

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Throughout the Constitution references to he/she or his/hers to be changed to they or their.			
Part 1 – Introduction to the Constitution			
The Mayor	The Mayor will attend such civic and ceremonial functions as the Council and he/she determines appropriate.	The Mayor will attend such civic and ceremonial functions as the Council and he/she determines appropriate <i>both within and outside the Borough.</i>	For clarification
Service Committees	All references to Service Committees throughout the Constitution.	References amended to Strategic Committees	To clarify that these committees deal with strategic decisions not operational service decisions.
The Council	No reference to Committee system	The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels and working groups are subordinate to the Council and dependent on it for the delegation of powers and duties.	To give context to the way the Council operates.

Constitution Changes 2023

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Part 2			
Article 5 - The Mayor	to attend such civic and ceremonial functions as the Council and he/she determines appropriate.	to attend such civic and ceremonial functions as the Council and he/she determines appropriate <i>both within and outside the Borough</i>	For clarification
Article 10 – The Officers	Functions of the Monitoring Officer	Addition of: Maintain the Register of Interests as per the Monitoring Officer Protocol. Clarification that the MO may investigate allegations of breaches of the Code of Conduct or may appoint another person to investigate.	For clarification to reflect / cross-reference provisions elsewhere in Constitution
Part 3b – Terms of Reference			
General	Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.	Each Committee is limited in authority to grant expenditure to £1 million for any particular project (<i>with the exception of decisions on Community Infrastructure Levy funds allocation by the Corporate Policy and Resources Committee</i>) without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being	To clarify an exception to the rule. This reflects existing wording in Corporate Policy and Resources Terms of Reference and was agreed by Council on 23 February 2023.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3b General	Not applicable – new wording	<p>authorised separately to avoid this limit set by this rule.</p> <p>Addition for all Committees To recommend to Council any expenditure on a project within the Capital Programme where the cost of the project as a whole exceeds £1million.</p>	To clarify the role of Committees in relation to expenditure on Capital Programme projects.
All Strategic Committees	To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.	<p>To <i>adopt</i>, monitor and review Council policies and strategies <i>which fall within the remit of that Committee</i>.</p> <p>To recommend changes or new policies to the Corporate Policy and Resources Committee <i>where there are significant budgetary implications, with the exception of changes to existing, or addition of new policies falling within the Policy Framework. These will be recommended to Council.</i></p>	<p>To delegate functions to the appropriate Committee.</p> <p>To clarify the correct body for taking decisions relating to Policy Framework matters.</p>
Corporate Policy and Resources	Move responsibility from Corporate Policy and Resources to Community Wellbeing	To receive periodic reports for noting from Spelthorne Healthy Communities Board on funding decisions.	Agreed to report to CPR at Council October 2022. Community Wellbeing is the more appropriate Committee to receive periodic reports.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3b Audit and Standards Committees membership	Audit - 7 councillors reflecting political balance and one independent member Standards - 9 Councillors reflecting political balance + 2 Independent Members	Audit - 7 councillors reflecting political balance and one independent <i>non-voting</i> member Standards - 9 Councillors reflecting political balance + 2 Independent <i>non-voting</i> Members	To clarify that independent members on Committees cannot vote
Audit	N/A	Inclusion of: To approve risk related Policies that are not reserved to Council; and To receive an annual report on RIPA activity	To include additional matters that fall within their remit
Licensing	N/A	Each Member of the committee is required to complete in full an induction programme; undertake regular training including the legislation governing hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to hackney carriages and private hire; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Sub-Committee until such time that the full training requirement has been met.	To ensure that members making decisions on quasi-judicial business have proper training in the Committee's functions, to minimise the risk of a decision being challenged.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3b Licensing	The determination of an application for variation of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;	The determination of an application for variation (<i>excluding Minor Variations</i>) of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;	For clarity and to accord with Govt guidance that decision making on MVs is delegated to licensing officers
Planning	N/A	Members must attend Development Control training at least annually. New Members must attend induction training on an introduction to Planning and Decision Making, and Appeals/Costs, as a minimum, before they can sit on the Committee. Members of the Committee are expected to attend all further training sessions provided on the Planning regime. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the minimum training requirement has been met.	To ensure that members making decisions on quasi-judicial business have proper training in the Committee's functions, to minimise the risk of a decision being challenged.
Standards Committee	N/A	To monitor and review the operation of the Constitution in accordance with Article 13.	X-ref to Article 13 for clarity
All relevant Committees		To include within relevant Committees' Terms of Reference, establishment of Working Groups where these apply and to include the	To make it clear which Working Groups are established by which Committee and have a central

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 3d – Delegations to Officers			
Delegations to Officers	New	To authorise the Chief Executive or a Deputy Chief Executive or Group Head, in consultation with the relevant Chair and Vice-Chair, to carry out responsibilities for any function which the Council has not reserved to itself or delegated to a Committee or Sub Committee in this Constitution and which Council has not authorised another officer to carry out in its Scheme of Delegation at Part 3d. Decisions taken in accordance with this delegation will be reported to the next available ordinary Council meeting.	To cover unidentified ‘missing’ functions which are not delegated to a Committee (i.e. in its TOR) or an officer. This can occur when new legislation is introduced and delegations have not yet been updated to reflect it.
2.1	To instigate, conduct and settle proceedings or disputes (administrative, criminal or civil) on the Council’s behalf in any Court, Tribunal or other body and/or in relation to any matters associated thereto, but in respect of settlements this is limited to £50,000 and	To instigate, conduct and settle proceedings, <i>complaints</i> , or disputes (administrative, criminal or civil) on the Council’s behalf in any Court, Tribunal or other body <i>or by way of local resolution</i> , and/or in relation to any matters associated thereto, but in respect of settlements/ex gratia	To be able to deal with disputes expediently and efficiently.

Constitution Changes 2023

	anything above this level be referred to the Corporate Policy and Resources Committee.	payments this is limited to £50,000, and anything above this level be referred to the Corporate Policy and Resources Committee.	
Section	Current Text	Proposed	Reason for change
Part 3d 4.2d	Additional delegation to Group Head for Assets in consultation with the Chief Finance Officer (CFO).	To make the application for planning permission in relation to Regulation 3 of the Town and Country Planning General Regulations 1992, on behalf of the Council as developer, where the financial impact does not exceed the value £100k for the whole project.	To clarify transparency by providing a distinction between the role of the Local Planning Authority and the council as developer. CFO authority at other parts of this delegation in relation to disposals /acquisitions of land and impact of approval to break options or surrenders are limited to £100k.
7.5	Inclusion of new delegation	To determine statutory minor variations to Premises Licences, including where representations are received, under the Licensing Act 2003. (Licensing Manager)	Aligns with statute and the Council's agreed Licensing Policy
7.6	Inclusion of new delegation	To adjourn a Licensing Sub-Committee for administrative reasons. (Licensing Manager)	To avoid the need for members to attend the Offices for a hearing that needs to be adjourned for administrative reasons such as the illness of a party or other unavailability of parties whose presence is required to ensure a

Constitution Changes 2023

			fair hearing. Members agreement to such an adjournment will be sought and confirmed by email.
Section	Current Text	Proposed	Reason for change
Part 3d 12.11	Inclusion of new delegation	To make minor amendments to the Hackney Carriage and Private Hire Licensing Policy. (Senior EHO)	To enable inconsequential changes to the Policy to be made by officers.
Part 3f – Roles of Different Councillors			
Role of Chairs	To liaise with staff in formulating agendas and future work plans, and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.	To liaise with staff, <i>in association with the Vice-Chair</i> , in formulating agendas and future work plans <i>to enable delivery of the Corporate Strategy action plan</i> , and to attend any meetings with staff to discuss matters relevant to the business of the Committee, Sub-Committees, Panels or Working Groups.	To require consensus of lead members on Committee matters. To emphasise the need to link Committee objectives to delivery of the Corporate Strategy action plan.
Part 4a – Standing Orders (SO)			
Part 4a SO 6.2 and 8.2 – National Anthem	The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.	Deleted.	Recommendation of majority of Group Leaders, with the exception of Conservatives.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 8.5 – Spelthorne Joint Committee	Exclusion of Borough Councillors who are also County Councillors to be appointed to Spelthorne Joint Committee	Deleted	SJC was dissolved in February 2023
SO 9 Substitute Members	A Councillor may nominate another Councillor of his or her own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c)	<p>9.1 A Councillor <i>or their Group Leader</i> may nominate another Councillor of his or her own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c).</p> <p><i>9.2 In the case of 2 member groups, a councillor or their Group Leader may nominate a councillor from another political group to act as substitute at Planning and Licensing Committees, in accordance with the Substitution Scheme set out in Part 4(c).</i></p>	<p>To facilitate substitutions, where the councillor not attending is unable to advise their absence.</p> <p>To enable representation on Committees carrying out quasi-judicial functions only, in the case of two member groups where neither member is able to attend a meeting.</p>
SO 13.3, 14.1 and 16.3 – Questions and Motions	<p>Giving Notice:</p> <p>13.3 – Public questions – 12 noon 8 working days prior to the day of the Council meeting</p> <p>14.1 – Cllr questions – 12 noon 7 working days prior to the day of the Council meeting</p>	Align all deadlines to 12 noon 8 working days prior to the day of the Council meeting	To assist the public and councillors by having one deadline for all matters to be raised at meetings of Council.

Constitution Changes 2023

	16.3 – Motions - 12 noon 7 working days prior to the day of the Council meeting		
Section	Current Text	Proposed	Reason for change
Part 4a SO 13.6 – Scope of Public Questions	<p>The Chief Executive may reject a question if it:</p> <ul style="list-style-type: none"> (a) Is not about a matter for which the Council has a responsibility or which affects the Borough; (b) Is defamatory, frivolous or offensive; or (c) Requires the disclosure of confidential or exempt information. 	<p>The Chief Executive may reject a question if it:</p> <ul style="list-style-type: none"> (a) Is not about a matter for which the Council has <i>powers or duties</i> or which affects the Borough; or (b) Is defamatory, frivolous or offensive; or (c) Requires the disclosure of confidential or exempt information or (d) <i>Is substantially the same as a question which has been put at a meeting of the Council, a Committee or Sub-Committee in the past six months or</i> (e) <i>relates to the behaviour or conduct of an individual member, members or staff;</i> (f) <i>Concerns a planning or licensing application or</i> (g) <i>Is apparent that the question has been directed by a councillor or</i> (h) <i>Contains sub questions.</i> 	<p>To clarify the types of public questions which are not appropriate and therefore not accepted for Council.</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
<p>Part 4a SO 16.6 to 16.10 Motions on Notice – Referral of a Motion to Committee</p>	<p>New Standing Order</p>	<p>Full wording in amended document. In summary: Addition of ability for CEX and Monitoring Officer in consultation with Mayor to decide that a Motion is more appropriate for consideration by a Committee and it will be placed on the agenda for the next available meeting of that Committee.</p> <p>That a Motion including a proposal to take a significant policy decision contrary to the Budget and Policy Framework or likely to incur expenditure over £40k shall be referred to Committee for consideration. The matter will come to a future meeting of Council with a full report on the policy, budget and financial implications and the recommendation from the Committee.</p> <p>The CPR Committee may issue guidance on the application of the above SO with regards the level of expenditure.</p>	<p>To improve accountability by the relevant Committees for decision-making.</p> <p>To enable members to be fully appraised of the implications of a proposal before making a decision contrary to Budget and Policy Framework. This accords with Budget and Policy Framework procedure rules.</p> <p>Highlighting – this value is subject to guidance from CPR</p>

Constitution Changes 2023

		The proposer and seconder of a Motion referred to Committee shall have notice of the Committee at which the Motion is to be considered and an opportunity to explain the Motion at the meeting in accordance with the rules of debate.	
Section	Current Text	Proposed	Reason for change
Part 4a SO 21- Voting	None. Addition of sub-paragraphs on the effect of absence during an item under discussion and late arrival, and the ability to participate in a vote.	<p>Addition:</p> <p>21.2 In the interests of natural justice, councillors are required to be present for the entire consideration of any item under discussion, in order to participate in the vote. If a councillor needs to absent themselves during an item, for any period of time, they should seek a short adjournment from the Mayor, which will not be unreasonably refused.</p> <p>21.3 In a situation where a councillor arrives late for the start of a Council or Committee meeting, the Chair of the meeting, (having consulted with the senior officer present) has discretion as to whether it is appropriate to permit that councillor to participate in any vote on a matter for which they have not been present for its entirety.</p>	<p>To clarify the expectation for councillors to be present for an entire item in order to vote at Council, but that a short adjournment may be requested to absent themselves if necessary.</p> <p>To provide the ability for a councillor arriving a few minutes late to a meeting to still participate in the vote on a matter.</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 23.2 – Standing to speak	When councillors speak at Council they must stand and address the meeting through the Mayor, unless the Mayor's permission has been obtained for the relevant Councillor to remain seated. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.	When councillors speak at Council they must stand, <i>if they are able to</i> , and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.	To recognise that some members may not be able to stand.
SO 29 – Application of SOs to Committees	All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where different rules apply	All the preceding Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where <i>specific</i> rules apply.	To clarify that there are specific rules for Committees which replace the Council SOs.
SO 30.2 – ordinary meetings	This programme may be amended and additional meetings called as required throughout the year to ensure the efficient conduct of business. Amendments to the programme shall be agreed by the Chair of the relevant Committee.	This programme may be amended and additional meetings <i>proposed by Chief Officers in consultation with the Chair and Vice-Chair</i> , may be called as required throughout the year to ensure the efficient conduct of business. <i>Any proposed</i> amendments to the programme shall be agreed by the Chair <i>and Vice-Chair</i> of the relevant Committee.	To widen the ability for additional meetings to be proposed in consultation with members, and to include the Vice-Chair in the agreement to amend ordinary meetings. To clarify who may propose additional meetings.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 30.3 – Extraordinary Committee meetings	Addition of the Monitoring Officer to those persons who may call Extraordinary Committee meetings.	30.3 <i>Those listed below may convene extraordinary Committee meetings in addition to ordinary meetings:</i> a) the majority of the Committee or Sub-Committee in relation to any matter which cannot wait until the next ordinary meeting. b) <i>the Monitoring Officer, in agreement with the Chair and Vice-Chair.</i> c) the Monitoring Officer or the Section 151 Officer in pursuance of their statutory or <i>constitutional</i> duties.	To enable the calling of Extraordinary meetings for business that the MO deems cannot wait until the next ordinary meeting of the Committee cycle.
SO 34.1	34.1 g and h – Agenda setting/Forward Planning by Committee and Chair/Vice-Chair	g - Matters raised by members of the Committee or Sub-Committee <i>in accordance with Standing Order 34.2.</i> h - Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair, <i>in association with the Vice-Chair.</i>	To require consensus on items suitable for the agenda of a Committee. Recommendation of Peer Review members.
SO 34.2	Ward issues at Committee	Delete	This is not well utilised or offered at other Local Authorities. Peer Review members recommended removal. Ward issues can be raised

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a New SO 34.2 re forward planning	N/A	<p>Additional wording</p> <p>All requests by members for matters to be considered by a committee of which they are a voting member shall be submitted in writing to the Chief Executive by no later than 10:00am on the eighth working day before the date of the meeting. Such items shall be included on the agenda under the Forward Plan. The member who raised the matter shall then be allowed to speak at the meeting for no longer than three minutes to convince the committee that a report on the matter should be included on the agenda for a future committee meeting, taking into account officer comments on the matter and workloads.</p>	<p>1. Directly with the relevant Group Head</p> <p>2. By way of a Motion to Council</p> <p>3. By way of a question to Council</p> <p>To give the decision to the whole Committee on items to be added to its Forward Plan.</p> <p>Recommendation of Peer Review members. (based on Sutton Standing Orders)</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 35 – attendance of members at meetings	Additional wording to current.	35.1 a) during the consideration of any motion of which notice has been given which they have moved at a meeting of the Council and which has been referred to that committee; 35.3 Councillors who are not an appointed member of a Chief Officer Appointments or Disciplinary Committee may not attend any part of these meetings; 35.4 where a Councillor is not a member of the committee, sub-committee or panel, they should sit in the public gallery so that it is clear to the public that the member is not part of the body taking the decisions.	Consequential changes to reflect proposed alteration to SO 16.6 – 16.9 and to clarify other circumstances in which a member may attend a meeting of which they are not an appointed member. (based on Sutton SO 20-2-20.3)
SO 37 – appointment of Sub-Committees	37.1 All Committees will recommend to the Council the appointment of one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee. 37.2 Membership of Sub-Committees does not need to be restricted to Members of the relevant parent Committee	37.1 <i>All Committees may appoint one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.</i> 37.2 <i>In the case of a Sub-Committee where membership is not restricted to Members of the relevant parent Committee, the appointment of that Sub-</i>	To clarify whether Committee or Council may appoint sub-ctees

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4a SO 38.1 – Duration of Meetings	N/A	Additional wording: <i>This Standing Order does not apply to meetings of the Appointments Committee or Licensing Sub-Committees.</i>	These Committees need to conclude the business on the day of the meeting, so need exclusion from concluding business after three hours.
SO 40.1 to 40.5 Public questions at Committee /Sub-Committee	<p>Questions have to relate to a matter on the agenda.</p> <p>Notice to be given 5 working days before a meeting.</p> <p>Questions limited to two per agenda item.</p> <p>Limited reasons for rejection.</p>	<p>Questions permitted on any matter within a committee's remit.</p> <p>Notice to be given by 12 noon 8 working days before a meeting.</p> <p>Questions limited to 3 per meeting.</p> <p>Reasons for rejection expanded to reflect those for public questions put to Council (SO 13.6 above).</p> <p>(Detailed wording on amended document)</p>	<p>To improve opportunities for public engagement.</p> <p>This aligns with SO 13.3</p> <p>To ensure the main business on the agenda of the Committee can be dealt with at the meeting.</p> <p>To ensure only appropriate matters are accepted for Committee consideration.</p>

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
Part 4c – Substitution Scheme			
Para 2 - exclusions	No Committees/sub-committees are excluded from the Scheme	Addition of: <i>Substitutes will not be permitted at meetings of the:</i> <i>(a) Licensing Sub-Committee;</i> <i>(b) Appointments Committee, unless a member is substituting for an entire matter.</i>	A 4 th reserve member is appointed to a Licensing sub-committee in the event a member is unavailable, so no substitutes are required. Appts Committees meet on 2-3 occasions in respect of one matter and need to be present for all the meetings.
Para 5. – exceptions to para 4 on numbers of substitutes	Non-aligned members may nominate a substitute from another political group.	Addition of: Exceptions to substitute rules: 5b Any member of a two-person Group, who may nominate a substitute member of Planning or Licensing Committee, from any one of the political groups, to sit in their absence at a meeting of the Committee, subject to that member having undertaken the required training for the relevant Committee.	Request from Green Group.
Para 6. Giving Notice	Written notice of the substitution must be delivered by the Ordinary Member to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required.	Written notice of the substitution must be delivered by the Ordinary Member <i>or their Group Leader</i> to the Monitoring Officer and notified to Committee Services, no later than 2 hours before the meeting for which the change in membership is required.	To facilitate substitutions. Reflects proposed change to SO 9.

Constitution Changes 2023

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Part 4e - Contract Standing Orders			
Table 1 Procedural Rules	Authority for entering into contracts where value is between £5k to £40k	Procurement Business Case is approved by Group Head. <i>This also applies where the Group Head is acting as a Director of a wholly owned Council company.</i>	To align the limits as a Director with the role of Group Head.
Part 4g – Access to Information Rules			
Scope		Addition of: <i>Working Groups and Task and Finish Groups are not established as Sub-Committees under the Local Government Act 1972, and therefore are not subject to these rules. These meetings are not held in public.</i>	To clarify the standing of these informal groups and that these Access rules do not apply.
Part 4i – Procedure Rules for Task and Working Groups			
New	N/A	New part to the Constitution – included with the report as Part 4i.	To set out the rules under which these informal groups may be set up and how they operate.
Part 5a - Councillor Code of Conduct			
1. Respect	I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.	I treat local authority employees <i>with respect and respect the role they play. I abide by the Member-Officer relations protocol in Part 5c of the Constitution.</i> I treat employees and representatives of partner organisations and those	To reflect the position in the Member-Officer relations Protocol with regards to a breach of the protocol by a member.

Constitution Changes 2023

Section	Current Text	Proposed	Reason for change
volunteering for the local authority with respect and respect the role they play.			
Part 5d – Planning Code			
Various		More detail and clarity given to those parts of the Code relating to decision making on development of the Council's own land. Detailed wording on amended document.	To ensure probity and aid transparency of decision making on applications made under Reg 3 of the Town and Country Planning Regs 1992.
Part 5h – Monitoring Officer Protocol			
1.5	The Monitoring Officer has appointed Karen Limmer, Temporary Principal Solicitor, as the Deputy Monitoring Officer. Karen Limmer will perform the functions of the Monitoring Officer where Farida Hussain is unable to act.	The Monitoring Officer has appointed a Deputy Monitoring Officer(s). The Deputy Monitoring Officer will perform the functions of the Monitoring Officer where he/she is unable to act.	Officer names removed as liable to change more frequently than the Constitution is updated.
Part 5k – Conflicts of Interest			
3.1	N/A	Addition of a further situation to consider: <i>appointment as a non-executive Director to a Council owned company.</i>	To bring to members attention the potential for conflict of interest in this situation.
Section	Current Text	Proposed	Reason for change
Part 5m - DBS checks			
8.	'and a copy shall be retained.'	Copies of the DBS certificate shall <i>not be retained by the Council.</i>	There is no need for copies to be retained until the end of a

Constitution Changes 2023

Part 5m 11.	Copies of the DBS certificate shall be destroyed securely at the end of the councillor's term of office.		councillor's term of office. Non-retention complies with GDPR.
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