

STANDARDS COMMITTEE
3RD FEBRUARY 2016:

CONSTITUTION

Cabinet Member Cllr Clive Eginton
Responsible Officer Head of Communities & Governance (Monitoring Officer)

Reason for Report: To present Members with the updated Constitution before making recommendation to Full Council

RECOMMENDATION: That the Standards Committee reviews the updated Constitution and recommends it to Full Council for approval.

Financial Implications: None identified

Legal Implications: The Legislation listed within the Constitution and the Constitution itself has been checked by the Deputy Monitoring Officer (Solicitor)

Risk Assessment: It is important to ensure that the Council has a Constitution that is relevant, appropriate, fit for purpose and is legally sound.

1.0 Introduction

- 1.1 A Members working group was set up and has been working drafting a revised Constitution where the content of the Mid Devon District Council Constitution has been considered alongside the Association of Council Secretaries and Solicitors (ACSES). One of the areas that the working group focused on was to make the Constitution more accessible and to improve the layout.
- 1.2 The document attached is the culmination of this work and it is recommended that the Standards Committee review the document and then recommend to Full Council for approval.
- 1.3 The items discussed at the Standards Committee on the 15th December 2015 have now been amended accordingly within the document. The remainder of this report sets out the changes that have been made.

Contact for more Information: Amy Tregellas, Head of Communities & Governance (Monitoring Officer) ext 4246

LIST OF AMENDMENTS MADE TO THE CONSTITUTION

Page	Ref	Reason for amendment	Comments
9	Article 1 1.4	Standards Committee meeting 15/12/15	Amended the numbering at the end of the last sentence to read as 17 rather than 14
21	Article 6, 6.3d	Standards Committee meeting 15/12/15	Section of the removal of the leader has been added to the Constitution
22	Article 6, 6.7(d)	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	The document in December was showing that point 6.3 (d) was going to be deleted. The officer confirmed that this was an error and this now remains in the Constitution
23	Article 7, 7.1 (c) and (d)	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	Under 7.1 the bullet points (c) and (d) have been removed as they made reference to the PDGs and this article now is just relating to Scrutiny Committee
25	Article 8, 8.1	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	Section 8.1 has been reworded to remove reference to the Scrutiny Committee and just to make reference to the PDGs
29	Article 10, 10.4 (a)	Standards Committee meeting 15/12/15	The wording "regarding breaches" added in to 10.4(a) so that it now reads "to conduct hearings into allegations regarding breaches of the Code of Conduct following referral from the Monitoring Officer"
30	Article 10, 10.4 (b) (10)	Standards Committee meeting 15/12/15	Wording added which reads "No further action if appropriate"
30	Article 10	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	Standards Sub Committee: specific functions Cllr Mrs Roach in her amendments to Full Council dated 6 th January 2016 suggested that the final paragraph on Page 30 be removed. However, it was agreed by the Standards Committee on 15 th December 2015 that "the new Chief Executive be asked his opinion on this matter when he was in post". Action outstanding as the Chief Executive does not commence in role until 15th February 2016.
36/37	Article 14, 14.3	Standards Committee meeting 15/12/15	14.3 (a) (2), (3) and (4) have been added to this section of the Constitution and removed from article 18 as it was felt that it was easier to have the wording regarding publication of the Constitution under the section re the Monitoring Officer

Page	Ref	Reason for amendment	Comments
36	Article 14, 14.3	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	14.3 (a) (2) – the wording “electronically” has been removed from this paragraph
41	Article 15.10	Standards Committee meeting 15/12/15	At the Standards Committee on 15 th December 2015 the amount in terms of a key decision was discussed and it was agreed that it should be kept at £50,000. Therefore, this amount has been added back to 15.10 (1)
46	Article 17, 17.3(b)	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	A sentence has been added to the end of 17.3 (b) (3) which reads “All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment”
46	Article 17 18.3 (d)	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	A sentence has been added to the end of 17.3 (d) which reads “All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment”
50	Committee Structure	Standards Committee meeting 15/12/15	As per the minutes of the Standards meeting on the 15 th December 2015 the wording “bi-monthly” has been replaced with “every other month”
64	Delegations of Cabinet Functions	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	For point 8.10 it was agreed that the wording “within the agreed budget” be added to the end of the sentence
90/91	Section 4.2 and 6.1	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	The references to Article 12 have been amended and now refer to Article 15 and Paragraph 15.02
76	Section 7.1	Standards Committee meeting 15/12/15	As per the next two points – the reference to sections 8 and 9 which was previously in section 7.1 has been removed as sections 8 and 9 have been deleted
N/A	Section 8	Standards Committee meeting 15/12/15	As per the minutes of the Standards meeting on the 15 th December 2015 section 8 – selecting the process of decision making has been removed as members did not feel that it added any value to the document
N/A	Section 9	Standards Committee meeting 15/12/15	As per the minutes of the Standards meeting on the 15 th December 2015 section 9 – interpretation has been removed as members did not feel that it added any value to the document

Page	Ref	Reason for amendment	Comments
95	Procedure Rule 4	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	The wording of “for one meeting only” added to Procedure Rule 4.10 so that it now reads “The Monitoring Officer may consider a request from a Member of a Council Body to appoint a substitute Member (for one meeting only), providing that substitute Member is from the same political group.”
96	Procedure Rule 8.2	Standards Committee meeting 15/12/15	Procedure Rule 8.2 has been made clearer so that the quorum for Planning Committee, Licensing Committee and Licensing Regulatory Committee have been included
98	Procedure Rule 12	Standards Committee meeting 15/12/15	Procedure Rules 12 – the section on the petition scheme has been removed and this information is now available in Appendix D. Only the relevant sections relating to Petitions are now in Procedure Rule 12
103	Procedure Rule 14.7	Standards Committee meeting 15/12/15	Procedure Rules 14.7 amended to reflect the current legislation in terms of removal of the leader
110	Procedure Rule 23.1	Standards Committee meeting 15/12/15	As per the minutes of the Standards meeting on the 15 th December 2015 on the topic of members standing or sitting to speak at Council meetings it was agreed that “this matter be reviewed following a Planning and Council meeting when the equipment would be used”. Further discussion to take place at the Standards Meeting
116	Access to information regulations 10.5	Standards Committee meeting 15/12/15	As per the minutes of the Standards meeting on the 15 th December 2015 it was agreed that the categories of exempt information be listed under section 10.5 and that the table of exempt information as previously listed in the Constitution would be removed and attached as Appendix E to the Constitution.
126	Access to information regulations 27.5	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	Wording amended to remove the last part of the sentence and the wording “with the discretion of the chairman”

Page	Ref	Reason for amendment	Comments
133	Cabinet procedure rules 1.7	Cllr Mrs Roach amendment	Cllr Mrs Roach's amendment to Council on 6 th January 2016 asked for clarification from the Minister re disorderly conduct. The wording in the Constitution is taken from legislation i.e. the Local Authorities (Executive Arrangements) (meetings and Access to Information) (England) Regulations 2012. The Monitoring Officer has checked a number of other Constitutions and they also directly quote the legislation.
141	Scrutiny Procedure Rules 18 (f)	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	As per the Standards Committee minutes from 15 th December 2015 the Monitoring Officer has now amended the Constitution as per Cllr Pugsley's motion number 448 so that it reads "or any four councillors of the Council" rather than "or four other Councillors of the Council"
143-145	Scrutiny Procedure Rules 23 & 24	Standards Committee meeting 15/12/15	Sections 23 and 24 added which refer to Councillor Call for Action
144	Scrutiny Procedure Rule 23.3	Standards Committee meeting 15/12/15 & Cllr Mrs Roach amendment	Former Paragraph (b) removed which read "the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation".
145-146	Scrutiny Procedure Rule 25	Standards Committee meeting 15/12/15	Sections 25 added which refers to Scrutiny of Crime and Disorder matters