

Report of the Democracy and General Purposes Committee held on 31 January 2024– Amendments to the Constitution

Timetable	
Meeting	Date
Democracy and General Purposes Committee	31 January 2024
Council	21 February 2024

Wards affected	All
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Executive Summary

The report outlines proposed amendments to the constitution following a review of the snagging list held by the Monitoring Officer and Democratic Services. The Democracy and General Purposes Committee reviewed the amendments at its meeting on 31 January 2024 and made the below recommendation to the Council.

This report makes the following recommendations: That

1. Council be recommended to approve the amendments as detailed in Appendix 1 to the report to:
 - a. Part C1 (Rules of Procedure), Rule 2.5 (Cancellation of Meetings);
 - b. Part C1 (Rules of Procedure), Rule 12.9 (Motions of Notice) in accordance with Option B;
 - c. Part C1 (Council Procedure Rules), Appendix A: The Council's Petition Scheme;
 - d. Remove the unnumbered paragraph following Part C2 (Committee Procedure Rules), Rule 2.5.3;
 - e. Part C2 (Committee Procedure Rules), Rule 5 (Notice of Meetings and Business to be discussed);

f. Part C2 (Committee Procedure Rules), Rule 7.3.7 to read:

‘on the advice of the Monitoring Officer or, *in their absence, the most senior officer present* at the meeting’;

g. Part C2 (Committee Procedure Rules), Paragraph 13.3; and

h. Part E3 (Protocol on Honorary Alderman), Paragraph 2.4.

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1. REASONS FOR RECOMMENDATION

1.1 Democracy and General Purposes have a responsibility to regularly review the constitution in conjunction with the Monitoring Officer and recommend proposed changes where significant to the Council.

1.2 Over the course of the year, the Monitoring Officer, Director of Strategy, Insight and Governance and Democratic Services Officers make note of any issues identified within the Constitution, such as minor corrections and/or unintended consequences of rules or their practicality. These are then brought to the Committee for review.

1.3 The issues identified so far this year have been outlined below and are shown in detail in appendix 1 to the report. The use of the Monitoring Officers' delegation since September 2023 has also been included in the appendix for information.

Proposals for the Council's Consideration:

The proposed amendments have been identified through track changes.

- 1. Cancellation of Meetings**, to allow Proper Officer to change the meeting date (when required)
- 2. Motions on Notice (Council)** to allow Council to deal with a Motion;
- 3. Petition Scheme** for clarification of the rules of procedure.
- 4. Members as Substitutes on Committees**, to remove paragraph 2.5.4 (currently unnumbered in the published constitution but follows 2.5.3) as the intent of the paragraph is standard practice and the paragraph is over complicated.
- 5. Notice of Meetings and Business to be discussed**, to allow for additional Overview and Scrutiny Meetings to be called to review a call-in request without requiring the usual standing items.
- 6. Visiting Members**, Reference made to Monitoring Officer Representative in advising the Chairman on Visiting Member attendance during Part II proceedings – unclear who the representative is.
- 7. Protocol for receiving Overview and Scrutiny Committee Reports** (Committee and Cabinet), to simplify the protocol.
- 8. Protocol on Honorary Alderman**, to allow for the title to be conferred posthumously in exceptional circumstances.

1.4 Amendment 2 has been put forward following Member feedback that the existing Motions on Notice rule is complex and that there is a significant time delay to the relevant Policy Advisory Committee considering a matter after full Council. Two alternatives have been put forward for the Council to consider.

2. ALTERNATIVES CONSIDERED AND WHY NOT RECOMMENDED

Do Nothing. **This is not recommended as the issues have been identified to amend and improve the constitution.**

3. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Amendments List (including use of Monitoring Officer delegation)
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4. BACKGROUND PAPERS

Maidstone Borough Council Constitution.