

East Herts Council Report

Council

Date of meeting: Wednesday 1 March 2023

Report by: Councillor Geoffrey Williamson – Chairman of the Member Constitution Review Group

Report title: Review of the Constitution

Ward(s) affected: All wards

Summary - In accordance with Council Procedure Rules 2.1.2 (k), which require Council to review and update the Constitution if necessary, the Member Constitution Review Group met on 11 January 2023 to consider amendments as detailed in this report. The amendments arising from this exercise are recommended for approval.

There are also a few minor amendments proposed by the Head of Legal and Democratic Services.

RECOMMENDATIONS FOR COUNCIL:

a) that the updates and amendments to the Constitution identified in Appendix A - F be approved.

1.0 Proposal(s)

1.1 As above

2.0 Background

- 2.1 The Council's procedure rules require that, if necessary, a review of the Constitution be approved at the annual meeting of Council. The Council may also approve updates and changes to the Constitution at ordinary meetings throughout the year.
- 2.2 A Member Constitution Review Group was set up in 2021 to complete a comprehensive review of the whole Constitution which was approved at the meeting on 11 May 2022. The Member Constitution Review Group continues to meet as and when required.
- 2.3 The Member Constitution Review Group met on 11 January 2023 to discuss Section 3 – Full Council, paragraph 3.19 – Questions by Members. There are conditions on what questions cannot be accepted that are submitted by the public (paragraph 3.18.5) but not for Members, especially in relation to submitting the same or a similar question within six months.
- 2.4 It was recommended by the Member Constitution Review Group to include the following wording under 'Questions by Members':
- “The Head of Legal and Democratic Services may reject a question if it:
- (a) is not about a matter for which the council has a responsibility or which affects the district;
 - (b) is defamatory, frivolous or offensive;

(c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(d) contravenes the rules around the Pre-Election Period of Sensitivity, where such rules are in place from time to time.”

The tracked changes can be found at Appendix A.

2.5 The Head of Legal and Democratic Services has also proposed minor amendments to the Constitution. These are in:

Section 3 – Full Council

Section 4 – The Executive

Section 8 – Other Committee

Section 9 – Finance, Contracts and Legal Matters

Section 10 – Officers’ Responsibilities for Functions

The tracked changes are shown in Appendix B – F and a full list of amendments and their reasons are listed at Appendix G.

3.0 Reason(s)

3.1 To ensure the Constitution is up to date to enable clarity of decision-making and procedures throughout the year.

4.0 Options

4.1 None

5.0 Risks

5.1 That decisions are not taken in accordance with correct authority, and risk challenge.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes, as indicated above.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 The suggested amendments are shown as tracked changes at Appendix A to F.

7.2 A complete list of the amendments and their reasons are at Appendix G.

Contact Member

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