

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Scope of Council Questions by Members	<p>There is currently a disparity between the scope for questions from members of the public and councillors. The scope applied to public questions does not currently apply to questions on notice by councillors. A change to Procedure Rule 9 to include the same scope as for questions from members of the public (as set out below) would bring both Procedure Rules 8 and 9 into line with each other.</p> <p><i>The Monitoring Officer may reject a question if:</i></p> <p><i>(a) it is not about a matter for which the Council has a responsibility or which affects the district;</i></p> <p><i>(b) it is defamatory, frivolous or offensive;</i></p> <p><i>(c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;</i></p> <p><i>(d) it requires the disclosure of confidential or exempt information;</i></p> <p><i>(e) it breaches any procedure rule;</i></p> <p><i>(f) it relates to an item on the agenda for that Council meeting; or</i></p> <p><i>(g) it relates to a planning application that is in the process of being determined by the District Council.</i></p> <p><i>If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.</i></p>	Part 4 – Council Procedure Rule 9

<p>Withdrawal of Questions by Members</p>	<p>There is no provision within the constitution for a Councillor to withdraw a question which has been submitted, accepted and published. Referring to section 9 with the Council Procedure Rules the Constitution is silent on this scenario. This matter has been referred to the Standards Committee to agree clarity by adding a 9.9 to page 80 of the May 2021 Constitution (which is currently being published).</p> <p>9.9: Withdrawal of Questions</p> <p><i>A question which has been accepted and published may be withdrawn by the Member who asked it provided that they indicate this in writing to the Monitoring Officer and the Member to which the question has been asked not later than 24 hours in advance of the meeting.</i></p>	<p>Part 4 – Council Procedure Rule 9</p>
<p>Housing Allocations Review Panel (HARP)</p>	<p>The Housing Allocations Review Panel (HARP) membership (set out at (1) on page 54 of the May 2021 Constitution which is currently being published) needs to be updated as the Housing Needs Manager post has been disestablished. It is proposed to substitute the Housing Needs Manager post with <i>the Community Safety and Enforcement Manager</i> post.</p> <p>Also, it is proposed to change (2) from ‘ The Housing Needs Manager or the Housing Enforcement Manger must be in attendance’ to <i>‘The Housing Enforcement Manager or the Community Safety and Enforcement Manager must be in attendance with at least one other panel member.’</i> This change would ensure clarity on who needed to be present and that the panel should comprise of at least two officers.</p>	<p>Part 3 – Responsibility for Functions</p>

<p>Audit and Corporate Overview Scrutiny Committee Terms of Reference</p>	<p>To add into the terms of reference for the Committee to evaluate the tenders for the appointment of external auditors.</p> <p>The decision to appoint auditors is for Council to make but it would be good practice for the Audit and Corporate Overview Scrutiny Committee to see the tenders first.</p>	<p>Part 3 - Responsibility for Functions</p>
<p>Delegation Scheme</p>	<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.</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>	<p>Part 3.1 Scheme of Delegation for Officers</p>
<p>Petitions Scheme</p>	<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"> • Any matter which is currently or imminently subject to a consultation exercise. • Any matter which is subject to a statutory consultation exercise, such as the Local Plan or other local development plan documents. <p>And replace with:</p> <ul style="list-style-type: none"> • 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 	<p>Part 7 - Petitions Scheme.</p>

	the Head of Paid Service having received the advice of the Monitoring Officer on the matter.	
Deadlines	<p>Clarity is required when no time has been specified in respect of a deadline.</p> <p>This would require the following sentence to be added to the Council Procedure Rules -</p> <p><i>'Unless otherwise stated, or where 'working day' is used as a description, a deadline within this constitution is deemed to be 5.00pm'.</i></p>	Part 4.1 – Council Procedure Rules
Review of the guidance and constitutional rules on public speaking at Council	The guidance and rules on public speaking at Council have been reviewed.	Part 4.1 – Council Procedure Rules
Planning and Licensing Decisions	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.	Part 4.1 – Council Procedure Rules

	<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>	
Scrutiny Procedure Rules	To update the scrutiny procedure rules following changes to the scrutiny structure in May 2021.	Part 4.5 Scrutiny Procedure Rules
Call-in Procedure	To add further details and clarify the process of call-in.	Part 4.6 Call-in Procedure
Budget and Policy Framework	To amend section 4.3.8 (call in of decision outside the budget and policy framework) of the Budget and Policy Framework so it reflects changes made to the Call-in procedure.	Part 4.3 Budget and Policy Framework