

## SCHEDULE OF CONSTITUTIONAL CHANGES FOR 2009-10

NB: Insertions are shown as underlined. Deletions are shown with a strikethrough.

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<b>PART 1 - INTRODUCTION</b>					
1.					Any updates required to the introduction following annual meeting to be approved by the monitoring officer in accordance with Article 1.15 (b).
<b>PART 2 - ARTICLES</b>					
2.	Article 10.1 (c), member officer protocol (9) and glossary Change of title of "strategic director of legal and democratic services" to "strategic director of communities, law & governance"	32 254 296	21, 203, 231		Update
<b>PART 3 – WHO TAKES DECISIONS/</b>					
3.	Part 3C: Full Executive – Matters Reserved for Collective decisions making - Agreement of fees and charges	58	36	Insert new clause 8:  <u>"Approval of new fees and charges and agreement of charging levels in line with the medium term resources strategy"</u>  And renumber subsequent paragraphs.	Amendments are proposed to Part 3 of the constitution to clarify the role of IDMs and executive in relation to existing and new fees and charges.  This change introduces a

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					new responsibility into the executive's collective list to cover new fees and charges. The change below which accompanies it is to confirm that IDMs' approval has to be in line with the medium term resources strategy and is also limited to existing fees and charges.
4.	Part 3D: Individual Executive Members – Matters Reserved for Decisions - Agreement of fees and charges	61	38	Amended 3. within 'Budget' to read:  "Agreement of <u>changes to existing</u> fees and charges, in relation to their areas of responsibility <u>and in line with the medium term resources strategy</u> , other than any set by council assembly as part of the budget process."	See comment above.
5.	Part 3H: Community Councils – Planning functions (non-executive) Decision making'	77-78	48	Tree Preservation Orders – New clause 2 and renumber subsequent paragraphs.	See separate report
6.	Part 3H: Community Councils – Education functions (executive) Decision making'	81	51	In paragraph 21, on the last line delete "paragraph 18" and insert "paragraph 22".	Typographical change

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7.	Part 3L: Audit and Governance Committee - Roles and functions	89-90	55	<p>Two changes are needed to the committee's role and functions - the first, to paragraph 16, is to update terminology and the second, to paragraph 18, is to make clear the committee's role is in relation to the statement of accounts:</p> <p><b>Regulatory framework</b></p> <p>16. To oversee the production of and agree the council's <del>statement on internal control</del> <u>annual governance statement, incorporating the statement on internal control.</u></p> <p><b>Accounts</b></p> <p>18. To review <u>and approve</u> the annual statement of accounts and specifically to consider compliance with appropriate accounting policies and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.</p>	Clarification of role of committee.
8.	Part 3S – Appointment to outside bodies.	-	72	Update following executive in June 2009.	To be approved by monitoring officer under Article 1.5(b).
<b>PART 4- RULES</b>					
9.	Access to Information Procedure Rule 19 – Urgent implementation	108	86	<p>Definition section to be reworded as follows:</p> <p><u>“These are decisions, which, whether they have been included on the forward plan or</u></p>	Clarification

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				<u>not, need to be implemented immediately by virtue of the urgency of the actions that need to be taken.”</u>	
10.	Council Assembly Procedure Rules (CAPRs) Previous decisions and motions. Rule 1.9(1) (Motion to rescind a previous decision) and Rule 1.9(2). (Motion similar to one previously rejected)	131-132	100	<p>Change cross reference to rules on deadlines for members’ motions and amendments.</p> <p><b>1.9 PREVIOUS DECISIONS AND MOTIONS</b></p> <p><b>Motion to rescind a previous decision</b></p> <p>1. A motion or amendment to rescind a decision made at a meeting of council within the previous six months cannot be moved unless the notice of motion, delivered in accordance with rules <u>2.9 (3 and 4) 3-10(2)</u>, is signed by at least 16 members.</p> <p><b>Motion similar to one previously rejected</b></p> <p>2. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment, delivered in accordance with rules <u>2.9 (3 and 4) 3-10(2)</u>, is signed by at least 16 members.</p>	Clarification of cross reference to rules on deadlines for members’ motions and amendments.

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11.	Council Assembly Procedure Rules (CAPRs) Procedural motion without notice. Rule 1.11(h) (To amend a motion by its mover, with the consent of the meeting – amendment must not negate the existing motion, nor introduce a new motion)	134	101	Procedural motion without notice  Rule 1.11(h) To amend a motion by its mover, with the consent of the meeting ( <del>amendment must not negate the existing motion, nor introduce a new motion</del> ).	Consequential change from previous round of changes.
12.	Council Assembly Procedure Rules (CAPRs) 1.12 Rules of Debate – Alteration of motion (point 16 – 18).	138	103	Amend title and references to read;  “Alteration of motions and amendments”.  See also 1.12(16) and 1.12 (17).	Typographical change
13.	Council Assembly Procedure Rules (CAPRs) 2.9 (3) Submission of members motions on notice – deadline for receipt of motions.	165	119	Deadline for receipt of motions may now be reconsidered as officer comments on motions are no longer provided.  Clause 2.9(5) headed “Motions set out in agenda” to be changed as follows:  <b><u>Circulation of motions and motions set out in agenda</u></b>  5. <u>Once motions have been deemed to be in order they shall be circulated to all members, after the deadline for the receipt of motions.</u> Motions for which notice has been given will be listed on the agenda unless the member states that they propose to move it to a later meeting or withdraw it.	This is officers’ suggested amendment in response to the motion passed by council assembly on April 8 2009 asking the constitutional steering panel to review this issue. CSP’s views are invited on whether this approach is acceptable.

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14.	Council Assembly Procedure Rules (CAPRs) 2.10 (6).Notice for motions and amendments on reports from the executive, committees and officers – New heading	166-167	120	<p>New heading – Dealing with questions on reports. New clause setting out those rules in members’ question time that also applies to questions on report (See rules under 2.8).</p> <p>New clause to read:</p> <p><b>“Dealing with questions on reports</b></p> <p>“6. The following rules shall also apply to questions on reports:</p> <ul style="list-style-type: none"> <li>a) Questions on reports shall be addressed to the member moving the report (see CAPR 2.10(1)).</li> <li>b) Who can ask questions – Composite questions (see CAPR 2.8(3))</li> <li>c) Scope (see CAPR 2.8(4) to 2.8(6))</li> <li>d) All questions will be listed in the order of receipt (see CAPR 2.8(9)).</li> <li>e) Executive members and committee chairs shall have the discretion to refer a question to another executive member or committee chair if this is appropriate (see CAPR 2.8(9)).</li> <li>f) Supplementary question (see CAPR 2.8(11))</li> <li>g) Written answers to questions naming an individual member (see CAPR 2.8(14)).”</li> </ul>	Clarification of procedural rule on questions on reports.

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15.	Council Assembly Procedure Rules (CAPRs) 3.1 Calling of extraordinary meetings.	168	121	In line 2, delete “extraordinary” and insert “ordinary”.	Typographical change.
16.	Committees and community councils procedure rules Amendments to motions(Rule 1.7 (6))	186	130	Consequential change from previous round of changes. Delete reference to negating motions so wording is in line with CAPRs.  In rule 1.7 (6), delete the following words: “as long as the effect of b) to d) is not to negate the motion.”	Consequential change and clarification.
17.	Overview and Scrutiny Procedure Rule 9 Meetings of the overview and scrutiny committee and its sub-committees			Update to clause in light of government regulations:  <b>9. Meetings of the overview and scrutiny committee and its sub-committees</b>  9.1 There shall be at least eight ordinary meetings of the overview and scrutiny committee in each year. In addition, there shall be at least <u>one</u> <del>two</del> ordinary meetings of the overview and scrutiny committee acting as the crime and disorder committee (or sub-committee if appropriate) in each year. <del>In addition,</del> Extraordinary meetings may be called by the chair of the committee, by two-thirds of the committee’s voting membership or	This change derives from the Crime and Disorder (Overview and Scrutiny) Regulations 2009, published since council assembly on April 8 2009.  The regulations say the crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

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				by the proper officer if he or she considers it necessary or appropriate.	This change on the number of meetings brings the constitution in line with the regulations and provides flexibility for the overview and scrutiny committee to make appropriate arrangements, including the use of its general powers of delegation of functions to sub-committees.
18.	Committees and community councils procedure rules. Rule 7.7 - Rules for standards committee – Independent members Term of Office.	200	138	In first sentence which reads:  “With six independent members, the term of office of each member will be for <u>three</u> <u>four</u> years with each member retiring at the end of their term. Members shall serve a maximum of two terms.”  Delete “three” and insert “four”.	This revised clause would ensure that the standards committee would always have independent members to hear complaints. This change would have the effect of changing the term of office of independent members to four years.
19.	Contract Standing Orders	-	161	Annual review.	Separate report on annual meeting agenda.
20.	Financial Standing Orders	-	175	Annual review.	Separate report on annual meeting agenda.
<b>PART 5 - CODES</b>					
	None.				



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	<b>PART 6 - PROTOCOLS</b>				
21.	Member Officer Protocol	252	202	See separate report.	Separate report on annual meeting agenda.
22.	Communication Protocol	271	213	See separate report.	Separate report on annual meeting agenda.
	<b>PART 7 – ADDITIONAL INFORMATION</b>				
					Any updates to be agreed by monitoring officer in accordance with Article 1.15 (b) following annual meeting.
	<b>ENTIRE CONSTITUTION</b>				
23.	Strategic director of communities, law & governance to be replaced with “monitoring officer” anywhere where appropriate.	All	All	Word search of constitution to be undertaken.	For consistency and ease of maintenance of constitution.