

Review of the Constitution

1. To note the observations of the Standards Committee and its view that a fundamental constitutional change is not required.
2. To note the views of the Standards Committee:
 - (i) in relation to back bench members (paragraph 15(a) and (b)) but to draw to members' attention the various protocols and briefings available and the decisions at 8 and 9 which are aimed to address these issues;
 - (ii) about the overview and scrutiny functions (paragraph 15 c-e) and the favourable comments by the Improvement and Development Agency and INLOGOV and to concur that the constitution makes adequate provision for their further development, particularly in the area of policy development and the increasing opportunities they afford for back bench members;
 - (iii) in relation to the development of the community leadership role of members and the work being done by the Council in this area.
3. Subject to 5 and 6 below, to adopt the revised constitution as presented, noting in particular the following significant changes:
 - the inclusion of the Council's definition of a 'key' decision;
 - provision for the establishment of a Health Scrutiny Committee;
 - the inclusion of the terms of office of the Standards Committee;
 - the establishment of a Staffing Policy Committee and sub-committees with the terms of reference set out in the constitution (pages 35 and 36) and the consequential changes to the functions of the Regulatory Committee;
 - the Chairman's protocol on the arrangements for dealing with notices of motion (pages 47 and 48);
 - the inclusion of the statutory provisions under which members lose their seat if they fail to attend any meetings within a six month period without special dispensation (page 54);
 - the addition of the following protocols:-
 - Media protocol
 - Information protocol
 - Monitoring Officer's protocol
 - Cabinet Advisory Panels protocol
 - Consultation protocol

and such other protocols as may be agreed.

4. To appoint a Staffing Policy Committee of nine members (five Conservative, two Liberal Democrat, one Labour and one Independent).

(Appoint members and name Chairman and Vice-chairman.)

(The Staffing Policy Committee will appoint its sub-committees.)

5. To adopt the following procedure for the election of the Chairman, Vice-chairman and Leader of the Council.

- 5.1 The election of the Chairman and the election of the Vice-Chairman shall be the first and second items of business respectively transacted at the annual meeting of the Council.

- 5.2 This election of the Chairman, Vice-Chairman and Leader shall be determined by a secret ballot which shall be conducted by the person presiding in accordance with the following procedure:-

- 5.2.1 The person presiding at the meeting shall invite nominations for Chairman, Vice-Chairman and Leader from those present at the meeting;

- 5.2.2 A member's name must be proposed and seconded to be eligible;

- 5.2.3 A member shall not be nominated in his or her absence for the position of Chairman, Vice-Chairman or Leader without his or her written consent;

- 5.2.4 The Chairman, Vice-Chairman and Leader shall be elected from among the members duly nominated unless any member nominated withdraws his or her name, in which case the election shall be from among the members remaining nominated;

- 5.2.5 The Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those members present and voting;

- 5.2.6 Each member shall vote by writing the name of one of the members nominated upon a ballot paper which shall then be placed in the ballot box;

- 5.2.7 When in the opinion of the person presiding at the election each member present has had a reasonable time in which to vote, the ballot box should be delivered to the person so presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising his or her casting vote in accordance with standing order 5.2.11;

- 5.2.8 The ballot papers shall then be counted by the person presiding at the election;

- 5.2.9 If only one member is nominated, the person presiding shall declare that member elected as Chairman, Vice-Chairman or Leader as the case may be; and if two members are nominated the member receiving the vote of the majority of those members present and voting shall be so declared elected;
 - 5.2.10 If more than two members are nominated, the person presiding shall announce the name of the member with the smallest number of votes and that name shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the name of the member receiving the smallest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two names remain which shall be submitted to the final vote;
 - 5.2.11 In the event of an equality of votes in any of the ballots, the person presiding shall give a casting vote and where there are three or more members with an equal number of votes the person presiding shall give a casting vote to each of such members except one.
6. To agree that substitute members may notify the Director of Corporate Services before the start of the meeting and not be required to give one hours notice (page 44 – para 12.3)
 7. To approve the revised Contract Regulations (pages 88 – 99).
 8. To note the possibility of the Leader establishing an Advisory Panel to consider matters of a corporate nature.
 9. To ask the Chief Executive, together with the Chairman of the Council and Group Leaders to consider further how the Council might develop the suggestions of the Standards Committee set out at paragraph 19 (b-f), (h), (i), (l) and (m).
 10. To agree in respect of (g), (j) and (k) that –
 - public questions are often taken immediately before the agenda item to which they relate, but in any event this is a matter for Chairman’s discretion to ensure the efficient conduct of business;
 - the present arrangements that only members speak at Council meetings is satisfactory but to note that the Chairman, at his discretion may allow officers to speak in exceptional circumstances;
 - the current minuting arrangements are satisfactory although they should reflect all amendments and the exceptional nature of some debates.
 11. To thank the Standards Committee and officers for all their efforts in carrying out this review.