

REPORT TITLE: CHANGES TO THE CONSTITUTION

26 JUNE 2019

REPORT OF THE MONITORING OFFICER

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WARD(S): ALL

PURPOSE

The Council adopted the updated Constitution at an Extraordinary Council meeting on 19 March 2019 (Report CL144 refers) that became effective from the Annual Meeting on 15 May 2019. The Administration wish to make a change to the Constitution to allow for public speaking as part of the democratic process at Full Council.

This report outlines those changes and some additional amendments considered necessary at this stage that have come to light.

RECOMMENDATIONS:

1. That Council introduce a public question and answer session at the beginning of business at ordinary meetings of Full Council with Councillor questions moved to later in the agenda in order to discharge the matters in front of Full Council in a timely manner. That the necessary changes to the Council Procedure Rules in the Constitution are made to effect these changes.
2. That Council agree to the further changes to the constitution as set out at Appendix A to the report.
3. That Council suspend Council Procedure Rule Part 4.3, Overview and Scrutiny Procedure Rule, paragraph 3 restricting the number of members who may sit on more than one Committee for one year effective immediately until the next Annual Meeting of Council.

1. SUPPORTING INFORMATION:

- 1.1 The Monitoring Officer, appointed at the Annual Meeting, undertook a review in advance of the formal publication of the [Constitution](#). A number of minor updates and clarifications were made.
- 1.2 The Administration propose to introduce a public question and answer session at ordinary meetings of the Council. In order to give this opportunity and discharge the matters of council in a timely manner, it is also proposed to move Councillor Questions (Council Procedure Rule 15) to the end of the meeting. This requires amendments to the Council Procedure Rules at Part 4.1 (2). The amendments and procedure are included in Appendix A.
- 1.3 The Monitoring Officer has also identified that the Constitution, as adopted, states that each Non Executive Member sit on only one of the three Scrutiny Committees. The appointments have already been made at Annual Council, which do not conform to the Constitution. In the circumstances the Monitoring Officer, following liaison with Group Managers, is recommending that Council suspend this provision contained in paragraph 3 of Part 4.3, Overview and Scrutiny Procedure Rules for municipal year 19/20.
- 1.4 If this matter is not agreed unanimously, amendments will need to be made to the membership of all 3 Scrutiny Committees, including deputies and must be immediately agreed at the Full Council meeting.
- 1.5 Since its adoption, the Monitoring Officer has reviewed other areas of the Constitution, as matters have arisen, and as a consequence a number of further amendments are recommended for approval by Council set out in Appendix A.
- 1.6 The Monitoring Officer has noted that an amendment to the Constitution is required with regard to the references to the role of the Human Resources Sub-Committee. This is appointed on an adhoc basis from the Audit and Governance Committee to deal with matters not delegated under the Scheme of Delegation, for example, any disciplinary action to be taken against a Statutory Officer.
- 1.7 An Appointments Panel, which is different, and is a sub-committee of Full Council and undertakes a separate role for the recruitment of the Head of Paid Service and Strategic Directors and Chief Officers in accordance with the Officer Employment Procedure Rules. This is also convened on an adhoc basis, as required. It is proposed that the membership of the Appointments Panel will be comprised of Leader, Deputy Leader, Leader of the opposition and deputy leader of the opposition as well as member of the Audit & Governance Committee. This detail was not expressly stated in the new Constitution.
- 1.8 This amendment was put to the Audit and Governance Committee meeting on Thursday 13<sup>th</sup> June under Chairperson's announcements and was agreed in principle to be put forward to Full Council in this paper.

2. OTHER OPTIONS CONSIDERED AND REJECTED

- 2.1 Not making any changes to the Constitution. This option was rejected as the amends as tabled enhance the efficient and effective running of the Council.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CL144 – Constitution Review – 19 March 2019

Other Background Documents:-

None

APPENDICES:

Appendix A - Changes proposed to Constitution