

Schedule 3 – Proposed Amendments to the Constitution

Page No. (of the Constitution)	Proposed Amendment	Proposed Amended Paragraph	Original Paragraph	Reasons for Proposed Change
<p>18</p> <p>Article 6 – Policy and Performance Committees</p>	<p>Paragraph 6.3 (vii) 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>In May 2013</p> <p>Article 9 – The Standards & Constitutional Oversight Committee</p>	<p>Paragraph 9.2 (a) bullet point two Delete “three” replace with “four”.</p> <p>Insert new paragraph 9.4 (at page 25) “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>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.</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>

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				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 10.2(iii) “The Constituency Committee have an advisory role” with “The Constituency Committee shall be a decision making committee”.</p> <p>Add in new paragraph “10.2 (iv) The Committee can appoint up to six Community Representatives (co-optees) with non-voting rights”.</p>	<p>10.2 Terms of Reference</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>10.2 Terms of Reference</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>	<p>The changes reflect and confirm the powers that Members expect/require Constituency Committees to have.</p>

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	Add in paragraph “ 10.2 (v) 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)]	
36 Article 12 – Officers	Paragraph 12.3 – Function of the Monitoring Officer Add “ 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>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.
49 Table 2 – Responsibility for Council Functions	Standards and Governance Committee (pg 51) 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.

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	<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>Policy & Performance Co-ordinating Committee (pg 53) 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>15</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&P Committee.</p>
<p>78</p> <p>Scheme of Delegation of (Non Executive) Delegation of Functions to Committees</p>	<p>Table B. Licensing & registration functions</p> <p>Amend paragraph 7 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>7. 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>

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	<p>Amend paragraph 26 - 2nd column (pg 80) to read “The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995”.</p> <p>Delete paragraph 48 (pg 81) 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>48. 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>91</p> <p>Scheme of Non Executive Delegation of Functions to Officers</p>	<p>Schedule 4A Part 2 (1): The list of relevant legislation be amended to -</p> <p>Include: “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>

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	<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>Delete: “Property Misdescriptions Act 1991” “Trade Descriptions Act 1968”</p> <p>Schedule 4A Part 2: Amend paragraph (2) (pg 94) 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 paragraph 4(b) (pg 95) – replace reference to “Trading Standards Manager” with “Senior Manager (Trading Standards)”.</p> <p>Amend paragraph 4(c) and (d) (pg 95) – 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 paragraph (15) (pg 96):</p> <ul style="list-style-type: none"> - delete reference to “(ii) Game Dealers Licences”; - amend (viii) to read “Notices given for temporary use of premises for gambling”; - delete reference to “(xviii) Motor Salvage operators”; and - amend (xxii) (see proposed amendment) 	<p>considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <ul style="list-style-type: none"> - delete “(ii) Game Dealers Licences”; - (viii) Notices given for temporary use of premises for gambling; - delete “(xviii) Motor Salvage operators”; <p>(xxii) 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 or revocation 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>(xxii) 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.	
114-139 Rules of Procedure – Council Procedure Standing Orders	<p>Page 118 - 5. Order of Business (Council Meetings), paragraph (2) (J)- Deleted and paragraphs then re-lettered.</p> <p>Page 119 - Standing Order 2 (d) 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>Page 119 - Standing Order 2(e) was the previous 2(d), all of (2) re-lettered.</p> <p>Page 122 – 8. Motions which may be moved without notice having been given under</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>(2)(d) Leader’s announcements – Appointment of Cabinet and Portfolios (unless to be confirmed as soon as practicably possible after the Annual General Meeting).</p> <p>Standing Order 2 to be renumbered as appropriate.</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>

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	<p>Standing Order 7</p> <p>Paragraph (l) - delete “36” replace with “22A”</p> <p>P123 – 10. Questions – Standing Order (2)(a) delete 5.1 and replace with 5(2)(h)</p> <p>P125 – 12. Rules of debate for Council Meetings</p> <p>Standing Order 12(6) Right of Reply (pg 125) – Delete 8 replace with “7”</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order 22A;</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 5.2(h) of the Executive Board or a committee submitted to the Council at that meeting.</p> <p>(6) Right of reply (Notices of Motion under Standing Order 7)</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>(6) Right of reply (Notices of Motion under Standing Order 8)</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>AMENDMENTS - P126 - Standing Order 12(9)- 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>P127 – Standing Order (11) – Substantive Motion – delete “notified under Standing Order 5(1)(h)” and “notified as an objection”.</p> <p>P127- Standing Order (12) – Withdrawal of amendment- title change delete and replace with “Withdrawal of Motion or Amendment” and add in “(See Standing Order 7(3)).”</p> <p>P127 - Standing Order 13 Motions which may be moved in course of debate paragraph (d)- delete 7(8) replace with “9(1).”</p>	<p>(11) Substantive motion 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 notified as an objection may be moved.</p> <p>(12) Withdrawal of Motion or Amendment 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>(11) Substantive motion 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>(12) Withdrawal of amendment 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>Page 131 – Voting – Standing Order 7- delete 7(8) replace with “9(1).”</p> <p>Page 133 – Section 2 – Relating to Committees - Standing Order 23 – (h) delete 4 replace with “1”.</p> <p>Page 137- Standing Order 35- Calling in of Decisions</p> <p>Standing Order 35(2) – (pg 137) 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 9(1).</p> <p>(h) In relation to start time – S O 1</p> <p>35(2) That <i>Minute(s)</i> 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 5:00pm on the final day of the call in period of five clear working days from the date of publication. (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>Standing Order 35(3)(a) – (pg 137) 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 10 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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