

# Arun District Council

<b>REPORT TO:</b>	<b>Constitution Working Party – 29 February 2024</b>
<b>SUBJECT:</b>	<b>Constitution Amendments</b>
<b>LEAD OFFICER:</b>	<b>Daniel Bainbridge, Group Head of Law &amp; Governance</b>
<b>LEAD MEMBER:</b>	<b>Cllr Gillian Yeates</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b> It is essential that the Constitution is up-to-date and operationally effective to support all strategic aims of the Council.	
<b>DIRECTORATE POLICY CONTEXT:</b> The Monitoring Officer is responsible for maintaining the Constitution and for ensuring that it is widely available for consultation by councillors, officers and the public.	
<b>FINANCIAL SUMMARY:</b> There are no direct financial implications arising from the proposals in this report.	

## 1. PURPOSE OF REPORT

- 1.1 To propose changes to the Council's Constitution that the Group Head of Law & Governance considers are necessary to give effect to the operation of the Constitution. Further, to consider any proposals brought forward by members of the Constitution Working Party.

## 2. RECOMMENDATIONS

It is recommended that the Constitution Working Party:

- (a) considers all of the proposed amendments set out within the body of this report and within Appendix 1 and makes recommendations to Full Council for the approval of a revised version of the Constitution; and
- (b) considers any additional proposals brought forward by members of the Constitution Working Party and either makes recommendations to Full Council or requests that these be added to the Working Party's work programme.

## 3. EXECUTIVE SUMMARY

- 3.1 The Constitution Working Party will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Subject to paragraph 3.2 below, amendments to the Constitution will only be made on the recommendation of the Constitution Working Party.

3.2 The Full Council has delegated authority to:

- (i) the Monitoring Officer to make consequential changes as a result of the modification or re-enactment of legislation or express changes consequential to an agreed decision of Full Council;
- (ii) the Monitoring Officer, in written consultation with the chair of the Constitution Working Party and distributed to Members at least 3 working days before the relevant Full Council meeting, to propose that for any other reason the proposed change be put direct to Full Council for consideration and decision; and
- (iii) the Monitoring Officer, in consultation with the Chair of the Constitution Working Party to make consequential amendments to any names, job titles and reporting lines within the constitution and other constitutional documents resulting from reorganisation or changes in structure/ position, and any typographical errors.

#### **4. DETAIL**

3.2 Appendix 1 contains those sections of the Constitution that in the opinion of the Group Head of Law & Governance require updating as a result of feedback from members, officers and practical experience of the operation of the Constitution in the Council's meetings and day-to-day operation.

3.3 Firstly, Part 5 Section 2 (Committee Procedure Rules) Paragraph 12.1 is amended to bring clarity to the situation in which a member would not as of right be able to attend during an item of the Standards Committee. Previously the wording meant that technically a member had no automatic right to attend a meeting of the Standards Committee, when in reality this should only need apply to an exempt item that is considering non-anonymised details of complaints under the Code of Conduct.

3.4 Secondly, the tracked change versions of Part 5 Section 1 (Council Procedure Rules) and Part 5 Section 2 (Committee Procedure Rules) at Appendix 1 propose changes to the rules relating to questions from members of the public. These changes are designed to strengthen in an appropriate manner the situations in which questions will not be permitted. These changes are in line with other authorities' constitutions and accord with the spirit of public questions, in that questions should not relate to live planning or licensing applications, should not relate to any category of exempt information, and should relate to matters affecting the wider District and not matters personal to a questioner or their family.

3.5 An adjustment is also made to the ability to raise supplementary and making clear that this is at the absolute discretion of the Chair of the Council or the Committee Chair, and to the number of questions a member of the public can ask at each meeting.

- 3.6 Finally, the tracked change version of Section 7 Part 2 (Management Structure – Group Heads) makes an amendment to the responsibilities of the Group Head of Organisational Excellent to bring them in line with current operational responsibilities. Members should note that if the Council were to introduce a Scrutiny Committee in the future, this function would be allocated by the Head of Paid Service to a group head and the constitution updated accordingly.

## **5. CONSULTATION**

- 5.1 The Constitution Working Party is the body with authority for reviewing the Constitution and making recommendations for change to the Full Council.

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

- 6.1 The Constitution in its current form is requires updating in line with the tracked changes set out at Appendix 1. Therefore, leaving the document in its current wording is not a viable option.

## **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 7.1 None associated with this report.

## **8. RISK ASSESSMENT CONSIDERATIONS**

- 8.1 None associated with this report.

## **9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1 These are set out within the body of this report.

## **10. HUMAN RESOURCES IMPACT**

- 10.1 None associated with this report.

## **11. HEALTH & SAFETY IMPACT**

- 11.1 None associated with this report.

## **12. PROPERTY & ESTATES IMPACT**

- 12.1 None associated with this report.

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

- 13.1 None associated with this report.

## **14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

- 14.1 None associated with this report.

**15. CRIME AND DISORDER REDUCTION IMPACT**

15.1 None associated with this report.

**16. HUMAN RIGHTS IMPACT**

16.1 None associated with this report.

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 None associated with this report.

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**CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:**

None.