

SUBJECT:	Review of the Council's Constitution
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services and Monitoring Officer
WARD/S AFFECTED	N/A

1. Purpose of Report

In accordance with the agreed work plan to undertake a detailed review of the procedure rules in Part 4 of the Council's Constitution.

RECOMMENDATION

That the Committee consider and agree the proposed revisions to the:-

- 1. Council procedure rules at Appendix 1**
- 2. Cabinet procedure rules at Appendix 2**
- 3. Overview and Scrutiny procedure rules at Appendix 3**
- 4. Access to Information procedure rules at Appendix 4**
- 5. Budget and Policy Framework Procedure Rules at Appendix 5**
- 6. Employment Procedure Rules at Appendix 6**

2. Reasons for Recommendation

To ensure the Council's Constitution is fit for purpose and more user-friendly for members, staff and the public, to introduce harmonised procedures with South Bucks District Council where this will facilitate more effective running of shared services and to ensure the Council meets its statutory duty of publishing an up to date Constitution.

3. Content of Report

- 3.1 The Committee agreed a work programme for reviewing and updating the Constitution at their meeting in October. This report deals in detail with the procedure rules in Part 4 of the Constitution which are appended in full with proposed revisions shown in track changes.

Council Procedure Rules

- 3.3 The current rules are set out in Appendix 1. Changes to the format of Full Council meetings were agreed in 2014 and these are reflected in the appendix. The Council Procedure rules set

out how council meetings will be conducted in terms of the order of business, how debates will be conducted including notices of motions and questions and certain special rules for Planning and Overview Committees. The proposed revisions are shown in track changes and will be explained in detail at the meeting. They seek to make the wording less legalistic by removing unnecessary cross references, update rules which have amended by legislation such as the Localism Act 2011 and the Standing Order Regulations 2015, insert provisions allowing substitutes (temporary changes of membership) and recording the requirement for committees and sub-committee to formally appoint their Chairman and Vice-Chairman at the beginning of the Council term. It is also suggested that the rules on speaking at Planning Committee become a separate protocol in Part 5 of the Constitution.

Cabinet Procedure Rules

- 3.4 The current rules are attached at Appendix 2 and set out the statutory rules governing the role and composition of the cabinet, how portfolios are allocated and the conduct of cabinet meetings. The rules were amended in 2010 when the statutory provisions on so-called "strong leaders" came into force and therefore no substantive revisions are proposed.

Overview and Scrutiny Procedure Rules

- 3.5 The current rules are attached at Appendix 3 and deal with arrangements for meetings, work programme and setting the agenda, rights to information, attendance by cabinet members and officers and the procedure for calling-in executive decisions. The attached rules incorporate the changes agreed by the Council in 2014 and no substantive revisions are proposed.

Access to Information Procedure Rules

- 3.6 The current rules are attached at Appendix 4. These set out the statutory provisions on access to Council information as enacted in the Local Government Act 1972 (as amended) and the equivalent Regulations relating to executive (cabinet) information and cover access to meetings, agendas and background information. The original rules date from 2010 and require substantive amendment to comply with the Openness of Local Government Bodies Regulations 2014 (Council functions) and the Executive Arrangements (Meetings and Access to Information) Regulations 2012 (cabinet functions). The proposed changes will be explained in detail at the meeting.

Budget and Policy Framework Procedure Rules

- 3.7 The current rules are attached at Appendix 5 and deal with the process for developing the budget and policy framework within which the Cabinet works. The rules are intended to give non-cabinet members the opportunity to support, review and scrutinise the Council's policy framework which is set out in Article 4 and therefore link into the Overview and Scrutiny Rules. The proposed changes to these rules seek to streamline the process and clarify when a lighter touch can be applied to minor amendments and annual updates, as well updating the list of policies comprising the framework to mirror Article 4, which was itself updated by the Committee at their meeting on 30 November.

Employment Procedure Rules

- 3.8 The current rules are attached at Appendix 6 and deal with arrangement for the appointment and dismissal of staff which are prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 as amended. The appointment and dismissal of staff is a function reserved to the Council and these rules require revisions to reflect the new shared service and staffing arrangements with South Bucks District Council, in particular the delegation of senior appointments to the Joint Appointments and Implementation Committee, as well as recent changes to the mandatory standing orders for dismissal of statutory officers. These will be explained in more detail at the meeting.

3 Consultation

The Committee is asked to consider whether, and if so how, they wish to consult on the proposed revisions with members more widely, either via committees/cabinet or individually.

4 Options

The Committee can decide whether to agree the proposed revisions as set out in the attached documents and suggest alternatives.

6. Corporate Implications

Financial – There are no financial implications arising directly from this report

Legal – As set out in the report

Risks issues – The lack of an up to date and effective Constitution could increase the risk of governance failures

Equalities - None specific

7. Links to Council Policy Objectives

There are no direct links to the policy objectives. But the Council has a statutory duty to maintain an up to date Constitution and publish this on the website.

8. Next Steps

As set out in the agreed work programme.

Background Papers:	None except those referred to in the report
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