

**Report of Principal Corporate Governance Officer**

**Report to Head of Governance Services**

**Date: 2<sup>nd</sup> December 2014**

**Subject: Amendments to constitution**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

- The Monitoring Officer and, in accordance with her sub delegation scheme, the Deputy Monitoring Officer are authorised to make any changes to any Part of the Constitution which are required:
  - As a result of legislative change or decisions of the Council or Executive to enable him/her to maintain it up to date;
  - Or for the purposes of clarification only.
- This report sets out parts of the Constitution which require amendment following legislative change or for the purposes of clarification.

**Recommendations**

- The Head of Governance Services is requested to approve amendments to the Constitution as shown below for the reasons set out in this report:-
  - Functions of the Full Council
  - Executive and Decision Making Procedure Rules

## **1 Purpose of this report**

- 1.1 This report seeks approval for amendments to the Constitution in accordance with Article 15.2.

## **2 Background information**

- 2.1 The Monitoring Officer has approved a number of amendments to the 2014/15 Constitution through the course of the Municipal Year. As with the amendments proposed here, these have been published as Significant Operational Decisions at the time of approval.

## **3 Main issues**

- 3.1 Functions of the Full Council

Amendments to Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001/3384 require variation in relation to the 'financial calculations and precepts' section of this document which details those functions which are reserved to full Council. The necessary amendments are shown in the document attached at Appendix A to this report.

- 3.2 Executive and Decision Making Procedure Rules

Rule 2.3.5 in relation to urgent meetings at which exempt or confidential information is to be considered, makes reference to the two rules requiring publication of notice of intention to hold a private meeting. The references to these two Rules are inaccurate and should be amended to refer to rules 2.3.3 and 2.3.4 as shown in the document attached at Appendix B to this report.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The Chief Officer (Financial Services) has been consulted and recommends the amendments proposed at paragraph 3.1 of this report.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no implications for this report.

### **4.3 Council policies and City Priorities**

- 4.3.1 Ensuring that the Constitution is clear and up to date is in line with the Council's value of being open, honest and trusted.

### **4.4 Resources and value for money**

- 4.4.1 There are no implications for this report.

## **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Specialist legal advice has been taken in relation to the proposals set out in paragraph 3.1 of this report.

## **4.6 Risk Management**

4.6.1 There are no implications for this report.

## **5 Conclusions**

5.1 Amendments to the Constitution are necessary to ensure that it is kept up to date and fit for purpose. Details are set out in the main issues of this report.

## **6 Recommendations**

6.1 The Head of Governance Services is requested to approve amendments to the Constitution as shown below for the reasons set out in this report:-

- Functions of the Full Council (Appendix A)
- Executive and Decision Making Procedure Rules (Appendix B)

## **7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.