

## Constitution Sub-Committee

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**Date of Meeting:** 3<sup>rd</sup> November 2017

**Report of:** Acting Director of Legal Services & Monitoring Officer

**Subject/Title:** Review of the Constitution – Work Package 2:

**Decision-making: Terms of Reference of Member Bodies**

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### 1.0 Report Summary

- 1.1 To consider the draft revised Constitution for Work Package 2 and Explanatory Note (Schedule of Substantive Issues).
- 1.2 The Explanatory Note (Schedule of Substantive Issues) is attached at Appendix A. The redrafted element of the Constitution: Work Package 2 – Decision-making: Terms of Reference of Member Bodies (New Constitution Section 2 (a) to (d)) is attached as Appendix B. Members are asked to consider both documents and make appropriate recommendations to the Constitution Committee.
- 1.3 The completed section presented in this report is a ‘final draft’ and ready for approval for submission to Constitution Committee on 30<sup>th</sup> November 2017.
- 1.4 All remaining sections will be brought to the next Constitution Sub-Committee on 17<sup>th</sup> November 2017 for consideration.

### 2.0 Recommendations

- 2.1 That the Constitution Sub-Committee:
  - 2.1.1 Notes the content of this report and the significant progress made
  - 2.1.2 Recommends that the Constitution Committee approves the proposed Substantive Issues as set out in Appendix A: Explanatory Note (Schedule of Substantive Issues) Sections I & II
  - 2.1.3 Makes a recommendation to Constitution Committee in respect of each individual issue as set out in Appendix A: Explanatory Note (Schedule of Substantive Issues) Section III
  - 2.1.4 Recommends that the Constitution Committee approves the revised draft of Section 2 (a) to (d) of the Constitution (Work Package 2) as set out in Appendix B and the accompanying Explanatory Note (Schedule of Substantive Issues), subject to the specific responses to 2.1.2 and 2.1.3 above.

### **3.0 Reasons for Recommendations**

- 3.1 To implement the decision of the Constitution Committee on 4<sup>th</sup> August 2017.

### **4.0 Detailed Proposals**

- 4.1 It was agreed at Constitution Sub-Committee on 23<sup>rd</sup> August 2017 to break the review of the Constitution into five 'Work Packages', with a Lead Member and Lead Officer to lead each relevant working groups, as set out below:

- 4.1.1 Work Package 1 – The overall style and presentation of the Constitution

This Work Package was approved by the Constitution Sub-Committee on 15<sup>th</sup> September 2017 without the need for a separate Working Group.

- 4.1.2 **Work Package 2 – Decision-making: Terms of Reference of Member Bodies**

**Lead Member: Cllr. Gordon Baxendale**

**Lead Officer: Daniel Dickinson**

- 4.1.3 Work Package 3 – Decision-making: Officer Scheme of Delegation

Lead Member: Cllr. Nick Mannion

Lead Officer: Daniel Dickinson

- 4.1.4 Work Package 4 – Procedure Rules

Lead Member: Cllr. Andrew Martin

Lead Officer: Brian Reed

- 4.1.5 Work Package 5 – Codes & Protocols

Lead Member: Cllr. Barry Burkhill

Lead Officer: Brian Reed

- 4.2 As agreed at Constitution Committee on 5<sup>th</sup> October 2017, this report makes recommendations in respect of the proposed redrafted Constitution with regard to Work Package 2. The redrafting has been conducted by the Council's independent legal advisor, Bevan Brittan, based upon its own expertise and experience as well as detailed feedback obtained through a wide-ranging Member and officer engagement process.

- 4.3 A comprehensive Explanatory Note (List of Substantive Issues) to the redrafted section has also been prepared, attached at Appendix A. This summarises the Substantive Issues being recommended in that section as part of the redrafting process, and the reasons for them.

- 4.4 Bevan Brittan, in consultation with officers on the project team, has used its discretion, exercised with caution, in listing those matters considered substantive and worthy of inclusion in the Explanatory Note (List of Substantive Issues). In doing so, it has been mindful of comprehensive feedback from Members received through the consultation process (including the joint Member/officer workshop on 31<sup>st</sup> August 2017, participation in the Working Groups and several informal 'drop-in' sessions), all of which has been logged and considered.
- 4.5 Changes have been classified as follows:
- Section I – Substantive Issues required by law for approval
  - Section II – Substantive Issues based on best practice recommended for approval
  - Section III – Substantive Issues for consideration by the Sub-Committee
- 4.6 The redrafted element of the Constitution is presented as follows:
- Work Package 2 – Decision-making: Terms of Reference of Member Bodies (New Constitution Section 2 (a) to (d))
- 4.7 This is attached at Appendix B.

## **5.0 Wards Affected and Local Ward Members**

- 5.1 All wards are affected.

## **6.0 Policy Implications**

- 6.1 Policy Implications are unchanged from the position set out in the report to Constitution Committee on 4<sup>th</sup> August 2017.

## **7.0 Access to Information**

- 7.1 The Constitution Committee papers of 4<sup>th</sup> August 2017 and 5<sup>th</sup> October 2017 relate.

## **8.0 Contact:**

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