



**AGENDA ITEM:
SUMMARY**

Report for:	Council
Date of meeting:	22nd January 2020
Part:	1
If Part II, reason:	

Title of report:	Constitution update
Contact:	<p>Cllr Andrew Williams, Leader of the Council</p> <p>Author/Responsible Officer:</p> <p>Mark Brookes, Assistant Director, Corporate and Contracted Services and Monitoring Officer</p>
Purpose of report:	To seek approval to amend the Constitution to change the rules on excluding Cabinet Members from membership of Regulatory Committees
Recommendations	<p>That Council agree to delete paragraph 2.1.3 at page 55 of Part 3 of the Constitution which reads:</p> <p>“A Member of the Cabinet is excluded from membership of any Regulatory Committee.”</p> <p>And insert a new clause 2.1.3 to read :</p> <p>“A Member of the Cabinet is permitted to be a member of any Regulatory Committee but shall not attend any committee meeting which is hearing an appeal or review against a decision which is made by a service which falls within their Portfolio”</p>
Corporate Objectives:	The Constitution supports all of the Council’s Corporate Objectives as they provide the governance framework for all decisions, strategic and operational.
Implications:	<u>Financial</u>

'Value For Money Implications'	<p>There are no financial implications arising from this report</p> <p><u>Value for Money</u></p> <p>There are no implications arising from this report.</p>
Risk Implications	<p>Failure to have an up to date and accurate Constitution could lead to legal challenge and operational, reputational and financial costs may follow if the challenge was successful.</p>
Community Impact Assessment	<p>There are no community impacts, which require assessing resulting from this report.</p>
Health And Safety Implications	<p>There are no Health and Safety implications connected to this report.</p>
Monitoring Officer/S.151 Officer Comments	<p>Monitoring Officer:</p> <p>There is no statutory prohibition on Executive Members being Members of Regulatory Committees and this is a matter of choice for each local authority.</p> <p>S.151 Officer</p> <p>There are no financial implications arising from this report.</p>
Consultees:	<p>Councillor Andrew Williams</p> <p>Councillor Ron Tindall</p> <p>Sally Marshall, Chief Executive</p>
Background papers:	<p>None</p>
Glossary of acronyms and any other abbreviations used in this report:	<p>None</p>

Background

1. The Monitoring Officer is under a continuous duty to review the Constitution to ensure that it is up to date and provides an appropriate governance framework for all Council decision making.
2. Proposals for change may be prompted not only by formal internal reviews, but also by the Monitoring Officer, the Cabinet, other Members or officers and by public opinion.

REGULATORY COMMITTEES

3. The Constitution currently prevents Members of the Cabinet from membership of any Regulatory Committee, which includes acting as a substitute at those meetings.
4. The Regulatory Committees of the Council comprise:
 - The Development Management Committee
 - The Licensing and Health & Safety Enforcement Committee
 - The Licensing and Health & Safety Enforcement Sub Committee
 - The Licensing of Alcohol & Gambling Sub Committee
 - The Appeals and Reviews Committee
 - The Audit Committee
5. The Leader of the Council and the Leader of the Liberal Democrat Party have recommended a change to this rule so that Members of the Cabinet can be Members of any Regulatory Committees if selected and agreed by Council. This would include the ability to act as a substitute at any Regulatory Committee if selected. The only exclusion proposed is to prevent Cabinet Members from attending a committee meeting which is hearing an appeal or review against a decision which is made by a service which falls within their Portfolio in order to avoid a possible conflict of interest.
6. It is therefore proposed to delete the current prohibition at paragraph 2.13 “A Member of the Cabinet is excluded from membership of any Regulatory Committee” and substitute it with “A Member of the Cabinet is permitted to be a member of any Regulatory Committee but shall not attend any committee meeting which is hearing an appeal or review against a decision which is made by a service which falls within their Portfolio”