



## Standards and Constitutional Oversight Committee

<b>Date:</b>	<b>Monday, 6 January 2014</b>
<b>Time:</b>	<b>9.30 am</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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## AGENDA

1. **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**
2. **MEMBER SURVEY ON AND PROPOSED REVISIONS TO THE COUNCIL'S CONSTITUTION (Pages 1 - 6)**
  - 2.1 **Appendix 1: Draft Survey (Pages 7-13)**
  - 2.2 **Appendix 2: Supplementary Questions ( Pages 15-18)**
  - 2.3 **Appendix 3: Amendments to the Constitution ( Pages 19-32)**

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## WIRRAL COUNCIL

### STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE 6 January 2014

<b>SUBJECT:</b>	<b>Member Survey on and proposed revisions to the Council's Constitution</b>
<b>WARD/S AFFECTED:</b>	<b>All</b>
<b>REPORT OF:</b>	<b>Strategic Director – Transformation and Resources</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>Councillor Ann McLachlan</b>
<b>KEY DECISION</b>	<b>No</b>

#### 1.0 EXECUTIVE SUMMARY

1.1 The Council's Constitution is a 'living document' which needs to be kept under review to reflect changes in the Council and changes in the way the Council delivers services and does business. Regular review helps to:

- Ensure the Constitution remains relevant and effective;
- Identify changes required to ensure clarity and consistency; and
- Provide an opportunity for continuous improvement of the Council's constitutional arrangements.

1.2 The Standards and Constitutional Oversight Committee is responsible for keeping the Council's Constitutional arrangements under review. It can make minor changes to the Constitution as it considers appropriate and make recommendations to Council with regards to changes. Any changes made should be made in order to better achieve the purposes set out in Article 1 – The Constitution of the Council's Constitution.

1.3 This report sets out:

- a draft member Survey in relation to the Council's Constitution;
- Additional questions for the Member Survey relating to Member conduct/behaviour and the Members' Code of Conduct; and
- Proposals to amend the Council's Constitution

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 The proposals to the Council's Constitution were considered by the Committee at its previous meeting held on 26 November 2013. However, various issues and representations were made concerning this matter and although a recommendation was made to Council, the amendments were not approved.

2.2 Council at its meeting on 16 December 2013, resolved that:

“Council considers that it is not in a position to accept the amendments suggested in Schedule 2.

The schedule of items set out on pages 45-49 of the Summons fails to clarify the concerns raised at the meeting of the Standards and Constitutional Oversight Committee held on 26 November.

Given the confusion and conflicting opinions expressed and evident at that meeting, Council believes that the matter be deferred. In order to restore confidence in the process, all Members should have full opportunity to see and consider the changes set out more clearly. There has to be ample time for further study and potential agreement.

To aid this consideration, the various issues shall be set out on these suggested lines:

- (i) The original wording, with the full paragraph;
- (ii) The wording that is the subject of suggested change;
- (iii) The revised wording in context;
- (iv) A reasoned argument setting out the background and comment explaining the proposed change.

Individual Members should be invited to comment by a date to be agreed so that their views on the issues can be considered at the next meeting of the Committee on 5 February 2014.

That the date for consulting with Members on potential changes to the Constitution as indicated in the report from the Cabinet Member for Governance is moved from 18 December 2013 to 7 January 2014 to commence 13 January 2014 and end 24 January 2014 to give Members more time to input any suggestions in revising the Constitution”.

- 2.3 This report seeks to provide the Committee with information and details concerning the Member Survey on the Council’s Constitution, a summary of the Standards Working Group recommendation and details of proposed changes to the Constitution.
- 2.4 The Group Leaders at their meeting on 13 December 2013 agreed that before the Member Survey is circulated to members, it should be considered and approved by this Committee.
- 2.5 The Standards Working Group met on 17 December 2013 to consider its responsibility to review the Members’ Code of Conduct, the Protocol for dealing with complaints against Members and how higher standards of Member behaviour can be achieved and maintained.

- 2.6 The Standards Working Group has requested benchmarking information and other reference material in order to consider the issue of Member conduct and behaviour fully and how high standards of conduct/behaviour can be promoted and maintained. The Standards Working Group is scheduled to meet again to consider this information and material on 28 January 2014.
- 2.7 The Standards Working Group considered it appropriate that the Committee, when considering the Member Survey, also considered the inclusion of questions relating to improving Member conduct/behaviour as well as questions in relation to the Members' Code of Conduct.
- 2.8 Schedule 1 to the report is the draft Member Survey in relation to the Constitution. It focuses on specific elements of the Constitution and key changes that have been introduced in relation to certain functions.
- 2.9 Schedule 2 proposes additional questions that the Committee is asked to consider including in the draft Member Survey pertaining to the Ethical Framework.
- 2.10 Schedule 3 details proposed amendments to the Constitution. The Schedule makes reference to specific provisions, the proposed amendment and the original provision as appearing in the current Constitution.
- 2.11 The Member Survey will help inform further amendments to the Constitution as are considered appropriate. Such amendments will require further discussion and debate.
- 2.12 The purpose of the Member Survey is to canvass the views of all Members on not only the effectiveness of the current Constitutional arrangements, but afford Members to comment on what he/she considers could/should be improved. The outcome of this review together with recommendations/proposals on changes to the Council's Constitution will be reported back to this Committee and/or Cabinet for consideration.
- 2.13 To facilitate this, the Committee is also asked to consider broadening the remit of the Standards Working Group to also include "Consideration of matters and issues relevant to the review of the Council's Constitution and offer such guidance as appropriate and/or make recommendations as appropriate to the Standards and Constitutional Oversight Committee".
- 2.14 With regards to the amendments to the Council's Constitution, Schedule 3 provides further information in respect of the proposals as resolved by Council.
- 2.15 The Committee is asked to consider the Schedule and approve its circulation amongst all Member's for comment. It is hoped that Schedule 3 can be circulated at the same time as the Member Survey, namely, 13-24 January 2014. This will enable the Committee to consider the responses at its meeting on 5 February 2014.

### **3.0 RELEVANT RISKS**

3.1 Some inconsistencies and typographical errors have been identified which need to be amended to ensure there is no confusion or misunderstanding of the Council's Constitution.

3.2 The Council is committed to continuous improvement of its constitutional arrangements and regular and timely review of the Constitution to mitigate any risks that may arise. This approach is consistent with good practice.

#### **4.0 OTHER OPTIONS CONSIDERED**

4.1 None

#### **5.0 CONSULTATION**

5.1 The views of all Members on the Constitution and the new arrangements are being sought under the proposals outlined in this report.

#### **6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

6.1 None

#### **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

7.1 None.

#### **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

8.1 Support comes from within existing resources which have been realigned to meet the new requirements.

#### **9.0 LEGAL IMPLICATIONS**

9.1 As set out in the report.

#### **10.0 EQUALITIES IMPLICATIONS**

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality

No – the changes proposed do not require an EIA to be undertaken.

#### **11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

11.1 None

#### **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 None

#### **13.0 RECOMMENDATIONS:**

**That the Committee:**

- 13.1 Agrees the Member Survey set out in Schedule 1
  
- 13.2 To determine whether the additional questions set out in Schedule 2 are to be included in the Member Survey;
  
- 13.3 Agrees the proposed amendments to the Constitution set out in Schedule 3 be circulated to Members for comment.
  
- 13.4 Subject to recommendations 13.1 – 13.3 above, Member Survey and proposed changes to the Constitution be circulated to Members for completion/comments between 13-24 January 2014 and the results be reported to the Standards Working Group and the Committee for consideration.

**14.0 REASON/S FOR RECOMMENDATION/S**

14.1 It is good practice to keep the Constitution and Ethical Framework under review and ensure that it remains fit for purpose.

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**APPENDICES**

- Appendix 1 – Draft Member Survey
- Appendix 2 - Additional Member Survey Questions
- Appendix 3 - Proposed changes to the Constitution

**BACKGROUND PAPERS/REFERENCE MATERIAL**

Relevant Acts and Regulations

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date
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## Perception and Experiences of the revised constitution

### Taking Part

As you know, the Council agreed a revised Constitution on 30 April 2013.

We are now taking the opportunity to review and take stock of how the Constitution has enabled the Council to prepare and respond to challenges and opportunities over the intervening period.

This survey has been put together to enable all Members to provide anonymous feedback on their perceptions and experiences of the new democratic arrangements.

This feedback will inform a full review of the Constitution that will be undertaken in January 2014. It would be appreciated if you could complete this questionnaire by no later than 5.00pm on 7th January.

### Full Council

**1. To what extent do you agree that you understand the role and purpose of Full Council?**

- Strongly Agree     
  Agree     
  Disagree     
  Strongly Disagree

**2. Since the Constitution was revised, do you feel that you understand the role of Full Council:**

- More  
 Less  
 About the same

**3. How effective is Full Council in fulfilling its role?**

- Very effective     
  Fairly effective     
  Fairly ineffective     
  Very ineffective

**4. Thinking about meetings of the Full Council prior to the new Constitution, do you feel that:**

- New Full Council meetings are better  
 New Full Council meetings are worse  
 Full Council meetings are about the same

### Full Council

When considering Full Council, how important do you consider the following:

**5. Portfolio Updates**

- Very Important     
  Fairly Important     
  Fairly Unimportant     
  Very Unimportant

**6. Reports from the Chairs of Policy and Performance Committees**

- Very Important     
  Fairly Important     
  Fairly Unimportant     
  Very Unimportant

## Perception and Experiences of the revised constitution

### 7. Notices of Motion

- Very Important       Fairly Important       Fairly Unimportant       Very Unimportant

### 8. Policy Council

- Very Important       Fairly Important       Fairly Unimportant       Very Unimportant

## Full Council

### 9. To what extent do you agree that changes to the Constitution provide better opportunity for challenge and healthy debate at Full Council?

- Strongly Agree       Agree       Disagree       Strongly Disagree

### 10. Do you have any recommendations to improve the effectiveness of Full Council meetings?

## Cabinet

### 11. To what extent do you agree that you understand the role and purpose of Cabinet?

- Strongly Agree       Agree       Disagree       Strongly Disagree

### 12. Since the Constitution was revised, do you feel that you understand the role of Cabinet:

- More  
 Less  
 About the same

### 13. How effective do you feel that Cabinet is in fulfilling its role?

- Very effective       Fairly effective       Fairly ineffective       Very ineffective

### 14. Thinking about Cabinet meetings prior to the new Constitution, do you feel that:

- Cabinet meetings now are better  
 Cabinet meetings now are worse  
 Cabinet meetings now are about the same

## Cabinet

### 15. To what extent do you agree there is accountability and an audit trail of decision making at Cabinet?

- Strongly Agree       Agree       Disagree       Strongly Disagree

## Perception and Experiences of the revised constitution

**16. To what extent do you agree that Cabinet is open and transparent?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**17. To what extent do you agree that Cabinet is capable of making quick and effective decisions?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**18. Do you have any recommendation to improve the effectiveness of Cabinet?**

## Executive Delegated Decisions

**19. To what extent do you agree that Executive Delegated Decisions are open and transparent?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**20. To what extent do you agree that Executive Delegated Decisions are clear and understandable?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**21. To what extent do you agree there is accountability and an audit trail of Executive Delegated Decisions?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

## Policy and Performance Committees

**22. To what extent do you agree that you understand the role and purpose of Policy and Performance Committees?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**23. How effective do you feel that Policy and Performance Committees are in fulfilling their role?**

- Very effective       Fairly effective       Fairly ineffective       Very ineffective

**24. Thinking about meetings of Scrutiny Committees prior to the new Constitution, do you feel that:**

- Policy and Performance Committee meetings are better  
 Policy and Performance Committee meetings are worse  
 Policy and Performance Committee meetings are about the same

**25. To what extent do you agree that Policy and Performance Committees provide the opportunity to influence policy?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

## Policy and Performance Committees

**26. To what extent do you agree that Policy and Performance Committees provide the opportunity to undertake pre-decision scrutiny?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**27. When thinking about the information available to Policy and Performance to hold the Cabinet to account, do you think that it is:**

- Too much  
 Too little  
 About right

**28. How do you think Scrutiny can be improved?**

## Audit and Risk Management Committee

**29. To what extent do you agree that you understand the role and purpose of the Audit and Risk Management Committee?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**30. Since the Constitution was revised, do you feel that you understand the role of the Audit and Risk Management Committee:**

- More  
 Less  
 About the same

**31. How effective do you feel that Audit and Risk Management Committee is in fulfilling its role?**

- Very effective       Fairly effective       Fairly ineffective       Very ineffective

**32. Thinking about meetings of the Audit and Risk Management Committee prior to the new Constitution, do you feel that:**

- Audit and Risk Management Committee meetings are now better  
 Audit and Risk Management Committee meetings are now worse  
 Audit and Risk Management Committee meetings are about the same

## Audit and Risk Management Committee

## Perception and Experiences of the revised constitution

**33. Do you have any recommendations to improve the effectiveness of the Audit and Risk Management Committee?**

## Standards and Constitutional Oversight Committee

**34. To what extent do you agree that you understand the role and purpose of the Standards and Constitutional Oversight Committee?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**35. Since the Constitution was revised, do you feel that you understand the role of the Standards and Constitutional Oversight Committee:**

- More  
 Less  
 About the same

**36. How effective do you feel that the Standards and Constitutional Oversight Committee is in fulfilling its role?**

- Very effective       Fairly effective       Fairly ineffective       Very ineffective

**37. Thinking about meetings of the Standards Committee prior to the new Constitution, do you feel that:**

- Standards and Constitutional Oversight Committee meetings are now better  
 Standards and Constitutional Oversight Committee meetings are now worse  
 Standards and Constitutional Oversight Committee meetings are about the same

## Standards and Constitutional Oversight Committee

**38. Do you have any recommendations to improve the effectiveness of the Standards and Constitutional Oversight Committee?**

## Behaviour and Conduct

This question explores your opinion on the standard of behaviour and conduct which exists within the Council. Please give us your view on the following statements.

## Perception and Experiences of the revised constitution

### 39. I treat fellow Councillors with dignity and respect

- Always       Most of the time       Sometimes       Hardly ever       Not at all

### 40. I treat Council officers with dignity and respect

- Always       Most of the time       Sometimes       Hardly ever       Not at all

### 41. I am treated with dignity and respect by other Members

- Always       Most of the time       Sometimes       Hardly ever       Not at all

### 42. I am treated with dignity and respect by Council officers

- Always       Most of the time       Sometimes       Hardly ever       Not at all

## Behaviour and Conduct

Being able to express views and opinions in relation to Council policies, services and operations is a key role for elected members. To what extent do you agree or disagree with the following statements?

### 43. I am encouraged to express my views on issues which are important to me, irrespective of the forum

- Strongly Agree       Agree       Neither Agree  
nor Disagree       Disagree       Strongly  
Disagree

### 44. At times I been discouraged from effectively expressing my views on issues

- Strongly Agree       Agree       Neither Agree  
nor Disagree       Disagree       Strongly  
Disagree

### 45. I feel I have personally discouraged a fellow Councillor or officer from expressing their views in the course of my role

- Strongly Agree       Agree       Neither Agree  
nor Disagree       Disagree       Strongly  
Disagree

### 46. I have witnessed or am aware of a fellow Councillor or officer being discouraged to express their views

- Strongly Agree       Agree       Neither Agree  
nor Disagree       Disagree       Strongly  
Disagree

## Summary

### 47. To what extent do you agree the revised Constitution promotes and fosters good relationships between Members?

- Strongly Agree       Agree       Disagree       Strongly Disagree

## Perception and Experiences of the revised constitution

**48. To what extent do you agree that the revised Constitution promotes and fosters good relationships with Officers?**

Strongly Agree       Agree       Disagree       Strongly Disagree

**49. Overall, to what extent do you agree that the revised constitutional arrangements promote democracy in action?**

Strongly Agree       Agree       Disagree       Strongly Disagree

**50. Please Provide any further comments that you would like to make about the revised Constitution:**

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The Standards Working Group have requested if some additional questions could be added to the questionnaire on the "Perception and Experiences of the Revised Constitution".

These questions relate to the promotion of high standards of conduct amongst Elected Members and would inform the work of the group.

**1. The Localism Act requires the promotion of high standards of conduct amongst members. What traits / characteristics do you think an Elected Member demonstrating high standards of conduct would have?**

**2. How can high standards of conduct be achieved amongst all members?**

**3. Do you think the group leaders have a specific responsibility to promote high standards of conduct amongst their political group members**

Yes

No

**4. What should group leaders do to fulfil this responsibility?**

**5. To what extent do you understand the obligations under the members Code of Conduct?**

- I have a good understanding       I have a general awareness       Limited awareness

**6. To what extent do you agree the members' Code of Conduct satisfactorily sets out the required standards of behaviour and conduct for Elected Members?**

- Strongly Agree       Agree       Disagree       Strongly Disagree

**7. Please identify any elements of the current Code of Conduct that lacks clarity or could be better explained:**

**8. What behaviour or conduct has not been addressed in the members' Code of Conduct?**

**9. In which environment would you consider Elected Member behaviour and conduct could be improved:**

- Council
- Policy and Performance Committees
- Regulatory Committees
- Constituency Committees
- Standards and Constitutional Oversight Committee
- Internal Council Meetings
- External meetings

Other (please specify)



Schedule 3 – Proposed Amendments to the Constitution

Page No. (of the Constitution)	Proposed Amendment	Proposed Amended Paragraph	Original Paragraph	Reasons for Proposed Change
<p><b>18</b></p> <p>Article 6 – Policy and Performance Committees</p>	<p><b>Paragraph 6.3 (vii)</b> Delete reference to “two” and “five” parent governor representatives and replace with “at least two parent governor representatives and two Diocesan representatives”.</p>	<p>vii) The Co-ordinating Committee shall appoint <i>at least two parent governor representatives and two Diocesan representatives</i> to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.</p>	<p>(vii) The Co-ordinating Committee shall appoint at least two but not more than five parent governor representatives to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.</p>	<p>The change reflects what Council has agreed at its AGM in May 2013.</p> <p>The amendment confirms the appointments that have been made by Council for some years.</p>
<p><b>In May 2013</b></p> <p>Article 9 – The Standards &amp; Constitutional Oversight Committee</p>	<p><b>Paragraph 9.2 (a) bullet point two</b> Delete “three” replace with “four”.</p> <p><b>Insert new paragraph 9.4 (at page 25)</b> “The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club”.</p>	<p>• <i>four</i> persons who are not Members or officers of the Council (independent persons).</p> <p><b>9.4 The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club.</b></p>	<p>• three persons who are not Members or officers of the Council (independent persons).</p> <p>[There is no existing 9.4]</p>	<p>The change corrects a typographical error.</p> <p>Council at its May 2013 AGM agreed a new Ethical Framework which included the appointment of four Independent Members.</p> <p>The Council is the Trustee of the E.F Callister Youth Club. To assist the Council discharge its obligations, Council</p>

Schedule 3 – Proposed Amendments to the Constitution

				under the proposed change is delegating its Trustee responsibilities and powers to this Committee. This avoids the need for full meetings of Council, sitting as Trustee, being called to deal with issues affecting the Trust.
31 Article 10 – Constituency Committees	<p>Replace the first sentence in paragraph <b>10.2(iii)</b> “The Constituency Committee have an advisory role” with “The Constituency Committee shall be a decision making committee”.</p> <p>Add in new paragraph “<b>10.2 (iv )</b> The Committee can appoint up to six Community Representatives (co-optees) with non-voting rights”.</p>	<p><b>10.2 Terms of Reference</b></p> <p>(i) ...</p> <p>(ii) ...</p> <p>(iii) <i>The Constituency Committee shall be a decision making committee.</i> They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.</p> <p><i>10.2 (iv) The Committee can appoint up to six Community Representatives (co-optees) with non-voting rights.</i></p>	<p><b>10.2 Terms of Reference</b></p> <p>(i) ...</p> <p>(ii) ...</p> <p>(iii) The Constituency Committees have an advisory role. They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.</p> <p>[There is no existing 10.2(iv)]</p>	The changes reflect and confirm the powers that Members expect/require Constituency Committees to have.

Schedule 3 – Proposed Amendments to the Constitution

	Add in paragraph “ <b>10.2 (v)</b> Any Member of the Committee, including co-optees, may be appointed as the Chairperson of the Committee.”	<i>10.2 (v) Any Member of the Committee, including co-optees, may be appointed as the Chairperson of the Committee.</i>	[There is no existing 10.2(v)]	
<b>36</b> Article 12 – Officers	<b>Paragraph 12.3 – Function of the Monitoring Officer</b> Add “ <b>12.3(h)</b> - The Monitoring Officer be responsible to the Authority for ensuring so far as reasonably possible that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the Code of Corporate Governance)”.	<i>12.3(h) - The Monitoring Officer be responsible to the Authority for ensuring so far as reasonably possible that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the Code of Corporate Governance)</i>	[There is no existing 12.3(h)]	The change ensures that Article 12 is consistent with the Council’s approved Code of Corporate Governance.
<b>49</b> Table 2 – Responsibility for Council Functions	<b>Standards and Governance Committee (pg 51)</b> Amend Committee title to “Standards and Constitutional	<i>Standards and Constitutional Oversight Committee</i>	Standards & Governance Committee	The changes amends a typographical error with regards to the name of the Committee.

Schedule 3 – Proposed Amendments to the Constitution

	<p>Oversight Committee”.</p> <p>Amend Functions to include “To carry out the functions, discharge the powers and undertake the duties of the Council as Trustee of the E.F Callister Youth Club”.</p> <p><b>Policy &amp; Performance Co-ordinating Committee (pg 53)</b> Add in “15” and delete” (Plus 4 voting and 1 other co-opted Members)”.</p>	<p><i>To carry out the functions, discharge the powers and undertake the duties of the Council as Trustee of the E.F Callister Youth Club</i></p> <p><b>15</b></p>	<p>This amendment simply adds a new function to the list of existing functions for this Committee appearing in Table 2.</p> <p>Members of the Authority (plus 4 voting and 1 other co-opted Members)</p>	<p>As mentioned above the Council is the Trustee of the E.F Callister Youth Club. For the reasons already give, the changes ensures the function is included in the relevant part of the Constitution.</p> <p>The original wording should only relate to the Committee that deals with education matters, namely the Families and Wellbeing P&amp;P Committee.</p>
<p><b>78</b></p> <p>Scheme of Delegation of (Non Executive) Delegation of Functions to Committees</p>	<p><b>Table B. Licensing &amp; registration functions</b></p> <p>Amend <b>paragraph 7</b> to read “Power to license sex establishments” and remove reference to “section 2 and Schedule 3”.</p>	<p><i>7. Power to license sex establishments</i></p> <p><i>The Local Government (Miscellaneous Provisions) Act 1982</i></p>	<p><b>7.</b> Power to license sex shops and sex cinemas.</p> <p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and</p>	<p>The change removes a power that is not required.</p> <p>This change removes an unnecessary restriction on the application of the</p>



Schedule 3 – Proposed Amendments to the Constitution

	<p>Amend <b>paragraph 26 - 2<sup>nd</sup> column (pg 80)</b> to read “The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995”.</p> <p>Delete <b>paragraph 48 (pg 81)</b> relating to the “power to register motor operators”.</p>	<p><i>The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995</i></p> <p><i>Delete paragraph 48 - Power to register motor operators</i></p>	<p>Schedule 3.</p> <p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.</p> <p><b>48.</b> Power to register motor salvage operators.</p> <p>Part 1 of the Vehicle (Crime) Act 2001</p>	<p>legislation.</p> <p>This change removes an unnecessary restriction on the application of the legislation.</p> <p>This change reflects a power that no longer exists.</p>
<p><b>91</b></p> <p>Scheme of Non Executive Delegation of Functions to Officers</p>	<p><b>Schedule 4A Part 2 (1):</b> The list of relevant legislation be amended to -</p> <p><b>Include:</b> “Sunbeds (Regulation) Act 2010” “Mobile Home Act 2010” “Companies Act 2006” “Consumer Credit Act 1974,</p>	<p><i>Include the following legislation to the existing list of Acts and Regulations:</i></p> <p><i>“Sunbeds (Regulation) Act 2010”</i> <i>“Mobile Home Act 2010”</i> <i>“Companies Act 2006”</i> <i>“Consumer Credit Act 1974, 2006 and 2009”</i> <i>“The Cancellation of Contracts made in a “Consumer’s Home or Place of Work etc Regulations 2008”</i></p>	<p>This paragraph consists of a list of legislation. The amendment simply proposes to add or delete specific legislation to/from the list.</p>	<p>This change updates legislation within the Scheme of Delegation so that it remains effective.</p> <p>It is preferable that specific legislation is cited in the Scheme rather than officers having to rely on the general provision that exists.</p>

	<p>2006 and 2009”                  “The Cancellation of Contracts made in a “Consumer’s Home or Place of Work etc Regulations 2008”                  “The Consumer Protection (Distance Selling) Regulations 2000”</p> <p><b>Delete:</b>                  “Property Misdescriptions Act 1991”                  “Trade Descriptions Act 1968”</p> <p><b>Schedule 4A Part 2:</b>                  Amend <b>paragraph (2) (pg 94)</b> to read “Institute legal action and or proceedings in respect of the enforcement of any</p>	<p><i>“The Consumer Protection (Distance Selling) Regulations 2000”</i></p> <p><i>Delete the following::</i>  <i>“Property Misdescriptions Act 1991”</i>  <i>“Trade Descriptions Act 1968”</i></p> <p><i>2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety and the health and safety.</i></p>	<p>2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety including those functions</p>	<p>This change clarifies the power to institute proceedings and the scope of legislation.</p>
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	<p>legislation relating to trading standards, environmental health, environmental protection, food safety and the health and safety.”</p> <p>Amend <b>paragraph 4(b) (pg 95)</b> – replace reference to “Trading Standards Manager” with “Senior Manager (Trading Standards)”.</p> <p>Amend <b>paragraph 4(c) and (d) (pg 95)</b> – replace reference to “Trading Standards Manager, Divisional Officer (Business Support), Divisional Officer (Community Support and Regulation)” with “Senior Manager (Trading Standards) and Trading Standards</p>	<p>(4) (a) ...</p> <p>(b) personally or through the <i>Senior Manager (Trading Standards)</i> authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p> <p>(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:</p> <p><i>Senior Manager (Trading Standards) and Trading Standards Operation Manager</i></p> <p>and authorise other officers as</p>	<p>delegated to the Licensing, Health and Safety and General Purposes Committee, except the Health and Safety at Work etc. Act 1974.</p> <p>(4) (a) ...</p> <p>(b) personally or through the Trading Standards Manager authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p> <p>(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:</p> <p>Trading Standards Manager Divisional Officer (Business Support) Divisional Officer (Community</p>	<p>This changes updates changes to officer posts following restructures.</p> <p>This changes updates changes to officer posts following restructures.</p>
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	<p>Operation Manager”.</p> <p>In relation to <b>paragraph (15) (pg 96)</b>:</p> <ul style="list-style-type: none"> <li>- delete reference to “(ii) Game Dealers Licences”;</li> <li>- amend <b>(viii)</b> to read “Notices given for temporary use of premises for gambling”;</li> <li>- delete reference to “<b>(xviii)</b> Motor Salvage operators”; and</li> <li>- amend <b>(xxii)</b> (see proposed amendment)</li> </ul>	<p>considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <ul style="list-style-type: none"> <li>- delete “(ii) Game Dealers Licences”;</li> <li>- <b>(viii) Notices given for temporary use of premises for gambling;</b></li> <li>- delete “<b>(xviii)</b> Motor Salvage operators”;</li> </ul> <p><b>(xxii)</b> to read: The enforcement of conditions relating to the licensing of hackney carriage and private hire drivers licences, vehicle licences and operator’s licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension <b>or revocation</b> of driving licences, vehicle licences</p>	<p>Support and Regulation)</p> <p>and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <p>Paragraph 15 contains a list contains numerous of functions from which Games Dealers Licences is to be deleted.</p> <p>(viii) Consider notices given for temporary use of premises for gambling;</p> <p>Function to be deleted from functions list</p> <p><b>(xxii)</b> to read: The enforcement of conditions relating to the licensing of hackney carriage and private hire drivers licences, vehicle licences and operator’s licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension of driving licences, vehicle licences and</p>	<p>This power is no longer relevant.</p> <p>This change clarifies the power so that its is clear such Notices can be issued.</p> <p>This power is no longer relevant.</p> <p>This change clarifies the power to enable revocation of licences not their suspension.</p>
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		and operator’s licences.	operator’s licences.	
<b>114-139</b> Rules of Procedure – Council Procedure Standing Orders	<p><b>Page 118 - 5. Order of Business (Council Meetings), paragraph (2) (J)</b>- Deleted and paragraphs then re-lettered.</p> <p><b>Page 119 - Standing Order 2 (d)</b> new provision to be inserted - “Leader’s announcements – Appointment of Cabinet and Portfolios (unless to be confirmed as soon as practicably possible after the Annual General Meeting).”</p> <p><b>Page 119 - Standing Order 2(e)</b> was the previous 2(d), all of (2) re-lettered.</p> <p><b>Page 122 – 8. Motions which may be moved without notice having been given under</b></p>	<p>Delete: (j) To consider any other business specified in the summons;</p> <p>(This is repeated at paragraph (n) on the same list)</p> <p><b>(2)(d) Leader’s announcements – Appointment of Cabinet and Portfolios (unless to be confirmed as soon as practicably possible after the Annual General Meeting).</b></p> <p><b>Standing Order 2 to be renumbered as appropriate.</b></p>	<p>(j) To consider any other business specified in the summons;</p> <p>New provision (existing 2(d) become 2(e) and so on down the list).</p> <p>n/a</p>	<p>This change removes a Council agenda item that is repeated at paragraph (n) in the same list.</p> <p>This changes addresses an omission and confirms a practice that has been in place previously.</p> <p>In view of the changes the list needs to be re-indexed.</p>

	<p><b>Standing Order 7</b></p> <p><b>Paragraph (l)</b> - delete “36” replace with “22A”</p> <p><b>P123 – 10. Questions – Standing Order (2)(a)</b> delete 5.1 and replace with 5(2)(h)</p> <p><b>P125 – 12. Rules of debate for Council Meetings</b></p> <p><b>Standing Order 12(6) Right of Reply (pg 125)</b> – Delete 8 replace with “7”</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order <b>22A</b>;</p> <p>(2) A member of the Council may (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order <b>5.2(h)</b> of the Executive Board or a committee submitted to the Council at that meeting.</p> <p><b>(6) Right of reply (Notices of Motion under Standing Order 7)</b></p> <p>The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the 126 debate on the amendment in accordance with</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order 36;</p> <p>(2) A member of the Council may (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order 5.1(h) of the Executive Board or a committee submitted to the Council at that meeting.</p> <p><b>(6) Right of reply (Notices of Motion under Standing Order 8)</b></p> <p>The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the 126 debate on the amendment in</p>	<p>This change corrects a continuity issue.</p> <p>This change corrects a continuity issue.</p> <p>This change corrects a continuity issue.</p>
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	<p><b>AMENDMENTS - P126 - Standing Order</b>  <b>12(9)</b>- Insert new provision – See proposed amendment opposite</p>	<p>paragraph (7)(c) of this standing order. The mover of the amendment shall have no right of reply to the debate on the amendment.</p> <p><i>12(9)(e) Where an ordinary Council meeting is scheduled to take place on a Monday, any amendment to a Notice of Motion submitted pursuant to Standing Order 7 must be submitted to the Head of Legal and Member Services (or his/her nominee) by no later than 10:00am on the Friday immediately preceding that ordinary Council meeting.</i></p> <p><i>In the case of any other scheduled ordinary Council meeting, any amendment proposed to a Notice of Motion must be submitted to the Head of Legal and Member Services (or his/her nominee) at least two clear working days prior to the relevant ordinary Council meeting unless the Chief Executive agrees that it is in the public interest to allow the submission of the amendment at an alternative date and time.</i></p>	<p>accordance with paragraph (7)(c) of this standing order. The mover of the amendment shall have no right of reply to the debate on the amendment.</p> <p>There is no existing provision.</p>	<p>This change seeks to mitigate against the need for an adjournment at Council to allow a Political Group(s) to consider amendments proposed to a Notice of Motion tabled at the Council meeting.</p> <p>The Chief Executive has discretion to allow an amendment to be considered in accordance with the Council Procedure Rules where he considers the public interest so demands.</p>
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	<p><b>P127 – Standing Order (11) – Substantive Motion</b> – delete “notified under Standing Order 5(1)(h)” and “notified as an objection”.</p> <p><b>P127- Standing Order (12) – Withdrawal of amendment-</b> title change delete and replace with “Withdrawal of Motion or Amendment” and add in “(See Standing Order 7(3)).”</p> <p><b>P127 - Standing Order 13 Motions which may be moved in course of debate paragraph (d)-</b> delete 7(8) replace with “9(1).”</p>	<p><b>(11) Substantive motion</b> If an amendment is lost, other amendments notified under Standing Order 12(9)(e) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment <del>notified as an objection</del> may be moved.</p> <p><b>(12) Withdrawal of Motion or Amendment</b> A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused (See Standing Order 7(3)).</p> <p>(d) to suspend Standing Order 9(1);</p>	<p><b>(11) Substantive motion</b> If an amendment is lost, other amendments notified under Standing Order 5(1)(h) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment notified as an objection may be moved.</p> <p><b>(12) Withdrawal of amendment</b> A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.</p> <p>(d) to suspend Standing Order 7(8);</p>	<p>This change corrects a continuity issue and removes reference to the lodging of an “objection” when no such provision exists in the Constitution to deal with an “objection”.</p> <p>This change reflects the current practice and corrects a continuity issue.</p> <p>This change corrects a continuity issue.</p>
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	<p><b>Page 131 – Voting – Standing Order 7-</b> delete 7(8) replace with “9(1).”</p> <p><b>Page 133 – Section 2 – Relating to Committees - Standing Order 23 –</b> (h) delete 4 replace with “1”.</p> <p><b>Page 137- Standing Order 35- Calling in of Decisions</b></p> <p><b>Standing Order 35(2) – (pg 137)</b> Delete the word “notice” and replace with “Minute(s)”.</p> <p>Delete - “9a.m on the Thursday” and replace with “5:00pm on the final day of the call in period of five clear working days from the date of publication.”</p>	<p>(7) When the electronic voting system is not being used, no request for a card vote may be made during the procedure referred to in Standing Order <b>9(1)</b>.</p> <p>(h) In relation to start time – S O <b>1</b></p> <p>35(2) That <b>Minute(s)</b> will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by <b>5:00pm on the final day of the call in period of five clear working days from the date of publication.</b> (Adjusted by a maximum of one day in there is one or more Bank Holidays in that period)</p> <p>35(3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so</p>	<p>(7) When the electronic voting system is not being used, no request for a card vote may be made during the procedure referred to in Standing Order 7(8).</p> <p>(h) In relation to start time – S O 4</p> <p>35(2) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 9a.m. on the Thursday following publication of a decision on Friday. (Adjusted by a maximum of one day in there is one or more Bank Holidays in that period)</p> <p>35(3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so</p>	<p>This change corrects a continuity issue.</p> <p>This change corrects a continuity issue.</p> <p>This change clarifies the Call-In procedure and timetable.</p> <p>The call-in period remains unchanged.</p> <p>This change amends the timetable to what was the previous position. The last call-in</p>
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	<p><b>Standing Order 35(3)(a) – (pg 137)</b> Delete “7 working days” replace with “15 working days”.</p>	<p>requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Coordinating Committee, and in any case within <b>10</b> working days of the decision to call-in.</p>	<p>requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Coordinating Committee, and in any case within 7 working days of the decision to call-in.</p>	<p>demonstrated that it was very difficult to convene the necessary committee meeting within 7 working days.</p>
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