



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
COUNCIL
8 SEPTEMBER 2022

**UPDATING OF THE CONSTITUTION AND REPORT OF THE CORPORATE
GOVERNANCE WORKING GROUP**

1. PURPOSE OF THE REPORT

- 1.1 To provide information and recommendations from the Corporate Governance Working Group meeting on 4 August 2022, and to consider this and another matter as part of updating the Constitution.

2. RECOMMENDATIONS

- (i) That the Council agrees to the proposed revisions to Council and Committee Procedure Rules 1(13)(b) and 4(3) as set out in paragraphs 3.2.2 and 3.3.2 of this report;
- (ii) That the Council ratifies the proposed deletion of Procedure Rule 14.

3. SUMMARY OF KEY ISSUES

- 3.1 The Corporate Governance Working Group (the Working Group) met to review the following two proposed changes to the Council and Committee Procedure Rules as part of the Constitution.

3.2 Proposed change to Procedure Rule 1(13)(b) – Council Budget Meeting

- 3.2.1 The existing Rule 1(13) is as follows:

- (a) The Budget Speech (February meeting) setting out the Council's Budget for the ensuing municipal year and the responses thereto of the Opposition Leader(s) shall exceptionally be time-limited to 15 minutes but the final right of reply to each shall be time-limited in accordance with Rule 8.
- (b) No alternative proposal or amendment to that being recommended to the Council as part of the Budget and Council Tax Setting item of business shall be considered unless notice in writing (and marked confidential) has been given to the Council's Chief Financial Officer no later than 5pm three working days before the date of the Council meeting.

- 3.2.2 The Working Group supports the inclusion of proposed additional commentary to clarify the intention behind the confidentiality of any alternative budget proposal or amendment in terms of its existence rather than its nature. Also, to ensure that sufficient time is given to the Finance Team to analyse any alternative budget it is

suggested that the three working days should be described as being clear working days. Rule 1(13)(b) as revised would read as follows (the new wording in italics):

- b No alternative proposal or amendment to that being recommended to the Council as part of the Budget and Council Tax Setting item of business shall be considered unless notice in writing (and marked confidential) has been given to the Council's Chief Financial Officer no later than 5pm three *clear* working days before the date of the Council meeting. (*For the avoidance of doubt the confidentiality of the alternative proposal or amendment is only restricted to the nature of the proposal or amendment and not its existence*).

3.3 Procedure Rule 4(3) – Notices of Motion to Council

3.3.1 The existing Rule is as follows:

“If the subject matter of any motion of which notice has been duly given comes within the province of any Committee it shall stand referred without discussion to such Committee, or to such other Committee as the Council may determine, for consideration and report.”

3.3.2 Given some uncertainty as to the meaning and interpretation of “consideration and report” when a motion is referred to a Committee, the Working Group supports the revision of this Rule to provide clarity and to read as follows (the new wording in italics):

“If the subject matter of any motion of which notice has been duly given comes within the province of any Committee it shall stand referred without discussion to such Committee, or to such other Committee as the Council may determine, *for resolution or recommendation depending on the terms of reference of that Committee*”.

3.4 Procedure Rule 14 – Record of Attendances

3.4.1 While looking at the updating and revision of the Constitution, the Council is also asked to ratify the proposed deletion of the Procedure Rule 14 – Record of Attendances. This is an old Rule carried over from the original Standing Orders and relates only to a practice which has not been undertaken for some time. It is not a statutory requirement.

4. CONCLUSION

4.1 The first two proposed changes are provided following consideration by the Working Group, and the third has been identified from routine review and updating.

5. IMPACT ON STRATEGIC THEMES

5.1 The recommendations are linked to the performance and efficiency of the Council. Good governance will enable delivery of strategic priorities.

6. IMPLICATIONS

- (i) Impact on Customers – None.
- (ii) Impact on Equalities – None.

- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.
- (vii) **Impact on Strengthening Communities** – None.

Background Papers: None.

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