

# **Report of the City Solicitor to the meeting of Governance and Audit Committee on 25 April 2017**

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**AO**

**Subject:**

**Review of the Constitution**

**Summary statement:**

**This report provides Members with details of proposed amendments to the Constitution for recommendation to Council.**

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City Solicitor

**Portfolio:**

**Corporate**

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**Improvement Area: Corporate**



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## 1. Summary

1.1 This report provides Members with details of proposed amendments to the Constitution for recommendation to Council.

## 2. Background

2.1 Article 14 of the Constitution requires the Monitoring Officer to maintain an up-to-date version of the Constitution and is authorised to make such amendments to the Constitution and related documents as may be necessary, but not including any changes of substance, to reflect and take account of changes in legislation, guidance, Council policy, decision of the Council and the Executive, and drafting changes and/or improvements.

2.2 Article 17 of the Constitution requires the Monitoring Officer to take steps to make himself/herself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement. Changes to the Constitution can only be made following approval by the full Council or by the Monitoring Officer, as at paragraph 2.1 above.

2.3 This report concerns proposals for amendments to the Constitution.

## 3. Proposed Amendments to the Constitution

3.1 Appendix 1 to this report sets out proposed amendments to Article 11A – Health and Wellbeing Board. The Board at its meeting on 29<sup>th</sup> November approved the changes which are indicated in bold.

3.2 Appendix 2 to this report sets out proposed amendments to Article 11 (Standards Committee). The Committee at its meeting on 2<sup>nd</sup> March 2017 approved the changes which are indicated in bold. An addition to article 14 is also recommended by the City Solicitor regarding her approval for the engagement of external legal suppliers.

3.3 Appendix 3 to this report sets out proposed amendments to Article 8 (Regulatory and Appeals Committee) to reflect the change to the designation of the one of the officers responsible in relation to miscellaneous licensing.

3.4 Appendix 4 to this report sets out proposed amendments to Article 8 (Regulatory and Appeals Committee) to reflect a change in legislation and the correction of errors in relation to planning delegations.

3.5 Appendix 5 to this report sets out proposed amendments to Article 8 (Regulatory and Appeals Committee) to reflect a change in legislation and the addition of functions in relation to Social Services Appeals and Housing and Non-Domestic Rates Appeals.

3.6 Appendix 6 to this report sets out a recommendation to amend Article 14 to refer to the full Article referred to in recording decisions.

3.7 Appendix 7 to this report sets out a recommendation to amend Para 1.2 of the Member and Officer Planning Code to make clear that members who have pre-

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determined a planning application may not speak as an objector or supporter of the application whether they are a member of the Committee or an alternate member.

3.8 Appendix 8 to this report contains the Protocol for Webcasting of Council Meetings which should be added to the Constitution.

#### **4. Financial and Resource Appraisal**

4.1 The resources required to amend the Constitution can be met from existing provision.

#### **5. Legal Appraisal**

5.1 Any legal implications are reflected in the Appendices.

#### **6. Other Implications**

6.1 There are no equal rights, sustainability, community safety, Human Rights Act or trade union implications of this report.

#### **7. Not for Publication Documents**

7.1 None

#### **8. Recommendations**

8.1 That the proposed amendments to the Constitution set out in Appendices 1 to 8 of this report be recommended to Council for adoption.

#### **9. Appendices**

Appendix 1	Proposed amendments to Article 11A (Health and Wellbeing Board)
Appendix 2	Proposed amendments to Article 11 (Standards Committee)
Appendix 3	Proposed amendments to Article 8 (Miscellaneous Licensing)
Appendix 4	Proposed amendments to Article 8 (Planning delegations)
Appendix 5	Proposed amendments to Article 8 (Social Services and Housing and Non-Domestic Rates Appeals)
Appendix 6	Proposed amendments to Article 14 (Records of decisions made)
Appendix 7	Proposed amendment to Member and Officer Planning Code of Conduct
Appendix 8	Protocol for Webcasting of Council Meetings

#### **10. Background Papers**

None