



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

SLT	1 December 2020
Council	15 December 2020

Wards affected: All wards

Review of the council's constitution

Report of the Monitoring Officer on behalf of the Constitution Working Group

1. Purpose of report

- 1.1 To propose revisions to the council's constitution.

2. Recommendation

- 2.1 The amendments listed in the appendices to the report be approved.

3. Background to the report

- 3.1 In September 2020 a working group was set up with the purpose of reviewing the constitution. Due to the focus being primarily on the process for public speaking at Planning Committee, the group consisted of:

Cllr Bray (Chairman)
Cllr R Allen
Cllr J Crooks
Cllr Findlay
Cllr Furlong.

- 3.2 The group met three times to review the constitution and draft its proposals. The proposed changes are contained in the appendices to this report. Amendments include changes to wording for legal purposes or in accordance with current practice, amendments to the scheme of delegation to take account of a restructure in the Housing service, inclusion of provision for urgent decisions and amendments to the arrangements for public speaking at Planning Committee. Appendix 1 contains a schedule of amendments. Appendix 2 shows the changes to the Planning Committee procedure rules.

3.3 The changes that will impact members are those in relation to public speaking at Planning Committee. The proposed changes are:

- An increase in time allowed for public speaking with each 'side' being allowed five minutes to include as many speakers as they wish with the time being split as the speakers see fit
- The addition of parish council representatives being invited to speak for two minutes
- An increase in time allowed for a ward councillor to speak from two to five minutes
- The removal of the option to ask questions of clarification of the public speakers – this will be dealt with by asking the questions of officers, who may defer to the speaker if they wish.

3.4 Provision for urgent decisions in the event of a local, national or international emergency or in certain circumstances following an election is proposed. The recommendation is that such decisions would be taken by the Chief Executive in consultation with the group leaders.

3.5 The constitution will be checked for any other typographical and grammatical errors which will be corrected before publication.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 To be taken in open session.

5. Financial implications (IB)

5.1 None.

6. Legal implications (MR)

6.1.1 Paragraph 1.6 or part 1 of the constitution provides as follows:

- (a) The Monitoring Officer will monitor and review the operation of the constitution annually to ensure that the aims and principles of the constitution are given full effect; and
- (b) Changes to the constitution will only be approved by Council by a two thirds majority of those members present and voting on a report of the Monitoring Officer or of a working group of councillors appointed for that purpose.

7. Corporate Plan implications

7.1 The recommendations within this report support all corporate aims by ensuring decision making is carried out in accordance with legislation and the council's constitution.

8. Consultation

- 8.1 The Constitution Working Group, which is made up of representatives of all political groups on the Council, drafted these proposals.

9. Risk implications

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
Failure to maintain an up to date constitution	Ensure the document is regularly reviewed and updated	J Kenny

10. Knowing your community – equality and rural implications

- 10.1 Whilst this report does not impact any group more than another, it does aim to improve accessibility to democratic processes by expanding the public speaking provisions at Planning Committee and allowing parish council representatives to speak in that capacity.
- 10.2 This does not propose a new service or change so significant that it would require an equality impact assessment.

11. Climate implications

- 11.1 Amending the constitution in itself does not have climate implications. The majority of amendments proposed to the constitution would also not have an impact. Encouraging and increasing attendance at Planning Committee may have an impact but the temporary move to remote meetings during the coronavirus pandemic has shown that there are ways of involving the public that may not involve travelling to the physical meeting.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
 - Environmental implications
 - ICT implications
 - Asset management implications
 - Procurement implications
 - Human resources implications
 - Planning implications
 - Data protection implications
 - Voluntary sector
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Background papers: None

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