

Summary of proposed changes to the Constitution

15 July 2021

Part 3 - Responsibility for Functions

Part	Document	Amendments
(b)	Terms of reference of Committees	Clarification as to the responsibility for: <ul style="list-style-type: none"> • various licensing and environmental health functions • Housing benefits
(d)	Delegations to officers	<p>General updates throughout to reflect changes in legislation/names of government departments and officer titles.</p> <p>New delegations:</p> <p>4.7 to 4.11 in relation to ‘Assets of Community Value.’ Upon receiving an application, SBC has 8 weeks to make a judgement about whether an asset has been properly nominated and meets the definition set out in section 88 of the Localism Act or whether it falls within one of the excluded categories.</p> <p>Moving to an officer led decision making process allows all such applications to be dealt with quickly and efficiently. The chosen officer (Group Head Regeneration and Growth) will adopt a uniform decision making approach in line with Article 13.2 principles of the Council’s constitution.</p> <p>7.2 xx to mmm in relation to environmental health functions under numerous Acts.</p> <p>7.9 in relation to those aspects of the European Union Withdrawal Act 2018 as amended, that relate to food and feed.</p> <p>12.13 in relation to immediate revocation of taxi driver licences</p> <p>12.15 in relation to suspension of taxi vehicle licences</p> <p>12.18 to 12.24 in relation to the administration of various Acts under the remit of Environmental Health.</p> <p>14.5 to 14.13, 14.15-14.16 powers relating to stop notices, planning contravention notices, breach of condition notices and prosecutions, injunctions, taking direct action and rights of entry without warrant under the Town and Country Planning Act 1990.</p> <p>14.20 relating to Tree Preservation Orders</p> <p>14.30 relating to Goods Vehicles Operators license applications.</p>
(d)	Appendix A – Employment policies	<ul style="list-style-type: none"> • Replaced ‘Cabinet’ with ‘relevant Committee’ • Service Manager added for services without a Group Head
(e)	Proper Officer functions	<ul style="list-style-type: none"> • Removal of references to Cabinet • Removed functions under Local Authorities (Executive Arrangements) (England) Regulations 2012 as these no longer apply. • Removed functions under Section 4 and 5 of Local Government and Housing Act 1989 as these are Council functions.

Part 4 - Procedural Rules

Part	Document	Amendments
(a)	Council Standing Orders	<ul style="list-style-type: none"> • Further amendments which seek to clarify the procedures for <ol style="list-style-type: none"> i) Public speaking at Committees/sub- committees ii) duration of meetings of Committees/sub-committees, including the introduction of a 10.30pm absolute cut-off time for business. • Amendment of deadline for public and members questions at Council to seven working days prior to the meeting to enable better management of the preparation work for the meeting. • Provision of discretion to Chair of Committees/Sub-Committees to deal with debates other than in accordance with the rules of debate.
(c)	Substitution Scheme	<ul style="list-style-type: none"> • Added clarification that the Mayor may not act as a substitute at a Committee.
(d)	Financial Regulations (to follow)	<ul style="list-style-type: none"> • General updates throughout to reflect changes in legislation, officer titles, references to officers/other bodies/policies and internal financial procedures. • Replacement of Cabinet with Corporate Policy and Resources or other relevant Committee as appropriate • Placement of Cabinet Member with relevant Chairs of Committees. • Replacement of Leader with Chair of Corporate Policy and Resources Committee or Corporate Policy and Resources Committee as appropriate. • Inclusion of Corporate Risk Policy at C5 • Inclusion of ICT equipment at C43
(e)	Contract Standing Orders	<ul style="list-style-type: none"> • Updates to Officer titles and replaced references to Cabinet with relevant Service Committee. • Re-write to address new procedures in relation to contracts or agreements for works, goods or services. • Added authority levels to commence procurements • Inclusion of Contract Management Audits.
(f)	Budget and Policy Framework Procedure Rules (to follow)	<ul style="list-style-type: none"> • Replacement of Cabinet/Leader with relevant Committee. • Removal of references to Overview and Scrutiny Committee
(g)	Access to Information Rules	<ul style="list-style-type: none"> • Includes reference to electronic documents • Removal of references and procedures relating to executive arrangements including those relating to procedures before taking key decisions. • Revisions to publication of Forward Plan • Removal of General exception and Urgency rules required under executive arrangements. • Removal of references to procedures for Overview and Scrutiny and executive decisions by individuals and staff.

Part 5 – Codes and Protocols

Part	Document	Amendments
(b)	Staff Code of Conduct	Updates to staff titles.
(c)	Member - Officer Relations Protocol	<ul style="list-style-type: none"> • Updates to refer to Standards Committee. • Replaced references to Cabinet with Chair/Vice-Chair • Re-write to clearly set out the roles of and expectations on behaviour for councillors and staff. • Clarification on rights of members to access documents and information • Inclusion of section on officer-chair relationships • Inclusion of section on procedures in the event of a breach of the protocol • Update of procedures for press and media releases • Inclusion of Press and Media Protocol as an annex to the protocol
(d)	Planning Code	<ul style="list-style-type: none"> • Clarity on call-in procedure • Removal of call-over • Additional guidance on decision making
(g)	Local Code of Corporate Governance	<p>No changes required to Code.</p> <p>Appendix – replaced reference to Overview and Scrutiny Committee with Corporate Policy and Resources Committee. <i>The links in this document will be reviewed and updated after approval of the revised Constitution.</i></p>
(h)	Monitoring Officer Protocol	<ul style="list-style-type: none"> • Updates to staff names/titles. • Replaced Members Code of Conduct Committee with Standards Committee throughout. • Replaced Cabinet with Committees. • Removal of duplication re interpretation of Constitution.
(j)	Policy on Gifts, Hospitality and Sponsorship	<p>Updated officer title.</p> <p>Increased nominal value of gifts from £35 to £50. <i>This does not affect which gifts need to be recorded in the Register, as this applies no matter what the value of the gift, but affects the action to be taken by the recipient.</i></p>
(k)	Conflicts of Interest Policy	Updated title of officer and Committee to Standards.
(l)	Protocol for recording and reporting public meetings	This is a new protocol to advise the public on their rights to record and report on public meetings.