

Taunton Deane Borough Council

Corporate Governance Committee – 21 March 2016

Proposed Changes to Constitution

This matter is the responsibility of Executive Councillor Richard Parrish

Report Author: Bruce Lang; Assistant Chief Executive and Monitoring Officer

1 Executive Summary

- 1.1 This reports seeks the Committee's views on a few detailed changes which are being proposed by the Constitutional Sub-committee to the Council's Constitution which, if approved, will provide greater clarity to timescales by which certain motions/amendments/questions are to be submitted in advance of Council meetings and provide sufficient time for any relevant research/analysis to be undertaken prior to the meeting in question.
- 1.2 The present clauses are somewhat ambiguous and do not always allow sufficient time for the necessary preparation work to be undertaken by Officers.

2 Recommendations

- 2.1 That the Corporate Governance Committee recommend to full Council that the Constitution be amended as set out in Appendix A to this report.

3 Risk Assessment

Risk Matrix

Description	Likelihood	Impact	Overall
Members may not be clear as to the deadlines for submitting requests and/or there may not be sufficient time for necessary research to be undertaken in respect of requests received	3	3	9
<i>The proposals provide clarity in regard to timescales and allow more time for research to be undertaken following the receipt of questions</i>	1	3	3

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background

- 4.1 The Constitutional Sub-Committee has a standing item on its agenda to consider any potential suggested changes to items in the Constitution that could improve/facilitate efficient and effective governance of the Council.

At its meeting held on 27 November 2015 the Constitutional Sub-Committee considered three detailed proposals.

- 4.2 On page 84, relating to Notices of Motion, Clause 4 (2) currently states that 8 calendar days' notice are required in order to have a Notice of Motion included in the summons to a Council meeting. This effectively means that a Notice can be delivered anytime up to 12 noon on the Monday week prior to the day in which a council meeting is due to be held. In essence this provides hardly any time at all for Officers to consider the implications of the Motion proposed and undertake any necessary research/analysis to ensure that when the matter is debated/placed on the agenda there is clarity in respect of the implications should the motion in question be approved. This has been a matter of some discussion in regards to recent Notices of Motion that have been considered by the Council.

It is, therefore, proposed that the clause be reworded as set out in Appendix A to this report which would have the effect of requiring a Notice to be submitted to the Democratic Services Manager by 4.00 pm on the Thursday of the week prior to the week that the summons for the meeting is to be dispatched, which will provide clarity and sufficient time for any required research to be undertaken in relation to the wording of a Notice of Motion prior to it being included in the agenda papers.

- 4.3 On page 86 of the Constitution referring to Amendments, Clause 6 (6) currently states that, if there is to be an amendment to the proposed budget it must be received by the Democratic Services Manager by 12 noon the day before a Council meeting.

This provides very little time for Officers, in particular the Finance Team, to take into account the implications of any proposed amendment and it is, therefore, suggested that this clause be reworded the effect of which will be to require any such amendment to be received by the Democratic Services Manager by 4.00 pm on the Thursday before the council meeting.

This would give at least two clear working days for Officers to do the necessary preparatory work before the council meeting when the amendment would be discussed.

- 4.4 On page 89 of the Constitution, Clause 14 (2) currently states that any Councillor upon giving two working days written notice to the Democratic Services Manager may ask a question of the relevant post holders listed relating to their responsibilities.

The current wording is somewhat ambiguous and has the potential for not allowing sufficient time for responses to be prepared.

It is, therefore, proposed that Clause 14 (2) be amended to give effect that a Councillor should give written notice to the Democratic Services Manager by 4.00 pm of the Thursday before the meeting of such questions. This should provide adequate time for responses to be prepared in advance of the Council meeting.

The members of the Sub-Committee are of the view that, by agreeing to these changes, it would both provide greater clarity for those Members who wish to submit motions/amendments/questions and provides sufficient time for answers to be prepared, which should be of benefit to all parties concerned.

5 Links to Corporate Aims / Priorities

- 5.1 The proposed changes should provide greater clarity and assist the efficient governance of the Council.

6 Finance / Resource Implications

- 6.1 None

7 Legal Implications

- 7.1 None

8 Environmental Impact Implications

- 8.1 None

9 Safeguarding Implications

9.1 None

10 Equality and Diversity Implications

10.1 None

11 Social Value Implications

11.1 None

12 Partnership Implications

12.1 None

13 Health and Wellbeing Implications

13.1 None

14 Asset Management Implications

14.1 None

15 Consultation Implications

15.1 None

Democratic Path:

- **Corporate Governance – Yes**
- **Executive – No**
- **Full Council – Yes**

Reporting Frequency: Once only Ad-hoc Quarterly
 Twice-yearly Annually

Contact Officers

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APPENDIX A

POSSIBLE AMENDMENTS TO THE TAUNTON DEANE BOROUGH COUNCIL CONSITUTION

REF.	CURRENT	PROSED
Notices of Motion (page 84) 4 (2)	8 calendar days' notice are required in order to have a Notice of Motion included in the summons to a Council meeting.	Seven clear working days' notice is needed in order to have a Notice of Motion included in the summons. This means that written notice must be delivered to the Democratic Services Manager by 4.00 pm on the Thursday of the week prior to the week that the summons for the meeting is to be dispatched or by 4.00 pm on the day that provides seven clear working days before the council meeting (excluding the day of the meeting itself).
Amendments (page 86) 6 (6)	If there is to be an amendment to the proposed budget then it must be received by the Democratic Services Manager by 12 noon the day before the Council meeting.	If there is to be an amendment to the proposed budget then it must be received by the Democratic Services Manager by 4.00 pm on the Thursday before the Council meeting or by 4.00 pm on the day that provides two clear working days before the Council meeting (excluding the day of the meeting itself).
Questions from Councillors (page 89) 14 (2)	Any Councillor upon giving two working days written notice to the Democratic Services Manager may ask	Any Councillor, upon giving written notice to the Democratic Services Manager by 4.00 pm on the Thursday before the Council meeting or by 4.00 pm on the day that provides two clear working days before the Council meeting (excluding the day of the meeting itself) may ask.....