<p>Governance Manager in writing of the intended substitute 24 hours prior to the commencement of the meeting.</p> <p>26.4 In the event of the ordinary Member who has been substituted arriving at the meeting, they will be treated as a non-Member of the Committee for that meeting only.</p>	
<p>Planning and Licensing Decisions</p>	<p>Council Procedure Rule 13.2 applies to Committees as well as Council and prohibits a motion or amendment to one similarly rejected being moved (lacking notice) without signature of one third or more of the Councillors appointed to that committee. When applied to Planning and Licensing Committees an issue has arisen whereby through the course of debate on applications a motion is put forward and rejected to both approve and deny planning permission or a licensing application. This could be for varying reasons, but the outcome would be that in order to decide the application suspension of council procedure rules needs to be employed as set out in CPR 23. As suspension of rules without notice requires half of the Councillors there present to agree, it becomes confusing for the public and elongates an already convention-heavy procedure.</p> <p>It is therefore proposed that both in respect of applications heard by either Licensing or Planning Committee that this rule should no longer apply. If Members were so minded to agree the amendment would be as follows:</p> <p>New CPR 24. 2 – CPR 13.2 does not apply to applications heard by either the Planning or the Licensing Committee. It does apply however to all other decisions taken by those committees.</p>	<p>Part 4.1 Council Procedure Rules Page 124.</p>
<p>Clarification of Deferment and Adjournment</p>	<p>CPR 12.11(d) requires clarification from the Monitoring Officer. When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first. This applies to all working groups and committees. Adjournment of a debate is often referred to as 'deferred' by Members, however deferral only applies where an item of</p>	<p>Part 4.1 Council Procedure Rules Page 123.</p>

	<p>business has not been debated. Deferral means withdrawal before commencement of discussion so that the item can be debated at the next available meeting, not a partial debate to be continued at a later time. Adjournment requires a date specified to recommence. Where this is not specified it should be automatically taken to the next meeting of Council or that Committee.</p> <p>In order to ensure this rule is applied correctly the following amendments are made:</p> <p>New 12.11(e) When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first.</p> <p>Footnote clarification *Members may use the term 'defer', however in the context of a debate commenced this is classed as 'adjournment'.</p>	
<p>The following change to the constitution has already been made since the last meeting of Standards by the Monitoring Officer under Delegation 21.</p>		
<p>Clarifying how the Delegation Scheme is applied in relation to Part 4 of the ACPA 2012.</p>	<p>The Monitoring Officer utilised her delegated power to amend the constitution to provide clarity in its interpretation. The current wording within the Director of Environment and Enforcement's delegation 15 had become unclear, and to avoid any legal challenge to an order under Pt 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 it was prudent to ensure that the words of the delegation were express to avoid misinterpretation. The associated Delegated Decision is attached for information as <b>Appendix 4</b>.</p>	<p>Part 3.1 Scheme of Delegation for Officers Pages 91-98, Section 4.10.</p>