

Report of:	Director of Legal and Governance Services
Submitted to:	Constitution and Members' Development Committee – 23 October 2020
Subject:	Proposed Amendments/Additions to the Constitution

Summary

Proposed decision(s)
That the committee considers and endorses the proposed amendments to the following provisions within the Constitution. <ul style="list-style-type: none"> a) Make-up of the Overview and Scrutiny Board. b) Council's Filming / Livestreaming Protocol b) Chairing and Votes of No Confidence

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2020 - 2023 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The purpose of the report is to request the views of members with regard to;
 - a) Reviewing the Terms of Reference and political composition of the Overview and Scrutiny Board. The purpose of the review is to ensure that all of the individual Chairs of the six Scrutiny Panels have a seat on the Board.
 - b) Temporarily revising the Council's Filming Council Meetings protocol due to Covid 19 and the implementation of remote meetings.
 - c) Adding a section on the appointment of chairs and votes of no confidence as the Constitution is currently silent on these issues. And deleting the references at paragraph 21(f) and 57(b) of the Council procedure rules.

Why does this report require a Member decision?

2. The committee are appointed to consider changes to the Constitution before seeking approval from Full Council

Report Background

3. **Overview and Scrutiny Board** - Up until the last elections which took place in 2019, there was a large majority in favour of one political party, and, as a consequence, because of political balance, almost all of the Chairs of the Council's Scrutiny Panels were taken up by members of that political party. Following the elections, and the political balance being close does not always allow all of those members who have been elected as a Scrutiny Panel Chair to automatically have a seat on the Board.
4. A number of different scenarios have been considered, including changing the number of members on the Board, but this still does not always allow for all of the Scrutiny Panel Chairs to be a member of the Board. The Chair of the Overview and scrutiny Board has been consulted and agrees with the proposed solution.
5. One option that could be considered is for all the Chairs of the individual Scrutiny Panel's to become Ex Officio (an obligation or privilege a person has, by virtue of their position, to serve on a board or committee) Voting members of the Overview and Scrutiny Board (see **Appendix 1**) . This would ensure that all Scrutiny Panel Chairs were automatically afforded a seat on the Board. The remaining seats could then be allocated, according to political balance.
6. **Filming / Livestreaming Protocol** - The Filming Council Meeting Protocol previously agreed by the Committee but not yet approved by Council was primarily developed to advise of processes for press and public when attending public meetings in person. Due to COVID all public Council and Committee meetings are now live streamed and member of the public access through Facebook or Youtube. Therefore filming/recording is not carried out in a way that may disrupt Council meetings. However, there are some elements that still remain relevant and will advise the public of current procedures for remote meetings. Therefore a revised protocol to deal with Live Streaming meetings is attached at **Appendix 2** for consideration.
7. **Chairing** - Due to major changes in political structures and the fluidity of group formation in the immediate period following the local elections, it was decided, at least for that municipal year that the Chairs of committees and panels would be appointed at the first respective meetings following the AGM. Historically such appointments take place at the Council's AGM, However, there is a lack of information in the current Constitution regarding the appointment of chairs as well as being silent on the point of votes of no confidence. Desktop research has been carried out of other local authorities and proposed additions / amendments for consideration are attached. **Appendix 3**. It is also proposed that references at paragraph 21(f) and 57(b) of the Council Procedure Rules be deleted as there may be occasions where the conduct of a member/chair may impact on the Council or the ability a committees/panels ability to run effectively.

What decision(s) are being asked for?

8, That the committee considers and endorses the proposed amendments to the following provisions within the Constitution;

- a) Make-up of the Overview and Scrutiny Board.
- b) Council's Filming / Livestreaming Protocol
- c) Chairing and Votes of No Confidence

Why is this being recommended?

- 9. Continually keeping the Constitution under review provides clarification and ensures the Council has effective decision making processes

Other potential decisions and why these have not been recommended

- 10. Maintaining the status quo leaves uncertainty and ambiguity for elected members.

Impact(s) of recommended decision(s)

Legal

- 11. No impact.

Financial

- 12. No impact.

Policy Framework

- 13. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

- 14. Not applicable.

Risk

Actions to be taken to implement the decision(s)

- 15. A report will be submitted to full Council for consideration of the proposed amendments a decision.

Background papers

- 16. Surrey Heath; Adur & Worthing Borough Council and Harrowgate Council Constitutions