

Other suggested amendments to Constitution 2008

Where amendments are suggested to only part of a paragraph, only the relevant part is replicated in the amendment chart below.

| Provision in Constitution | Current Wording | Proposed Amendment | Reason(s) |
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| Summary and Explanation (Citizens' Rights) third para, 10 th bullet point page 13 | <ul style="list-style-type: none"> ◆ complain to the Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Council's code of conduct; | <ul style="list-style-type: none"> ◆complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members; | To reflect the new locally based standards regime under the Local Government Act 2000 as amended and associated legislation. |
| Article 2.03(b)(ii) Page 19 | (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it. | (ii) Except as legally permitted, Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it. | To reflect the Members' Code of Conduct which allows the disclosure of confidential information in certain prescribed circumstances. |
| Article 3.01(d)(iii) Page 20 | Where citizens feel something has gone wrong they may complain to: (iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.. | Where citizens feel something has gone wrong they may complain to: (iii) the Council's Standards Committee about a breach of the Councillor's Code of Conduct.. | To reflect the new locally based standards regime under the Local Government Act 2000 as amended and associated legislation. |

| Provision in Constitution | Current Wording | Proposed Amendment | Reason(s) |
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| <p>Article 10.03 (a)</p> <p>(Conflicts of interest – Membership of Area Committees and Overview and Scrutiny Committees)</p> <p>Page 37</p> | <p>(a) Conflict of interest: If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.</p> | <p>(a) Conflict of interest: If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which an Overview and Scrutiny Committee Councillor is also a member, then the Councillor concerned may not vote at the overview and scrutiny committee meeting if s/he was present at the area committee meeting in question, unless a dispensation to do so is given by the Standards Committee. Such a councillor may have a right to speak at the overview and scrutiny meeting if permitted under the Members' Code of Conduct.</p> | <p>To reflect the revised Members' Code of Conduct 2007.</p> |
| <p>Article 13.09</p> <p>Conflicts of interest</p> <p>Page 48</p> | <p>No Councillor will take, or participate in, a decision in which he or she has a prejudicial interest (as defined in the Members' Code of Conduct). Where an individual Executive member has delegated power to take a decision, but, has a prejudicial interest the matter will be referred to the Executive for a decision.</p> | <p>Subject to any right to speak under the Members' Code of Conduct or dispensation obtained from the Standards Committee, no Councillor will take, or participate in, a decision in which he or she has a prejudicial interest (as defined in the Members' Code of Conduct); and where an individual Executive member has delegated power to take a decision, but, has a prejudicial interest the matter will be referred to the Executive for a decision.</p> | <p>To reflect the revised Members' Code of Conduct 2007.</p> |

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| Part 3 'Delegation of Executive Functions' pg 98 of Constitution | 6. Appeals Committee 6.1 The Executive delegates to the Appeals Committee power to hear and determine appeals under Section 13 of the Registered Homes Act 1984 and Section 77 of the Children Act 1989. | <i>[6. Not used]</i> <i>[6.1 Not used.]</i> | To delete references to repealed legislation (the Registered Homes Act 1984 was repealed, with transitional provisions, by the Care Standards Act 2000, s 117(2), Sch 6, as from 1 April 2002; and Section 77 of the Children Act 1989 was repealed by the Care Standards Act 2000, s 79(5)). It is recommended that the detail be deleted but the numbering retained but not used to save changing subsequent numbering and any cross references. |

| Provision in Constitution | Current Wording | Proposed Amendment | Reason(s) |
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| <p>Access to Information Procedure Rule 19.3(b)</p> <p>Pg 161 of Constitution</p> | <p>(b) Copies of the decision record will be sent electronically, as soon as possible, to:</p> <ul style="list-style-type: none"> ➤ all Members of the Council ➤ Conservative Group Research & Communications Officer ➤ Liberal Democrat Group Research & Communications Officer ➤ Labour Group Research & Communications Officer ➤ Head of Legal and Legal and Democratic Services ➤ Monitoring Officer ➤ Chief Finance Officer ➤ Head of Scrutiny and Corporate Performance ➤ Staff Officer to the Chief Executive Officer ➤ Stephanie Bratcher; Scrutiny and Corporate Performance ➤ Ray Busby, Scrutiny and Corporate Performance Officer ➤ Bryon Hunter, Scrutiny Support Officer ➤ Rachel Rushforth; Scrutiny and Corporate Performance | <p>(b) Copies of the decision record will be sent electronically, as soon as possible, to:</p> <ul style="list-style-type: none"> ➤ All Members of the Council ➤ Conservative Group Research & Communications Officer ➤ Liberal Democrat Group Research & Communications Officer ➤ Labour Group Research & Communications Officer ➤ Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer ➤ Principal Officer Democracy and Governance ➤ Corporate Director Finance and Central Services ➤ Head of Scrutiny and Corporate Performance ➤ Staff Officer to the Chief Executive Officer ➤ Scrutiny and Corporate Performance Officers ➤ Scrutiny Support Officers | <p>To amend a typographical error to reflect the Head of Legal and Democratic Services' changed post title (to Assistant Chief Executive (Legal and Democratic Services)) and her additional role as Monitoring Officer; to make the list consistent with that contained in the Decision Record proforma in the Access to Information Procedure Rules Appendix; and to refer only to post titles in the list, to minimise changes required to the Constitution due to future changes of personnel within the posts.</p> |

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| <p>Access to Information Procedure Rules</p> <p>Appendix – Decision Record proforma</p> <p>Pg 168 of Constitution</p> | <p><i>The circulation list at the end of page 2 of the Decision Record proforma currently states:</i></p> <p>To: Jackie Dawson/Alison Jones, Legal and Democratic Services – for onward circulation to:</p> <ul style="list-style-type: none"> ➤ All Members of the Council ➤ Martin Thomas – Conservative Group Research & Communications Officer ➤ Richard Ormerod - Lib Dem Group Research & Communications Officer ➤ Hannah King - Labour Group Research & Communications Officer ➤ Carole Dunn, Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer ➤ Stephen Knight, Principal Officer Democracy and Governance ➤ John Moore, Corporate Director – Finance and Central Services ➤ Hugh Williamson, Head of Scrutiny and Corporate Performance ➤ Amanda Fry, Staff Officer to the Chief Executive Officer ➤ Ray Busby, Scrutiny and Corporate Performance ➤ Stephanie Bratcher; Scrutiny and Corporate Performance ➤ Rachel Rushforth; Scrutiny and Corporate Performance ➤ Bryon Hunter, Scrutiny Support Officer ➤ Lorraine Laverton, Scrutiny Support Officer | <p><i>Amend the circulation list at the end of page 2 of the Decision Record proforma as follows:</i></p> <p>To: The Business Support Officer, Legal and Democratic Services – for onward circulation to:</p> <ul style="list-style-type: none"> ➤ All Members of the Council ➤ All Group Research & Communications Officers ➤ Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer ➤ Principal Officer Democracy and Governance ➤ Corporate Director Finance and Central Services ➤ Head of Scrutiny and Corporate Performance ➤ Staff Officer to the Chief Executive Officer ➤ Scrutiny and Corporate Performance Officers ➤ Scrutiny Support Officers | <p>To refer only to post titles in the list, to minimise changes required to the Constitution due to future changes of personnel within the posts.</p> |

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| <p>Overview and Scrutiny Procedure Rule 2</p> <p>Pg 189 of Constitution</p> | <p>2. Who may sit on Overview and Scrutiny Committees?</p> <p>All Councillors except members of the Executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Should a member be present at a meeting of an overview and scrutiny committee which is considering a decision made or action taken by another committee or sub-committee of which he/she is also a member, that member must regard him/herself as having a prejudicial interest in the matter, must disclose that interest, and (subject to any dispensation granted by the Secretary of State) must withdraw from the meeting. The Head of Legal and Democratic Services shall record any such disclosure in a book to be kept for the purpose.</p> | <p>2. Who may sit on Overview and Scrutiny Committees?</p> <p>All Councillors except members of the Executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Should a member be present at a meeting of an overview and scrutiny committee which is considering a decision made or action taken by another committee or sub-committee of which he/she is also a member and at which s/he was present when the decision in question was taken, that member must regard him/herself as having a prejudicial interest in the matter, must disclose that interest, and (subject to any dispensation granted by the Standards Committee and/or right to speak under the Members' Code of Conduct) must withdraw from the meeting. The Assistant Chief Executive (Legal and Democratic Services) shall record any such disclosure in a book to be kept for the purpose.</p> | <p>To reflect the revised Members' Code of Conduct 2007.</p> |

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| Protocol for Member/Officer Relations, para 7(a) Pg 285 Constitution | <p><u>7. Use of Council Resources</u></p> <p>(a) The Code of Conduct states that a Member must, when using or authorising the use of the resources of the Council, act in accordance with the Council's requirements and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the Member has been elected or appointed. The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes. As a result of the provisions of the Code of Conduct Members cannot use Council computers for political purposes other than as stated above. The general use of computers provided to Members and officers of the Council is governed by the Email and Internet Procedures for Members and Officers.</p> | <p><u>7. Use of Council Resources</u></p> <p>(a) The Code of Conduct states that a Member must, when using or authorising the use by others of the resources of the Council, act in accordance with the Council's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes). The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes. As a result of the provisions of the Code of Conduct Members cannot use Council computers for political purposes other than as stated above. The general use of computers provided to Members and officers of the Council is governed by the Email and Internet Procedures for Members and Officers.</p> | <p>To reflect the revised Members' Code of Conduct 2007.</p> |

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| <p>Protocol for Member/Officer Relations, para 8(j)</p> <p>(Members' Access to Information and to Council Documents)</p> <p>Pg 287 Constitution</p> | <p>(j) Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 3 of the Code of Conduct:</p> <p>A Member must not:</p> <p>(i) disclose information given to him in confidence by anyone or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and</p> <p>(i.1.1) you have the consent of a person authorised to give it, or</p> <p>(i.1.2) you are required by law to disclose it; or</p> <p>(i.1.3) the disclosure is made to a third party to enable you to seek professional advice and the third party agrees not to disclose the information to any other person; or</p> <p>(i.1.4) the disclosure is in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Council. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.</p> <p>(ii) prevent another person from gaining access to information to which that</p> | <p>(j) Finally, any Council information provided to a Member must generally only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 4 of the Code of Conduct:</p> <p>A Member must not:</p> <p>(i) disclose information given to him/her in confidence by anyone, or information acquired by him/her which he/she believes, or ought reasonably to be aware, except where:</p> <p>(i.1.1) s/he has the consent of a person authorised to give it, or</p> <p>(i.1.2) s/he is required by law to disclose it; or</p> <p>(i.1.3) the disclosure is made to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person; or</p> <p>(i.1.4) the disclosure is reasonable and in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Council. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.</p> <p>(ii) prevent another person from gaining</p> | <p>To reflect the revised Members' Code of Conduct 2007.</p> |

