



Please ask for: Democratic Services
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Date: Tuesday 28 November 2023

Dear All

AUDIT AND GOVERNANCE COMMITTEE - TUESDAY 28 NOVEMBER 2023

I enclose, for consideration at the next meeting of the Audit and Governance Committee on Tuesday 28 November 2023, the following items that were unavailable when the agenda was published.

Agenda No	Item
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7	Proposed Changes to the Constitution (Pages 2 - 41)
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Kind regards,

Emer Moran
Democratic Services

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Proposed Changes to the Council Constitution

Audit and Governance Committee 28 November 2023

Lead Member: Councillor Ben Chapelard, Leader of the Council

Lead Director: Lee Colyer, Director of Finance, Policy and Development

Head of Service: Claudette Valmond, Head of Legal Partnership and Monitoring Officer

Report Author: Claudette Valmond, Monitoring Officer and Gary Rowland, Senior Corporate Governance Lawyer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	13 November 2023
Constitution Review Working Party	21 November 2023
Audit and Governance Committee	28 November 2023
Full Council	13 December 2023

Recommendations

Officer recommendations as supported by the Cabinet Member and the Constitution Review Working Party:

1. That the Audit and Governance Committee recommends to Full Council to approve the amendments to the Constitution as set out in Appendices A to M to this report.
2. That the Audit and Governance Committee recommends to Full Council that the Monitoring Officer be authorised to make all other necessary and consequential changes to the Constitution to give effect to these recommendations.

1. Introduction and Background

- 1.1 This report proposes a number of changes to the Constitution to ensure that the Constitution remains up to date and effective.

2. Proposed changes to the Constitution

It is proposed that the following changes are made to the Constitution:

PART 3, RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATIONS

Section 5 – LICENSING COMMITTEE

Part 3, Section 5, Para 5.5 - Sub-Committee Delegations - Page 15

- 2.1 There have been a number of changes to the legislation relating to animal licensing and these are to be reflected in the Constitution. Certain licensing delegations are to be reallocated to where it is most appropriate for certain decisions to be made.

The proposed changes are set out in Appendices A, B and C.

PART 3, RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATIONS

ANNEX B – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

CABINET PORTFOLIOS, Page 32

- 2.2 the Cabinet Portfolios have changed and the Constitution is to be amended to reflect the changes.

The proposed changes are set out in Appendix D.

PART 4 – RULES OF PROCEDURE

Part 4, Section 23 – DISTURBANCE BY THE PUBLIC - Page 19

- 2.3. It is proposed that a new paragraph 23.3 be inserted to address how the abusive, offensive and threatening conduct of members of the public (at Council meetings) against Members and/or Council officers is to be addressed during Council meetings.

The proposed changes are set out in Appendix E.

PART 4 – RULES OF PROCEDURE

PART 4, CABINET PROCEDURE RULES,

Public Questions, Paragraph 28.5.2, Page 25

- 2.3 It is proposed that a new paragraph 28.5.2 is added to clarify that a person who has asked a question at a meeting, may ask a supplementary question arising directly out of the question or the reply and that the Leader has the right to reject any supplementary question which falls outside of the scope. The existing paragraph 28.5.2 will become paragraph 28.5.3.

The proposed changes are set out in Appendix F.

Part 4, FINANCIAL PROCEDURE RULES

Part 4, Section 3 - FINANCIAL PLANNING

Budget Transfers – Council - Paragraphs 3.4.5 (d) and 3.4.6 – Page 55

- 2.4 All reserves (General Fund, Earmarked Reserves, Capital Grants & Contributions and Capital Receipts) are now termed “Usable Reserves” in the Council’s Annual Financial Report. This will now reflect the technical reporting changes required in the Council’s statutory accounts.

It is therefore proposed that paragraph 3.4.5(d) be deleted and paragraph 3.4.6 is amended to reflect this change.

The proposed changes are set out in Appendix G.

Part 4, Section 4 – RISK MANAGEMENT AND CONTROL OF RESOURCES

Use of and Disposal of Assets, Paragraph 4.6.2, Page 59

- 2.5 Prior to officers commencing discussions with third parties concerning the potential use of, works to or the disposal or acquisition of Council assets, it is important that such matters are referred to the Section 151 for professional consideration to avoid exposure for the Council to unnecessary risk from unformed discussions taking place with third parties.

It is therefore proposed that a new paragraph 4.6.3 be inserted to address this point with the remaining sub-paragraphs of paragraph 4.6. being renumbered.

The proposed changes are set out in Appendix H.

Part 4, BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Section 2 – PROCESS FOR DEVELOPING THE FRAMEWORK - Paragraph 2.12 page 99; and

Section 6 – VIREMENT AND SUPPLEMENTARY ESTIMATES - Paragraphs 6 and 6.1 page100

- 2.6 Paragraph 3.4, page 54 refers to “Budget Transfers” whereas paragraph 4.8 of Part 3 – Delegations to Officers page 35 and Part 4 – paragraphs 2.12, 6 and 6.1 on pages 99 and 100 refer to “Virements”. “Budget Transfers” and “Virements” have exactly the same meaning in accounting terms and are interchangeable.

It is recommended that for consistency all references to “Virement” in the Constitution are replaced with the words “Budget Transfers”.

The proposed changes are set out in Appendix I.

PART 5, CODES AND PROTOCOLS

Part 5, ACQUISITION AND DISPOSAL OF PROPERTY GUIDANCE, Paragraph 5.1.3, Page 97

- 2.7 Land values have increased significantly and the £10,000 limit referred to in this paragraph does not allow for the approval of sale by private treaty without Cabinet approval.

It is proposed that there is an increase in the value of land and buildings to be authorised by Cabinet where the sale is to be by private treaty from £10,000 to £100,000.

The proposed changes are set out in Appendix J.

PART 5, CODES AND PROTOCOLS

GENERAL MEMBER PROTOCOL, Paragraph 3.2, Page 99

- 3.2 It is proposed that a new sentence is added to paragraph 3.2 to provide that any statutory officer shall be able to sign a member’s declaration of acceptance.

The proposed changes are set out in Appendix K.

PART 6, MEMBERS ALLOWANCE

Schedule 2, Members' Expenses Applicable to 31 March 2023

Childcare Allowance and Dependants' Carers' Allowance for Members, Page 7.

- 2.8 To amend the Constitution as Members allowance is paid at the National Living Wage and the figures in the Constitution are no longer applicable.

The proposed changes are set out in Appendix L.

GENERAL CONSTITUTION REVIEW

- 2.9 The Monitoring Officer is required to review the Constitution and to make such amendments as are deemed necessary from time to time. A full-scale review was undertaken recently and a number of changes are proposed. Some of the changes will be made under the Monitoring Officer's delegated authority such as changes to legislation, general formatting and typographical errors. More significant changes identified as part of the review are to be approved by Full Council.

The changes to be approved by Full Council are set out in Appendix M.

3. Options Considered

- 3.1 The proposed amendments referred to in this report and detailed in Appendices A to M are considered to be necessary to improve the Council's governance arrangements and decision-making process. A 'do nothing approach' was considered but this was not the preferred option.

4. Consultation on Options

- 4.1 The Management Board has been consulted on these proposals.

5. Implementation

- 5.1 Subject to approval by the Audit and Governance Committee, the proposed changes will be submitted to Full Council on 13 December 2023 for approval.

6. Appendices and Background Documents

Appendices: Appendices A to M set out the proposed changes to the Constitution for approval by the Audit and Governance Committee.

Exempt appendices (if any) None

Background Papers: None

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

A clear and effective Constitution supports the corporate priorities and reviewing the Constitution regularly ensures that it most effectively meets the needs of the Council and the public. The Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution.

It is a function of the Constitution Review Working Party and the Audit and Governance Committee to regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council. Any Human Rights Act implications have been addressed in the main body of this report.

Claudette Valmond, Head of Legal Partnership and Monitoring Officer – 13.11.2023

B. Finance and Other Resources

There are no issues or implications arising from this report.

C. Staffing

There are no implications on staffing levels or structures.

D. Risk Management

The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered. The changes proposed are to ensure the effective running of the Council, when deciding whether to recommend approval of the changes the Constitution Review Working Group will need to consider the risk of not recommending approval of the proposed amendments to the Constitution.

E. Environment and Sustainability

No significant direct implications.

F. Community Safety

No significant direct implications.

G. Equalities

There are no relevant issues identified within this report.

H. Data Protection

There is no specific privacy or data protection issues to address.

I. Health and Safety

No significant direct implications.

J. Health and Wellbeing

No significant direct implications.

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Amendments to deal with updated legislation relating to animal licensing regimes

Relevant section of the Constitution (including page/paragraph number):

Part 3 – as detailed below

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Part 3 (Changes to Page 15)

Chapter 5 (Licensing Committee)

Table at 5.5 (Sub-Committee Delegations)

1. Delete “the Licensing Sub Committee has the power to revoke any of the licences listed below” as it is duplicate wording and is in the incorrect place. Note: This is directly below the table at 5.5 on page 15.
2. Delete paragraph number 32 in the table and add a new paragraph which reads “32: Power to licence zoos on first application”. This change will mean that Licensing Sub Committees deal with initial applications for zoo licences only and not renewal applications.
3. Add in new paragraph delegating the power to revoke animal licences to the licensing sub committee which reads “70. Power to revoke licences issued under The Zoo Licensing Act 1981” and “The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018” (save where immediate welfare issues require the licence to be revoked immediately, in which case delegation is made to the Head of Environment and Street Scene).”

Reason, including referenced documents/acts, for proposed change:

Using the numbering above:

1. This is in the wrong place.
2. Renewal applications are more suitable to be determined by an officer as most simple applications do not have a great deal of discretion and officers can deal with the application based on the report put together by the inspector. Unless there are any complicating factors in which case it would be referred to a licensing sub committee, in accordance with the current Animal Licensing Policy.
3. Revocation, given the impact, should be dealt with by the licensing sub committee rather than an officer delegation – in accordance with the current animal licensing policy.

Appendix A

Appendix A

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Timescale:

To be considered by Constitution review working party on 21 November 2023.

Proposer:

Name:	Helen Ward
Title:	Lawyer (Contentious)
Date:	17.7.2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:**Date:**

Amendment No:	Date incorporated:
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Summary of Changes (Marked up)

5.5. Sub-Committee Delegations

The Council's functions in connection with the following matters are delegated to the Licensing Sub-Committee.

Function	Provision of Act or Statutory Instrument
14CA Power to make order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises.	Section 284 of the Gambling Act 2005.
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 (c. 37).
Power to consider any applications for a site licence or a collectors licence that have been refused by the authority where the applicant wishes to make representations	Scrap Metal Act 2013
32. Power to licence zoos on first application.	Zoo Licensing Act 1981
70. Power to revoke licences issued under The Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (save where immediate welfare issues require the licence to be revoked immediately, in which case delegation is made to the Head of Environment and Street Scene).	The Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

~~The Sub-Committee has authority to revoke any of the licences listed below.~~

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Amendments to deal with updated legislation relating to animal licensing regimes

Relevant section of the Constitution (including page/paragraph number):

Part 3 – as detailed below

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Part 3 (Changes to Page 17)

Chapter 5 (Licensing Committee)

Table at 5.5 (Sub-Committee Delegations)

1. Remove paragraphs 29 and 30 completely which relate to Power to license premises for the breeding of dogs and Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
2. Add in new paragraph “71: Power to licence zoos on renewal application” which is to become an officer delegation rather than that of the Licensing Sub Committee.
3. Add a new paragraph: “72: Power to licence premises for dog breeding, boarding for cats and dogs, hiring out horses, keeping and/or training animals for exhibition, and selling animals as pets”

Reason, including referenced documents/acts, for proposed change:

Using the numbering above

1. This legislation has been repealed
2. Renewal applications are more suitable to be determined by an officer as most simple applications do not have a great deal of discretion and officers can deal with the application based on the report put together by the inspector. Unless there are any complicating factors in which case it would be referred to a licensing sub committee, in accordance with the current draft Animal Licensing Policy.
3. This is the new legislation that replaces the outdated legislation deleted at point 1 above

Timescale:

To be considered by Constitution review working party on 21 November 2023.

Proposer:

Name:	Helen Ward
Title:	Lawyer (Contentious)
Date:	17.7.2023

Approval (*to be completed by Legal Services*)

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance**
Committee for approval
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:	Date incorporated:
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Summary of Changes

21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963(c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. <i>See also</i> the Animal By-Products Order 1999 (S.I. 1999/646).
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)
69. Power to issue new beer license.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.
71. Power to licence zoos on renewal application	Zoo Licensing Act 1981
72. Power to licence premises for dog breeding, boarding for cats and dogs, hiring out horses, keeping and/or training animals for exhibition, and selling animals as pets	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Amendments to deal with updated legislation relating to animal licensing regimes

Relevant section of the Constitution (including page/paragraph number):

Part 3 – as detailed below

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Part 3 (Pages 51, 52 and 53)

Amendments to Appendix 1 to Table 4 (DELEGATIONS TO THE HEAD OF HOUSING, HEALTH AND ENVIRONMENT)

1. Page 51: Remove Animal Boarding Act 1963, Breeding of Dogs Act 1971, Breeding of Dogs Act 1991, Breeding and Sale of Dogs (Welfare) Act 1999.
2. Page 51: Add in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
3. Page 51: Amend Food Hygiene (England) Regulations 2006 to Food Hygiene (England) Regulations 2013.
4. Page 52: Remove Performing Animals (Regulation) Act 1925 and Pet Animals Act 1951 and Amendment Act 1983.
5. Page 53: Remove Riding Establishments Acts 1964 and 1970.
6. Page 53: Amend Zoo Licensing Act 1987 to Zoo Licensing Act 1981.

Reason, including referenced documents/acts, for proposed change:

Using the numbering above

1. This legislation has been repealed.
2. These are the new relevant Regulations to deal with animal licensing activities.
3. These Regulations have been updated.
4. This legislation has been repealed.
5. This legislation has been repealed.
6. This legislation has the wrong date.

Timescale:

To be considered by Constitution review working party on 21 November 2023.

Proposer:

Name:	Helen Ward
Title:	Lawyer (Contentious)
Date:	17.7.2023

Approval (*to be completed by Legal Services*)

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance**
Committee for approval
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:	Date incorporated:

Summary of Changes

Acquisition of Land Act 1981
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agricultural Produce (Grading and Marking) Acts 1928 and 1931
~~Animal Boarding Act 1963~~
Animal Health Act 1981
Animal Welfare Act 2006
~~The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018~~
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
~~Breeding of Dogs Act 1971~~
~~Breeding of Dogs Act 1991~~
~~Breeding and Sale of Dogs (Welfare) Act 1999~~
Building Act 1984
Business Names Act 1985
Business and Planning Act 2020
Burial Act 1853 and 1857
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Children and Young Persons (Protection from Tobacco) Acts 1933 and 1991
Civic Amenities Act 1967
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Contaminants in Food (England) Regulations 2003
Commons Act 1876 and 2006
Companies Act 1985
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Countryside and Rights of Way Act 2000
Copyright, Design and Patents Act 1988
Criminal Damage Act 1971
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Crime and Disorder Act 1998
Courts and Legal Services Act 1990
Dangerous Dogs Act 1991
 Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Directives and Regulations Dogs (Fouling of Land) Act 1996
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Electricity at Work Act 1989
Employment of Women, Young Persons and Children Act 1920
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990 and all associated EU Directives and Regulations Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
European Communities Act 1972

Explosives Acts 1975 to 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Food Act 1984
~~Food Hygiene (England) Regulations 2006~~ 2013
Food and Environment Protection Act 1985
Food Safety Act 1990
Gambling Act 2005
Gas Safety (Installation and Use) Regulations 1998
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Highways Act 1980
Home Energy Conservation Act 1997
Home Safety Act 1961
Household Waste and Recycling Act 2003
House to House Collections Act 1939
Inclosure Act 1857
Insurance Brokers (Registration) Act 1977
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1985
Imported Food Regulations 1997
Land Drainage Act 1976
Land Drainage Act 1991
Land Drainage Act 1994
Licensing Act 2003
Litter Act 1983
Local Authorities Cemeteries Order 1977
Local Government Act 1972 and 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Transport Act 2008
Localism Act 2011
Medicines Act 1968
Micro Chipping of Dogs (England) Regulations 2015
Mock Auctions Act 1961
Motor Vehicle Salvage Operators Regulations 2002
National Assistance Act 1948
New Roads and Street Works Act 1991
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Open Spaces Act 1906
Parochial Registers and Records Measure 1978
~~Performing Animals (Regulation) Act 1925~~
Pesticides Act 1995
Pesticides (Fees and Enforcement) Act 1989
~~Pet Animals Act 1951 and Amendment Act 1983~~
Poisons Act 1972
Police, Factories, etc. (Miscellaneous Provisions) Act 1916
Police Reform Act 2002
Police Reform and Social Responsibility Act 2011
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Products of Animal Origin (Import and Export) Regulations 1996, as amended
Property Misdescriptions Act 1991
Protection of Animals Act 1911 (as amended)

Public Health Act 1925 – Street Naming and Numbering Functions
Public Health Act 1936

Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Public Health (Ships) Regulations 1979
Public Health (Ships)(Amendment)(England) Regulations 2007
~~Riding Establishments Acts 1964 and 1970~~
Railway Clauses Consolidation Act 1985
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Regulation Act 1984
Rights of Way Act 1991
Scrap Metal Dealers Act 1964 and 2013
Shops (early Closing Day) Act 1995
Slaughter of Poultry Act 1967
Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991
Slaughterhouse Licence (Forms and Records) Regulations 1959
Slaughterhouse Act 1974
Solicitors Act 1974
Sunbeds (Regulations) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Act 1968
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847 – Street Naming and Numbering Functions
Town Police Clauses Act 1847
Trade Descriptions Acts 1968 and 1972
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1958 and 1972
Trading Stamps Act 1964
Traffic Management Act 2004
Transport Act 1985, 2000 and 2006
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Warm Houses and Energy Conservation Act 2003
Waste Minimisation Act 1998
Water Industries Act 1991
Weights and Measures Act 1985
Wildlife and Countryside Act 1981
Young Persons (Employment) Acts 1938 and 1964
~~Zoo Licensing Act 1987~~ 1981

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Cabinet Portfolios 2023/24

Relevant section of the Constitution (including page/paragraph number):

Part 3 – Responsibility for Functions and Schemes of Delegations, Annex B – Responsibility for Executive Functions, Cabinet Portfolios, Page 32

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Replace Annex B with the Portfolio Holder responsibilities as shown below.

Reason, including referenced documents/acts, for proposed change:

Portfolio responsibilities are at the discretion of the Leader and a change to the previous arrangement was notified November 2023. Annex B needs to be updated to reflect the changes.

Timescale:

ASAP

Proposer:

Name:	Claudette Valmond
Title:	Head of Legal Partnership Monitoring Officer
Date:	7th November 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

CABINET PORTFOLIOS

Leader of the Council

- Communications and public relations
- Consultations and engagement
- Strategic policy

Rural Communities

- Championing rural communities
- Communication and engagement with parish and town councils and other relevant groups
- Oversight of the Parish Charter (incl. Planning Liaison)
- Community safety and CCTV
- Community centres and Hubs
- Community partnerships
- Assets of Community Value
- Younger and older people
- Equalities and equal access
- Community grants
- Cost of Living Crisis

Finance and Performance

- Finance
- Revenues and Benefits (incl. fraud and debt recovery)
- Internal Audit and risk management
- Mid Kent Services
- Property and estates
- Facilities
- Human resources (incl. learning and development)
- Performance and project management
- Technology and digital Transformation

Tunbridge Wells Town and Local Areas

- Championing Royal Tunbridge Wells, Southborough and Rusthall
- Communication and engagement with the Town Forum and other relevant groups
- Economic Development and Tourism
- Business engagement
- Supporting the Town Centre
- Transportation

Leisure, Wellbeing and Culture

- Culture, leisure and the arts
- Assembly Hall Theatre and the ice rink
- The Amelia Scott
- Events
- Sports and leisure centres
- Grounds maintenance
- Customer access

Environment, Sustainability and Carbon Reduction

- Parks
- Cemetery and crematorium
- Recycling and waste collection
- Street cleansing and littering
- Fly tipping and abandoned vehicles
- Environmental Protection
- Environmental Health
- Food Hygiene and Health and Safety standards in businesses
- Corporate Health and Safety
- Licensing
- Sustainability, carbon reduction and promoting biodiversity
- Supporting residents and raising funds for carbon reduction

Governance and Transparency

- Democratic Services
- Transparency
- ICT Demand
- Legal Services
- Freedom of Information/Data Protection
- Complaints
- Constitution
- Other methods of service delivery (incl. commercial entities)
- Procurement policy and strategy
- Devolution/enhanced two-tier working

Housing and Planning

- Planning policy
- Strategic sites and delivery
- Development management
- Heritage and conservation
- Planning Enforcement
- Land charges
- Building control
- Housing (including private sector and housing needs)
- Homelessness
- Parking (on and off-street)

CABINET PORTFOLIOS

Portfolio	Leader of the Council - Councillor Ben Chapelard
Responsibilities	<ul style="list-style-type: none"> ▪ Strategic policy ▪ Communications, consultations and engagement ▪ Transparency ▪ Human resources (including learning and development) ▪ Democratic Services ▪ Devolution/Enhanced two-tier working

Portfolio	Communities (and Deputy Leader) – Councillor Nancy Warne
Responsibilities	<ul style="list-style-type: none"> ▪ To act as Deputy Leader of the Council ▪ To be the lead cabinet member for rural/parished areas and to lead on communication and engagement with parish chairs and other relevant groups ▪ Community safety and CCTV ▪ Community centres and hubs ▪ Community partnerships ▪ Assets of Community Value ▪ Equalities (including younger and older people) ▪ Community grants ▪ Responding to the Cost of Living Crisis

Portfolio	Finance and Performance – Councillor Chris Hall
Responsibilities	<ul style="list-style-type: none"> ▪ Finance ▪ Revenues and benefits (inc fraud and debt recovery) ▪ Internal audit and risk management ▪ Property, Estates and Facilities Management ▪ Performance and project management ▪ ICT, Technology and Digital transformation ▪ Legal services ▪ FOI/EIR/Complaints/Data Protection ▪ Procurement policy and strategy

Portfolio	Environmental Services – Councillor Ellen Neville
Responsibilities	<ul style="list-style-type: none"> ▪ Cemetery and crematorium ▪ Recycling and waste collection ▪ Street cleansing and littering ▪ Fly tipping and abandoned vehicles ▪ Environmental Protection ▪ Environmental Health ▪ Food Hygiene and Health and Safety standards in businesses ▪ Corporate Health and Safety ▪ Licensing

Portfolio	Economic Development – Councillor Justine Rutland
Responsibilities	<ul style="list-style-type: none"> ▪ To be the lead cabinet member for Royal Tunbridge Wells town centre and the unparished area and to lead on communication and engagement with the Town Forum and

	<p>other relevant groups</p> <ul style="list-style-type: none"> ▪ Economic Development and Tourism ▪ Business engagement ▪ Supporting the Town Centre ▪ Culture and the arts ▪ Assembly Hall Theatre and the ice rink ▪ The Amelia Scott ▪ Events ▪ Customer access
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Portfolio	Sports, Leisure and Health – Councillor Pamela Wilkinson
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Responsibilities	<ul style="list-style-type: none"> ▪ Sports and leisure centres ▪ Parks ▪ Grounds Maintenance ▪ Health
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	Housing and Planning – Councillor Hugo Pound
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Responsibilities	<ul style="list-style-type: none"> ▪ Planning policy ▪ Strategic sites and delivery ▪ Development management ▪ Heritage and conservation ▪ Planning Enforcement ▪ Land charges ▪ Building control ▪ Housing (including private sector and housing needs) ▪ Homelessness prevention and reduction
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Portfolio	Carbon Reduction and Sustainability – Councillor Jayne Sharratt
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Responsibilities	<ul style="list-style-type: none"> ▪ Sustainability – Carbon reduction and promoting biodiversity ▪ Community Leadership in supporting residents and raising funds for carbon reduction ▪ Transportation ▪ Parking (on and off-street)
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Proposed Change to the Constitution Appendix E

Title: *(Short title for ease of reference)*

Conduct of members of the Public

Relevant section of the Constitution (including page/paragraph number):

CPR 23 - Part 4, page 19 – DISTURBANCE BY THE PUBLIC

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

That the following to be added as paragraph 23.3 to CPR 23, Part 4, page 19 – DISTURBANCE BY THE PUBLIC:

23.3 Conduct of members of the public:

If a member of the public attending a meeting of the Council (including one registered to speak) is abusive, offensive, threatening towards or makes serious accusations (such as (but not limited to) lying, bias, predetermination) against Officer(s) and/or Member(s) attending the meeting, the Mayor at their discretion, may require that such person withdraws the comment(s)/accusation(s) made and apologises to the Officer(s) and/or Member(s) concerned. If the person refuses to do so, the Mayor may pause the meeting and the person may be asked to leave the meeting room.

Reason, including referenced documents/acts, for proposed change:

To address the conduct of members of the public attending Council meetings

Timescale:

The proposed changes will be considered at the next meeting of the Audit and Governance Committee on 28 November 2023.

Proposer:

Name:	Claudette Valmond
Title:	Monitoring Officer
Date:	21 October 2023

Approval *(to be completed by Legal Services)*

***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No: Page 27 Date incorporated:

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Supplementary question at Cabinet

Relevant section of the Constitution (including page/paragraph number):

Part 4 Rules of Procedure. Page 25 – Public questions 28.5

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

28.5 Public Questions

It is proposed that the following paragraph be added as a new paragraph 28.5.2 with the remainder of paragraph 28.5 being renumbered accordingly:

28.5.2 – A questioner who has asked a question in person may ask one supplementary question arising directly out of the question or the reply. The Leader may reject any supplementary question which is outside the scope referred to in paragraph 28.5.1

28.5.3 - The reply may take the form of a direct oral answer, a reference to information in a Council publication or other publication, or a written reply which is included in the minutes.

Reason, including referenced documents/acts, for proposed change:

To allow for supplementary question at Cabinet.

Timescale:

21 November 2023

Proposer:

Name:	Emer Moran
Title:	Democratic Services Officer
Date:	1 November 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

Title: *(Short title for ease of reference)*

Reserves naming - technical correction

Relevant section of the Constitution (including page/paragraph number):

Part 4 – Rules of Procedure

Page 55 – Paragraph 3.4.5 (d) – Full Council

Page 55 – Paragraph 3.4.6

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

That Part 4 – Rules of Procedure, paragraph 3.4.5 (d) on page 55 as shown below be deleted:

Full Council

~~(d) Any transfer in year from the General Fund.~~

That Part 4 – Rules of Procedure, paragraph 3.4.6 on page 55 be amended as shown below:

3.4.6 The Chief Finance Officer will use his delegated authority to authorise the release of funds from ~~earmarked reserves~~ **usable reserves**.

Reason, including referenced documents/acts, for proposed change:

All reserves (General Fund, Earmarked Reserves, Capital Grants & Contributions and Capital Receipts) are now termed “Usable Reserves” in the Annual Financial Report.

This will now reflect the technical reporting changes required in the statutory accounts.

Timescale:

As soon as the approval process will allow.

Proposer:

Name:	Jane Fineman
Title:	Head of Finance, Procurement & Parking
Date:	3 October 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Appendix G

Amendment No:	Date incorporated:
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Title: *(Short title for ease of reference)*

Authority from the s151 Officer prior to commencing discussions with third parties concerning potential use (other than lettings), works, disposal or acquisition of council assets.

Relevant section of the Constitution (including page/paragraph number):

Part 4 Financial Procedure Rules

Page 59 – Paragraph 4.6.2

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

1. That the following be inserted as a new paragraph 4.6.2:

Authority from the s151 Officer is required prior to commencing discussions with third parties concerning potential use (other than lettings), works, disposal or acquisition of Council assets.

2. The remaining provisions of paragraph 4.6 shall be renumbered accordingly.

Reason, including referenced documents/acts, for proposed change:

The Council's assets have significant value and health and safety responsibilities that requires professional consideration prior to commencing discussions with third parties.

There are significant legislative, procurement, taxation, insurance and other matters that require professional consideration by the s151 Officer that may expose the council to unnecessary risk from unformed discussions taking place with third parties.

Timescale:

As soon as the approval process will allow.

Proposer:

Name:	Lee Colyer
Title:	Director of Finance, Policy and Development
Date:	16 October 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Appendix H

Amendment No:	Date incorporated:
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Appendix I

Proposed Change to the Constitution Appendix H

Title: *(Short title for ease of reference)*

Change of word "Virement" to "Budget Transfer"

Relevant section of the Constitution (including page/paragraph number):

Part 3 - Delegations to Officers paragraph 4.8, page 35
Part 4 – Rules of Procedure:
Page 99 - paragraph 2.12 - Virement written twice
Page 100 – paragraph 6 – Virement in the title
Page 100 – paragraph 6.1 – Virement written 3 times

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Part 4, paragraph 3.4, page 54 refers to "Budget Transfers" whereas paragraph 4.8 of Part 3 – Delegations to Officers page 35 and Part 4 above – paragraphs 2.12, 6 and 6.1 on pages 99 and 100 refer to "Virements".
Both "Budget Transfers" and "Virements" have exactly the same meaning in accounting terms and are interchangeable.

It is recommended that for consistency, all references to "Virement" in Parts 3 and 4 of the Constitution are replaced with "Budget Transfers".

Reason, including referenced documents/acts, for proposed change:

In the "Budgetary Control" internal audit carried out in 2022, it was recommended that terminology issues within the Constitution were rectified.

Timescale:

As soon as the approval process will allow.

Proposer:

Name:	Jane Fineman
Title:	Head of Finance, Procurement & Parking
Date:	3 October 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

Proposed Change to the Constitution Appendix I

Title: *(Short title for ease of reference)*

Land Sales by Private Treaty amendment

Relevant section of the Constitution (including page/paragraph number):

Part 5 Codes and Protocols

Page 97 – Paragraph 5.1.3

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Part 5, paragraph 5.1.3, page 97 shall be amended to read as follows:

5.1.3 private treaty (provided such method of disposal shall first have been authorised by the Cabinet in all cases where the value exceeds ~~£10,000~~ **£100,000**).

Reason, including referenced documents/acts, for proposed change:

Land values have increased significantly and the £10,000 limit does not allow for the approval of any transactions. It is proposed to increase the limit to £100,000 to allow for relatively small transactions to be approved by the Chief Financial Officer.

Timescale:

As soon as the approval process will allow.

Proposer:

Name:	Jane Fineman
Title:	Head of Finance, Procurement & Parking
Date:	3 October 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

Appendix K

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Signing of Acceptance of Office

Relevant section of the Constitution (including page/paragraph number):

Page 99, Part 5 CODES AND PROTOCOLS. Heading: General Member Protocol; Sections 3.1 and 3.2

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

3.1. Members must produce their duly signed and witnessed declaration of acceptance of office promptly on their election. Members are in any event required by law to do so within two calendar months of their election and cannot act as a member or receive any member allowances before they do so.

3.2. *Officers will support members in meeting this expectation by making arrangements for newly elected members to make their declaration in the first two weeks after their election and notifying new members of those arrangements on the night of their election if they attend the count or in the following 48 hours if they don't. Officers will also make alternative arrangements for new members to make their declaration if the first offered plans are not suitable. Any Statutory Officer (i.e., Chief Executive, Section 151 Officer and the Monitoring Officer) shall be able to sign the declaration.*

Reason, including referenced documents/acts, for proposed change:

To allow any Statutory Officer to sign the declaration.

Timescale:

21 November 2023.

Proposer:

Name:	Emer Moran
Title:	Democratic Services Officer
Date:	31 October 2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Page 35 incorporated:

Proposed Change to the Constitution

Relevant section of the Constitution (including page/paragraph number):

Part 6, Members Allowances, Schedule 2 – Members' Expenses applicable to 31 March 2023, Childcare Allowance and Dependants Carers' Allowance for Members, paragraph (e), page 7

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

See tracked changes overleaf.

As the allowance is paid at the National Living Wage, the figures of £9.50ph and £16.00ph are no longer relevant.

There are also two part b paragraphs which have been amended to parts b and c.

Reason, including referenced documents/acts, for proposed change:

General update.

Timescale:

The proposed changes will be considered at the next meeting of the Constitution Review Working Party.

Proposer:

Name:	Claudette Valmond
Title:	Monitoring Officer
Date:	November 2023

Approval *(to be completed by Democratic Services)*

Proposed major changes to be submitted to Audit and Governance Committee for approval

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

Schedule 2 – Members' Expenses applicable to 31 March 2023

Childcare Allowance and Dependants Carers' Allowance for Members

Members are able to claim the Childcare and Dependants' Carers' Allowance as stated in Schedule 2. This is to assist with the financial loss incurred in paying for care of a child / dependant relative, while attending any 'Approved Duty' specified in Schedule 3, plus travel time.

a) The allowance will cover the paid care of a child (under the age of 16) or dependant that lives with the claimant, per hour pro-rata, per child/dependant.

b) Definition of a dependant is a spouse, civil partner or partner, a child, a parent, a person who lives in the same household but who is not an employee, tenant, lodger, or boarder.

~~b)~~c) The paid carer must not be a member of the claimant's immediate family i.e., spouse or partner, other children of the member or the Member's spouse or any member of the Member's family who lives at the same address as the Member.

d) The allowance will be paid at the National Living Wage, hourly rate (irrespective of the amount actually paid by the Member).

e) Childcare ~~£9.50ph~~ and Dependants' ~~£16.00ph~~ Carers' Allowance claims should be made through expenses using the 'Allowance' expense type. Members should include on the claim:

- Date, time, and duration of 'Approved duty' including travel time.
- Attach a copy of invoice/receipt for paid childcare or carers for dependant.
- Attach a copy of Council Tax bill for Members claiming for carers allowance.
- Attach a copy of the child's birth certificate, documented Child Benefit number or Child Benefit award notice for Members claiming for childcare.

f) Childcare and Dependants' Carers' Allowances will be paid through payroll as a pecuniary liability and will be subject to Tax and NI if applicable.

Amendments Log - Constitution Review 2023

PART	RULE/S or PARAGRAPH	PAGE	DETAILS	COMMENTS	Change required
2	Article 2 - 1.5	3 (and all applicable pages)	Removal of wording.	An out of date reference. In 2007, legislation drafting changed wording used to gender neutral.	Delete the following wording - Interpretation of Terms Throughout this Constitution, references to the masculine gender shall be taken to mean both the masculine and the feminine gender and expressions in the singular shall include, where appropriate, the plural.
2	Article 2 - 2.6	5	Insert new wording.	Insert wording to expand on the potential consequences of making public, information which is confidential or exempt.	Add the following to strengthen the requirement to maintain confidentiality by including the following: 2.6.2 Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer before making public, information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. The disclosure of information as referred to in this paragraph could result in a Code of Conduct complaint against the member Councillor as well as a potential infringement of data protection laws.
2	Article 2 - 2.12(c)	6	Amendment to wording.	Consent should be obtained from the Monitoring Officer rather than Council. Amend Council to Monitoring Officer.	(c) not to make public, information which is confidential or exempt without the consent of the Council Monitoring Officer or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution;
2	Article 7, Paragraph 7.3.2(a)	19	Amendment to wording.	The threshold in respect of expenditure or savings for a key decision has been in situ since 2010 and has not risen with inflation. With inflation very high this is becoming an issue with the procurement of contracts where the value is determined by the value of the contract per year multiplied by the number of years contracted including any additional years by which the contract may be extended.	(a) To involve expenditure or savings in excess of £250,000 £375,000 as well as otherwise being significant having regard to the Council's budget for the service or function to which the decision relates; or
2	Article 7 - 7.7 and 7.8	20	Amendment to wording.	Merge Planning Committee from 7.7 to 7.8 rather than having it as a separate entity.	Remove 7.7 - Decision Making by Planning Committee The Planning Committee will follow the Planning Procedure Rules set out in Part 4 of this Constitution when considering any matter. Amend 7.8 - Decision Making by other Committees and Sub-Committees established by the Council including Planning Committee. Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as applies to them. The Planning Committee will follow the Planning Procedure Rules set out in Part 4 of this Constitution when considering any matter.

2	Article 8 - 8.3	21	Amendment to wording.	The reference to the Monitoring Officer to institute legal proceedings should be changed to Head of Legal. This is a Head of Legal function not Monitoring Officer therefore incorrect reference.	The Monitoring Officer Head of Legal Services is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where Monitoring Officer the Head of Legal Services considers that such action is necessary to protect the Council's interests
2	Article 8 - 8.4	21	Insert new wording.	To add clarity, provide a link to relevant section of the Constitution at Part 4, Paragraphs 41 and 42.	Add the following wording: Execution of the contract Any contract entered into on behalf of the Council shall be in writing and shall be signed or sealed as provided for in Part 4, Paragraphs 41 and 42.
2	Article 8 - 8.5.1	22	Amendment to wording.	Head of Legal Service should be custodian of seal not Monitoring Officer as the Monitoring Officer may not be Head of Legal Services in future	Amend wording to: Common Seal The Common Seal of the Council and the mobile sealing devices for remote use shall be kept in a safe place in the custody of the Head of Legal Services Monitoring Officer .
2	Article 8 - 8.5.2	22	Amendment to wording.	Head of Legal Services should attest the use of mobile seal not the Monitoring Officer	Amend wording to: The affixing of the common seal or the mobile seal for remote use shall be attested by the Monitoring Officer Head of Legal Services or Deputy Monitoring Officer or another person authorised by them Monitoring Officer .
2	Article 8 - 8.5.3	22	Amendment to wording.	Seal should be affixed by Chief Exec or Head of Legal Services rather than Monitoring Officer. Seal references are now stored electronically rather than in a book.	Amend wording to: Record of Sealing of Documents: Any entry of the sealing of every deed or document to which the Common Seal or the mobile seal for remote use has been affixed shall be made by the Chief Executive or Monitoring Officer Head of Legal Services and consecutively numbered and logged electronically by Legal Services in a book to be provided for the purpose.
2	Article 9 - 9.3.2	23	Amendment to wording.	Expand on categories of minor variations to the Constitution which allow the Monitoring Officer to make changes under their delegated authority.	Amend wording to: 9.3.2 Minor Changes Minor, Technical or Legislative changes The following changes to the Constitution can be made by the Monitoring Officer, in the reasonable opinion of the Monitoring Officer, a change is: (a) A minor variation including typographical corrections or stylistic improvements ; or (b) Required Required to be made to remove any inconsistency or ambiguity; or (c) Required Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet;; or (d) An organisational structure change, upon ,notification from the Chief Executive following Council or relevant committee approval of such change in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Paragraph 9.3.4 to be deleted and inserted as part (e) to 9.3.2 (e) Legislative Change Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Council meeting.

2	Article 10 - 10.3	25	Amendment to wording.	Reference to making a paper copy of the Constitution available to members to be amended to providing a paper copy on request only.	Amend wording to: 10.3.1 All members are referred to the up-to-date version of the Constitution, which is maintained online. The Monitoring Officer will give a printed will make available a copy of this Constitution to a member of the Council if that member requests a copy on request.
3	2.5	5	Insert new wording.	Add wording to highlight that the proper officer may convene a meeting in respect of electing a new leader.	Leader's Position It will be open to Council at any meeting to resolve to terminate the Leader's position as Leader. In those circumstances or if the Leader resigns from that position or otherwise ceases to hold office (or is suspended from office), the Council will as soon as reasonably possible convene to elect a new Leader from amongst the elected members of the Council. The Proper Officer may convene a meeting of the Council for such an election.
3	Table 2 Paragraph 36	39	Amendment to wording.	To allow for relatively small transactions to be approved by the Chief Financial Officer.	Delete : To authorise the purchase or lease of property the acquisition of which has been approved in principle by the Council. The acquisition and disposal of land and buildings, including all appropriations between purposes up to a value of £100,000.
3	Table 2 - New paragraph 37	39	Insert new wording.	To ensure the swift completion of leases and other transactions of Royal Victoria Place, in order to maximise income for the Council.	New addition of paragraph 37: All transactions in relation to Royal Victoria Place up to an amount of £1,000,000, in consultation with the Chair of the Investment Advisory Panel.
3	Table 4 Paragraph 26	48	Removal of wording.	Delete reference to Monitoring Officer and leave as Head of Legal Services. Monitoring Officer is not required to be the Head of Legal Services.	Amend wording as follows: 9. In consultation with the Head of Legal/ Monitoring Officer , to authorise officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local Government Act 1972 or to be represented by a duly instructed solicitor.
4	Council Procedure Rules - 1.1.5	3	Amendment to wording.	To add a section relating to the approval of minutes for clarity.	Add the following: 1.1.5 approve the minutes of the last meeting
4	Council Procedure Rules - 8.1.3	7	Insert new wording.	Limit questions to two questions to avoid the same organisation asking the same question repeatedly if this is an issue.	Add the following wording: 8.1.3 In order to allow the maximum public participation, at any one meeting, no person may submit more than two questions.
4	Council Procedure Rules - 10.8.3	11	Insert new wording.	Add 10.8.4 requiring that questions asked must not result in the disclosure of confidential or exempt information	Add the following wording: 10.8.4 - not require the disclosure of confidential or exempt information.
4	Council Procedure Rules - 15.6	18	Insert new wording.	To add wording to clarify that nominations will be voted on without debate.	Add the following wording: 15.6 Voting on appointments If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Nominations will be voted on without debate.

4	29.1(a)	26	Removal of wording.	Deleting the definition of Key Decision as it is a duplication of Part 2, Article 7, Paragraph 7.3.2.	Remove the following: Key decisions – a “key decision” means an executive decision which is likely: (a) To involve expenditure or savings in excess of £250,000 as well as otherwise being significant having regard to the Council’s budget for the service or function to which the decision relates; or 27 Tunbridge Wells Borough Council Constitution Part 4 – Rules of Procedure June 2023 (b) To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the district. In accordance with section 38 of the Local Government Act 2000, in determining the meaning of “significant” regard shall be had to any guidance for the time being issued by the Secretary of State.
4	Officer Employment Procedure Rules 5	102	Insert new wording.	To highlight that when the Monitoring Officer is the subject of a complaint or a disciplinary matter, the proper officer will be the Chief Executive.	Add the following wording: “the proper officer” means the Monitoring Officer, <i>save where the post concerned is the Monitoring Officer, when it shall be the Chief Executive.</i>