

Date of meeting: 18 September 2023
 Title of Report: **Stage One - Constitutional Changes**
 Lead Strategic Director: Giles Perritt (Assistant Chief Executive)
 Author: Ross Jago, Head of Governance Performance and Risk
 Contact Email: Ross.jago@plymouth.gov.uk
 Your Reference: ConstI.23/24
 Key Decision: No
 Confidentiality: Part I - Official

1. Purpose of Report

1.1. At the 5 September 2023 meeting of the Audit and Governance Committee, the committee amended and approved recommendations in respect of changes to the following sections of the constitution –

- Part A – Articles
- Part B - Council Procedure
- Petition Scheme / Guidance

1.2. These documents were reviewed by officers and Councillors considered revisions at informal sessions held on the 15 and 17 August 2023.

1.3. Amended parts of the constitution are appended to the report, and changes are as follows –

2. Part A – Articles

Changes	Why	Paragraph
Article 1 - Changes to clarify the purpose of the constitution	Identifies principles and purpose of the constitution	1.3
Article 2 - Change title of Article to "Councillors"	This article concerns councillors and should not refer to co-opted members	
Article 2 - Co-opted and Independent Members	Move the requirements of Co-optees and Independent members to relevant Terms of Reference	2
Article 2 - Term of Office of the Leader - move to article 6 (Cabinet)	Relevant in Article 6 concerning the Cabinet / Executive	6.4 – 6.8
Article 2 - Term of Office of the Lord Mayor - move to Article 5 (Lord Mayor)	Relevant in Article 5 concerning the Lord Mayor	5.5

Article 2 - Roles and Functions of Councillors - Additions to Councillor Roles	Clarify the extent of the Councillor Role	2.6
Article 2 - Rights and Duties - Remove reference to Co-Opted members, to be included in relevant committees terms of reference	This article concerns the rights and roles of Councillors	To be included in the Terms of Reference to which appointments relate
Article 2 - Rights and Duties - Remove reference to mobile phones	Legal requirement to allow the use of phones / recording devices (unless part II) - covered in the code of conduct for members	Removed
Article 3 - Removed the right to ask the council to respond to a petition	Notwithstanding any scheme published in the constitution, the legal requirement for a petition scheme has been repealed	Removed
Article 4 - Addition of the Annual Budget Meeting	Clarifies Existing process	4.1
Article 4 - Functions of Council - Amended to reflect the relevant legislation	Clarifies legal position with reference functions of Council	4.3-4.4
Article 5 - Removal of process for recommending LM - Move to LM Selection Committee ToR	To clarify process in relevant ToR	To be included in the Terms of Reference
Article 5 - Incapacity of LM - Moved from Article 2 and amended by the audit and governance committee to provide clarity on process in the event of the incapacity of the LM.	Moved from article 2	5.5
Article 6 - Election of new Leader - Following discussion clarifies how a new leader may be elected.	Members Request	6.5
Article 6 - Leader / Deputy / Cabinet. Clarified the Council Meeting at which the Leader can be appointed following incapacity / resignation	Clarification	6.4-6.6
Article 6 - Deputy Leader - remove reference to suspension	Ability to suspend removed by the localism act	Removed
Article 6 - Cabinet to remain delegated in the event the leader resigns until a new Scheme of Delegation is published	Clarifies Existing process	6.12
Article 6 - Appointment of Acting Leader - Amended following discussion	Member Request	6.13
Article 7 - No change		
Article 8 - No Change		

Article 9 - Joint arrangements - Additions to reflect powers to promote wellbeing (Localism Act)	Reflects the legislation	Para 9
Article 10 - Officers - Makes Statutory post holders explicit	Reflects the legislation	10.4
Article 11 - Consider revisions to Key Decision Thresholds	Exclusion of grant funding - Decisions to receive grant funding will not be treated as key decisions, unless the terms of the grant agreement have a significant impact on more than two wards as determined by the Monitoring Officer.	11.6
Article 12	No change	
Article 13	No change	
Article 14	No change	

Part B – Council Procedures

Changes	Why	Paragraph
Addition of Annual Budget meeting	Clarifies Existing Process	9
Annual Budget Meeting to be held in Advance of the Statutory Deadline for Council Tax	Clarifies Existing Process / Member Request	9
Urgent Announcements from LM / Statutory Officer Urgent Announcements Only at Annual Budget Meeting	Members Request	9
Added the word "budget" to recommendations from Cabinet / Scrutiny	Members Request	9
Questions		
Absence of a Motion on Notice Proposer	To confirm process if a proposer is absent.	15.4-15.6
Reports to note	Clarifies existing process that recommendations to note do not require a vote, although one may be called for.	19.5
Process for Developing the Policy / Budget Framework	Removes requirement to "consult" / Cabinet member remains required to canvass views of stakeholders	27.1 – 27.2

3. Petition Scheme / Guidance

3.1. A new petition scheme is appended to the report. There have been no changes to thresholds for petitions to be heard at committee meetings and council.

3.2. The new scheme also requires the use of the Council's e-petition system to ensure that the validity of signatures can be undertaken in line with the requirements of the scheme.

Recommendations and Reasons

That Council approves the amendments to Part A, Part B and Petition Scheme Guidance.

Reason: Changes to the constitution are recommended by Audit and Governance Committee to Full Council to address immediate changes to improve the efficiency of Council meetings and the clarity of procedure.

Alternative options considered and rejected

None – the review of the constitution is a response to issues identified through the municipal year/ 2022/23.

Relevance to the Corporate Plan and/or the Plymouth Plan

Effective decision and good governance impacts upon all aspects of the Corporate Plan. Proposed changes to the constitution will ensure efficient governance processes in support of the Corporate Plan.

Implications for the Medium Term Financial Plan and Resource Implications:

None as a result of this report.

Financial Risks

None as a result of this report.

Carbon Footprint (Environmental) Implications:

None as a result of this report.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

** When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None as a result of this report.

Appendices

**Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Part A Articles							
B	Part B Council Procedures							
C	New Petition Scheme							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

Sign off:

Fin	DJN. 23.2 4.10 4	Leg	LS/00 0010 75/A C/25/ 8/23	Mon Off	Click here to enter text.	HR	Click here to enter text.	Asset s	Click here to enter text.	Strat Proc	Click here to enter text.
Originating Senior Leadership Team member: Giles Perritt											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 07/09/2023											