

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



MEETING: Council

DATE: 24 November 2011

TITLE	Review of the Constitution (Phase 1)
REPORT OF	Constitution Advisory Group

PURPOSE	To recommend changes to the Constitution following phase 1 of a planned review. Phase 2 of the review will lead to recommendations to the January 2012 meeting of Council.
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RECOMMENDATION:

to adopt the proposed changes to the Constitution shown in Appendices A – H of this report.

SUPPORTING INFORMATION

1. Petitions relating to the budget

2. The Constitution Advisory Group considered the need for a process for petitions relating to budgetary matters, which would:

- enable petitions on budgetary matters to be considered by the relevant Overview and Scrutiny Committee and then, together with any comments, the Customer and Central Services Overview and Scrutiny Committee
- enable Customer and Central Services Overview and Scrutiny Committee to make recommendations to the Executive
- clarify for the public the timeframe for petitions on budgetary matters.

RECOMMENDED FOR ADOPTION BY COUNCIL

3. **Proposed changes to the Constitution to provide for a process for petitions relating to the budget are set out in Appendix A. (Pages 33 – 34)**

4. Public Participation – Time regulation

5. The Constitution Advisory Group considered that the current arrangements for the period of time that members of the public were entitled to speak were too varied (5 minutes for some purposes and meetings, 3 minutes for other purposes and meetings) and were confusing for the public and difficult to administer. A single timeframe for all purposes and at all meetings would achieve consistency and clarity for the public and assist the Chairs of meetings to act equitably.

RECOMMENDED FOR ADOPTION BY COUNCIL

6. **Proposed changes to the Constitution to provide for a timeframe of 3 minutes for public participation for all purposes and all meetings, by amending “5 minutes” where stated, to “3 minutes”, are set out in Appendix B. (Page 35)**

7. Public Participation – Arrangements for responding to questions

8. The Constitution Advisory Group noted that the current arrangements for the public to ask questions at meetings did not require any advance notice. Answers might not be given publicly at the meeting if research was needed first. This was considered to be unsatisfactory.
9. The Advisory Group considered that a notice period of 2 working days for questions from the public under the public participation provisions should be introduced to increase the opportunity for questions to be answered when they were put, at the public meeting.

RECOMMENDED FOR ADOPTION BY COUNCIL

10. **Proposed amendments to the Constitution to provide for a notice period of 2 clear working days for questions from the public at all public meetings are set out in Appendix C. (Page 37)**

11. Public Participation confined to one place at meetings

12. The Constitution Advisory Group considered that the current provision for the public to participate early in the meeting and also after the introduction of a specific agenda item, enabled the public to participate twice on the same matter. This needed to be rectified.

13. The Advisory Group considered that the general provision in the Constitution for the public to participate after the introduction of a specific item should be removed. However, the ability to do so would remain for the quasi-judicial matters such as licensing and planning applications, as set out within their procedures. For other meetings, the Chairman's discretion may be used when appropriate to allow public participation on a particular agenda item once it had been introduced.

RECOMMENDED FOR ADOPTION BY COUNCIL

14. **Proposed amendments to the Constitution to remove the ability for members of the public to speak twice on a matter are set out in Appendix D. (Pages 39 – 41)**

15. Single list of Strategic Plans

16. The Constitution Advisory Group reviewed the definition of the Policy Framework with a view to listing only the key plans, policies and strategies, all other plans and policies being the responsibility of the Executive.

RECOMMENDED FOR ADOPTION BY COUNCIL

17. **A proposed amendment to the Constitution to replace the existing list with a revised list to include only the key plans, policies and strategies in the Council's Policy Framework is set out at Appendix E. (Page 43)**

18. Introducing a Council budget-setting meeting procedure

19. The Constitution Advisory Group considered that it would be expedient to have in place a procedure for the Council's budget setting meeting. This would enable the Council to concentrate on approving a budget and setting the Council Tax and for matters to be included on the agenda for the meeting in the appropriate order.

RECOMMENDED FOR ADOPTION BY COUNCIL

20. **A proposed amendment to the Constitution to add a procedure for the Council's budget setting meeting is set out in amended section 1 and new section 3 at Appendix F. (Pages 45 – 50)**

21. Key Decisions – definition and financial thresholds

22. The Constitution Advisory Group considered that an increase from £200k to £500k as the threshold figure for capital whole life costs was appropriate as it would be in line with the threshold specified in the Council's Code of Procurement Governance. This increase was supported by the Council's Section 151 Officer.
23. The Advisory Group also supported some minor drafting amendments to achieve greater clarity.

RECOMMENDED FOR ADOPTION BY COUNCIL

24. **Proposed amendments to Part C2 of the Constitution are set out at Appendix G. (Pages 51 – 52)**

25. Procedural Rules on attendance at Licensing hearings

26. The Constitution Advisory Group noted that the ability of Council Members to attend and speak at Committees should be qualified with regard to quasi-judicial committees and sub-committees.

RECOMMENDED FOR ADOPTION BY COUNCIL

27. **A proposed amendment to the Committee Procedure Rules is set out in Appendix H. (Page 53)**

28. Minutes of the Constitution Advisory Group 31.10.11

29. The minutes of the meeting of the Constitution Advisory Group reflect the detailed consideration of the Advisory Group, and are attached at **Appendix I** for further clarification. **(Pages 55 – 65)**

Contact Officer Details:

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Key Background Papers:

- Report to the Constitution Advisory Group on 31.10.11 entitled Review of the Constitution
- Minutes of the meeting of the Constitution Advisory Group 31.10.11 attached at Appendix I to this report.