

FINDINGS PACK

Review of the Constitution

Budget Scrutiny and Policy Development Panel

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2017

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Introduction

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Introduction

- A1 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.
- A.2 Due to the size of the Council's Constitution, it was not considered 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.
- A3 This review was coordinated with a review of the constitution by a team of officers. This review has concentrated on the overall description on what is done and by whom (the Articles) and the how decisions are made (procedures rules): the officers have concentrated on the overall format of the Constitution and updating the scheme of delegations.
- A4 This review has made it possible for members of the Panel to gain a better understanding of the complex issues and legislation on the Council's decision making process. This in turn has enabled the Panel to come forward with unique standing orders which are a complete break from normal procedures to enables Committees to have free and open debates on complex issues without being bound by out and outdated formal rules.
- A5 The Panel would like to place on record the candid and open atmosphere that was common throughout all discussions.
- A6 In undertaking this scrutiny, the Panel (and subsets) has met 5 times¹ I would like to thank my Panel and other Councillors, who joined the Panel, for their support, commitment and willingness to challenge and enquire,



Signed by Councillor Gary Hughes
April 2017

¹ 7 February, 23 February, 23 March, 29 March and 4 April 2017

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Recommendations

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RECOMMENDATIONS

- B.1 The Governance and Audit Committee be requested to recommend that Council:
 - B1.1 agree to the changes to the Constitution as set out in Section J of this Findings Pack;
 - B1.2 require all members to read Part 3 Constitution and sign a declaration to this effect each municipal year;
 - B1.3 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

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Key Findings

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Key Findings and Conclusions

C1 Format and Size of the Constitution

- C1.1 There is currently a lack of conformity in the formats, titles and references used in the Constitution, which can make the document difficult to read and understand. The Panel consider that a standard format and standard references should be used throughout the Constitution to provide clarity to the decision making process and encourage more people to read it.
- C1.2 The Panel endorses the work of an officers' team to reduce the size of the Constitution by only retaining information that relates to the Council's decision making process and placing the removed information in a public accessible policy hub. The current constitution's bulk and size does not meet the requirements of a Council which wishes to encourage public engagement.
- C1.3 The Panel also considered that there is need to record changes to the Constitution to enable a reader to identify any amendments made since it was last read.

C2 Articles

- C2.1 The Panel found that the current Article relating to the Scrutiny Board is out of date and did not relate to the current scrutiny process. It is therefore concluded that these Orders should be updated.
- C2.2 The Panel discovered that the functions of the Council in relation to the appointment of the Mayor and Deputy Mayor are not recorded in the Article relating to the Council and consider that this needs to be corrected.
- C2.3 The Panel received details from an Officers' Team to revise the Articles to provide clarity on the executive and non executive functions of the Council. The Panel endorses the changes proposed by the Officers' team as this will provide clarity on the decision making procedures.

C3 Standing Orders

- C3.1 Discussions with members of the Development Management Committee revealed that the current Standing Orders relating to meetings of Committees were considered to be too formal and did not allow for a free flowing debate and discussion. As a result, the proceedings of meetings were not always clear to members of the Committee or the public. The Panel consider that these rules should be relaxed for all Committees to allow for free and open debate which can be easily followed. It is acknowledged that this would be a complete change to Local Government meeting procedures but the Panel consider that there is a need to break away from these out of date procedures and bring the Committee system into the 21st century.

- C3.2 The current Standing Orders relating to motions do not permit members of the Council to move amendments during meetings of the Council: currently amendments have to be submitted to Democratic Services at least 30 minutes before the meeting starts. This restriction can stifle debates at Council and prevent a meeting reaching a sound decision at a meeting without either having to suspend standing orders or defer consideration of the matter to another meeting. A survey revealed that other Councils, of a similar size to this Council, permit amendments to be moved at Council meetings without prior notice. The Panel therefore considers that this practice should be adopted by the Council and the Standing Orders be amended accordingly.
- C3.3 The Panel propose revisions to Standing Orders to clarify the current provisions relating to the making and publication of executive and non executive decisions and when these different types of decision come into effect. These amendments will provide clarity to the decision making process.
- C3.4 With regard to the deputation procedures, the Panel was asked by members of the Development Management Committee to consider amending the adopted deputation scheme for this Committee to enable members of this Committee to ask questions of deputies. The Panel considered that this amendment would enable the Committee to make more informed decisions and encourage engagement with the decision making process.
- C3.5 The Panel was concerned that Constitution contains little guidance to councillors, officers or members of the public on a “Key Decision” other than a duplication of the legal definition of this term. The Panel noted that the Council had adopted guidance on how to interpret the term “significant” when deciding if a matter was a “Key Decision” but this had not be included in the current Constitution. It was found that a number of other Council’s had included guidelines within their Constitutions on how to determine whether a matter is a “Key Decision”. A failure to provide such guidance in the Constitution provides uncertainty to the decision making process and is likely to increase fears that major decisions are being made without consultation or publicity. It is therefore, concluded that the previous guidelines be updated and included in the Constitution. The Panel were in agreement that this issue would be resolved between the Monitoring Officer and the Governance and Audit Committee.
- C3.6 The Panel found that the current Scrutiny Standing Orders are out of date and did not relate to the current scrutiny process. It is therefore concluded that these Orders should be updated accordingly.
- C3.7 A key aim of the Corporate Strategy is to “encourage communities to play an active role in shaping how they look locally”. At present members of the public can engage in the decision making process by petitions, making deputations at council meetings and asking questions at Council. The Panel was therefore, concerned to find that the adopted schemes on how to make petitions and ask questions at Council are not included in the Constitution

and that, apart from the Cabinet, it is unclear whether a member of the public has a right to make a deputation to the Council or its committees. The Panel considers that these omissions and ambiguity need to be rectified if the Council wishes to provide clarity and engagement in the decision making process.

- C3.8 The Panel considered, in detail, whether the Constitution should be amended to make it a requirement for Cabinet Leads to submit written reports. A survey of Cabinet Leads revealed opposition to such a requirement and a benchmarking survey revealed that very few of the Councils surveyed made the submission of a Cabinet Lead report mandatory. On balance, although the Panel acknowledge that, in the main, written Cabinet Lead reports are an informative product that promotes accurate information sharing to members (and through them) to the public, it does agree that a standing order making the submission of such reports prior to Council meetings is unreasonable and would place an unnecessary administrative burden upon officers and Cabinet Leads. The Panel considers that there are plenty of other ways of holding Cabinet Leads to account e.g. through the scrutiny process.
- C3.9 The current conditions to the submission of questions by Councillors at Council meetings (current Standing Order 23) were also considered by the Panel. A benchmarking survey revealed that the Councils requirements are more generous than other Councils. A survey of Cabinet Leads also revealed opposition to replacing the current 48 hours requirement with a provision allowing “free questions (without Notice)” to Cabinet Leads at Council meetings. On reflection the Panel considered that the removal of this requirement would be more destructive than constructive and that there are plenty of other ways of holding Cabinet Leads to account e.g. through the scrutiny process.

C4 Governance Arrangements

- C4.1 The Panel also considered that to aid Councillor Development and in view of the importance of the Constitution it should be a requirement that all members sign and submit each year a declaration to the effect that they have read the constitution and the terms of reference of the committees, boards or sub committee.

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Panel Membership

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Budget Scrutiny and Policy Development Panel

Scrutiny Lead:

Councillor Hughes

Panel Members:

Councillors Hughes, Carpenter, Branson, K Smith, Cresswell and Lloyd

Other Councillors Who Assisted the Review:

Councillors Buckley, Francis, and Perry.

Cabinet Leads who Assisted in the Review:

Councillor Wilson (Cabinet Lead for Governance and Organisational Development)

The attendance record for meetings of the Panel is shown below:

Attendance Record – Panel Members

	Total Expected Attendances	Present As Expected	Absences Inc Apologies
Councillor Carpenter	4	3	1
Councillor Cresswell	4	4	0
Councillor Hughes	4	4	0
Councillor Lloyd	4	1	3
Councillor K Smith	4	3	1

Attendance Record – Guests

	Total Attendances
Councillor Francis	3
Councillor Perry	1

Attendance Record – Cabinet Lead

	Total Attendances
Councillor Wilson	2

Attendance Record – Scrutiny Board Chairman

	Total Attendances
Councillor Buckley	3

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List of Contributors

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Contributors to the Review

Who?	Contribution	When?
Tom Horwood, Executive Director of Strategy and Governance	Attended a session of the Panel to discuss proposed changes to the Constitution recommended by team of officers	8 March 2017
Nick Leach, Monitoring Officer	Provided independent advice and information on the proposed changes to the Constitution. Also attended a session of the Panel to discuss proposed changes to the Constitution recommended by team of officers	Throughout the whole review
Cynthia Haveron, Democratic Services Officer (EHDC)	Attended a session of the Panel to discuss proposed changes to the Constitution recommended by team of officers	8 March 2017

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Methodology

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Methodology

F1 Scope

- F1.1 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.
- F1.2 Due to the size of the Council's Constitution, it was not considered 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.
- F1.2 The Panel was made aware that a team of officers were conducting a similar review on the constitution and it was acknowledged that these reviews should be coordinated.

F2 Links with the Corporate Strategy and Business Plans

- F2.1 One of the key aspects of the Council's Corporate Strategy is a commitment to redesign its processes to ensure that it delivers public service excellence.
- F2.2 The Council also aims in its Corporate Strategy to encourage communities to play an active role in shaping how they look. A clear and readable constitution will encourage members of the public to more readily engage with the Council.

F3 Benefits to the Council and its Residents

- F3.1 The adoption of efficient, transparent and accountable decision making processes will enable the public to understand how the Council works and help them to engage with the Council's decision making processes. A clear and transparent Constitution will also enable members of the public to bring the Council to account if these processes are not followed

F.4 Principles

- F4.1 The purpose of the review is to make the Articles and standing orders more user friendly and accessible and in particular to:
 - F4.1.1 ensure that the Council's decision making system is transparent and easy to understand;
 - F4.1.2 enable decisions to be taken efficiently, effectively and transparently;
 - F4.1.3 support accountability and encourage engagement with the Council's decision making process; and
 - F4.1.4 set a clear framework for governance and ethics.

F5 Evidence to Support the Project

- F5.1 A benchmarking Survey to compare selected provisions in this Council's Standing Orders with similar provisions in other Councils' constitutions.
- F5.2 A survey of all Councillors to elicit their concerns with the current Constitution
- F5.3 A survey of Cabinet Leads to ascertain their views on proposals to change the orders relating to questions by Councillors at Council meetings and the submission of Cabinet Lead reports

F6 The Project Included

- F6.1 A meeting was held with Tom Horwood, Nick Leach and Cynthia Haveron to discuss the proposed changes arising from the officers' review of the constitution.

Councillor Survey

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Councillors' Survey Results

Review of the Constitution – Standing Orders Relating to Meetings

Aim of the Survey

The aim of the survey was to consult councillors to find out how they thought the Council's standing orders relating to Council meetings could be improved

Responses

In total 10 responses were received, achieving a low response rate of 27%

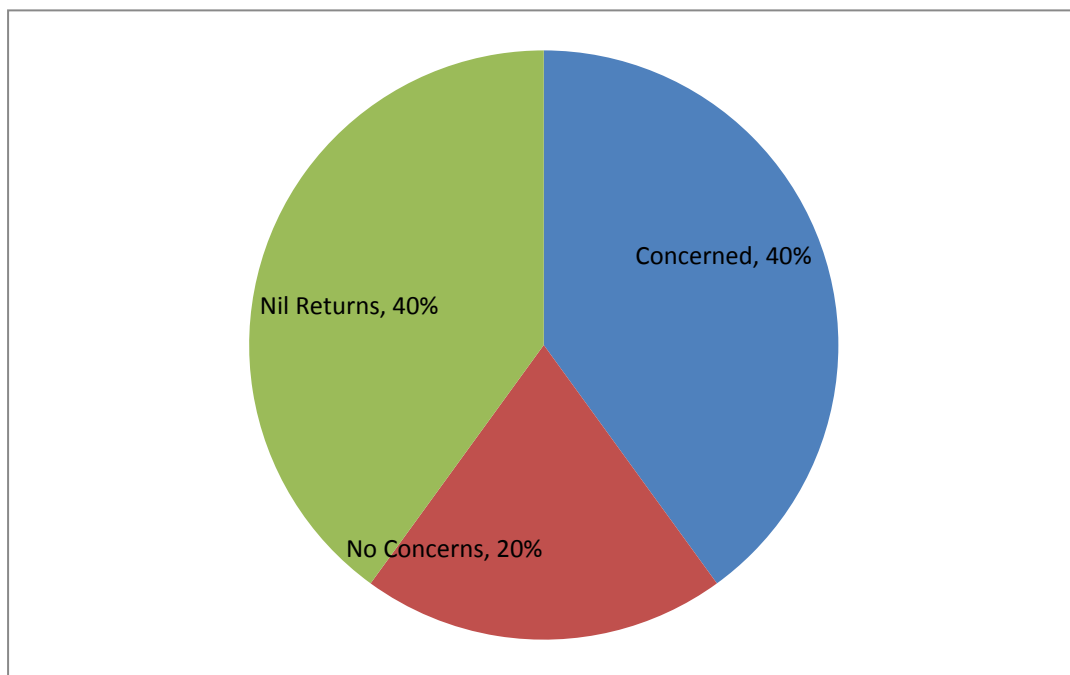
Survey Results

Presentation of findings

In the table and charts that follow, the number of responses analysed are shown as "N". The number of responses (N) does not always remain the same due to some sections being left blank (no response)

Concerns About The Council's Current Articles and Standing Orders

Q *Do you have any Concerns about the Current Standing Orders and/or Articles of the Constitution Relating to Meetings?*

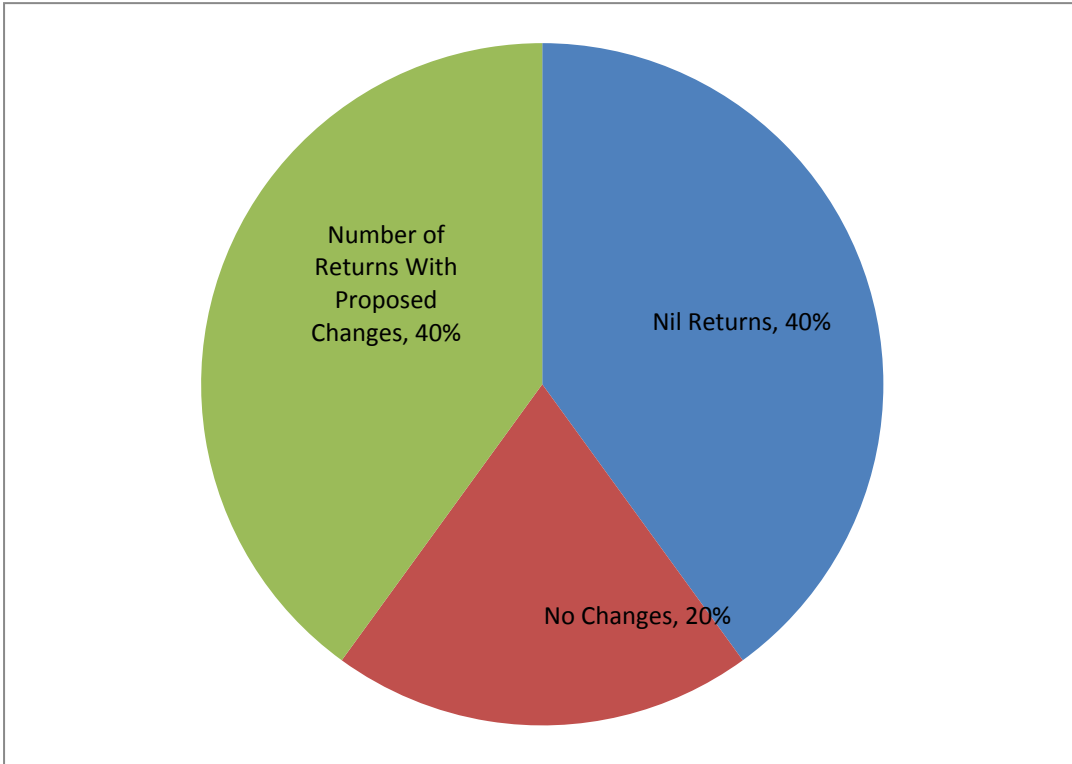


N= 11

A majority of the respondents raised no concerns or submitted a "nil return".

Proposed Changes to the Current Articles and Standing Orders

Q Are there any particular aspects of these standing orders that you would like to change or any additions/deletions you would like to make?

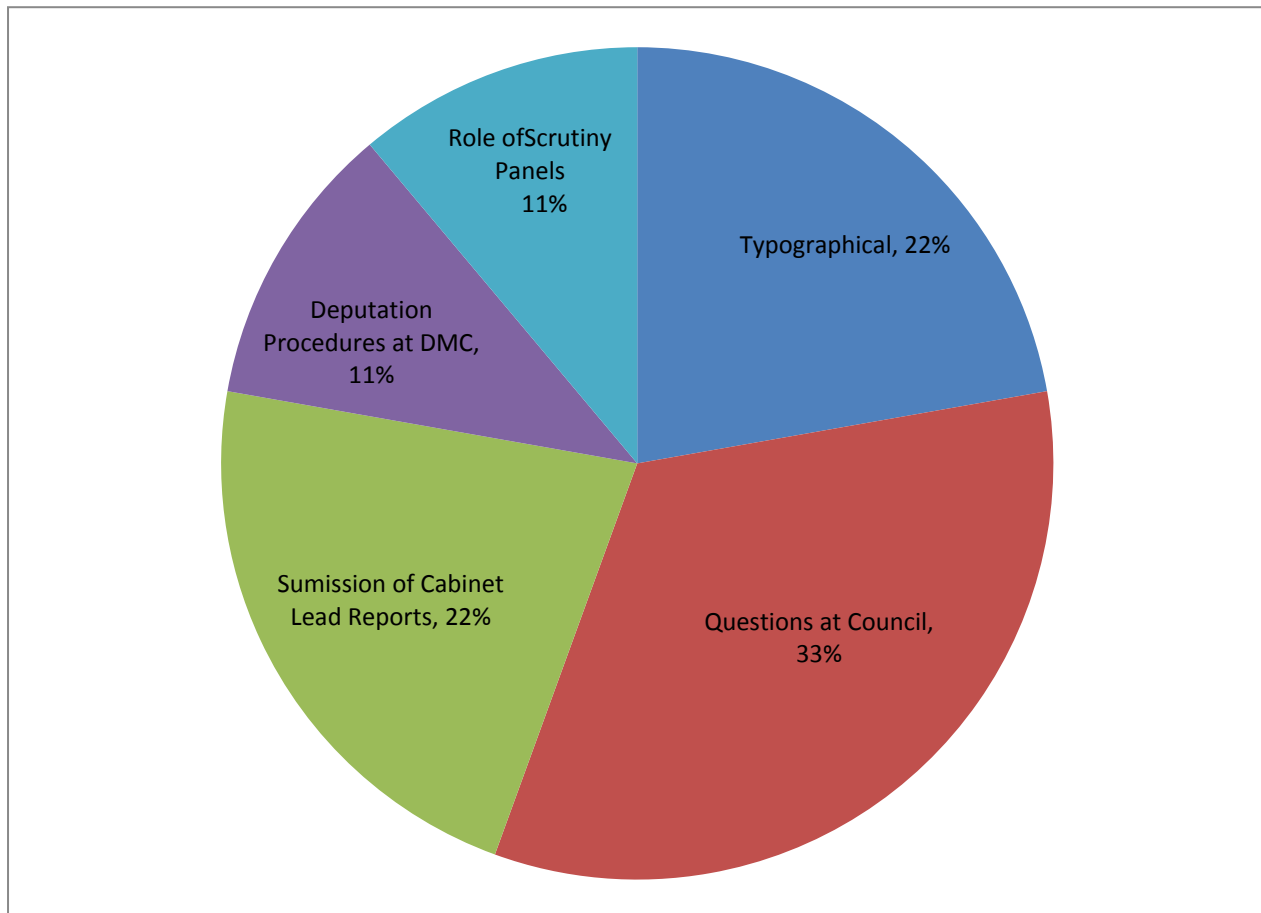


N= 11

The majority of responses either contained no proposed changes or were "nil returns"

Specific Issues

Of the 40% that proposed changes the areas proposed to be changed related to the following issues



Comments/Changes

- I believe that Portfolio holders should be required to answer questions on anything connected with their portfolio not just things mentioned in their report. I agree that 2 days notice is preferable but not essential. Also if the cabinet member declines to write a report then no questions can be asked without notice. I don't think this serves democracy well.

Maybe we need a change that except in exceptional circumstance Portfolio holders should be required to write reports to inform members of of what is happening in their portfolio.

If this is not in standing orders then the leader should require it of members of his cabinet. It should not be a matter of choice.
- Under Cabinet SOs I am not clear what delegation Portfolio holders have how this is enacted and where it is recorded.

- 3 There is no reference to portfolio holders' reports that I can find, hence no justification for the ruling that questions not previously submitted can only be about something in these reports. I see nothing in the constitution requiring the reports at all, yet there should be.
- 4 Making people submit an anodyne question thus allowing one follow-up question which is the real one seems to me to be a useless artificiality – though one that seems to be used by many, if not all, councils.
- 6 My preference would be for portfolio holders to be open to any question from the floor about their area during portfolio holders' questions time so that they can be properly held to account by councillors (and, importantly, the opposition). What is there to be afraid of in this arrangement – which was in place for a number of years when I was a portfolio holder, probably through custom and practice rather than compliance with the constitution.
7. The scrutiny section does not cover panels adequately. If it is intended that they are an unofficial set up under the Board and nothing they do has any power until it ends up in a report put out by the Board, I think this is too limited – I would prefer panels to be entities in their own right.

S084.2 I don't think this should apply to 'any investigation or review'. As above Panels should be able to review things and report to portfolio holders without the process of going through the Board.

8. My comments relate only to meetings for Development Control, I would allow time for Cllrs sitting in Committee to ask questions of those giving deputations, when on site visits neither Cllrs nor Officers should converse with any other parties

- 9 I am not sure if standing Orders cover site visits, if so, then I would suggest that Cllrs read Officers' briefings and visit sites individually, or, if in a group, simply convene at an agreed location and view the site.

10. SO64.5 This states that all Cabinet meetings will start at 5pm.
Is this correct

- 11 SO65.6(d) Line 7. "an" should be "a"

- 12 SO 22.7 Typo ? 49 affirmative notes

- 13 SO23 Notes on the Public's Rights to ask questions need to be added

- 14 SO23 Amend to Read

"When a Councillor asks a question under orders 23.2 or 23.3. it is helpful if either:

- a) he/she has given at least 48 hours' notice, in writing, of the question to the Democratic Services Team Leader: or
- b) The question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Democratic Services Team Leader at least two hours before the meeting."

- 15 SO33 Amend to read

The Council will make copies of the agenda and reports (including those from Cabinet Members) open etc.

16 SO71.2 Any local government - missing word

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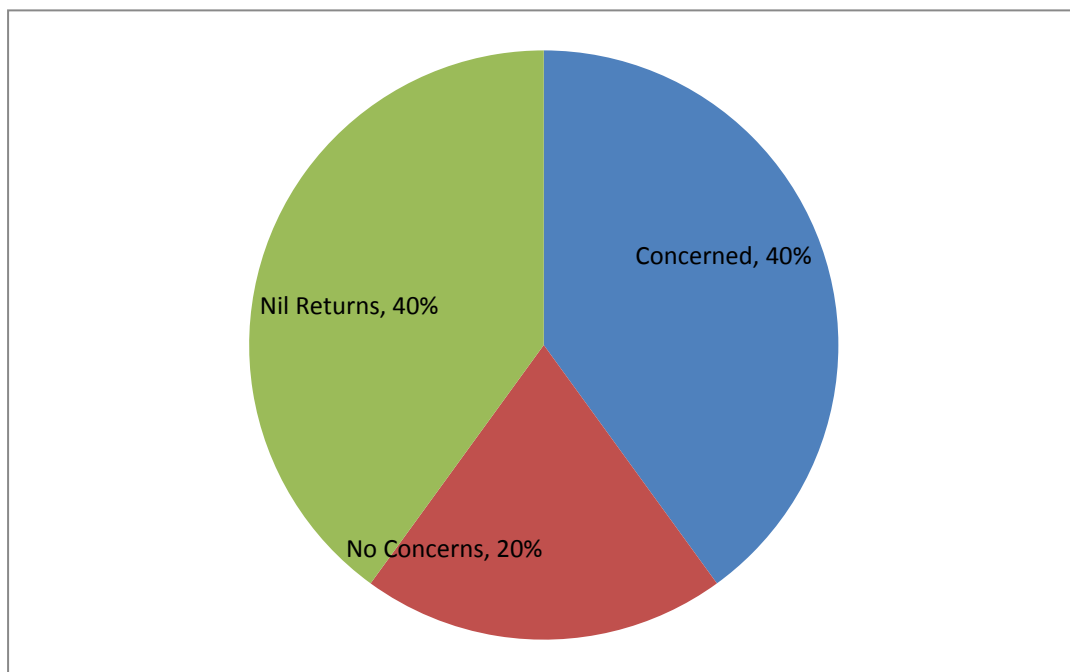
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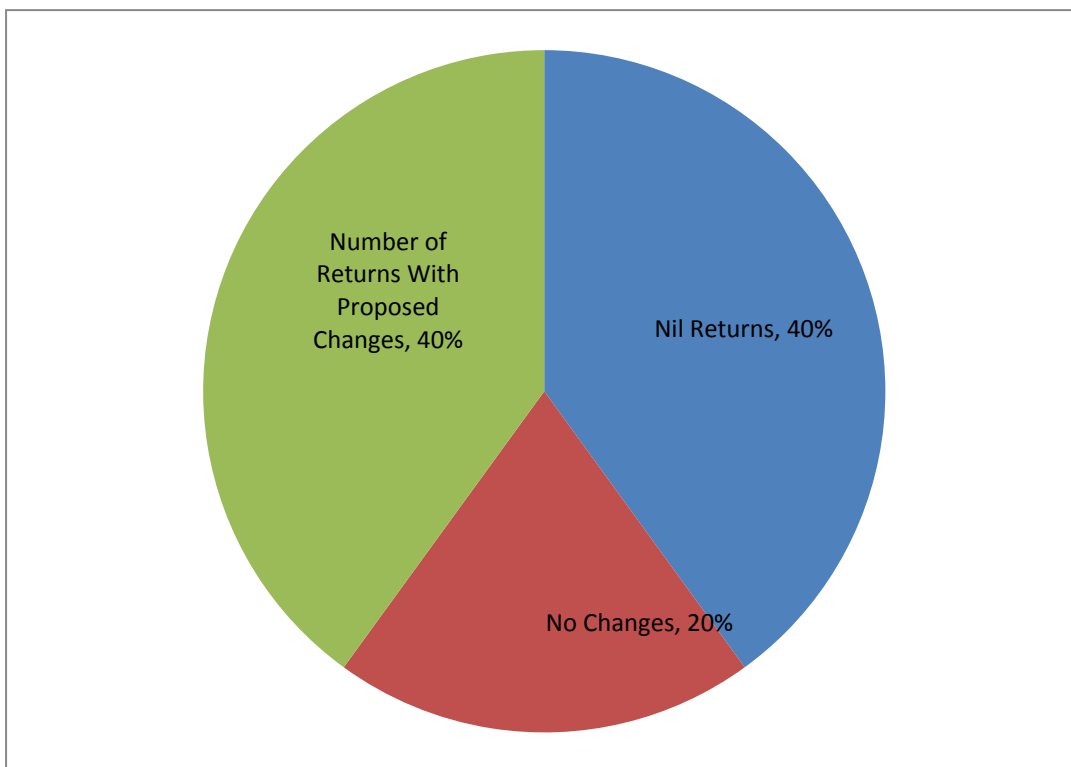


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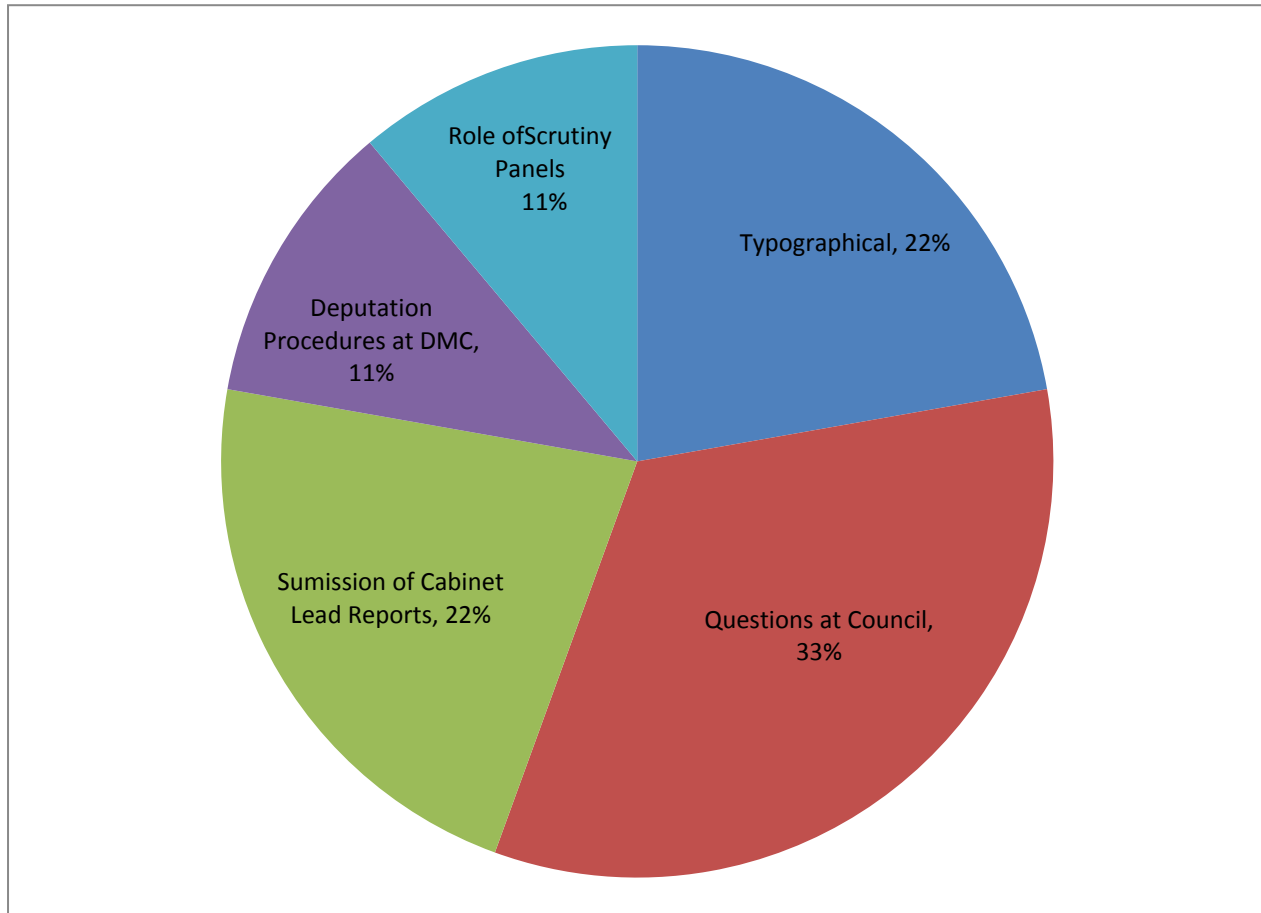


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Benchmarking Survey

(Review of the Constitution)

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Benchmarking Survey – Standing Orders – Hampshire and West Sussex Councils¹

Hampshire²

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
Havant Borough Council/East Hampshire District Council Page 43	Must be received 30 minutes before Council meeting or in the case of urgent business 30 minutes before circulated to Cllrs	For submitted reports (no time limit) 48 hrs notice for all other questions	No requirement to produce written report	A “key decision” means an Cabinet decision which is likely: (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority. (Note In determining the meaning of ‘significant’ for the purposes of (a) and (b) above the decision maker shall comply with Standing Order 43 as set out in Section B of Part 4 of this Constitution and regard shall be had to any guidance for the time being issued by the Secretary of State).
Eastleigh Borough Council	May be moved during the debate	For Cabinet Lead and Leader 5 working days For any Resolved	No requirement to produce written report	A key decision means a Cabinet decision which is likely: (1) to result in the Council incurring expenditure or making savings which

¹ County Councils have been omitted from the survey

² Gosport Borough Council has been omitted from the survey as the Council does not have Executive Arrangements.

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
		Item at a meeting – 10 clear days notice		<p>amount to either £50,000 or 20% (whichever is the larger) of the gross expenditure budget for the service or general function to which the decision relates; or</p> <p>(2) to be significant in terms of its effect on communities living or working in an area comprising two or more wards within the Borough of Eastleigh.</p> <p>Paragraph (1) above shall not apply:</p> <p>(a) if the expenditure or savings are part of a programme already approved; or</p> <p>(b) if it is a decision taken by the Corporate Director (CFO) (or statutory Chief Financial Officer) in accordance with the approved Treasury Management Policy.</p>
Fareham Gosport Borough Council	May be moved during the debate	<p>Submitted Reports – No Limit</p> <p>Seven clear working days notice</p> <p>Urgent 10am on the day of the meeting (subject to the agreement of the person to be questioned)</p>	No requirement to produce written report	<p>Key decision means an Executive decision that is likely:</p> <p>a. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or</p> <p>b. to be significant in terms of its effects on the communities living or working in an area comprising two or more wards</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
				or electoral decisions.
Hart District Council	May be moved during the debate	For reports and/or recommendations (no time limit) 2 clear working days	No requirement to produce written report	A key decision means an executive decision which is likely to: a) result in the Council incurring expenditure or making savings which amount to either £30,000 or 25% (whichever is the larger) of the budget for the service or function to which the decision relates; or b) be significant in terms of its effect on communities living or working in an area comprising two or more wards within the district of Hart.
Winchester City Council	May be moved during the debate	Any referred minute – no limit 10am on the Monday immediately preceding the Council meeting on a Wednesday	No requirement to produce written report	a) to result in the local authority incurring expenditure which is, or the making of (a)savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; (For Winchester City Council, the financial limit above which a decision is regarded as significant is £200,000) or b) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
Portsmouth City Council	In general must be moved and seconded before the	Report or recommendation submitted – no	No requirement to produce written report	Key decision means an Executive decision which is likely to -

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
	<p>commencement of the debate.</p>	<p>limit</p> <p>Other questions - 12 Noon eleven days before the meeting</p>		<ul style="list-style-type: none"> • result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, or • be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the city's administrative area. <p>The city council has agreed the following parameters for key decisions -</p> <p>That the city council's financial thresholds in relation to key decisions be £250k or 25% of the relevant budget whichever is the greater in relation to expenditure and savings, with the following exceptions —</p> <p>expenditure to be incurred (and paid for by third parties) in respect of legal agreements entered into in pursuance of planning decisions shall not be included (on the basis that the principle of the work has already been approved when planning permission was granted).</p> <p>Decisions relating to funding to which pre-conditions have been attached, for example in respect of projects or schemes being funded by central government regeneration budgets or by European funding shall not be included.</p> <p>The letting of tenders for contracts for projects shall not be key decisions, where the</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
				<p>principle of or approval to a particular scheme has already been given. Decisions taken by the strategic director for corporate resources and services under delegated authority in connection with Treasury Management.</p> <p>In relation to the significance of decisions in terms of their effects on communities living or working in the area, the chief executive after consultation with the city solicitor and the appropriate Executive Member be authorised to make individual determinations.</p>
<p>Rushmoor Borough Council</p> <p>Page 47</p>	<p>May be moved during the debate</p>	<p>Submitted reports – no limit</p> <p>General matters — 10 clear working days</p> <p>Ask members of the Executive - 4pm on the day before the meeting</p>	<p>No requirement to produce written report</p>	<p>A key decision means an executive decision which is likely</p> <ul style="list-style-type: none"> <input type="checkbox"/> to result in the Council incurring expenditure or making savings which are significant in as much as they will have a material effect on the level of council tax or balances or contingencies in relation to the Council’s overall budget; or <input type="checkbox"/> to be significant in terms of its effect on communities living or working in an area comprising two or more wards within the Borough
<p>Southampton City Council</p>	<p>Aim to 12 noon on the day before the meeting</p>	<p>12 noon eight clear days before the meeting</p>	<p>Leader required to submit a report.</p> <p>Any member may ask a question of the Leader or a Cabinet Member arising</p>	<p>Key Decision” shall mean an Executive decision which is likely:</p> <ul style="list-style-type: none"> i. to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the City Council’s budget for

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
			from either the written report or a verbal statement made by a member of the Executive	<p>the service or function to which the decision relates;</p> <p>ii. to be significant in policy or strategic terms as regards its effects on communities living or working in an area comprising two or more wards or electoral divisions in the City; or</p> <p>iii. to have a particularly significant impact on any community as experiencing social exclusion or discrimination, whether that community is defined by geography or interest and even if that community is only located in one ward or electoral division in the area of the local authority.</p> <p>Notes</p> <p>1. In relation to paragraph (i) above, the term “significant” shall be construed as meaning £500,000 (except that this does not apply to (i) care packages where the value of the care package exceeds £500,000. For the purposes of this paragraph, the term “care package” is defined as a package of personal care, support or education purchased as a consequence of an assessment of a child’s needs within the Children Act 1989, Children (Leaving Care) Act 2000 and the Education Act 1981 and the relevant guidance is contained in the Special Education Needs Revised Code of Practice. The decision to provide the</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
				<p>care package is for the duration of the individual’s childhood, up to the age of 18 years, 19 years or 21 years according to the relevant legislation or guidance (ii) proposals and decisions under the Property Acquisition Strategy of whatever value).</p> <p>2. In relation to paragraph (ii) above, the Council will, unless it is impracticable to do so, treat as if they were Key any decisions which are likely to have a significant impact on communities in one ward or electoral division. Where a decision is only likely to have a significant impact on a very small number of people in one ward or electoral division, the decision-maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision-making process.</p> <p>3. In considering whether a decision is likely to be significant, a decision-maker will also need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number or people living or working the locality affected. Regard should again be given to the</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
Page 50				<p>underlying principles of open, transparent and accountable decision-making of this Constitution to ensure that there is a presumption towards openness.</p> <p>4. In interpreting after the event whether or not a decision should or should not have been classified as a Key Decision, the following will be taken into account:</p> <p>a. the issue must be assessed on the basis of the information which could reasonably have been available to the decision-maker at the time;</p> <p>b. the “de minimus” rule will be applied;</p> <p>c. the level and nature of advice sought by the decision-maker. The Monitoring Officer and Chief Financial Officer will have significant roles to play in this.</p>
Test Valley District Council	May be moved during the debate	<p>For questions on submitted report – No Limit</p> <p>All other questions - 2 working days</p>	No requirement to produce written report	<p>a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</p> <p>b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.</p>
West Sussex				
Adur District Council	May be moved during the debate	Noon – 2 days prior to the	The Leader is required to submit a report.	i) to result in the Council incurring expenditure which is, or the making of

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
		meeting	Questions on matters arising from the report may be asked without prior notice	<p>savings which are, significant, having regard to the Council’s budget for the service or function to which the decision relates, which the Council has currently determined to be;</p> <p>A) Capital schemes, within the approved Capital Programme, in excess of £250,000;</p> <p>B) the letting/re-letting of contracts of value of £100,000 or more over the period of the contract, where provision has been made in the approved revenue budget;</p> <p>C) expenditure in addition to the approved budget, requiring virement or a supplementary estimate in excess of £100,000); and</p> <p>ii) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the District.</p>
Chichester District Council	No time period stipulated	noon two working days prior to the day of the Council meeting	No requirement to produce written report	<p>A “key decision” means an executive decision which –</p> <p>(a) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates; or</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
				<p>(b) is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the Council’s area; or</p> <p>(c) is likely to incur expenditure, generate income, or produce savings greater than £100,000</p>
<p>Crawley Borough Council</p> <p>Page 52</p>	<p>May be moved during the debate</p>	<p>No deadline date for questions to Cabinet members but only 15 minutes set aside for such questions at a meeting</p> <p>Written questions – 4 clear working days</p>	<p>No requirement to produce written report</p>	<p>A key decision is likely (i) To result in the Council incurring expenditure which is, or in the making of savings which are deemed significant in financial terms:</p> <p>(a) By not being in the Annual Budget and Capital Programme approved by the Full Council;</p> <p>(b) In the case of revenue expenditure, any projects and new commitments likely to exceed £100,000 per annum;</p> <p>(c) In the case of capital expenditure, any projects if they involve entering into new commitments in excess of £500,000;</p> <p>(d) Any contract awards exceeding £500,000</p> <p>NOTE: Expenditure in excess of the above levels will not constitute a key decision if such expenditure is made as part of the implementation of, and in accordance with, a decision which itself was a key decision</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
				<p>OR</p> <p>(ii) To be significant in terms of its effects (impacts) on communities (eg. A significant number of people) living or working in an area comprising two or more wards or electoral divisions in the area of the Council.</p> <p>Significant Operational Executive (Non Key) Decisions</p> <p>A Significant Operational Decision:</p> <p>(i) Results in revenue expenditure or making savings (including the receipt or loss of income) between £80,000 and £99,999 per year;</p> <p>(ii) Results in capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £250,000-£499,999;</p> <p>(iii) Takes place when, in the opinion of the Chief Executive, Deputy Chief Executive, Head of Service or Monitoring Officer, a published record of the decision is required to provide openness and transparency. A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information)</p>

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
				(England) Regulations 2012 (No. 2089).
Horsham District Council	May be moved during the debate	For questions on submitted report – No Limit All other questions – noon - 2 working days	Provision to receive reports but no requirement to produce written report.	A “key decision” means a Cabinet decision which is likely: a) To involve expenditure or savings of £250,000 or more as well as otherwise being significant having regard to the Council’s budget for the service or function to which the decision relates; or b) To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the district.
East Sussex District Council	May be moved during the debate	For questions on submitted report – No Limit 5pm on the day before the meeting	Provision to receive reports but no requirement to produce written report.	A Key decision means an executive decision which is likely a) to result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates or b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council
Worthing Borough Council	May be moved during the debate	Noon – 2 days prior to the meeting	The Leader is required to submit a report. Questions on matters	i) to result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council’s budget for the

Council	Submission of Amendments to Council	Notice Period for Questions at Council	Cabinet Lead Written Reports	Definition of “Key Decision”
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 55</p>			<p>arising from the report may be asked without prior notice</p>	<p>service or function to which the decision relates, which the Council has currently determined to be;</p> <p>A) Capital schemes, within the approved Capital Programme, in excess of £250,000;</p> <p>B) the letting/re-letting of contracts of value of £100,000 or more over the period of the contract, where provision has been made in the approved revenue budget;</p> <p>C) expenditure in addition to the approved budget, requiring virement or a supplementary estimate in excess of £100,000); and</p> <p>ii) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the District.</p>

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Briefing Note – Executive Director
/ Monitoring Officer Consultation
(Review of the Constitution)

Budget Scrutiny and Policy Development Panel

2017

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Review of the Constitution - Budget Scrutiny Panel

Executive Director / Monitoring Officer Consultation

Officer Review of the Constitution

- The officer review of the Constitution aimed to streamline and reduce the document to only feature the sections it is required to include by law.
- The proposed new format of the Constitution would be similar to the layout of a company's memorandum and articles of association.
- Approximately 40% of the current Constitution had been removed as part of the review.
- The sections that had been removed would be entered into an online 'Policy Hub'. The online database would feature a directory of the Council's policies and be accessible by staff and the public. The Policy Hub would also highlight policy authors, review dates and expiry dates.
- The review also aimed to make the Constitution more user friendly, i.e. simpler language, signposted sections, glossary of terms.
- Officers aimed to present the changes to the Annual Council meeting in May. The final document detailing the changes of the officer review was aimed to be ready for Panel inspection within 2 to 3 weeks.
- The Monitoring Officer had the power to update the Constitution without Council debate when legislation requires him to do so. The Panel requested officers investigate the way in which these amendments were highlighted within the Constitution.

Source Meeting with the Executive Director for Strategy and Governance, Monitoring Officer and Democratic Services Officer (EHDC) held on 8 March 2017

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Cabinet Lead Survey

(Review of the Constitution)

Budget Scrutiny and Policy Development Panel

2017

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**Cabinet Lead Survey
Relating to Cabinet Lead
Reports and Questions at
Council**

**Survey Conducted by
Councillor Hughes
(March 2017)**

Aim of the Survey

The aim of the survey was to consult Cabinet Leads on suggested changes to the current arrangements for questions at Council by members of the Council and the submission of Cabinet Lead reports.

Responses

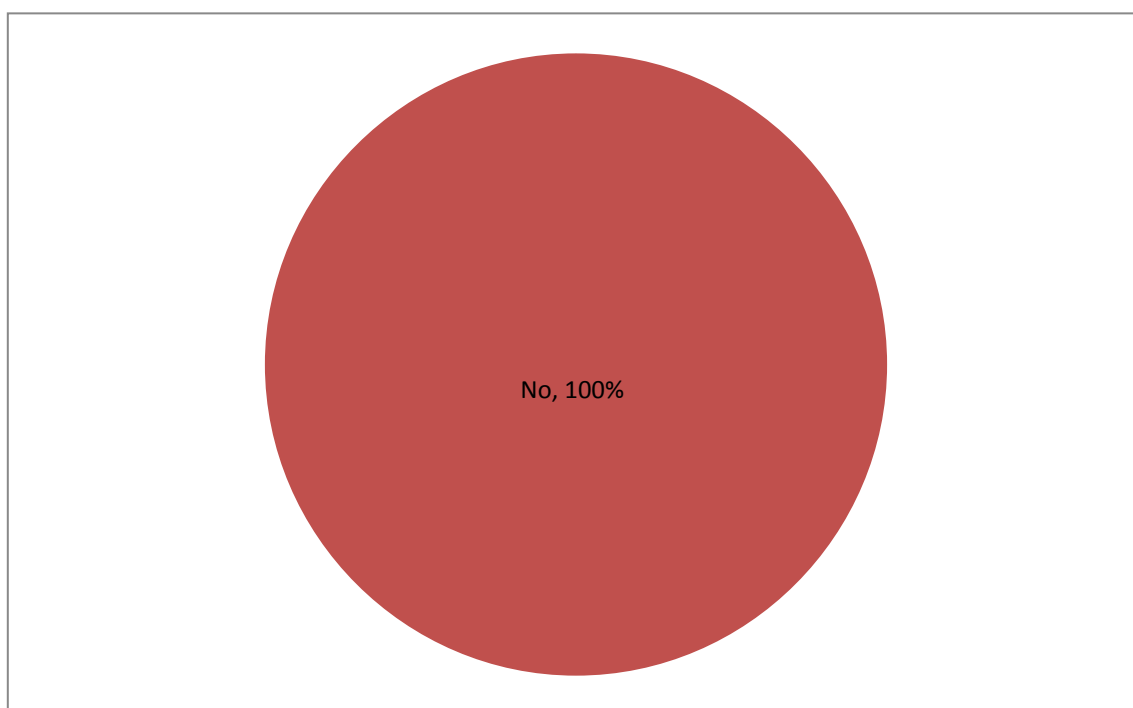
In total 4 responses were received, achieving a low response rate of 67%

Survey Results

Presentation of findings

In the table and charts that follow, the number of responses analysed are shown as "N". The number of responses (N) does not always remain the same due to some sections being left blank (no response)

Q. What is your view on the proposal that Cabinet Lead reports in advance of Council should be made mandatory?



N= 4

Comments

Each of us consider when best to communicate and consult with councillors with regard to our projects. Often the reports can end up with information that has already been superseded because of the early deadlines. Personally, I would scrap the reports in their current form.

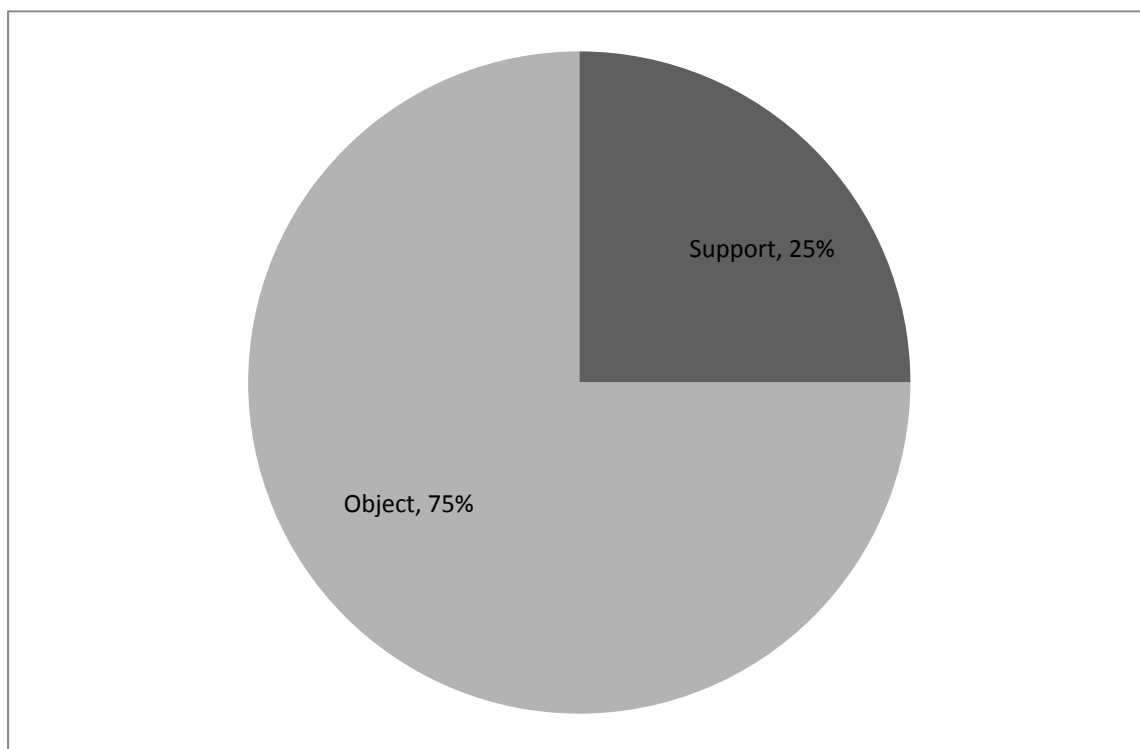
No. I don't believe it should be mandatory for Cabinet Leads to give written reports to Council. We are selected by The Leader to make decisions within our Portfolios and the

decision of whether or not to write a report should be one of them. My only problem with these reports is because they must be written up to two weeks before Council, they can be out of date by the night. Yes they are time consuming but I personally enjoy the opportunity to share details of my Portfolio with Members.

I feel the reports should not be mandatory. Sometimes when they are written they have been overtaken by events before Full Council. However if Cabinet leads feel that a report (non formatted) would add value to the Full Council meetings then so be it.

I don't believe reports should be mandatory, however we do have a duty to communicate the work undertaken in each portfolio

Q What is your view on the proposal that Cabinet Lead reports are scrapped and replaced with a simple 'free questions' (without notice) to Cabinet Leads forming part of Full Council?



N= 4

Comments

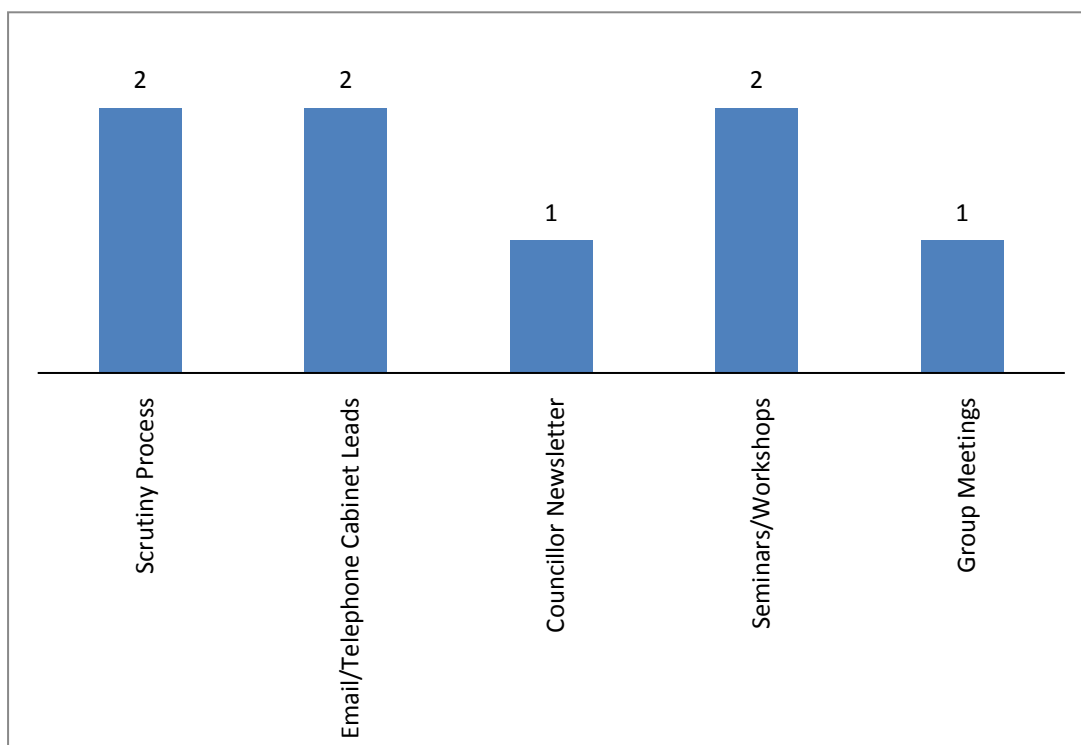
I think this is appropriate, as long as it has a time limit. We should be expected to be on top of our brief, and be ready to respond to topical questions - but these should be matters of policy and direction, rather than requests for numbers and statistics which are better asked for in writing. (E.g. Grass cutting data)

I do not agree with the suggestion of direct questioning on any topic. You mention mischief making, I would add grandstanding to this! Council could last many hours to allow one or two to hear their own voices.

Open questions might well be more destructive than constructive, and although we all would welcome a healthy debate on issues, in the public arena, the risk is that, as you have mentioned, could be a vehicle for grandstanding and mischief making - so to respond to the question posed - no to free questions.

I don't think this proposal would work - good on paper but the reality would be lengthy showboating by the opposition

Q Do you have an alternate proposal for providing back benchers with updates on your areas prior to Full Council, which could be less burdensome on yourselves (& officers) and make for efficient and effective information sharing?



N=4

Comments

I think the Scrutiny Board and panels have a key role here. Cabinet leads normally attend their panels, and there should be a standing item of a open question time. Cllr Buckley has encouraged any member to attend any panel when they wish, and if someone wants to ask questions they could do it there. In some other Councils, the Scrutiny Board invites one or two Cabinet Leads to each meeting (by rotation) and has a question time session - this means it is in public and minuted, doesn't use time at Full Council, and can allow

multiple supplementary questions to get to the bottom of members concerns. This might be another way of providing this opportunity.

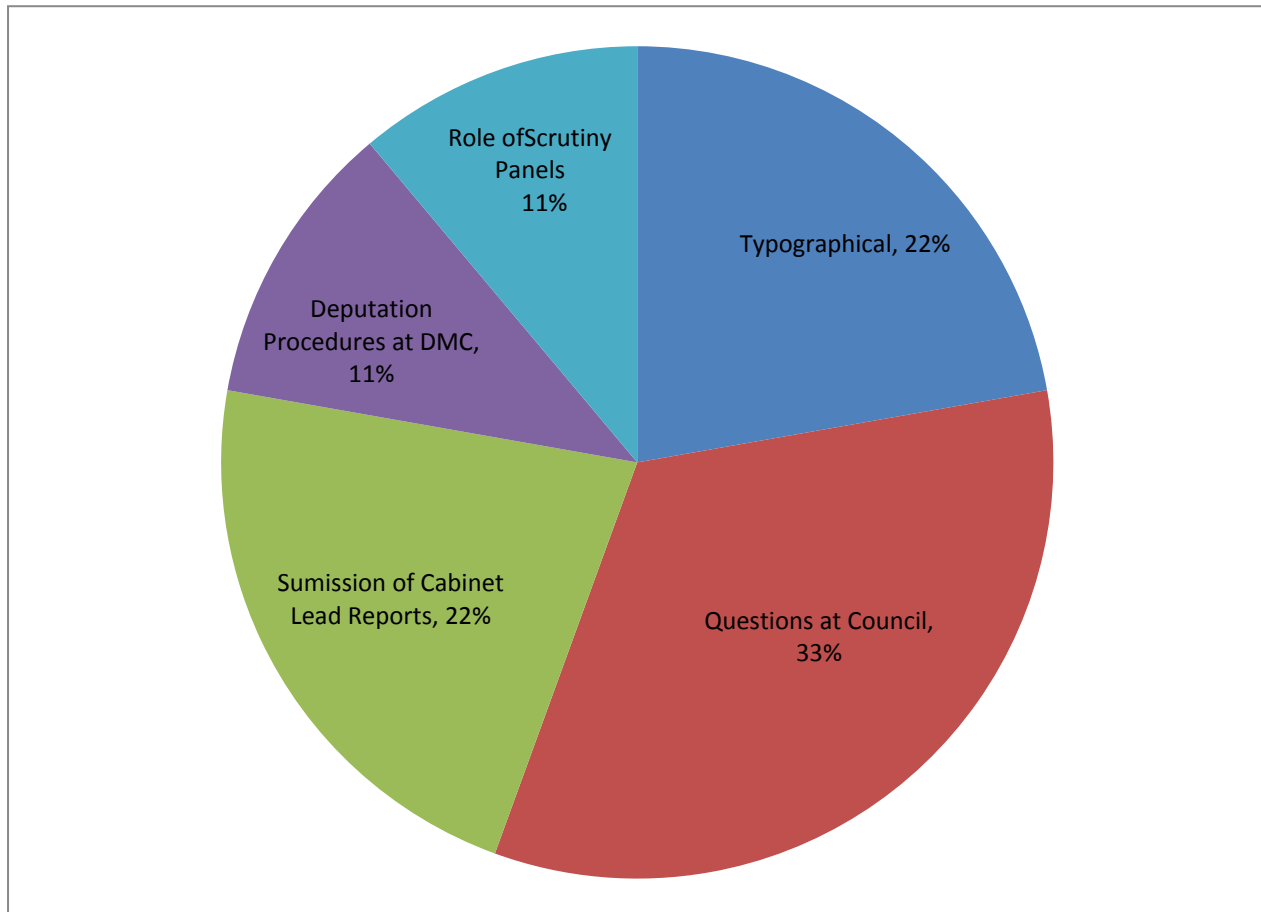
Surely Members could either phone or E Mail Cabinet Leads if they would like information at any time? I am always available, Members don't need to wait for Council. Some already do this and I am happy to answer their questions.

There are sessions with the Leader and CEO programmed in a non - agenda type meeting prior to each Full Council meeting where hot topic issues can be raised between all Councillors. There is also the Group Meetings that occur regularly. There is also scrutiny panel meetings where issues can be raised and bottomed out. There is also a mechanism to "call issues in". There is always the telephone to ask Cabinet Leads questions and there is the provision of e-mails to discuss specific issues. As we both know as "professional communicators" Comms is a two way process. I firmly believe that the Cabinet bends over backwards to keep Back Bench members informed and up to date, but for me it seems to be a one way "broadcast" from Cabinet to Members. There is very little coming from Members. So, the answer to question 3 is to encourage Back Benchers to be more active in their dialogue with the Cabinet. Oh, we should also remember that Cabinet meetings are open to all Councillors and there is a Councillor newsletter as well.

We need to utilise other means of communication, the councillor's newsletter being one. Encouraging all members to attend seminars and workshops would help improve everyone's knowledge and nothing should come "out of the blue". Every decision we make starts its journey at a level where all can contribute and scrutinise.

Specific Issues

Of the 40% that proposed changes the areas proposed to be changed related to the following issues



Comments/Changes

- I believe that Portfolio holders should be required to answer questions on anything connected with their portfolio not just things mentioned in their report. I agree that 2 days notice is preferable but not essential. Also if the cabinet member declines to write a report then no questions can be asked without notice. I don't think this serves democracy well.

Maybe we need a change that except in exceptional circumstance Portfolio holders should be required to write reports to inform members of of what is happening in their portfolio.

If this is not in standing orders then the leader should require it of members of his cabinet. It should not be a matter of choice.
- Under Cabinet SOs I am not clear what delegation Portfolio holders have how this is enacted and where it is recorded.

- 3 There is no reference to portfolio holders' reports that I can find, hence no justification for the ruling that questions not previously submitted can only be about something in these reports. I see nothing in the constitution requiring the reports at all, yet there should be.
- 4 Making people submit an anodyne question thus allowing one follow-up question which is the real one seems to me to be a useless artificiality – though one that seems to be used by many, if not all, councils.
- 6 My preference would be for portfolio holders to be open to any question from the floor about their area during portfolio holders' questions time so that they can be properly held to account by councillors (and, importantly, the opposition). What is there to be afraid of in this arrangement – which was in place for a number of years when I was a portfolio holder, probably through custom and practice rather than compliance with the constitution.
7. The scrutiny section does not cover panels adequately. If it is intended that they are an unofficial set up under the Board and nothing they do has any power until it ends up in a report put out by the Board, I think this is too limited – I would prefer panels to be entities in their own right.

S084.2 I don't think this should apply to 'any investigation or review'. As above Panels should be able to review things and report to portfolio holders without the process of going through the Board.

8. My comments relate only to meetings for Development Control, I would allow time for Cllrs sitting in Committee to ask questions of those giving deputations, when on site visits neither Cllrs nor Officers should converse with any other parties
- 9 I am not sure if standing Orders cover site visits, if so, then I would suggest that Cllrs read Officers' briefings and visit sites individually, or, if in a group, simply convene at an agreed location and view the site.
10. SO64.5 This states that all Cabinet meetings will start at 5pm.
Is this correct
- 11 SO65.6(d) Line 7. "an" should be "a"
- 12 SO 22.7 Typo ? 49 affirmative notes
- 13 SO23 Notes on the Public's Rights to ask questions need to be added
- 14 SO23 Amend to Read

"When a Councillor asks a question under orders 23.2 or 23.3. it is helpful if either:

- a) he/she has given at least 48 hours' notice, in writing, of the question to the Democratic Services Team Leader: or
- b) The question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Democratic Services Team Leader at least two hours before the meeting."

- 15 SO33 Amend to read
The Council will make copies of the agenda and reports (including those from Cabinet Members) open etc.
- 16 SO71.2 Any local government - missing word

Amendments by the Panel

(Review of the Constitution)

Budget Scrutiny and Policy Development Panel

2017

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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.

Page 3

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 “The Differing Roles of an Elected Councillor” (document to be	To provide more detailed guidance to residents, Councillors and officers on the differing roles and duties of Councillors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		included in the Policy Hub)			
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 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"/>
Article 6	Article 7	Add reference to the detailed duties and responsibilities of the Leader of the Council set out in	To provide clarity on the role of the Leader of the Council and improve transparency in the decision	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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)	making process		
Article 6.7	Article 7.7	Amend reference to “Part 4” to read “Section H of Part 3”	To provide clarity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 12.3(ii)	Article 10.3(ii)	“Part 4” to be amended to read “Part 3”	Correction of references	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 13.1	Article 11.1(a)	Reference to Part 5 to be amended to read Section M of Part 3	Correction of references	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 13.21	Article 11.2(a)	Reference to Part 5 be amended to read Section R of Part 3	Correction of references	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Article 14.1(b)	Article 12.1(b)	Reference to Article 1 be amended to read Part 1	Correction of references	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
1	1	<p>SO1.1 to 1.4 be amended to read:</p> <p>“1.1 <i>These Orders apply to meetings of the full Council.</i></p> <p>1.2 <i>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>1.3 <i>These orders do not apply to Cabinet and the West of Waterlooville Major Development Area (MDA) Joint Planning Committee.</i></p> <p>1.4 <i>Standing Orders 3, 4, 13, 14, 17, 18, 20, 21 and 23 do not apply to Committees and Sub-Committees and the Scrutiny Board.”</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"/>
5.1	5.1	Replace 5.1 to 5.7 with “5.2 to 5.8”	To correct a reference error.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
5	5	<p>Add SO5.8 as follows:</p> <p><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></p>	To improve the scrutiny process and clarify the status of Scrutiny Policy and Development and task and Finish Scrutiny Panels.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6.9	6.9	<p>Add after b)</p> <p><i>“ and c) The Scrutiny Board to serve on the Board, its sub committees or its Scrutiny and Policy Development Boards”</i></p>	To improve the scrutiny process by enabling the Board to appoint co-opted members.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8.8 to 8.9	8.8 to 8.9	Correct numbering	To correct a numbering error	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	8.4	<p>Amend to read:</p> <p><i>“The Chairman of the Development Management Committee will be 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></p>	To clarify the term of office for each Chairman appointed by the Development Management Committee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
Page 78 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"/>
	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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
48	50.1.1	<p>Amended to read:</p> <p><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 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</i></p>	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				
		<i>meeting shall be regarded as a record of decisions made by the Cabinet or its committees.</i>			
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	☒	☒
51.3	50.2	Amend title to read Executive Decisions made by cabinet Leads and Officers	To provide clarity on the democratic process	☒	☒
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	☒	☒
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	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
51	53	<p>Amended to read:</p> <p><i>“S053. Decisions by Individual Members of the Cabinet and Officers</i></p> <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</i></p>	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>39 and 40 will also apply as far as relevant to the making of decisions by individual members of the Cabinet.</i></p> <p><i>53.3.2 This Order does not require the disclosure of exempt or confidential information.”</i></p>			
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)	<p>Reference to Forward Plan amended to read Council and Cabinet Forward Plan</p> <p>Reference to Overview and Scrutiny Board amended to read Scrutiny Board, its Panel or sub committees.</p>	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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
58.6	60.6	Reference to 58.2 and 58.5 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 59.2, 58.6 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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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	<p>Additional Order to read as follows:</p> <p><i>“66.9.3 Subject to Order 82 below, decisions of the Cabinet, its committees and Cabinet Lead and key decisions made by officers under delegated powers, which have not been 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></p> <p><i>66.9.4 Subject to Order 82 below, decisions of the Cabinet, its 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></p> <p><i>66.9.5 Non key decisions made by officers under delegated powers will .come into immediate effect”</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				
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"/>
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"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
n/a	68	<p>Insert the following additional standing Order</p> <p>“68 Recording and Filming of Cabinet Meetings</p> <p>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.”</p>	To comply with The Openness of Local Government Bodies Regulations 2014	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
n/a	69	<p>Insert the following additional standing Order</p> <p>“69 Appointments to Outside Organisations</p> <p><i>69.1 At its first meeting in each municipal year, the Cabinet shall appoint representatives to outside organisations in connection with Executive functions</i></p> <p><i>69.2 Where the Leader wishes to change one of the Council’s appointed members (including standing deputies) on an outside body 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</i></p>	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				
		<i>Cabinet.”</i>			
66(a)	70.1	Reference to Article 7 be amended Article 6 of Part 2 of this Council		☒	☒
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 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</i></p>	To update the current scrutiny processes	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure	
Published Constitution	Draft New Constitution					
Page 96		<p><i>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, 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></p>				
	67	71.1	Reference to Article 7 be amended to read Article 6	To correct a reference in the constitution	☒	☒
	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>	To update the current scrutiny processes	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<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 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</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 98		<p><i>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 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 non-executive member 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 executive member may refer to the Scrutiny Board any</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>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 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.</p> <p>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.</p> <p>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</p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p>of the decision and the reasons for it.</p> <p>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 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</p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p>licensing decision under the Licensing Act 2003;</p> <p>(c) any matter relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman);</p> <p>(d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the Scrutiny Board meeting; and</p> <p>(e) any matter specified in an order made by the Secretary of State.</p> <p>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.”</p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
72	76	<p>Amended to read:</p> <p><i>“76.1 The role of the Scrutiny Board in relation to the development of the Council's budget and policy framework is set 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</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>assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission 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></p>			
Page 103 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</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>the Cabinet or Cabinet Lead, the relevant committee of the Council 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 matter where the leader or Council has delegated decision making</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>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> <p><i>80.3 The Scrutiny Board will have access to the Council and Cabinet's Forward Plan and timetable for decisions and</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<i>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."</i>			
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: <i>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 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>	To clarify the decision making process	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p>(b) <i>the extent to which the actions taken implement Council policy; and/or</i></p> <p>(c) <i>their performance</i></p> <p><i>and it is the duty of those persons to attend if so required.</i></p>			
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	<p>To be amended to read</p> <p><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 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</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 109		<p><i>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 style="padding-left: 40px;"><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 style="padding-left: 40px;"><i>(b) that those assisting the Board, sub committee or panel by giving evidence be treated with respect and courtesy.”</i></p>			
	81.	85	<p>To be amended to read:</p> <p><i>“85.1 When a decision is made by the Cabinet, an individual Cabinet Lead or a committee of the 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</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>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 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</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>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 or panel shall report its findings and recommendations to the Scrutiny Board.</i></p> <p><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></p> <p><i>85.7 Where a decision has been</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>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></p> <p><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 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</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>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 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, the Council has no locus to make decisions in respect of a Cabinet decision unless the Cabinet decision 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</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.</i></p> <p><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></p>			
82	86	<p>To be amended to read:</p> <p><i>“86.1 The call-in procedure set out above shall not apply where the decision being taken by the 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</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>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 become effective immediately.”</i></p>			
Page 115 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 88.2 below.</i></p> <p><i>88.2 The Scrutiny Board and Scrutiny and Policy Development Panels shall consider the following business:</i></p> <p style="padding-left: 40px;"><i>(a) minutes of the last meeting;</i></p> <p style="padding-left: 40px;"><i>(b) declarations of interest (including whipping declarations);</i></p> <p style="padding-left: 40px;"><i>(c) consideration of any matter</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>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> <p><i>(e) the business otherwise set out on the agenda for the meeting.</i></p> <p><i>88.3 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><i>88.4 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><i>(a) 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</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>speak; and</i></p> <p><i>(b) that those assisting the Board by giving evidence be treated with respect and courtesy.”</i></p>			
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 be moved and discussed at a time,</i></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><i>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> <p><i>89.12 If an amendment is carried, the motion as amended shall take the place of the original motion and</i></p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
		<p><i>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>			
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 Committee may be debated prior to a motion being proposed and seconded</p> <p>91.2 Motions and amendments</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				
Page 120		<p>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> <p>91.7 The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time</p> <p>91.8 Once duly moved, an amendment shall be debated along</p>			

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
Page 121		<p>with the original motion.</p> <p>91.9 An amendment must be voted on before the motion</p> <p>91.10 If an amendment is rejected different amendments may be proposed on the original motion.</p> <p>91.11 If an amendment is lost, other amendments may be moved to the original motion</p> <p>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.</p> <p>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</p> <p>91.14 If a motion is lost, other motions may be moved”</p>			
	90	96.1	Reference to 88.1 be amended to read 93.1	To correct references in the constitution	<input checked="" type="checkbox"/>

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
Page 122	Section L	Add Section L to include: Questions at Council Scheme Petition Scheme All deputation notes Recording, Photography and use of Social media Protocol The deputation notes for the Development Management Committee to be amended to allow the Committee to question deputees	To clarify and improve the decision making process	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	A4 and A5	M4 and M5 To be amended to read: <i>“Financial Responsibilities of the Governance & Audit Committee</i> <i>M.4 The Governance & Audit Committee is responsible for:</i> • <i>Monitoring and annually reviewing corporate governance</i>	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					
Page 123		<p><i>arrangements;</i></p> <ul style="list-style-type: none"> • <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> <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	☒	☒
	C16	O16	Reference to Accounts and Audit Regulations corrected from 2013 to 2015	To update legislation	☒	☒

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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					
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					

Item		Suggested Amendment	Reason	Meets Transparency Criteria	Decision Making Procedure
Published Constitution	Draft New Constitution				
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"/>
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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Meeting Notes

(Review of the Constitution)

Budget Scrutiny and Policy Development Panel

2017

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Notes of the Budget Scrutiny and Policy Development Panel held on Tuesday, 7 February 2017

Present

Councillor: Hughes (Chairman)

Councillors: Carpenter, Cresswell, Lloyd and Smith K

Also Present:

Councillor: Councillor Michael Wilson

Mark Gregory (Democratic Services Officer) and Nicholas Rogers (Democratic Services Assistant)

Councillors: Francis

	Action
<p>11 APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Ponsonby.</p>	
<p>12 MINUTES</p> <p>The minutes of the meeting of the Budget Scrutiny and Policy Development Panel on 18 January 2017 were agreed as a correct record.</p>	
<p>13 REVIEW OF THE COUNCIL'S STANDING ORDERS RELATING TO MEETINGS</p> <p>The Panel held a detailed discussion on the Articles and Standing Orders of the Constitution and considered possible amendments. The discussion highlighted areas that the Panel felt needed changing or clarifying, and any additional aspects for inclusion within the document.</p> <p>Democratic Services Officers were also present to advise on the legal considerations of any amendments or additions.</p> <p>The following areas were discussed:</p> <ol style="list-style-type: none">1. the advantages of requiring Councillors to read the Constitution as part of their duties;	

2. ways of improving the arrangements for advising Councillors of changes made to the Constitution by the Monitoring Officer pursuant to Article 15 of the Constitution.
3. the need to clarify the meaning of a 'key decision';
4. whether Councillors should be able to moved amendments at meetings of the Full Council;
5. the current deadline for submission of questions by councillors at Full Council;
6. whether Cabinet Leads should be required under the Constitution to submit written reports to ordinary meetings of Full Council; and
7. the feasibility of relaxing the rules of debate at Committee meetings and in particular meetings of the Development Management Committee.

The Panel also highlighted any grammatical or formatting errors within the Constitution (Appendix A) and were advised that these would be captured as part of the on-going officer review of the document.

It was AGREED that;

- (a) the amendments/details set out in Appendix B to these minutes be drafted by Democratic Services and submitted to the next Panel meeting for consideration;
- (b) a benchmarking exercise be undertaken to compare the Council's current standing orders against those of similar local authorities in the following areas:
 - Definition of 'key decisions'
 - Amendments to be moved at Council
 - Notice periods for questions at Council
 - Requirement for written / verbal reports from Cabinet Leads; and
- (c) An item be added to the next Panel meeting for further consideration of the Budget Scrutiny process;
- (d) a summary on the decision making process of the Council should be sent to all Councillors for their information;

- (e) minor changes made to the Constitution should be reported at Full Council by the Cabinet Lead for Governance and Organisational Development; and
- (f) the Budget and Policy Framework Standing Orders be sent to the Scrutiny Lead for the Budget Scrutiny Panel.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

BUDGET SCRUTINY PANEL – PROPOSED CHANGES TO THE CONSTITUTION

Section	Page No.	Item No.	Proposed Change
Part 2 Article 2	5 / 6	2.3 (b)(i)	Reference to the 'need to know' section in Access to Information Standing Orders (SO54)
Part 2 Article 4	8 - 10	4.2	Inclusion of 'appointing the Mayor and Deputy Mayor'
Part 2 Article 4	8	4.2 (a)	Reference to Part 3 of the Constitution (Responsibility for Functions)
Part 2 Article 5	11	5.2 NOTE	Highlight Part 6 Section H (The Differing Roles of an Elected Councillor) further in the Constitution
Part 3 Article 12	27	12.3 (b)(i)	Replace with 'a "key decision" means a Cabinet decision which is likely:'
Part 2 – Section B			Amend to refer to "call in" procedure set out in SO 51.1
Section A	38	4.9	Replace 'in accordance with Orders 7.1 and 7.2' to 'in accordance with Orders 7.1 and 13.3(e)'
Section A	46	14.1	Replace 'under Order 13A.3' to 'under Order 13.5.3'
Section A	53	22.7	Replace '49 affirmative votes' to '20 affirmative votes'
Section A	55	27.1	Update to reflect latest legislation on recording and filming of meetings
Section B	64	46.1	Change reference to 'the Chairman of the Council' to 'the Mayor' Change reference to 'the Vice-Chairman of the Council' to 'the Deputy Mayor'
Section B	66	52.1	Remove reference to Order 56.2
Section B	67	53.2	Replace reference to paragraph 44.1 to SO38.1
Section E	80	71.2	Insert 'matter' after 'which they are not a member any local government'

**BUDGET SCRUTINY PANEL – ITEMS TO BE SUBMITTED TO THE PANEL ON
23 FEBRUARY 2017**

Section	Page No.	Item No.	Proposed Change
Article 3 and Section D	7 and 75	Article 3.1(c)(ii) SO65.3	Submit amendments required to include the Council's Deputation Procedure for members of the public in the Constitution
Article 7	16 - 17	7.1 – 7.3	Submit proposed changes to reflect the current scrutiny process
Section A	44-45	13.4 (f)	Submit amendments required to include the Council's Questions Procedure for members of the public in the Constitution
Section A	45	13.5	Submit amendments required to include the Council's Petition Scheme in the Constitution
Section A	49	18.6	Submit amendments required to enable amendments to be moved during meetings of the Full Council
Section A	55	27.1	Submit amendments required to enable recording and filming at meetings
Section A	n/a	n/a	Submit amendments required to include a provision for the submission of late/urgent items
Section E	79 - 86	66 - 84	Submit proposed changes to reflect the current scrutiny process

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Notes of the Budget Scrutiny and Policy Development Panel held on Thursday, 23 February 2017

Present

Councillor: Hughes (Chairman)

Councillors: Carpenter and Cresswell

Also Present:

Mark Gregory (Democratic Services Officer) and Nicholas Rogers (Democratic Services Assistant)

Apologies: Lloyd and Smith K

Actions

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lloyd, K Smith and Ponsonby.

15 REVIEW OF STANDING ORDERS

The Panel considered and discussed the proposed draft changes to the Constitution, as highlighted at the previous meeting. Democratic Services Officers were also present to advise on the proposed amendments and answer any members' questions.

Panel members were informed that all grammatical and ordering errors would be corrected in the final version. The final version would also display a consistent format (i.e. bullet points).

15a Relaxation of the Debating Rules for Committee

The Panel received the proposed amendments to relax the debating rules at Committees.

The proposals would relate to all committees to allow for negative motions to be moved at Committees, with the aim to encourage debate during items.

The Panel ENDORSED the proposed amendments.

15b Changes to the Articles

Panel members were shown the proposed changes to the articles of the Constitution as suggested by the officer review of the Constitution. The aim of the officers review was to bring the format of the document more in line with that of a company's memorandum of understanding and articles of association.

The officers review also aimed to streamline the current Constitution document and retain only the parts that are required by law to be included. Other sections would be featured as part of an online policy hub, where officers and the public would be able to access these documents.

The Panel were informed that the Head of Legal, Executive Director for Strategy and Governance and the Monitoring Officer had been invited to discuss these changes further with Panel members.

15c Councillors' Survey

The Panel noted the results of the Councillor survey.

15d Benchmarking Surveys

The Panel considered the benchmarking survey, highlighting that the Council reflects favourably in comparison with other local authorities in areas such as notice period for questions at Council and Cabinet Lead Written Reports.

The Panel requested a small note be included within the Constitution to detail 'clear day' as a working day where the Council offices would normally be open.

15e Standing Orders Relating to the Scrutiny Board

The Panel ENDORSED the proposed changes to Standing Orders relating to the Scrutiny Board, subject to the following amendments:

- a) SO72.2 amended from 'the Scrutiny Board or Panels

may make proposals to the Scrutiny Board' to 'the Scrutiny Board or Panels may make proposals to Cabinet'

b) SO84.2 – remove bullet point (c).

The Panel also considered comments from the Councillor survey that suggested giving Scrutiny Panels the power to make recommendations directly to Cabinet Leads. Members were advised this would mean Scrutiny Panel meetings would have to follow standard committee rules (i.e. issue summons five clear days prior to the meeting, access to the public) and would therefore impact upon the flexibility of the scrutiny process.

15f Budget and Policy Framework Standing Orders

The Panel noted the Budget and Policy Framework Standing Orders.

15g Deputations

The Panel considered the proposed additions of deputation procedures for different committees to the Constitution.

The Panel were informed that the procedures for deputations at Licensing Committee and the Development Management Committee had been agreed and were available to view online. The procedure for deputations at Cabinet had not been formally agreed. The proposed addition of these sections to the Constitution would ensure comprehensive notes on the procedures for each committee to be found in one place.

The Panel highlighted that deputation procedures for each committee should be approved by that relevant committee before final agreement.

Panel members also considered a suggestion in relation to the deputation procedures at the Development Management Committee. As per the current procedure, members were unable to ask questions of deputees. The Panel felt however that allowing questions to deputees would allow for members to clarify certain points raised by the deputees, and contribute positively to the transparency and openness of proceedings.

It was highlighted however that this should not be an opportunity for deputees to continue stating their case beyond the allocated timescales.

The Panel AGREED that an item allowing factual queries of

deputies at the Development Management Committee to be asked at the Chairman's discretion be added to the Deputations at the Development Management Committee procedure notes.

15h Late Items

The Panel ENDORSED the proposed addition of a standing order relating to late items.

15i Questions by members of the Public

The Panel ENDORSED the proposed changes in relation to questions from members of the public.

15j Film Protocol

The Panel ENDORSED the proposed additions in relation to the recording and filming of meetings.

15k Petition Scheme

The Panel ENDORSED the proposed changes in relation to the Council's Petition Scheme.

15l Proposed Amendments to Allow Amendments to be Moved at Council Meetings

The Panel considered the proposed amendments to permit amendments to be moved at Council meetings. It was highlighted that the benchmarking survey had shown similar local authorities generally allowed amendments to motions to be moved without notice at meetings.

The Panel ENDORSED the proposed amendments to permit amendments to be moved at Council meetings.

15m Key Decisions

The Panel considered whether a provision should be included in the constitution setting out how the term "significant" should be interpreted when considering if a decision was a "Key Decision" to clarify the decision making process. Details of the current interpretation of this term previously agreed by the Council was circulated at the meeting.

The benchmarking survey highlighted the previous definition included within the Council's former Constitution, and also compared this to the interpretations adopted by other local authorities.

15n Requirements for Cabinet Lead Reports

The Panel considered proposed amendments in relation to the requirement for Cabinet Lead Reports. As per the current standing orders, Cabinet Leads were not obliged to submit a report to Full Council.

The Panel felt however that Cabinet Lead Reports were useful and ensured the wider Council membership were kept up to date on important matters.

15o Submission of Questions by Councillors at Council

The Panel considered proposals in relation to the submission of questions by Councillors at Council.

It was commented that the current 48 hour notice period was insufficient as Cabinet Lead reports were often not published by this time. Some members also felt that Cabinet Leads should not be given notice for questions from Councillors, although it was understood that detailed questions may not receive answers if no notice was given.

It was AGREED that the Panel would meet with the Head of Legal, Executive Director for Strategy and Governance and the Monitoring Officer to discuss the officer review of the Constitution at 2pm on Wednesday 8 March 2017.

16 BUDGET SCRUTINY PROCESS

It was highlighted that a review of the Prices Book, setting out the fees and charges for the Council's services, should be included in the future process for the Budget Scrutiny.

This could be carried out at an earlier stage of the process as this document was available from the budget setting of the previous year and usually includes the charges for future years.

It was AGREED that a review of the Prices Book be included in the future process for the Budget Scrutiny Review.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Notes of the Budget Scrutiny and Policy Development Panel held on Wednesday, 8 March 2017

Present

Councillor: Hughes (Chairman)

Councillors: Carpenter, Cresswell and Smith K

Also Present:

Councillor: Councillor Michael Wilson

Mark Gregory (Democratic Services Officer), Cynthia Haveron (Democratic Services Officer, EHDC), Tom Horwood (Executive Director), Nick Leach (Monitoring Officer) and Nicholas Rogers (Democratic Services Assistant)

Councillors:

Apologies: Councillor(s): Lloyd

	Action
<p>17 APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Lloyd.</p>	
<p>18 PROPOSED NEW FORMAT FOR HBC'S CONSTITUTION</p> <p>The Panel invited the Executive Director for Strategy and Governance, the Monitoring Officer and the Democratic Services Officer from East Hampshire District Council to provide an update on the officer review of the Constitution.</p> <p>The following points were discussed:</p> <ul style="list-style-type: none">• The officer review of the Constitution aimed to streamline and reduce the document to only feature the sections it is required to include by law.• The proposed new format of the Constitution would be similar to the layout of a company's memorandum and articles of association.• Approximately 40% of the current Constitution had been removed as part of the review.• The sections that had been removed would be entered into an online 'Policy Hub'. The online	

database would feature a directory of the Council's policies and be accessible by staff and the public. The Policy Hub would also highlight policy authors, review dates and expiry dates.

- The review also aimed to make the Constitution more user friendly, i.e. simpler language, signposted sections, glossary of terms.
- Officers aimed to present the changes to the Annual Council meeting in May. The final document detailing the changes of the officer review was aimed to be ready for Panel inspection within 2 to 3 weeks.
- The Monitoring Officer had the power to update the Constitution without Council debate when legislation required him to do so. The Panel requested officers to investigate ways of reporting these amendments within the Constitution.

The Panel also discussed with the officers the following suggested amendments to the Constitution:

- (a) Defining how the term 'significant' should be interpreted when considering whether a matter would be a "key decisions";
- (b) Changing the current requirements relating to the Councillors questions at Full Council
- (c) Including a requirement for Cabinet Leads to submit a report to Full Council

Details of the Council's current interpretation of the term "significant" in relation to "Key Decisions" was circulated at the meeting.

The meeting was adjourned at 15.10 and reconvened at 15.15.

It was AGREED that;

- (1) The officers conducting the Constitution review consider changes to the definition of 'significant' in relation to key decisions and submit their proposed amendments to the Panel;
- (2) The Scrutiny Lead seek views from Cabinet Leads in relation to the requirement for Cabinet Lead Reports and present these at the next meeting of the Panel;

and

- (3) Details of the proposed amendments to the Articles and Standing Orders be circulated to the next meeting of the Panel.

19 DATE OF NEXT MEETING

The Panel agreed to hold the next meeting at 2pm on Wednesday 29 March 2017.

The meeting commenced at 2.00 pm and concluded at 3.26 pm

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Notes of the Budget Scrutiny and Policy Development Panel held on Wednesday, 29 March 2017

Present

Councillor: Hughes (Chairman)

Councillors: Cresswell and Smith K

Also Present:

Councillor:

Mark Gregory (Democratic Services Officer) and Nicholas Rogers (Democratic Services Assistant)

Councillors: Francis

Apologies: Councillors Carpenter, Lloyd and Wilson

Action

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carpenter, Lloyd and Wilson.

21 MINUTES

The minutes of the meetings of the Budget Scrutiny and Policy Development Panel held on 23 February 2017 and 8 March 2017 were agreed as a correct record subject to the following amendment:

- a) Councillor Francis be noted as an attendee to both meetings.

22 REVIEW OF THE CONSTITUTION

The Panel considered the responses received from Cabinet Leads relating to Cabinet Lead Reports and Questions at Full Council.

It was noted that the responses indicated Cabinet Leads did not believe that Cabinet Lead reports should be mandatory and objected to 'free questions' at Full Council. The Cabinet Leads also felt that there were several alternate methods for providing back benchers with updates prior to Full Council, such as email contact and the Councillors Newsletter.

The Panel then considered the final draft of the proposed amendments to articles and standing orders in the Constitution. The Panel also considered the Table of Comments and Amendments, which detailed the amendments suggested by the Panel.

The following points were discussed:

- A further proof-read would be undertaken to ensure that all grammatical and formatting errors were corrected.
- Changes to SO8.4 would see the Chairman of the Development Management Committee appointed at the end of each meeting.
- Changes to SO18.1 would allow amendments to be moved at Full Council without prior notice.
- SO50.1.1 needed further amendments to ensure clarity on the processes for the record of decisions at meetings of the Cabinet or its committees.
- SO50.3 would include clearer guidance on the legal requirements for non-executive decisions made by officers.
- Changes to Appendix 3 (Deputations at the Development Management Committee) would allow clarification questions to be asked of deputees at DMC meetings.

The Scrutiny Lead considered that, with reference to the benchmarking survey, there was no change needed to the notice period for Councillor questions at Full Council, as this Council currently has generous timescales when compared to other local authorities.

The Panel indicated the following recommendations for inclusion in the final report:

- 1) Proposed amendments to the articles and standing orders in the Constitution be agreed;
- 2) Require all members be required to read Part 3 of the updated Constitution and sign a declaration to this effect; and
- 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 this effect.

The Panel AGREED that:

- i) The next meeting of the Panel be scheduled for 5pm on Tuesday 18 April 2017;
- ii) Consideration of the Panel's final recommendation relating to the requirement for Cabinet Lead reports be deferred to the next meeting; and
- iii) That the authority to submit recommendations directly to the Governance and Audit Committee be delegated to the Panel be sought by the Scrutiny Lead at the meeting of the Scrutiny Board to be held on 4 April.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

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