

# Appendix 1

## Items for noting

Item	Issue	Information	Recommendation
1	Portfolio Holder decision making: formal meetings are no longer required when Portfolio Holders make decisions.	<p>Commitments were given during the review process that arrangements would be put in place by officers to ensure that Members would receive advance notice of forthcoming decisions. These arrangements are in place and include:</p> <ul style="list-style-type: none"><li>• Full reports being prepared in respect of each Portfolio Holder decision to be made.</li><li>• Legal, Financial and other professional advice being provided in respect of all reports and decisions to be made.</li><li>• Advance electronic information being provided to all Members of forthcoming decisions, which indicates the date after which the proposed decision will be made (thereby enabling Members to seek further information, or discuss the matter with the Portfolio Holder).</li><li>• Publication of Portfolio Holder decisions which have been taken with details of the call-in deadline.</li></ul> <p>These arrangements have been in place since January and do not appear to have created any difficulties.</p>	Committee to note the arrangements.
2	Local Officer Schemes of Delegation	<p>When the Council adopted its new Constitution, some changes were made to the Officer Schemes of Delegation, which required new sub-delegations to be made to other officers who had day-to-day responsibility for specific matters. Sub-delegations are now in place. The requirement to refresh Local Officer Schemes of Delegation has provided opportunity for Schemes to be brought up to date, leading to significant improvements and greater clarity for officers.</p>	Committee to note the arrangements.

### Use of delegated powers, and for noting

3	Petitions Scheme	When the new Constitution was adopted, the old Petitions Scheme was dispensed-with and replaced by a new procedure rule. A typographical error, which suggests that the Scheme still applies, needs to be corrected under powers delegated to the Acting Monitoring Officer.	For the Committee to note the use of MO powers to make the change
4	EU Procurement Thresholds	The table of financial limits in the Constitution needs to be updated to reflect the current EU financial threshold.	That reference be made to the most up to date EU financial threshold, as agreed by the Monitoring Officer
5	Cabinet Procedure Rules (paragraph 3.33, pg 119)	Public speaking rules incorrectly reference the relevant provisions. (replace references to paragraphs 3.4 & 3.6 with a reference to paragraph 2.32 of the Committee Procedure Rules)	For the Committee to note the use of MO powers to make the change
6	Committee diagram (pg 11)	The diagram needs to be amended to reflect the current committee structure, which no longer includes the abolished Lay Members Appointments Committee, and to note that the Acting Monitoring Officer will use his powers to make changes to the diagram as and when other committees etc are appointed or abolished.	For the Committee to note the use of MO powers to make the change, and to make changes in the future to reflect the Council's agreed decision-making structure.
7	Limit for declarations of gifts and hospitality to officers was increased to £100 to equate with that of Members (paragraph 3.4, pg 293)	Council agreed that the threshold above which gifts and hospitality offered to Members and Officers should be equalised at the rate applicable to Members (£100). This change was not put in place in the Officer Code of Conduct, which now needs to be appropriately amended.	For the Committee to note the use of MO powers to make the change
8	Finance Procedure Rules (Page 184 para 2.25.1 and page 203 para 3.40.3)	Reference has been found to "the Head of Finance and Performance", which no longer exists. The Acting Monitoring Officer will identify the correct designation and make appropriate changes to the Rules.	For the Committee to note the use of MO powers to make the change (s)

9	Local Choice Functions (paragraphs 8-10, pp18-20)	Certain functions previously delegated to officers have been omitted, and need to be included in the new Constitution. The inclusion of these items will not increase the powers of officers which applied under the last version of the Council's Constitution. (see table at end of this document)	For the Committee to note the use of MO powers in making the change
10	Legal Authorisation and Enforcement	This issue will be explained at the meeting	For the Committee to note the use of MO powers to make the change
11	RIPA-authorising offices (paragraph 43, pg 88)	All Chief Officers are given the power to exercise the role of authorising officer and designate persons for RIPA purposes. As the Director of Legal Services has the formal "reviewer" role, he/she should be excluded from this provision.	For the Committee to note the use of MO powers to make the change

#### Other matters

12	Consideration as to whether the proposer of a Notice of Motion at Council should be allowed to speak for up to 3 minutes in support of their item (paragraph 3, pg 130)	<p>This issue was raised in the period prior to adoption of the Constitution. Assurances were given that opportunity would be given for this to be considered by the Committee.</p> <p>Some years ago, proposers and seconders of notices of motion were permitted to speak, at the Full Council meeting, in support of their Notice of Motion. However there were concerns that, by allowing speeches in support of a Notice of Motion, an imbalanced and uninformed perspective would be given to those attending the meeting, or to those listening to the proceedings remotely.</p> <p>In addition, given that Council's role in most cases is simply to resolve that the matter be referred to the appropriate body for consideration, no report on the matter is available on the day of the Council meeting. Allowing speeches in support of Notices of Motion, which would not be subject to reasoned debate, and which would not be supported by a fully reasoned report, might tend to suggest to observers that the subject matter of Notices of Motion might have some legitimacy beyond what is actually the case. For this reason, Council previously decided that, whilst it was appropriate for the text of Notices of Motion to appear on the Council agenda,</p>	For the Committee to consider whether to recommend changes to Full Council
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13	Licensing Committee quorum (paragraph 35, pg 50)	<p>The quorum for the Licensing Committee is currently x8 Members, out of the total membership of x15. Other regulatory committee quorums are 25% of their membership.</p> <p>There have been a number of occasions upon which there have been problems in securing the required quorum for the Licensing Committee right up until the commencement time of the meeting in question. Clearly, there has been a risk of the whole meeting becoming abortive on these occasions.</p> <p>Given that a 25% quorum figure applies to other regulatory committees, and has worked well since the beginning of the life of the Council, there should be no reason why the same figure should not apply to the Licensing Committee.</p>	That the Committee’s quorum be changed to reflect a consistent 25% (ie x4) of the membership
14	Civic Sub Committee and Outside Organisations Sub-Committee	<p>Bevan Brittan recommended that these very little-used sub committees be abolished with effect from the end of the Municipal Year, and that their terms of reference be taken on by the Constitution Committee.</p> <p>The Civic Sub Committee has not met for some years and, whilst the Outside Organisations Sub-Committee did intensive work at the beginning of the life of the Council, it has not been required to meet since March 2013.</p>	As per Bevan Brittan’s recommendation: Constitution Committee to recommend this to Council and for this change to be reflected in the list of Committees appointed at the Council’s Annual General Meeting

15	Officers taking Key Decisions	The old Constitution prevented officers from taking Key Decisions. Clarification is needed from the Committee as to whether this should continue to apply, even when officer schemes of delegation might suggest that such decisions can be taken by officers.	For the Committee to consider and resolve or recommend appropriately
16	Member Access to Part II documents (paragraphs 46-51, pages 161-162)	<p>Whilst Bevan Brittan solicitors recommended that a more restrictive approach should be taken, Council accepted that the original arrangements, which allow Members to have access to Part II documents, and to Part II proceedings in meetings, (except where staffing information, or information relating to vulnerable children/adults would be divulged), should continue, subject to a review being conducted after 6 months.</p> <p>There are some inconsistencies in the drafting of the new Constitution which might tend to suggest that the recommended (Bevan Brittan) restrictions should apply. The Committee is asked to confirm that the partially “unrestricted” position, as applied prior to January 2018, should continue to apply until such time as the Committee has received a full report on the matter, based upon the experience of at least 6 months of operation of these arrangements under the new Constitution.</p>	That the Committee confirm that the status quo should remain for the time being, subject to a review being undertaken after at least 6 months of the operation of the new Constitution have elapsed.
17	Contract Procedure Rules / Operational Expenditure and Key Decisions	Some changes to the Contract Procedure Rules are dealt with in a separate report on this agenda.	For the Committee to consider and resolve or recommend appropriately

<b>Local Choice Functions</b>	<b>Decision Making Body</b>	<b>Delegation of functions to Committees (where applicable)</b>
Functions under a local Act (other than one specified or referred to in Reg 2 or Schedule 1 of the Regulations 2000)	Cabinet	Chief Officers
To determine appeals <sup>1</sup> against any decision of the authority	Full Council	Appeals Panel insofar as not delegated to any other Committee or officer
To make arrangements for appeals against exclusion of pupils from maintained schools	Full Council	Appeals Panel
To make arrangements for appeals regarding school admissions <sup>2</sup>	Full Council	Appeals Panel
To make arrangements for appeals by governing bodies <sup>3</sup>	Full Council	Appeals Panel
Any function relating to contaminated land <sup>4</sup>	Cabinet	Chief Officers
The control of pollution or the management of air quality <sup>5</sup>	Cabinet	Chief Officers
To serve an abatement notice in respect of a statutory nuisance <sup>6</sup>	Cabinet	Chief Officers
To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act	Full Council	Not Delegated

<sup>1</sup> Including appeals in relation to access to information by Members under s100F Local Government Act 1972, Part 5 Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012, and the common law "need to know" rules

<sup>2</sup> s94(1), (1A) and (4) School Standards and Framework Act 1998

<sup>3</sup> s95(2) School Standards and Framework Act 1998

<sup>4</sup> Part IIA Environmental Protection Act 1990 and subordinate legislation

<sup>5</sup> Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

<sup>6</sup> s80(l) Environmental Protection Act 1990

1993 should apply in the authority's area <sup>7</sup>		
To inspect the authority's area to detect any statutory nuisance <sup>8</sup>	Full Council	Chief Officers
To investigate any complaint about the existence of a statutory nuisance <sup>9</sup>	Full Council	Chief Officers
To obtain information about interests in land <sup>10</sup>	Full Council	Chief Officers
To obtain particulars of persons interested in land <sup>11</sup>	Full Council	Chief Officers
To make arrangements for the execution of highways works <sup>12</sup>	Cabinet	Chief Officers
<p>To appoint any individual</p> <p>(a) to any office other than an office in which s/he is employed by the authority</p> <p>(b) to any body other than</p> <p>(i) the authority;</p> <p>(ii) a joint Committee of two or more authorities; or</p> <p>(c) to any Committee or sub Committee of such a body</p> <p>and to revoke any such appointment</p>	Cabinet or individual Portfolio Holders in respect of organisations listed in the document accessed through the link in paragraph 11 below and the Full Council in respect of other organisations.	In respect of appointments by Full Council delegated to the Constitution Committee.
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Cabinet	Chief Officers

<sup>7</sup> s8 Noise and Statutory Nuisance Act 1993

<sup>8</sup> s79 Environmental Protection Act 1990

<sup>9</sup> s79 Environmental Protection Act 1990

<sup>10</sup> s330 Town and Country Planning Act 1990

<sup>11</sup> s16 Local Government (Miscellaneous Provisions) Act 1976

<sup>12</sup> s278 Highways Act 1980