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BUDGET SCRUTINY AND POLICY DEVELOPMENT PANEL AGENDA

Membership: Councillor Hughes (Chairman)

Councillors Carpenter, Cresswell, Lloyd, Smith K and Wilson (Cabinet Lead)

Meeting: Budget Scrutiny and Policy Development Panel

Date: Tuesday 18 April 2017

Time: 5.00 pm

Venue: Hollybank Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Nick Leach
Monitoring Officer

Date Not Specified

Contact Officer: Mark Gregory or Nicholas Rogers 023 92446232 or 023 9244233
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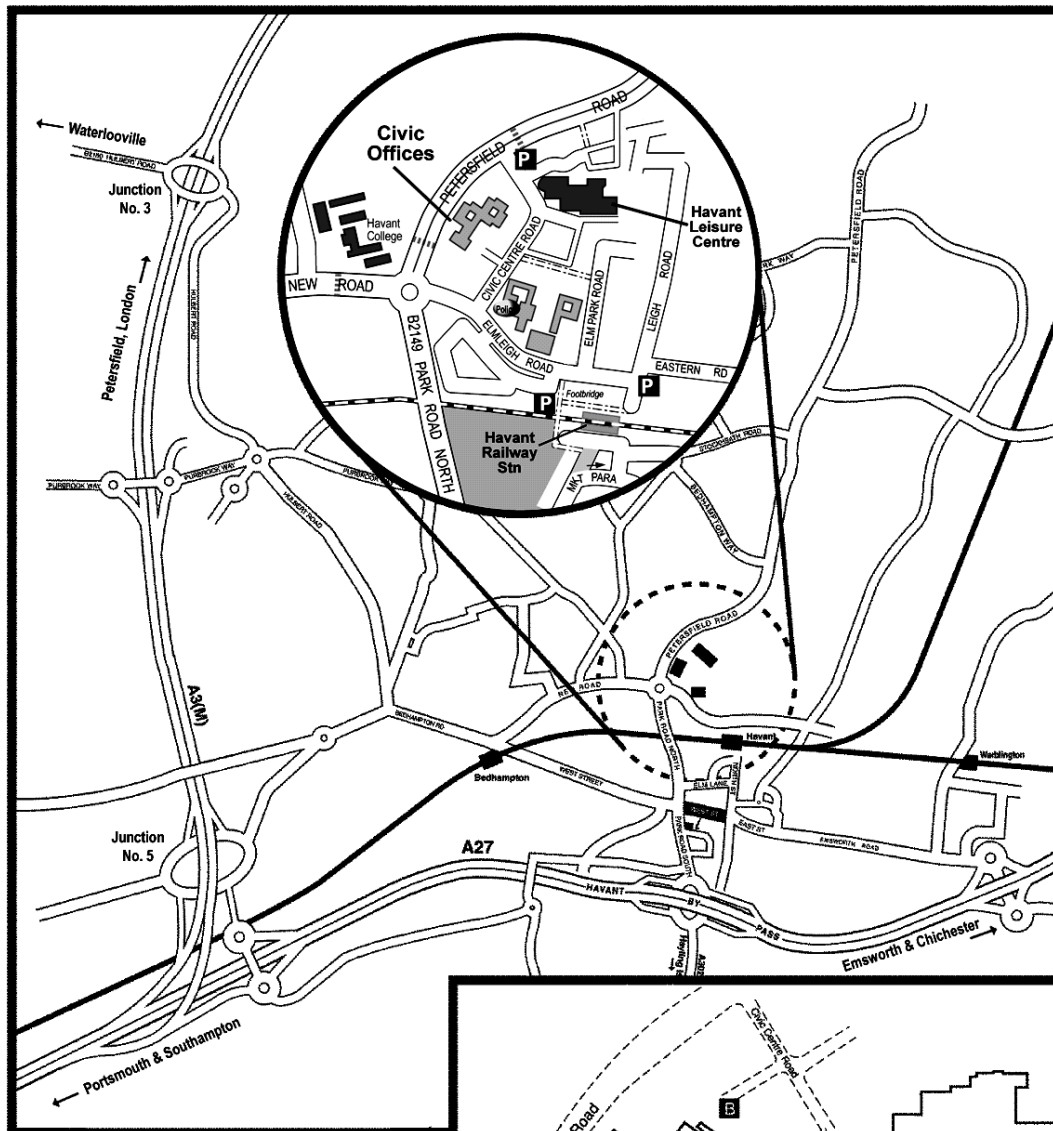
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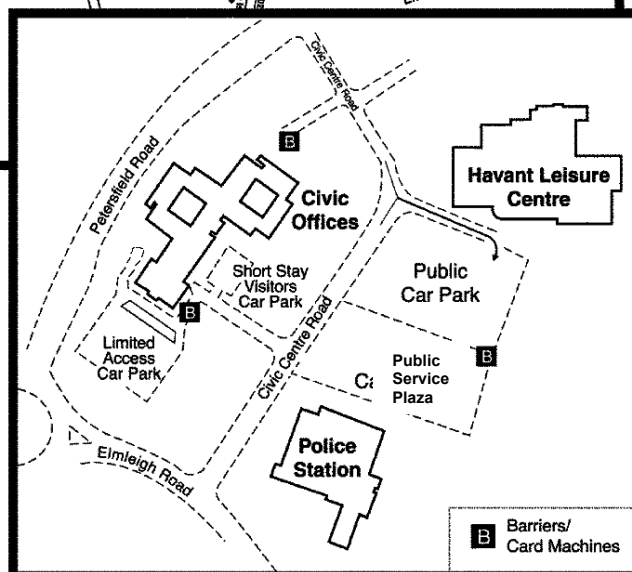
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HAVANT BOROUGH COUNCIL

Budget Scrutiny and Policy Development Panel

18 April 2017

Review of Council's Constitution

FOR RECOMMENDATION

KEY DECISION NO

REPORT BY: Budget Scrutiny and Policy Development Panel

1.0 EXECUTIVE SUMMARY

- 1.1 At its meeting held on 26 October 2016 the Council requested that a review of the Council's standing orders relating to meetings be undertaken as part of the Scrutiny Board's Work Programme.

2.0 RECOMMENDATIONS

- 2.1 The Governance and Audit Committee be requested to recommend that Council:
- 2.1.1 agree to the changes to the Constitution as set out in Appendix A to this report;
- 2.1.2 require all members to read the Part 3 Constitution and sign a declaration to this effect each municipal year;
- 2.1.3 require all members of a committee, board, or sub committee to read the terms of reference of each committee, board or sub committee to which they are appointed and sign a declaration to that effect.

3.0 STRATEGY

- 3.1 The project links with the key aim in the Corporate Strategy to provide public service excellence

4.0 LEGAL

- 4.1 Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

5.0 RESOURCES

- 5.1 There are no direct financial implications arising from the report.

6.0 STAKEHOLDERS

- 6.1 The aim of this review was to improve the clarity and transparency of the Council's decision making process so as to encourage public engagement in the work of the Council.

7.0 RISKS

- 7.1 There are no risks arising directly from this report.

8.0 METHODOLOGY

- 8.1 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of over 500 pages and the Panel agreed to concentrate on the Articles and Standing Orders relating to meetings.
- 8.2 Part of the review included a meeting with the Executive Director for Strategy and Governance and representatives of an officer team reviewing the format and content of the whole constitution to coordinate the two reviews.
- 8.3 Full details of the whole of the project is set out in a separate Findings Pack.

9.0 PRINCIPLES

- 9.1 The purpose of the review is to make the Articles and standing orders more user friendly and accessible and in particular to:
- (a) ensure that the Council's decision making system is transparent and easy to understand;
 - (b) enable decisions to be taken efficiently, effectively ;
 - (c) support accountability and encourage engagement with the Council's decision making process; and
 - (d) set a clear framework for governance and ethics

10.0 RATIONALE FOR PROPOSED CHANGES TO CONSTITUTION

10.1 General Format of the Constitution

- 10.1.1 The Panel considered that the Constitution should be reformatted to remove policies and other information which is not a statutory requirement and does not directly relate to the Council's decision making process, thereby providing clarity to members of the public, councillors and officers.
- 10.1.2 The Panel endorsed the officers' proposal that a majority of the information proposed to be removed would be published in a policy hub, which would be accessible by the public

10.1.3 The Panel also considered that:

- (a) a standard format be applied throughout the Constitution to make it easier to read and make reference to;
- (b) there should be a conformity in the use of terms and titles e.g. the same title for the Chief Finance Officer should be used throughout the document to provide clarity to the decision making process; and
- (c) a means of identifying amendments to the Constitution should be provided to ensure that a reader can keep up to date with changes to the Constitution.

10.2 Articles of the Constitution

10.2.1 The Panel considered that the Articles should be amended to provide clarity on the overall framework of the decision making process and make explicit on what is done and by whom.

10.2.2 The major changes proposed by the Panel are as follows:

- (a) **Scrutiny Board** – the Article relating to the Scrutiny Board (currently Article 7) be revised to reflect the current scrutiny processes; and
- (b) **Executive/Non Executive Functions** – the Articles be revised and reformatted to provide clarity on the non executive and executive functions. The functions and responsibilities of the non executive committees should also be moved from its current position to the Articles in the interests of clarity and transparency.

10.3 Standing Orders.

10.3.1 The Panel considered that the Council's Standing Orders should be amended to clarify how the Council will put the Articles into effect and ensure that the procedures enable a clear, transparent and efficient decision making process.

10.3.2 The major changes proposed by the Panel are as follows:

- (a) **Amendments to be Moved at Council** – the standing orders be revised to enable councillors to move amendments at Council without prior notice. This in accordance with the practice adopted by other Councils of a similar size to this Council and will enable Councillors to mould their decisions during debates at meetings;
- (b) **Relaxing the Debating/Voting Rules for Committee Meetings** - new orders be introduced to relax the current procedures applied to Committee meetings to enable a more modern, clear and transparent decision making process;

- (c) **A More Transparent Decision Making Process** – the standing orders be revised to clarify what, when and how decisions should be published and when the different types of decisions taken by the Council come into effect. These changes will include clarification of the meaning of the term “significant” when determining whether the decision is a “Key Decision” or not;
- (d) **Updating Scrutiny Standing Orders** – the scrutiny standing orders be revised to reflect the current scrutiny process
- (e) **Publication of Procedures Relating to the Decision Making Process** –The standing orders should clarify the procedures relating to deputations and include the Council’s procedures for deputations, petitions and questions by members of the public at Council. This will provide clarity to the decision making process; and
- (f) **Changes to the Deputation Procedures For the Development Management Committee** – the procedures for deputations at Development Management Committee be amended to allow the questioning of deputees by members of the Committee.

10.4 Full details of the proposed revisions are set out I Appendix A together with the reasons for each amendment

11.0 GOVERNANCE ARRANGEMENTS

11.1 The Panel also considered that in view of the importance of the Constitution it should be a requirement that all members sign and submit a declaration that they have read the constitution and the terms of reference of the committees, boards or sub committees they have been appointed to each year.

12.0 Background Papers

[Findings Pack](#)

[Draft of the Constitution as at 6 April 2017](#)

Appendices

Appendix A – Table of Amendments Proposed by the Budget Scrutiny and Policy Development Panel.

Agreed and signed off for publication by:

Head of Service:

Head of Finance:

Head of Legal:

Contact: Councillor Gary Hughes

Title: Scrutiny Lead for the Budget Scrutiny and Policy Development Panel

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Table of Comments/Amendments Suggested by the Budget Scrutiny and Policy Development Panel

Principles

The purpose of the review is to make the Articles and standing orders more user friendly and accessible and in particular to:

1. ensure that the Council's decision making system is transparent and easy to understand;
2. enable decisions to be taken efficiently, effectively and transparently;
3. support accountability and encourage engagement with the Council's decision making process; and
4. set a clear framework for governance and ethics.

General Amendments

References to "Chief Financial Officer" be changed to "Chief Finance Officer"

References to "Governance, Audit Scrutiny Committee" be changed to "Governance and Audit Committee"

References to "Portfolio Holder", "Member of the Cabinet", "Cabinet member" be changed to "Cabinet Lead"

References to "paragraphs" be changed to "standing orders"

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Article 2	Article 1	Add reference to the detailed duties and responsibilities of members of the Council set out in	To provide more detailed guidance to residents, Councillors and officers on the differing roles and	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		“The Differing Roles of an Elected Councillor” (document to be included in the Policy Hub)	duties of Councillors		
Article 3	Article 2	Add reference to the Council’s adopted Deputation Notes Note: It is also recommend that these procedures be included in an appendix to the Council’s Standing Orders (see below)	To advertise the Council’s deputation procedures and encourage public participation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Endorse the Monitoring’s Officers proposed changes to provide clarity on the types of Full Council meetings and highlight the Full Councils role in discharging non executive functions	To provide clarity on the Full Council’s role and improve transparency in the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 4	Article 3	To add the functions of appointing the Mayor and Deputy Mayor	These are two statutory requirements which should be included in this Article.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 5	Article 4	To be amended to provide a plain English guide on the role and functions of the Mayor and Deputy Mayor. Add reference to the detailed duties and responsibilities of the Mayor and Deputy Mayor set out in “The Differing Roles of an Elected Councillor” (document to be included in the Policy Hub).	To provide clarity on the role of the offices of Mayor and Deputy Mayor and improve transparency in the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Article 6	Article 7	Add reference to the detailed duties and responsibilities of the Leader of the Council set out in “The Differing Roles of an Elected Councillor” (document to be included in the Policy Hub)	To provide clarity on the role of the Leader of the Council and improve transparency in the decision making process	☒	☒
Article 6.7	Article 7.7	Amend reference to “Part 4” to read “Section H of Part 3”	To provide clarity	☒	☒
Article 7	Article 6	Revise the entire Article to reflect the current scrutiny arrangements	To provide clarity and transparency on the Council’s scrutiny arrangements	☒	☒
Articles 8 and 9	Article 5	Endorse the Monitoring Officer’s recommendations to provide greater clarity in this section on the Committees that discharge the Council’s non executive functions	To provide clarity and transparency on the Council’s decision making process	☒	☒
Article 11	9	Amend the format for the description of the Chief Officers so that it accords with the formatting of the other articles.	To provide clarity	☒	☒
Article 12	Article 10.3(b)	The note to be amended to refer to Standing Order 45 and Section F of Part 3 of this Constitution	Correction of references	☒	☒
Article 12.3(ii)	Article 10.3(ii)	“Part 4” to be amended to read “Part 3”	Correction of references	☒	☒
Article 13.1	Article 11.1(a)	Reference to Part 5 to be amended to read Section M of Part 3	Correction of references	☒	☒
Article 13.21	Article 11.2(a)	Reference to Part 5 be amended to read Section R of Part 3	Correction of references	☒	☒
Article 14.1(b)	Article 12.1(b)	Reference to Article 1 be amended to read Part 1	Correction of references	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Article 14.1(2)	Article 12.2(a)	Reference to 18.5, 18.6 and Part 4 be amended to read 18.4, 18.5 and Section E of Part 3 respectively	Correction of references	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Standing Orders					
1	1	<p>SO1.1 to 1.4 be amended to read:</p> <p><i>“1.1 These Orders apply to meetings of the full Council.</i></p> <p><i>1.2 These rules, subject to the exceptions set out below, apply to meetings of committees and sub-committees except Licensing Committee and Licensing Sub-Committee when hearing licensing applications and other matters to which the Licensing Sub-Committee Procedure Rules apply.</i></p> <p><i>1.3 These orders do not apply to Cabinet and the West of Waterlooville Major Development Area (MDA) Joint Planning Committee.</i></p> <p><i>1.4 Standing Orders 3, 4, 13, 14, 17, 18, 20, 21 and 23</i></p>	<p>To provide clarity on the Council Standing Orders that apply to Committees, Sub Committees and the Scrutiny Board</p> <p>to improve the decision making process at meetings of the Council’s Committees and Sub Committees and the Scrutiny Board by relaxing the rules of debate and voting at meetings of these bodies</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>do not apply to Committees and Sub-Committees and the Scrutiny Board.”</i>			
5.1	5.1	Replace 5.1 to 5.7 with “5.2 to 5.8”	To correct a reference error.	☒	☒
5	5	Add SO5.8 as follows: <i>“The Scrutiny Board may establish Scrutiny and Policy Development Panels and Task and Finish Groups to undertake the review of existing practices and the development of new policies in particular service areas. For clarification these Panels have no decision making powers and are not therefore classified Committees or Sub Committees.”</i>	To improve the scrutiny process and clarify the status of Scrutiny Policy and Development and task and Finish Scrutiny Panels.	☒	☒
6.9	6.9	Add after b) <i>“ and c) The Scrutiny Board to serve on the Board, its sub committees or its Scrutiny and Policy Development Boards”</i>	To improve the scrutiny process by enabling the Board to appoint co-opted members.	☒	☒
8.8 to 8.9	8.8 to 8.9	Correct numbering	To correct a numbering error	☒	☒
8.4	8.4	Amend to read: <i>“The Chairman of the Development Management Committee will be</i>	To clarify the term of office for each Chairman appointed by the Development Management Committee	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>appointed by the Committee on a rotation basis. The term of office of each Chairman shall start from the date and time he or she is appointed by the Committee and end at the date and time a new Chairman is appointed by the Committee"</i>			
9	9	Amend to read: <i>"Decisions taken by a relevant committee and sub committee exercising delegated powers will have immediate effect."</i>	The call in procedure does not apply to decisions taken by committees or sub committees.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10.4	10.4	Delete the words " between 1 st March and 10 th March"	To ensure that the standing orders comply with the Council's current processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.3	13.3	After "Business" add "in detail at the first part of"	To match the wording used for the second part of the meeting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.3a)	13.3a)	Amend "Elect" to "the election of"	To improve the wording of the order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.3d)	13.3d)	Amend to read "administration matters concerned with the Mayor of Havant's charity"	To improve the wording of the order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.3 – Second part of annual meeting	13.3 – Second part of annual meeting	Various amendments to ensure 'elect' / 'receive' / 'approve' is at the start of the sentence	To improve the wording of the order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
	13.3(g)	Add the function of appointing representatives to outside bodies relating to non executive functions	To correct an omission	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.4 e)	13.4 e)	Insert reference to the Council's Petition Scheme at Appendix 2 of Section L of Part 3 of this Constitution	To ensure the Council's Petition Scheme is clearly signposted within the Constitution.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.4 f)	13.4 f)	Insert reference to the Questions Procedure at Appendix 1 of Section L of Part 3 of this Constitution	To ensure the Questions Procedure is clearly signposted within the Constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.5.1	13.5.1	Insert reference to the Council's Petition Scheme at Appendix 2 of Section L of Part 3 of this Constitution	To ensure the Council's Petition Scheme is clearly signposted within the Constitution.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
13.5.4	13.5.4	Remove reference to the Council's Petition Website as this no longer exists.	To ensure clarity on the petitions procedure.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
18.1	18.1	Amend SO18.1 to read 'Subject to Orders 18.2 to 18.5, amendments to motions may be moved at the meetings without prior notice'.	To improve democratic processes and the decision making procedure at meetings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
18.3	18.3	Addition of the following: 'Where such amendments or revised recommendations arise out of the proceedings of the Scrutiny Board, nothing in Order 18.3 will require a further meeting of the Scrutiny Board in such circumstances'.	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
18.5	18.5	Reference to Article 15 be amended to read Article 12	To correct a reference error.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
19.1(p)	19.1(p)	Reference to SOs 18.1 to 18.3 e amended to read 18.2 to 18.4	To correct a reference error.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
19.1	19.1	Add the authority to move amendments without notice	To improve the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20.9	20.9	Amend to read: 'The move may with the approval of the seconder withdraw an amendment'	To ensure an amendment is properly withdrawn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
22.7	22.7	The number of affirmative votes required be amended to read “20”	To correct an error.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
27.1	27.1	Refer to the Filming and Recording Protocol in Appendix 8 of Section L of this Constitution	To ensure full and proper guidance on the filming and recording of meetings is given and well signposted.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n/a	28.1	Add reference to guidance on deputation procedures for Council, its committees, sub-committees and Scrutiny Board in Appendices 3, 4, 6 and 7 of Section L of Part 3 of this Constitution	To ensure deputation procedures are clearly defined and well signposted.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
33.1	33.1 and 33.2	Amend wording to give concise guidance on notice of meetings	To improve the wording of the order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
35	34.1	Add provisions relating to publishing agendas and reports on the Council’s website	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
n/a	35.1	Addition of 'late items' guidance, to specify a late item may be considered at a meeting providing the Chairman agrees to its urgency and this is recorded in the minutes.	To provide clarity on the democratic processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
34	36	Moved to accommodate other amendments	To make the constitution easier to understand	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
36.1	38.11	Reference to Order 10 amended to 40.3	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
40.2	42.2	Reference to SO 41.1 be amended to 43.1	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
40.3	42.3	Reference to SO 40.2 be amended to read 43.1	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
42	44.2	Reference to Forward Plan be amended to read Council and Cabinet Forward Plan	Update	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
45	47	Reference to 46 and 45 be amended to read 48 and 46 respectively	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
47	49.2	Reference to Committee be amended to read Scrutiny Board	Update	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
49	41.1	Reference to Order 38 amended to read 40	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
40.1	42.1	Include references to sub committees and the Scrutiny Board	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
41.1	43.1	Reference to Order amended to 42.2	To correct references in the Constitution.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
42	44.1	Add reference to Cabinet Leads making decisions under delegated powers and Key Decisions made by Officers under delegated powers.	To provide clarity on the democratic processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
44.1	46.1	Add reference to the requirement for decision to be included in the Council and Cabinet Forward Plan 28 clear days prior to being taken.	To provide clarity on the democratic processes.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
44.1	46.1	Amended where the notice for a Key Decision is published (i.e. on the Council and Cabinet Forward Plan)	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
45.1	47.1	Amend 47.1 (a) to read 'when the officer responsible for proposing the decision has informed the Chairman of the Scrutiny Board'.	To ensure clarity on the responsibility for officers in this instance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
45.1.(a)	47.2(a)	Amended to clarify that it is the responsibility of the report writer to contact the Chairman of the Scrutiny Board and not the Democratic Services Team Leader	To ensure clarity on the responsibility for officers in this instance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
46.1	48.1	References to paragraph 45 amended to read Orders 46 and 47	To correct references in the Constitution.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
46.1(b)	48.1(b)	Reference to Chairman of the Council amended to read Mayor	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
46.1(c)	48.1(c)	References to Chairman and Vice Chairman of the Council amended to read Mayor and Deputy Mayor respectively	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
47.1(a)	49.1.1	Reference to Forward Pan amended to Cabinet and Council Forward Pan	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
47.1(c)	49.1.1(c)	References to Chairman and Vice Chairman of the Council amended to read Mayor and Deputy Mayor respectively. Reference to Order 47 amended to read Order 48	To provide clarity on the democratic process and correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
47.1	49.1.1	Reference to committee amended to read Board	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
48	50.1.1	Amended to read: <i>50.1.1 As soon as reasonably practicable after any meeting of the Cabinet or any of its committees where a decision was made, whether in public or in private, the Democratic Services Team Leader will produce a record of that</i>	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>decision and this will include the following information:</i></p> <p><i>a) a record of the decision and the date it was made;</i></p> <p><i>b) a statement of the reasons for the decision; and</i></p> <p><i>c) any alternative options considered and rejected at that meeting.</i></p> <p><i>50.1.2 This record will be made available for public inspection at the Council's offices and on the Council's website.</i></p> <p><i>50.1.3 In the absence of an officer, the person presiding at the meeting will produce the record detailed in 50.1.1.</i></p> <p><i>50.1.4 For the purposes of this standing order, the minutes of the meeting shall be regarded as a record of decisions made by the Cabinet or its committees.</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
51.3	50.1.1	Amended to clarify that the minutes of the Cabinet are the Council's record of decisions taken by the Scrutiny Board	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
51.3	50.2	Amend title to read Executive Decisions made by cabinet Leads and Officers	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
51.3	50.2.1	Amended to read: <i>"As soon as reasonably practicable after a Cabinet Lead or an officer has made an executive decision under delegated powers, the Democratic Services Team Leader shall publish a statement of that decision which includes the information specified in Order 46.1 on the Council's website"</i>	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n/a	50.3 to 50.3.5	Insert provisions to satisfy the requirements of Part 3 The Openness of Local Government Bodies Regulations 2014	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
51	53	Amended to read: <i>"S053. Decisions by Individual Members of the Cabinet and Officers"</i>	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>53.1 Reports intended to be taken into account</i></p> <p><i>53.1.1 Where an individual Cabinet Lead or officer receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear working days after receipt of that report.</i></p> <p><i>53.2 Record of individual decision</i></p> <p><i>53.3.1 As soon as reasonably practicable after a Cabinet decision has been taken by an individual Cabinet Lead or a key decision has been taken by an officer, he/she will prepare, or instruct the Democratic Services Team Leader to prepare, a record of the decision, a statement of the reasons for it, any alternative options considered and rejected and any conflicts of interest declared. The provisions of Orders 39 and 40 will also apply as far as relevant to the making of decisions by individual members of the</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>Cabinet.</i> <i>53.3.2 This Order does not require the disclosure of exempt or confidential information.”</i>			
54.2(g)		deleted	No longer required due to suggested changes to Order 9 above	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
55.1	57.1	Reference to Article 4 to read Article 3	To correct a reference in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
56.1(a)	58.1(a)	Reference to Forward Plan amended to read Council and Cabinet Forward Plan.	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
56.1(c)	58.1(c)	Reference to Forward Plan amended to read Council and Cabinet Forward Plan Reference to Overview and Scrutiny Board amended to read Scrutiny Board, its Panel or sub committees.	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Budget and Policy Framework Standing Orders	Budget and Policy Framework Standing Orders	References to paragraph(s) be amended to read Order(s)	To correct references in the constitution and standardise the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
57.1	59.1	Reference to Article 4.01(a) amended to read Article 3. References to Paragraphs 57.2 to 57.5 and to read 59.2 and 59.5 respectively	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
57.2	59.2	Reference to paragraph 58.3 amended to read 60.3	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
57.6	59.6	References to Orders 18.1, 57.2 and 57.5 amended to read 18.2, 59.2 and 59.5 respectively	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58.1	60.1	References to Orders 58.2 and 58.6 be amended to read 60.2 and 60.6	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
58.2	60.2	Reference to 58.6 be amended to 60.6.	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58.2(a)	60.2	References to Orders 58.6 and 58.3 amended to read 60.6 and 60.3. References to 32 to 37 of the Local Government Finance Act 1992 to read 31A, 31B, 34 to 36A or 52ZF	To reflect changes in legislation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58.3	60.3	Reference to 58.2(a) amended to read 60.2(a)	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58.4	60.4	Reference to Order 58.3 amended to read 60.3	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58.5	60.5	References to Orders 58.4 and 58.2(a) amended to read 60.4 and 60.2(a) respectively	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
58.6	60.6	Reference to 582 and 585 be amended to read 60.2 to 60.5	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
58.7	60.7	Reference to 5982, 586 and 18.3 be amended to read 61.2, 61.6 and 18.2	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
59.2	61.2	References to 7, 8 and 6 be amended to read 63, 64 and 62 respectively	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cabinet Standing Orders	Cabinet Standing Orders	References to a member of the Cabinet or members of the Cabinet be amended to read Cabinet Lead or Cabinet Leads	To provide clarity on the democratic process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
61.4	63.4	References to 61.2 and 61.3 be amended to read 63.2 and 63.3 respectively	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
62.1	64.1	Reference to paragraph 6 be amended to read Order 62	To correct reference to another Order	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
64.5b	66.5b	References to 5pm and 9.30pm be amended to read 2pm and 6.30pm	To correct the timings of Cabinet meetings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
64.6	66.6	Reference to Part 2 be amended to read Part 3 Reference to Article 13 be amended Article 10	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
64.8(a) and (b)	66.8(a) and 66.9.1	References to Part 4 Section B be amended to read Section F of Part 3	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n/a	66.9.3 66.9.4 66.9.5	Additional Order to read as follows: <i>“66.9.3 Subject to Order 82 below, decisions of the Cabinet, it committees and Cabinet Lead and key decisions made by officers under delegated powers, which have not ben called in in accordance with Scrutiny Standing Orders,(Section I of Part 3 of this Constitution), will come into force or may be implemented from the fifth day after the day on which the decision was published</i> <i>66.9.4 Subject to Order 82 below,</i>	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Page 28	Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
	Published Constitution	Draft New Constitution				
			<i>decisions of the Cabinet, it committees and Cabinet Lead and key decisions made by officers under delegated powers, which have been called in in accordance with Scrutiny Standing Orders, Section I, Part 3 of this Constitution will come into force in accordance with Scrutiny Standing Orders.</i> <i>66.9.5 Non key decisions made by officers under delegated powers will .come into immediate effect”</i>			
	65.2(a)	67.2(a)	References to Part 4 Section B be amended to read Section F of Part 3	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	65.3	67.3	Add the following words to end of the sentence: <i>“in accordance with the procedures set out in Appendix 5 of Section L of Part 3 of this Constitution.”</i>	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
65.4(f)	67.4(c)	References to Part 4 Section E be amended to read Section G of Part 3	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
65.4(h)	67.4(e)	“Procedure” be amended to read “Standing” and References to Part 4 Section B be amended to read Section F of Part 3	To clarify the decision making process and correct references in the constitution.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
65.5	67.5.1	Reference to Overview and scrutiny committees be amended to read relevant boards, panels, committees and sub committees	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
65.6	67.6(c)	Overview and Scrutiny Committees to read Scrutiny Board	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n/a	68	Insert the following additional standing Order “68 Recording and Filming of Cabinet Meetings 68.1 Recording and filming may take place in accordance with the film protocol set out in Appendix 8 of Section L of Part 3 of this Constitution.”	To comply with The Openness of Local Government Bodies Regulations 2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n/a	69	Insert the following additional standing Order “69 Appointments to Outside Organisations	To clarify the decision making process for appointment of outside bodies with executive functions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 30		<p>69.1 <i>At its first meeting in each municipal year, the Cabinet shall appoint representatives to outside organisations in connection with Executive functions</i></p> <p>69.2 <i>Where the Leader wishes to change one of the Council's appointed members (including standing deputies) on an outside bodies in connection with executive functions he may request the Democratic Services Team Leader to make any such change, which shall then have immediate effect, the matter shall be reported for noting to the next meeting of the Cabinet for noting."</i></p>			
	66(a)	70.1	Reference to Article 7 be amended Article 6 of Part 2 of this Council	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	n/a	70.1(d) to (i)	<p>Insert the following additional orders:</p> <p><i>"(d) The Chairman of the Scrutiny Board will be appointed by the Council.</i></p> <p><i>(e) The Scrutiny Board may</i></p>	To update the current scrutiny processes	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>appoint up to two people as non-voting co-optees, provided that a majority of the members of the Board are elected members.</i></p> <p><i>(f) The Scrutiny Board may appoint up to five Scrutiny Leads to undertake the functions set in The Differing Roles of an Elected Councillor (see online Policy hub).</i></p> <p><i>(g) The Scrutiny Board may appoint Scrutiny and Policy and Development Panels to undertake the work of the Scrutiny Board. The membership of these panels may be all Councillors, who are not members of the Cabinet. These panels shall not have decision making powers and can only make recommendations to the Scrutiny Board.</i></p> <p><i>(h) The Scrutiny and Policy Development Panels may co-opt members of other Scrutiny and Policy Development Panels.</i></p> <p><i>(i) The Scrutiny Board and the Democratic Services Team Leader, in consultation with the Chairman of the Scrutiny Board,</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>may establish Task and Finish Panels to undertake specific reviews. Such Panels may not make decisions but may make recommendations to the Scrutiny Board”.</i>			
67	71.1	Reference to Article 7 be amended to read Article 6	To correct a reference in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
70	74	<p>Amended to read:</p> <p><i>“74.1 The Scrutiny Board’s panels and sub-committees of the Board shall undertake reviews and report their findings to the Scrutiny Board.</i></p> <p><i>74.2 The Scrutiny Board, its sub committees and panels shall be responsible for monitoring the performance of the Cabinet Leads. If the panels consider that actions need to be taken to improve performance these shall be submitted to the Scrutiny Board for consideration.</i></p> <p><i>74.3 The Scrutiny and Policy Development Panels and the sub committees of the Scrutiny Board shall be responsible for setting</i></p>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>their own work programmes and in doing so they shall take into account the wishes of members on the Board who are not members of the largest political group on the Council. The Scrutiny Board may allocate reviews to the sub committees' and panels' work programmes.</i></p> <p><i>74.4 The work programme of Task and Finish Panels will be established by the Scrutiny Board or the Democratic Services Team Leader after consultation with the Chairman of the Panel.</i></p> <p><i>74.5 The Scrutiny Board's sub-committees and panels shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do, they submit their findings and recommendations to the Scrutiny Board. The Scrutiny Board shall consider the reports of its sub committees and panels and shall submit its findings and any recommendations back to the Cabinet and/or Council. The</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>Council and/or the Cabinet shall consider the report of the Scrutiny Board at the next available meeting.</i></p> <p><i>74.6 The Scrutiny Board may also undertake its own reviews and monitor the performance of the Cabinet Leads.”</i></p>			
71	75	<p>Amended to read:</p> <p>“75.1 Any member of the Scrutiny Board or its panels may refer to the Board, its sub committees or its panels any matter which is relevant to the functions of the Board/sub committee/panel by giving notice in writing to the Democratic Services Team Leader.</p> <p>75.2 Any Councillor may refer to the Scrutiny Board of which they are not a member any local government matter which is relevant to the functions of the Board by giving notice in writing to the Chief Executive.</p> <p>75.3 On receipt of a notice under Order 75.1 or 75.2, the matter will be included on the agenda for, and discussed at, a meeting of the</p>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 35		relevant Board, sub committee or panel. Notices under Order 75.2 must be served no later than 28 days before the meeting at which the matter is to be discussed.			
		75.4 In considering whether to exercise the power in Order 75.2, the Councillor must have regard to any guidance issued by the Secretary of State and any protocol issued by the Council in connection with this power.			
		75.5 In considering whether or not to exercise any of its powers in relation to the matter referred under Order 75.2 the Board may have regard to any representations made by the Councillor as to why it would be appropriate to exercise any of its powers. If the Board decides not to exercise any of those powers in relation to the matter, it must notify the Councillor of the decision and the reasons for it.			
		75.6 When the Scrutiny Board decides to exercise any of its powers in relation to the matters referred to it in Order 75.2, it may			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p>refer the matter to a Scrutiny and Development Panel.</p> <p>75.7 Where the Scrutiny Board exercises its power to make a report or recommendation to the Council or the Cabinet on any matter referred to it by a Councillor under Order 75.2 the Board must provide the Councillor with a copy of the report or recommendation (subject to order 76).</p> <p>75.8 Under Order 75.2 a “local government matter” in relation to a Councillor means a matter which relates to the discharge of any function of the authority and affects all or part of the ward for which the Councillor is elected or any person who lives or works in that ward, but excludes:</p> <p>(a) any matter relating to a planning decision;</p> <p>(b) any matter relating to a licensing decision under the Licensing Act 2003;</p> <p>(c) any matter relating to an individual or entity where that</p>			

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Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
72	76	person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman); (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the Scrutiny Board meeting; and (e) any matter specified in an order made by the Secretary of State. 75.9 Provided that a matter is not excluded from being a local government matter, notwithstanding that it would otherwise fall within (b), (c) or (d) above, if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on systematic basis.”			
		Amended to read: “76.1 The role of the Scrutiny Board in relation to the development of the Council's budget and policy framework is set	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>out in the Budget and Policy Framework Procedure Rules. The Scrutiny Board's panels and sub committee shall assist the Board in this role.</i></p> <p><i>76.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Board or Panels may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference. The Scrutiny Board shall consider the recommendations of its panels and committees and make such recommendations, as it thinks fit, to Cabinet.</i></p> <p><i>76.3 The Scrutiny Board and its sub committees and panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so."</i>			
73	77	<p>Amended to read:</p> <p><i>"77.1 This order applies where the Scrutiny Board makes a report or recommendation to the Council, the Cabinet, a Cabinet Lead or a relevant Committee of the Council.</i></p> <p><i>77.2 Scrutiny reports may be prepared by the Board or its sub committees or its panels.</i></p> <p><i>77.3 All reports prepared by panels and sub committees of the Scrutiny Board are forwarded to the Scrutiny Board for consideration.</i></p> <p><i>77.4 Only the Scrutiny Board may submit recommendations to the Cabinet or Cabinet Lead, the relevant committee of the Council</i></p>	To update the current scrutiny processes		

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>or partner authorities in accordance with SO78 and 79.</i></p> <p><i>77.5 The Scrutiny Board may publish the report or recommendations.</i></p> <p><i>77.6 The Council, committee, Cabinet or Cabinet Lead who receive a recommendation of the Scrutiny Board must:</i></p> <p style="padding-left: 40px;"><i>(a) consider the report or recommendation;</i></p> <p style="padding-left: 40px;"><i>(b) respond to the Board indicating what (if any) action the Council , Committee Cabinet Lead or Cabinet propose to take;</i></p> <p style="padding-left: 40px;"><i>(c) if the Board has published the report or recommendation to publish the response;</i></p> <p style="padding-left: 40px;"><i>(d) if the Board provided a copy of the report or recommendation to a member under Order 75.7, to provide the member with the response; and</i></p> <p style="padding-left: 40px;"><i>(e) do all of the above</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>within two months of receiving the report or recommendations or (if later) the notice.</i></p> <p><i>77.7 It is the duty of the Council, Committee, Cabinet Lead or Cabinet to which a recommendation has been submitted to comply with the requirements specified in Order</i></p>			
75	79	<p>To be amended to read:</p> <p><i>“79.1 Where a report or recommendation of the Scrutiny Board or response of the Council, Committee, Cabinet Lead or the Cabinet is published pursuant to Order 76.2 or 80.3(c), and is provided to a member of the Council or partner authority under Order 78, any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Section 9FG of the Local Government Act 2000.”</i></p>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
76.2 to 76.3	80.2 to 80.3	<p>To be amended to read:</p> <p><i>“80.2 Where the Scrutiny Board prepares a report for consideration by the Cabinet in relation to a</i></p>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 42		<p><i>matter where the leader or Council has delegated decision making power to another individual Cabinet Lead and the report does not recommend any action other than to note or endorse the report, then the Scrutiny Board may submit a copy of their report to that individual for consideration. At the time of doing so, the Scrutiny Board shall serve a copy on the Chief Executive and the Leader of the Council. If the member with delegated decision making power does not accept the recommendations of the Scrutiny Board then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Scrutiny Board. The Cabinet Lead to whom the decision making power has been delegated will respond to the Scrutiny Board within four weeks of receiving it. A copy of his/her written response to it shall be sent to the Democratic Services Team Leader and he/she will attend a future meeting to respond.</i></p>			

Page 43	Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
	Published Constitution	Draft New Constitution				
			80.3 The Scrutiny Board will have access to the Council and Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Scrutiny Board following a consideration of possible policy/service developments, the Board will be able to respond in the course of the Cabinet's consultation process in relation to any key decision.”			
	77.1	81.1	Reference to Access to Information Procedure Rules in Part 4 Section B of this Constitution to read Access to Information Standing Orders in Section F of part 3 of this Constitution.	To correct references in the Constitution	☒	☒
	79.1	83.1	To be amended to read: 83.1 The Scrutiny Board or any of its sub committees and panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Lead, the Head of Paid Service and/or any	To clarify the decision making process	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure	
Published Constitution	Draft New Constitution					
Page 44		<i>senior officer to attend before it to explain in relation to matters within their remit:</i> <i>(a) any particular decision or series of decisions;</i> <i>(b) the extent to which the actions taken implement Council policy; and/or</i> <i>(c) their performance</i> <i>and it is the duty of those persons to attend if so required.</i>				
	79.3	83.3	Order 94 to read Order 100	To correct references in the Constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	80	84	To be amended to read <i>“84.1 The Scrutiny Board and its sub committees or panels may invite people other than those people referred to in Order 83 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and</i>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
81.	85	<p><i>officers in other parts of the public sector and may invite such people to attend.</i></p> <p><i>84.2 Where the Scrutiny Board, sub committee or panel conducts investigations (e.g. with a view to policy development), the Board may also ask people to attend to give evidence at the Board, sub committee or panel meetings which are to be conducted in accordance with the following principles: -</i></p> <p><i>(a) that the investigation be conducted fairly and all members of the Board, sub committee or panel be given the opportunity to ask questions of attendees, and to contribute and speak; and</i></p> <p><i>(b) that those assisting the Board, sub committee or panel by giving evidence be treated with respect and courtesy.”</i></p>			
			To be amended to read: “85.1 When a decision is made by the Cabinet, an individual Cabinet Lead or a committee of the	To update the current scrutiny processes	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 46		<p><i>Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the Public Service Plaza normally within two days of being made. All members of the Council will be notified of the decision and given access to the records of all such decisions within the same timescale, by the person responsible for publishing the decision.</i></p>			
		<p><i>85.2 The record of the decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, as from 4.00pm on the fifth day after the day on which the decision was published, unless within this time it is called in for scrutiny.</i></p>			
		<p><i>85.3 Subject to 85.5 below, a decision may be called-in for scrutiny by the Scrutiny Board if the Chairman of the Scrutiny Board or any five members of the Council</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 47		<p><i>submit a notice in writing to the Democratic Services Team Leader within the five day period giving reasons why the decision should be scrutinised.</i></p>			
		<p><i>85.4 The Democratic Services Team Leader shall then notify the decision-taker of the call-in. Any item which is called-in will be placed on the agenda for the next meeting of the Scrutiny Board or its sub committees or panels as directed by the Democratic Services Team Leader in consultation with the Chairman of the Scrutiny Board. The relevant Chief Officer and/or Cabinet Lead shall have the right to attend the meeting of the Board, sub committee or panel which considers the matter to explain the reasons for the decision and to respond to comments made at the meeting subject in the case of Cabinet Leads to the provisions of the Code of Conduct for Councillors.</i></p>			
		<p><i>85.5 If the matter is referred to a sub committee or panel of the Scrutiny Board, the sub committee</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 48		<i>or panel shall report its findings and recommendations to the Scrutiny Board.</i>			
		<i>85.6 A decision may not be called-in if the Board has already made recommendations to the decision-taker and those recommendations have been accepted by the decision-taker either in whole or without significant addition or modification.</i>			
		<i>85.7 Where a decision has been called-in by five members of the Council and none of those Councillors attend, the Board, its sub committees or Scrutiny and Policy Development Panels may at its discretion determine not to scrutinise the decision.</i>			
		<i>85.8 If, having considered the decision and where appropriate the findings and recommendations of a sub committee or panel of the Scrutiny Board (which consideration must be completed before the next scheduled meeting of the Cabinet) the Scrutiny Board is still concerned about it, then it may refer it back to the decision</i>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 49		<p><i>making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. Matters should normally only be referred to full Council if the Scrutiny Board consider the decision to be contrary to the policy framework of the Council or contrary to or not wholly in accordance with the budget.</i></p>			
		<p><i>85.9 If the decision is referred back to the decision maker they shall then reconsider whether may amend the decision or not, before adopting a final decision which will come into force immediately.</i></p>			
		<p><i>85.10 If following an objection to the decision, the Scrutiny Board does not either refer the matter back to the decision making person or body or refer the matter to full Council or determines under 85.7 above not to scrutinise the matter, the decision shall take effect on the date of the Scrutiny meeting.</i></p>			
		<p><i>85.11 If the matter was referred to full Council and the Council does</i></p>			

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Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
82	86	<i>not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.</i>			
		<i>85.12 If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting."</i>			
82	86	To be amended to read: <i>"86.1 The call-in procedure set out above shall not apply where the decision being taken by the</i>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 51		<p><i>Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the legal or financial position of the Council or the interests of the residents of Havant Borough. The record of the decision, and the notice by which it is made public shall state whether in the opinion of the decision making person or body (having considered the advice of the Head of the Paid Service and/or the Monitoring Officer and/or the Chief Finance Officer), the decision is an urgent one, and therefore not subject to call-in.</i></p>			
		<p><i>86.2 Decisions taken as a matter of urgency must be reported to the next available meeting of the Cabinet, together with the reasons for urgency.</i></p>			
		<p><i>86.3 The operation of the provisions relating to call-in and urgency shall be monitored, and a report submitted to Council with proposals for review if necessary.</i></p>			
		<p><i>86.4 Where a decision is exempted from call-in, it will</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>become effective immediately.”</i>			
84	88	<p>Insert 88.1 as follows</p> <p><i>“88.1 The procedure, order and content of any meeting of the Scrutiny Board may take the form set out in 84.2 below.</i></p> <p><i>88.2 The Scrutiny Board and Scrutiny and Policy Development Panels shall consider the following business:</i></p> <p><i>(a) minutes of the last meeting;</i></p> <p><i>(b) declarations of interest (including whipping declarations);</i></p> <p><i>(c) consideration of any matter referred to the Board for a decision in relation to call in of a decision;</i></p> <p><i>(d) responses of the Cabinet to reports of the Scrutiny Board; and</i></p>	To update the current scrutiny processes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p>(e) <i>the business otherwise set out on the agenda for the meeting.</i></p> <p>88.3 <i>The order of business for meetings shall be determined by the Democratic Services Officer in consultation with the Chairman. Items may be withdrawn from the agenda at meetings with the consent of the meeting.</i></p> <p>88.4 <i>Where the Scrutiny Board, its sub committees and panels conduct investigations (e.g. with a view to policy development), the Board may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles: -</i></p> <p>(a) <i>that the investigation be conducted fairly and all members of the Board be given the opportunity to ask questions of attendees, and to contribute and speak; and</i></p> <p>(b) <i>that those assisting the Board by giving evidence be treated with respect and courtesy.”</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
n/a	89	<p>Add the following Order</p> <p><i>“SO85 Submission of Motions and Amendments</i></p> <p><i>89.1 The report or matter submitted for discussion by the Board may be debated prior to a motion being proposed and seconded</i></p> <p><i>89.2 Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business</i></p> <p><i>89.3 Motions and amendments must be moved and seconded before they may be debated</i></p> <p><i>89.4 When a motion has been moved and seconded no other motion shall be moved except a motion for which no notice is necessary under Standing Order19</i></p> <p><i>89.5 Only one amendment may</i></p>	To improve the decision making process by relaxing the rules of debate and voting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>be moved and discussed at a time, and no further amendment may be moved until the amendment under discussion has been dealt with.</i></p> <p><i>89.6 Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.</i></p> <p><i>89.7 The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time</i></p> <p><i>89.8 Once duly moved, an amendment shall be debated along with the original motion.</i></p> <p><i>89.9 An amendment must be voted on before the motion</i></p> <p><i>89.10 If an amendment is rejected different amendments may be proposed on the original motion.</i></p> <p><i>89.11 If an amendment is lost, other amendments may be moved to the original motion</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>8912 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.</i></p> <p><i>89.13 If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion”</i></p>			
<div>Page 56</div> n/a	Section J	<p>Insert Section J “Committee and Sub Committee Standing Orders” and add the following Standing Orders:</p> <p>“SO90 Order of Business</p> <p>90.1 The order of business for meetings shall be determined by the Democratic Services Officer in consultation with the appropriate Chairman. Items may be withdrawn from the agenda at meetings with the consent of the meeting.</p> <p>SO91 Submission of Motions and Amendments</p> <p>91.1 The report or matter submitted for discussion by the</p>	To improve the decision making process by relaxing the rules of debate and voting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p>Committee may be debated prior to a motion being proposed and seconded</p> <p>91.2 Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business</p> <p>91.3 Motions and amendments must be moved and seconded before they may be debated</p> <p>91.4 When a motion has been moved and seconded no other motion shall be moved except a motion for which no notice is necessary under Standing Order19</p> <p>91.5 Only one amendment may be moved and discussed at a time, and no further amendment may be moved until the amendment under discussion has been dealt with.</p> <p>91.6 Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.</p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 58		91.7 The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time			
		91.8 Once duly moved, an amendment shall be debated along with the original motion.			
		91.9 An amendment must be voted on before the motion			
		91.10 If an amendment is rejected different amendments may be proposed on the original motion.			
		91.11 If an amendment is lost, other amendments may be moved to the original motion			
		91.12 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.			
		91.13 If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		91.14 If a motion is lost, other motions may be moved”			
90	96.1	Reference to 88.1 be amended to read 93.1	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
92.1	98.1	Reference to Authority to be amended to read Joint Human Resources Committee	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
92.2	98.2	References to 92.1 be amended to read 98.1	To correct references in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Section L	<p>Add Section L to include:</p> <p>Questions at Council Scheme Petition Scheme All deputation notes Recording, Photography and use of Social media Protocol</p> <p>The deputation notes for the Development Management Committee to be amended to allow</p>	To clarify and improve the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		the Committee to question deputies			
A4 and A5	M4 and M5	<p>To be amended to read:</p> <p><i>“Financial Responsibilities of the Governance & Audit Committee</i></p> <p><i>M.4 The Governance & Audit Committee is responsible for:</i></p> <ul style="list-style-type: none"> <i>Monitoring and annually reviewing corporate governance arrangements;</i> <i>Receiving risk management updates;</i> <i>Acting as audit committee; and</i> <i>Approving the Annual Statement of Accounts.</i> <p><i>Financial Responsibilities of the Scrutiny Board</i></p> <p><i>M.5 The Scrutiny Board is responsible for:</i></p>	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<ul style="list-style-type: none"> <i>Scrutinising Cabinet decisions, including financial implications, before or after they have been implemented and for holding the Cabinet to account."</i> 			
B19	N19	SO60 to read Order 63	To correct reference in the constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
C16	O16	Reference to Accounts and Audit Regulations corrected from 2013 to 2015	To update legislation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor/Officer Relations Protocol					
7	7	Reference to "and is contained in the Constitution" to read "is published in the on line policy hub"	To update the reference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillors' Allowances Scheme					

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Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Approved Duties					
7(x)	7(x)	Update name of the Development Control Committee to Development Management Committee Update Council Office address Corporate Director to read Executive Director Operations	To update this paragraph	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7(xi)	7(xi)	Director to be amended to read Executive Director		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Travelling Allowances					
1	1	Head of Resources to be amended to read Head of Finance and Assets	To update name of post	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Glossary of Terms		Add a Glossary of Terms	To clarify the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Schedule of Amendments		Add a schedule of amendments	To help keep up to date with changes to the Constitution	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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