

## APPENDIX A

### SCHEDULE OF PROPOSED AMENDMENTS TO THE CONSTITUTION (i): SUBSTANTIVE ISSUES

Subject	Constitution part/page	Proposed change	Rationale/comments
<b>Standards Committee</b>	Article 9, page 24 and Part 3.3.3, page 74	<p>(i) Introduce finite term of office for Independent Members of 3 years. Members to retire on a rolling basis and may apply for further term(s)</p> <p>(ii) Increase in membership of Standards Committee to 15 members (as agreed by Council on 28<sup>th</sup> November 2007) to comprise of 6 Councillors (2 Majority Group, 1 from each of the other political groups on the Council) and 9 Independent Members.</p> <p>(iii) Add terms of reference, membership and substitution details for new Referrals and Appeals Sub-Committees; and update those for Hearings Sub-Committee (established July 2006). Update arrangements for co-optees allowances to apply to sub-committees.</p> <p>(iv) 9.03 – Amend ‘to receive reports on audit investigations’ to read ‘to receive reports on any ethical issues arising from audit investigations’.</p>	<p>(i) To reflect best practice, ensure turnover and to enable new members to join the committee (term of office is currently indefinite, subject to formal appointment at Annual Council).</p> <p>(ii) To facilitate new arrangements for local referral of complaints, including establishment of necessary sub-committees.</p> <p>(iii) To facilitate new arrangements for local referral and consideration of complaints re: Councillor conduct.</p> <p>(iv) New Audit Committee is now the main reporting route for audit reports, but Standards Committee retains oversight of ethical issues.</p>

<b>Subject</b>	<b>Constitution part/page</b>	<b>Proposed change</b>	<b>Rationale/comments</b>
<b>Delegation of Functions</b>	Part 3.1.1 (Council functions), pages 54/55	<p>Delegation to the Chief Executive of certain new and amended functions arising from the Local Government and Public Involvement in Health Act 2007:</p> <ul style="list-style-type: none"> <li>(i) Functions relating to electoral arrangements and the name of electoral areas (Part 3.1.1.4);</li> <li>(ii) Functions relating to changing governance/executive arrangements (new Part 3.1.1.6);</li> <li>(iii) Functions relating to community governance/establishment of parishes (new Part 3.1.1.7)</li> </ul>	Implementation of new statutory provisions and for the efficient conduct of business.
<b>Filling of casual vacancies on Cabinet, committees, outside bodies etc</b>	Part 3.3.6 (General Purposes Committee), page 78	<ul style="list-style-type: none"> <li>(i) Appointment of Cabinet Member in the case of a casual vacancy - to provide for interim appointment by the Leader.</li> <li>(ii) Delegation to Assistant Chief Executive (on nomination from a Group) to appoint to a casual vacancy on a committee or outside body where the position has previously been allocated by the Council to that Group.</li> </ul>	<ul style="list-style-type: none"> <li>(i) To improve efficiency and avoid Extraordinary Council or General Purposes Committee meetings.</li> <li>(ii) As above</li> </ul>
<b>Budget Council Meeting</b>	Part 4.1 (Council Procedure Rules): proposed new Rule 2A, page 107	New procedure rules for dedicated Budget Council Meeting.	Agreed by the Council on 11 <sup>th</sup> February 2008 – procedure rules for additional dedicated Budget Meeting in late February/early March each year.

<b>Subject</b>	<b>Constitution part/page</b>	<b>Proposed change</b>	<b>Rationale/comments</b>
<b>Council Meeting – Public Questions</b>	Part 4.1 (Council Procedure Rules): Rule 11, page 111	(i) Introduce maximum length for written public questions of 150 words.  (ii) Introduce time limit of 3 minutes for the oral presentation of each public question.	(i) For clarity and the efficient conduct of business. Officers will provide assistance to questioners as necessary.  (ii) As above.
<b>Public representations to Council/ Committee</b>	Part 4.1 (Council Procedure Rules): Rules 11.7 (page 112), 19.4 (page 123) and 20.5 (page 124)  Part 4.8 (Development Procedure Rules), page 175	Time limits for public representations to allow for additional time if an interpreter is used (interpreter to be made aware that they must not use the additional time to introduce new information).	To ensure fairness.
<b>Extraordinary Council Meetings</b>	Part 4.1 (Council Procedure Rules), pages 113 and 123	(i) Rule 12.2 – Questions at Extraordinary Council Meeting must relate to a matter on that agenda  (ii) Rule 12.3 – add (c) ‘at an Extraordinary Council Meeting notice in writing has been given by 12 noon at least 2 clear days before the meeting to the Assistant Chief Executive’  (iii) Rule 20.1 – insert ‘ordinary’ between ‘any’ and ‘meeting’ in line 1	(i) – (iii) To clarify what may be considered at an Extraordinary Council Meeting and to enable a later deadline for questions in the event that a meeting is required at short notice.

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<b>Council Meeting – Motions</b>	Part 4.1 (Council Procedure Rules): Rule 13.2, page 115	Delete the requirement that Motions are included on the Council agenda in the order in which notice is given.  Constitution to be silent on the order of motions and a new protocol to provide that motions will be listed by turns one from each group, continuing until all motions are included. The rotation to start with any group(s) not reached at the previous meeting.	To ensure fairness, promote prioritisation and to avoid the rush to submit motions far in advance.
<b>Council Meeting – Rules of debate</b>	Part 4.1 (Council Procedure Rules), page 117	Rule 15.4 – Delete ‘opposer’ in line 4.	The procedure rule provides that the opposer of a motion may speak for up to 4 minutes. However, the definition of ‘opposer’ is not clear.
<b>Petitions &amp; Deputations</b>	Part 4.1 (Council Procedure Rules), Rule 19.1, page 122  Rule 19.3, page 122 and Rule 20.2, page 123	(i) Require petitioner to be on the electoral register (as currently) but add ‘unless excluded from the register by reason of age or other valid reason’  (ii) Petition/Deputation to be disallowed where there has been either a petition or a deputation substantially the same in the previous 6 months.	(i) To avoid unnecessary exclusion of petitioners and in particular to enable young persons’ petition  (ii) To avoid repeated petitions/deputations on the same matter and to open up access for other persons and issues.
<b>Overview and Scrutiny</b>	Part 4.5 (Overview & Scrutiny Procedure Rules), page 156. Rule 1.4, page 157 (& Article 6.04)	Clarify that deputations to O&S Committee must relate to an item for decision at the meeting – i.e. not a Cabinet agenda item which is listed for ‘Cabinet agenda pre-decision scrutiny’ but is not otherwise included on the O&S Committee agenda.	For the avoidance of doubt.

<b>Subject</b>	<b>Constitution part/page</b>	<b>Proposed change</b>	<b>Rationale/comments</b>
<b>Members' Allowances</b>	Part 6 (Members' Allowances Scheme), page 262	<p>(i) Delete existing 'Leader of the Opposition' and 'Deputy Leader of the Opposition' Special Responsibility Allowances (SRAs) and introduce a new banded SRA payable to the Leader of each minority group which has at least 10% of the Council Members as follows:</p> <ul style="list-style-type: none"> <li>- Leader of group with over 6 Cllrs: £7320 pa;</li> <li>- Leader of group with up to 6 Cllrs: £3960 pa</li> </ul> <p>(ii) Increase Mayor's Allowance to £8,069 (equivalent to a non-executive Committee Chair).</p> <p>(iii) Increase maximum hourly rate payable under Child/Dependent Care Allowances from Minimum Wage (currently £5.35 per hour) to £7.00 per hour; and that this figure then be reviewed annually in line with the Local Government Staff Pay Settlement.</p>	<p>(i) To reflect the change to a multi-party environment and the demands of the post of group leader.</p> <p>(ii) To reflect more fully the demands of the post.</p> <p>(iii) To reflect more adequately the true cost of care, in line with typical maximum childminder rates for short-term care as reported in the Children's Information Service Quarterly Report January – March 2008.</p>



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	Part 3.3.2 (page 74) and Part 4.5, Rule 1.3 (page 157)	Overview and Scrutiny Committee to comprise of 11 Councillors and 5 co-opted members	Update
<b>Standards Committee</b>	Article 9 (page 24) and Part 3.3.3 (page 74)	<ul style="list-style-type: none"> <li data-bbox="741 416 1330 544">(i) 9.02 - Amend 'two Councillors to read 'six councillors' and 'five suitable persons' to read 'nine suitable persons'</li> <li data-bbox="741 584 1330 647">(ii) 9.03 – Add 'to receive reports on complaints' to terms of reference</li> <li data-bbox="741 687 1330 751">(iii) Insert requirement for Vice-Chair to be independent member</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1359 416 1995 472">(i) Correction/update to reflect enlarged committee.</li> <li data-bbox="1359 584 1995 608">(ii) Update (amendment agreed March 2007)</li> <li data-bbox="1359 687 1995 711">(iii) To codify current practice</li> </ul>
<b>General Purposes Committee</b>	Article 15 (page 36) and Part 3.3.6 (page 78)	<p data-bbox="741 786 1330 818">Amend Terms of reference:</p> <ul style="list-style-type: none"> <li data-bbox="741 858 1330 1018">(i) Article 15.01 para (b) (5) (Power for Monitoring Officer to revise Constitution to reflect Council decision, matters of fact or legislation) to become new para (c)</li> <li data-bbox="741 1058 1330 1185">(ii) Appointment of LA School Governors – insert 'in case of competing nominations or where officer delegations cannot be exercised'</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1359 858 1995 882">(i) Typographical correction</li> <li data-bbox="1359 1058 1995 1153">(ii) Clarification following March 2007 delegation to officers of uncontested appointments.</li> </ul>
<b>Suspension of Procedure Rules</b>	Article 16.01 (page 37) and Part 4.1, Rule 27.1.2 (page 125)	Suspension not to be moved without notice unless at least one half of the voting members of the meeting in question are present.	Clarification that requirement for 50% attendance applies to all voting members, not just Councillors.

<b>Subject</b>	<b>Constitution part/page</b>	<b>Proposed change</b>	<b>Rationale/comment</b>
<b>Council Functions</b>	Part 3.1 (page 39)	Amend as agreed at GP Committee in June 2007 (delegation of powers pursuant to amendments to functions regulations – enforcement under the Gambling Act 2005; determination of fees for premises licenses; and enforcement of the prohibition of smoking in public places) and October 2007 (Gambling Act 2005; listed buildings and conservation areas; elections; and smoke-free premises)	Update
<b>Local Choice Functions</b>	Part 3.2.2 (page 71)	Amendments to reflect the requirements of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') – delete 'conducting best value reviews' from list of local choice functions; add '22 functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements'.	Statutory requirement
<b>Audit Committee</b>	New section within Part 3.3 (page 73)	Add terms of reference and details of new Audit Committee established by the Council on 11 <sup>th</sup> February 2008)	Update
<b>Committees/ Sub-Committees</b>	Part 3.3.17 (page 84)  New section within Part 3.3 (page 73)  Part 3.3 (page 73) and throughout	(i) Delete reference to School Organisation Committee  (ii) Ensure information on quorums is correct & consistent. Subject to any statutory requirement or specific provision relating to a particular body, the quorum is one quarter of the whole membership or three voting members, whichever is greater.	(i) Committee now abolished  (ii) Correction/consistency

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<b>Licensing Committee</b>	Part 3.3.7 (page 79)	Delete reference to Substitutes in heading	Substitutes are not permitted on Licensing Committee
<b>Pensions Committee</b>	Part 3.3.10 (page 81)	Amend title and terms of reference following establishment of separate Audit Committee, as agreed by Council on 11 <sup>th</sup> February 2008.	Update
<b>Programme of Meetings</b>	Part 4.1, Rule 2.1 (page 106)	Amend 1 <sup>st</sup> sentence to read 'Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at or before the Annual Meeting'	To enable the programme of meetings to be agreed in advance of the Annual Meeting to facilitate advance planning.
<b>Substitutes</b>	Part 4.1, Rule 4.2 (page 108)	Clarify wording – up to three substitute members may be nominated by the relevant political group for each appointed member of a Committee, Sub-Committee or Panel.	For the avoidance of doubt
<b>Licensing sub-committee</b>	Part 4.1, Rule 8.2 (page 110)	Insert 'an additional' before '30 minutes' in final line. Also add 'sub-' before 'committee' in second line.	For the avoidance of doubt. Where necessary to achieve a quorum, and subject to agreement of the legal adviser, the Licensing Sub-Committee may commence up to 45 minutes after the appointed start time.
<b>Motions &amp; Amendments without notice</b>	Part 4.1, Rule 14.1 (page 115)	Insert provision that these procedural motions shall be voted on without debate.	Clarification
<b>Rules of debate</b>	Part 4.1, Rule 15.9 (page 119)	Add to 15.9.3 provision that the mover of a successful amendment takes over the Right to Reply immediately before the substantive motion, as amended, is put to the vote.	Clarification
<b>Nominations for appointment</b>	Part 4.1, Rule 17.6 (page 121)	(i) Amend process for voting on appointments as follows: If more nominations are made than there are positions available, the meeting will vote in turn on each nominee	(i) To codify current practice

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		<p>separately, in the order in which they were nominated, until the vacant position(s) are filled.</p> <p>(ii) To insert 'Before any vote is taken, the Mayor or person presiding shall establish that each candidate nominated, if present, is willing to stand'.</p>	(ii) For the avoidance of doubt
<b>Petitions</b>	Part 4.1, Rule 19.1 (page 122)	Amend 'Planning Committee' to read 'Development Committee' in 9 <sup>th</sup> line.	Correction
<b>Deputations</b>	Part 4.1, Rule 20.1 and 20.2 (page 123)	Amend 20.1, second sentence to read 'They must relate to an item of business for decision at the Council Meeting to which they are addressed' and similar wording in penultimate sentence of 20.2 re: deputations to Cabinet, Committees etc.	For the avoidance of doubt.
<b>Overview &amp; Scrutiny</b>	Part 4.5, Rule 9.2 (page 160)	Final sentence – delete all after '... will consider the report at their next meeting'.	Typographical correction
<b>Officer Employment Procedure Rules</b>	Part 4.9, Para 9.3 (page 188)	Add new 9.4 to clarify the procedure if a valid objection is made to a proposed dismissal (Sub-Committee to re-convene to consider the objection – cf. para 6.2.6 in respect of appointments).	Clarification
<b>Members' Allowances</b>	Part 6, Para 15 (page 263)	Amend 'Learning, Achievement and Leisure Scrutiny Panel' to read 'Health Scrutiny Panel'	Correction (to reflect new structure)