



Council

2 September 2014

**Matter for Decision
and Information**

Title: Adoption of Terms of Reference for Constitutional Working Group and Constitution Update

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1 Introduction

1.1 This report requests the consideration and adoption of the appended terms of reference for the Constitutional Working Group and the Group's proposed amendments to the Constitution that require Council approval. It also informs members of new legislation in relation to the public's admission to and reporting of meetings and access to information

2 Recommendations

- 2.1** That members consider and adopt the terms of reference for the Constitutional Working Group which are appended to this report as Appendix 1
- 2.2** That members approve the recommendations of the Constitutional Working Group that require the amendments to the Constitution be approved by Council as summarised in this report at Paragraph 3.4
- 2.3** That members note the coming into force of the Openness of Local Government Bodies Regulations 2014 and that the Constitutional Working Group will consider these at the next meeting of the group and report back to Council on any amendments that will be necessary to procedure rules.

3 Information

- 3.1** On 29 April 2014, the Council adopted the recommendations of the "Evolving the Council's Governance" report.
- 3.2** As part of that report it was agreed that a review of all existing Working Groups should take place early in 2014/15 to assess their relevance, if they are still needed and if so to revisit and firm up their purpose, terms of reference, reporting lines, relationships to other groups (to prevent silo working), frequency of meetings (which would be published in the annual Calendar), and membership.
- 3.3** The attached terms of reference are based on a standard format and incorporate the key outcomes that have been discussed and agreed by the Constitutional Working Group at their meeting on 18 June 2014. The Group

considered that because of the on-going nature of its work, it should be referred to as a Working Group as opposed to a Task Group.

3.4 The proposed changes of the Constitutional Working Group which require approval by Council are as follows:-

- That all members are trained to sit on a Standards panel as and when necessary. (The reporting of the Standards regime to remain under the Policy, Finance and Development Committee but the pool of members of the ad-hoc panels is the whole membership of the Council).
- Officers Code of Conduct – the monetary value of gifts and hospitality to be registered is increased from £25.00 to £50.00 on the basis that this is in line with the requirements under the Members Code of Conduct
- The Mayor and Deputy Mayor will not be appointed as a Chairman of any Committee or Group during their Mayoral role due to their apolitical role whilst in Office.
- The quorum for Working/Task Groups to be set at half the membership of each group.

Other recommendations were minor matters that will be dealt with under officer delegations and clarification of existing procedures.

3.5 As mentioned in the introduction to this report, the Openness of Local Government Bodies Regulations 2014 (the Regulations) were laid before Parliament on 5th August and came into force on 6th August. The Regulations make provision in respect of the admission to and reporting of public meetings of local government bodies and in relation to the publishing of delegated decisions. The purpose of the Regulations are to make local government bodies more transparent and accountable to their local communities.

3.6 In brief and as explained in the guidance on the Regulations from the Department for Communities and Local Government, the requirements reflect the modern digital world that we live and operate in where filming, tweeting, blogging are to be treated as acceptable for the recording of the proceedings of public meetings. There is no requirement that local government bodies have to web cast their public meetings. A member of the public does not have to seek prior permission to carry out these activities but it is advisable that local government bodies encourage prior notification so that they can meet their duty under the Regulations, to provide “reasonable facilities” for the public to report on public meetings. The guidance recommends that local government bodies consider adopting a policy on the filming of meetings. A draft policy can be produced for the consideration of the next meeting of the Constitutional Working Group in October. In the meantime, the guidance suggests that where current procedure rules are not fully in line with the new legislation, then these should be simply waived in the short term whilst formal updates are

prepared in view of the short notice given for the Regulations coming into force. The provisions to exempt items of an agenda subject to the appropriate justification remain in force.

3.7 In addition to the openness of recording of public meetings, the Regulations also require the reporting of certain delegated decisions taken by Officers, such as the granting permission or licence and the award of contracts or incurring of expenditure which materially affects the Council's financial position. Further information on this requirement and any further procedures necessary than that which are already in place for publishing delegated decisions such as planning permissions and contract awards will also be reported to the Constitutional Task Group in October. The publication of delegated decisions does not include organisational and administrative decisions or matters relating to individuals such as benefit claims.

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Background papers: Council's Constitution.

Implications	
Equalities (AC)	The Council's decision making is open to the public unless there are circumstances that meet the public interest test to be exempted.
Financial (PL)	No financial implications. Any costs arising from the implementation of the Regulations can be met through existing budgets
Legal (AC)	It is a legal requirement for the Council to have a Constitution
Risk (AC)	A breach of the Constitution opens the Council's decision making process to legal challenge CR 6 & CR 4