

FULL COUNCIL, 10 July 2019

REPORT OF GOVERNANCE COMMITTEE

Changes to the Constitution

Governance Committee, at its meeting on 25 June 2019 considered a report by the Monitoring Officer in respect of proposed changes to the Constitution on Members' common law right to access documents on a 'need to know' basis and the rules of procedure relating to budget setting (the report is attached as **Appendix 1**)

A couple of minor amendments were proposed and agreed at the meeting and the committee therefore resolved to recommend to Full Council that the following changes be made to the Council's Constitution:

- 1. The Protocol on Member/Officer Relations be amended to authorise the Monitoring Officer to decide, on a case by case basis, a Member's common law right to access documents; with a right of appeal to the Chief Executive in instances where the request is denied.**
- 2. To replace paragraph 2.9 of the Council's Budget and Policy Framework Procedure Rules with the following:**
 - "2.9 If following consideration of the Executive's budget proposals, Council has any objection to them, it must inform the Leader of any objections which it has to the Executive's proposals and must give the Leader instructions requiring the Executive to reconsider, in the light of those objections, those proposals in accordance with Council's requirements.**
 - 2.10 Where Council gives instructions in accordance with paragraph 2.9, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:**
 - 2.10.1 submit a revision of the proposals as amended by the Executive, which have been reconsidered in accordance with Council's requirements, with the Executive's reasons for any amendments made to the proposals, to Council for Council's consideration; or**
 - 2.10.2 inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.**

- 2.11 When the period specified by Council, as referred to in paragraph 2.10, has expired Council must, when setting the budget, take into account:**
- 2.11.1 any amendments to the proposals that are included in any revised proposals;**
 - 2.11.2 the Executive's reasons for those amendments;**
 - 2.11.3 any disagreement that the Executive has with any of Council's objections; and**
 - 2.11.4 the Cabinet's reasons for that disagreement; which the Leader submitted to Council, or informed Council of, within the period specified.**
- 2.12 If the Executive's budget proposals are submitted to Council on or after 8th February in the preceding financial year, rules 2.9 to 2.11 apply subject to the Council's statutory duty to make budget calculations before 11th March in the preceding financial year and the ability to charge council tax from 1st April."**
- 3. Paragraph 2.12 has been added to give effect to the Committee's recommendation that the delay this procedure will inevitably cause does not override the Council's duty to make budget calculations on time and the financial imperative to issue council tax bills well in advance of 1 April. 7 February is the deadline stipulated in the relevant regulations (see paragraph 3.1 and Appendix 1 of the Committee's report).**
- 4. It is also RECOMMENDED to Council that the Monitoring Officer be authorised to amend the Constitution in accordance with the proposals in paragraphs 1 & 2.**