

Audit and Governance Committee



Date of meeting:	16 January 2024
Title of Report:	Stage Two – Constitutional Changes
Lead Member:	Sarah Allen (Chair of Audit and Governance Committee)
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:	Const2.23/25
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

1.1. Following agreement at the June 2023 meeting of the Audit and Governance Committee, a small working group has continued the review of the constitution, specifically –

- Petition Scheme / Guidance (as a result of Council Referral)
- Standards Committee (New)
- Part E of the constitution
- Rules of Debate (New)

1.2. These documents were reviewed by officers, and Councillors considered revisions at informal sessions held in October and December 2023.

2. Summary of Changes

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

Petition Scheme - E-Petitions

2.2. Members who moved the amendment concerning third party websites were invited to make representations at the working group, which were that –

- *Third Party E-Petitions should be accepted.*
 - *This is because other Councils accept e-petitions and some third party e-petitions systems will provide the required information to validate the petitions.*

2.3. The working group rejected the proposal as, given the wide variety of online e-petition platforms, it could not be guaranteed that required data for validation of a petition would be available. In addition, the UK Parliament does not accept petitions hosted on external websites and it was felt that the Council should reflect that practice.

- *Clarity*
 - *The proposed drafting states “that e-petitions may not be accepted by the council”.*

2.4. The working group agreed that this was not clear and have amended the proposal to “E-petitions created or submitted through third party websites will not be accepted.”

2.5. The full scheme is appended to the report.

Standards Committee

2.6. The working group considered draft terms of reference for a new Standards Committee both in October and December 2023. The terms of reference were in line with the recently approved arrangements for standards, however the group considered that councillors who were the subject of a complaint should have the right to make representations when the committee considered a complaint.

2.7. Amendments have been made to reflect the discussion and a draft terms of reference is included at appendix B.

Part E: Committees, joint committees, committee procedure rules and other statutory functions

2.8. Part E of the constitution was discussed both in October and December 2023 and several changes are proposed.

2.9. *Heart of the South West Joint Committee* – This committee is recommended for removal from the constitution following the issuing of a notice to dissolve the Joint Committee, which was agreed by the Council at its November 2023 meeting

2.10. *Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee* - The abolition of LEPs in 2024 for which the scrutiny committee was established will remove the requirement for this Committee. Its terms of reference will be removed at the appropriate time under delegation to the Monitoring Officer.

2.11. *Audit and Governance Committee* - The group recognised that the terms of reference have only been recently revised but proposed the additions for clarity and to provide flexibility on Committee Size.

2.12. *Licensing Committees* - The group wished to ensure that the size of the licensing committees reflected the minimum quorum set out in legislation and have proposed a maximum size rather than a defined size to ensure flexibility in committee allocation. Licensing (main) Committee is proposed to have a maximum size of 15 members and retain the current sub-committee quorum of three. Taxi Licensing will have a maximum of 7 members.

2.13. *Mount Edgcumbe Joint Committee* - This is a committee of Cabinet as the management of the Mount Edgcumbe is an executive function. It is therefore not a committee of the council and should be removed from the constitution. The Terms of Reference will be added as an appendix to the Scheme of Delegation.

2.14. *Devon and Cornwall Police and Crime Panel* – The panel is an outside body and not a committee of council and therefore it is proposed it is removed from the constitution.

2.15. *General rules applying to committees* – This section has been amended to reflect current practice, the law and changes agreed but not yet made.

2.16. The Planning Committee and Code of Probity in Planning are currently being reviewed by officers and any proposals for change will be discussed at the next working group.

3. Rules of Debate

3.1. Following the Council meeting in November 2023 it was identified that greater clarity was required in the Rules of Debate.

3.2. In December 2023 the group reviewed amended rules of debate. A new rules of debate is appended to the report. It is broadly the same as previous versions with proposed changes intended to –

- Clarify expectations of respect for the Lord Mayor and their rulings
- Clarify what is a motion on notice and a motion without notice
- Clarify what is an amendment and what is a closure motion
- Clarify the speaking order and when councillors may speak again on a motion

Recommendations and Reasons

That Audit and Governance Committee recommends to full council for approval –

1. Amended Part E and Petition Scheme/Guidance;
2. New Rules of Debate and Standards Committee terms of reference.

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.

N/A

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	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
A	Proposed Petition Scheme							
B	Draft Standards Committee Terms of Reference							
C	Part E (other committees)							
D	Rules of Debate							

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:

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Originating Senior Leadership Team member: Giles Perritt, Assistant Chief Executive											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 22/12/2023											