

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Review of the Council's Constitution – Recommendations of the Constitution Review Working Group
Meeting date	27 October 2022
Status	Public Report
Executive summary	<p>The report summarises the issues considered by the Constitution Review Working Group and sets out a series of recommendations arising from the Working Group for consideration by the Committee.</p> <p>Any recommendations arising from the Committee shall be referred to full Council for adoption.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none">(a) the proposed amendments to the Constitution, as detailed in the appendices to this report, be approved;(b) any necessary and consequential technical and formatting related updates and revisions to the Constitution be made by the Monitoring Officer in accordance with the powers delegated.
Reason for recommendations	To make appropriate updates and revisions to the Constitution following consideration by the Working Group

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services)
Wards	Not applicable
Classification	For Recommendation

Background

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution and governance arrangements in all respects'.
2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Fear (Chairman), Councillor D Butt (Vice-Chairman) and Councillors Beesley, Brooke and Cox.
3. Since its establishment, the Working Group has continued to meet on a regular scheduled basis and completed the first phase of its work at the end of 2021. The Group receives advice from the Monitoring Officer and from the Head of Democratic Services. From time to time, as required, Officers and Members with specialist responsibility have been invited to have an involvement.
4. The Working Group has considered suggestions received from a wide variety and range of sources including input from Councillors and from Officers. Prior to commencement of its work, the Chair of the Audit and Governance Committee wrote to all members of Council asking them to submit items for discussion and consideration. This invitation has been repeated from time to time as the Group has progressed through its programme of work.

Format

5. Requests from Councillors and officers previously considered by the Working Group, referenced to the Audit and Governance Committee and, where appropriate, debated and approved by Council have been incorporated into the Constitution.
6. The current version of the Constitution was last updated to reflect any changes agreed by the Council on 10 May 2022.
7. A number of further proposed changes have subsequently been considered by the Working Group and are now brought before the Committee for consideration. If supported these will be recommended to Council for adoption.
8. The proposed changes are shown with track changes (in red) to assist in identifying the proposed changes. Text shown in blue shows consequential formatting changes only and do not require consideration by the Committee.

Issue 1 - Powers of the Head of Paid Service in relation to contracted workers

9. The Working Group considered a request deferred from the first review relating to the scheme of delegation and in particular the extent to which it applied to contract and agency workers.

10. The Constitution provides in Part 3B (Scheme of Delegation to Officers) [from page 3-26] specific delegations to the Chief Executive in relation to Human Resources issues [page 3-33]

Human Resource matters

- 16. *To deal with all matters relating to the paid employment of Council officers.*
 - 17. *To determine any change to the whole or any part of the employee establishment / structure of the Council including power to incur expenditure subject to prior consultation with the Section 151 Officer.*
 - 18. *To determine the composition of any panel required to consider any employee issue, subject to consultation with the Officer responsible for Human Resources.*
 - 19. *To determine the grading and regrading of posts provided that funding for any associated costs is available.*
11. By contrast, contractors and agency workers are governed by the contractual arrangements under which they are appointed. Their employment will be regulated by the terms of those contracts and not under the powers granted to the Chief Executive as 'Head of Paid Service' that govern staff directly employed by BCP Council.
12. NO CHANGES to the Constitution were considered necessary in response to this matter.

Issue 2 - Issues around standing to speak at Council and associated etiquette

13. The Working Group considered matters relating to the conduct and behaviours of Councillors in formal meetings
14. Article 2.3.7 (Role of Councillors) in Part 2 of the Constitution [page 2-5] sets out, amongst other key responsibilities of Councillors, the responsibility to:-
- 2.3.7. Maintain the highest standards of conduct and ethics and observe the Council's Code of Conduct for Elected Councillors.*
15. More specifically, Article 5.4 of Part 2 [page 2-11] sets out the powers of the Chairman of Council at Council meetings as follows:

Article 5 Role of the Chair of Council

5.4. Council Role

5.4.1. The Chair shall have the following responsibilities:

- a) *upholding and promoting the purposes of this Constitution and interpreting it, taking into account appropriate advice when necessary;*
- b) *presiding over meetings of the Full Council to ensure that business is carried out transparently, efficiently and effectively whilst preserving the rights of Councillors and the interests of members of the public;*
- c) *ensuring that at Council meetings matters of concern to local communities can be debated through the appropriate mechanisms;*

- d) *ensuring that Councillors who are not on the Cabinet or who do not hold the Chair of a main Committee are able to hold those office holders to account;*
- e) *promoting public involvement in the Council's affairs and acting as a contact between members of the public and organisations and the Council;*
- f) *undertaking such other roles as may be placed upon the Chair from time to time by the Council.*

16. Part 4D [Meeting Procedure Rules] makes the following provision within Rule 24 [page 4-54] for responding to instances of disorderly conduct by Councillors

24. *Disorderly conduct by Councillors*

- 24.1. *If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding shall warn them. If the misconduct continues, the person presiding or any other Councillor may move "That the Councillor be not further heard for the item being debated" or "That the Councillor be not further heard for the remainder of the meeting". The motion, if seconded, shall be put and determined without discussion.*
- 24.2. *If the Councillor continues the misconduct after a motion under the Rule 24.1 of this Part 4D has been carried, the person presiding may: either move "That the Councillor do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.*
- 24.3. *In the event of general disturbance by Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.*

17. The Working Group were of the view that the existing provisions provided a framework that was sufficient for purpose and that NO CHANGES to the Constitution were necessary at this time.

Other etiquette issues

- 18. The Working Group further considered other etiquette related issues including the entering and exiting of Councillors during meetings, the requirement to stand and the consumption of refreshments within the Chamber.
- 19. Although no specific changes were proposed to limit Councillors from leaving, entering or consuming refreshments during meetings, as this could have equality implications for medical or other personal reasons, it was felt that such actions should be discrete and courteous to the Chair. Furthermore, it was considered that the introduction of scheduled comfort breaks may provide assistance to Councillors.
- 20. There is a very specific provision in Part 4D Rule 13.4 within the Constitution [page 4-47] relating to standing to speak at Council meetings. If a Councillor, for any reason has limited mobility and was unable to stand, the Chair would have to exercise their discretion to grant leave to remain seated. For the avoidance of doubt it is suggested that the additional words, underlined, be added to Rule 13.4

13.4. *When speaking at the Council meeting a Councillor shall stand, if they are able, and address the Chair. While a Councillor is*

speaking the other Councillors will remain seated, unless rising on a point of order or in personal explanation.

21. It is RECOMMENDED that :-

- a. the amendment to Procedure Rule 13.4 (Only one Councillor to stand at a time), as set out above, be approved;
- b. a new procedure rule 6 be inserted into the Part 4D (Meeting Procedure Rules) relating to duration of meetings to read:

“6.1 Upon a meeting duration reaching two hours without a previous adjournment, the Chair shall, unless in their opinion it is expedient to continue to the end of remaining business, adjourn the meeting at the end of the item under discussion for a short adjournment the duration of which is at the Chair’s discretion but must not exceed 30 minutes.”

“6.2. Rule 6.1 does not preclude a Motion without Notice being moved under Procedure Rule 10 to adjourn a meeting.”

Issue 3 - Process for interpretation of Procedure Rules - who has the final say

22. This issue was raised in the previous stages of the review and was carried forward.

23. Part 4D (Meeting Procedure Rules) makes the following provision within Rule 21[page 4-53]:

21. Interpretation of Procedure Rules

The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

24. Article 11.3 in Part 2 of the Constitution (Functions of the Monitoring Officer) [page 2-23] sets out, amongst other functions of the Monitoring Officer, the function of providing advice:

11.3 (f) providing advice. The Monitoring Officer will provide advice to the Council on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues and will support and advise Councillors and Officers in their respective roles;

25. It is suggested that these existing provisions provide a framework that is sufficient for purpose but for the avoidance of doubt it is suggested that the additional words, underlined below, be added to Rule 21. This change reflects the role of the Monitoring Officer as identified in Article 11.

21. Interpretation of Procedure Rules

Subject to taking advice from the Monitoring Officer or their nominated representative, *the ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.*

26. It is **RECOMMENDED** that the amendment to Procedure Rule 21 (Interpretation of Procedure Rules) of Part 4D, as set out above, be approved.

Issue 4 - Question by Councillors at Council Meetings - Clarification about time-limits for asking and responding to supplementary questions

27. In Part 4D (Meeting Procedure Rules) Rule 11 [page 4-40] there are set out nine sub-rules about questions by Councillors at Council meetings. The Chairman of the Council (in consultation with the Monitoring Officer) has a range of powers which are set out in sub-rule 11.4 whereby he or she may reject a question. Additionally, sub-rule 11.7 provides that

11.7. Following the answer to each question, the questioner may ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Councillor answering the supplementary question will decide whether or not to reply.

28. Although the principal elements of this rule was considered sufficient, it was felt that the supplementary question requirements could be re-enforced.
29. The Working Group also considered that the 3 minutes time limit for the length of speeches should also be applied to the responses to questions.
30. With a couple of minor changes which are shown in the appendices to this report, it was considered by the Working Group that the existing rule 11 was sufficient to allow for proper control, particularly by the Chair, over how these questions are dealt with at a meeting.

31. It is RECOMMENDED that:-

- a. Procedure rule 11.7 (General Questions by Councillors at Council meetings) be amended to read:

“11.7. Following the answer to each question, the questioner may only ask one supplementary question which must relate to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Councillor answering the supplementary question will decide whether or not to reply.”

- b. Procedure rule 13.5 (Content and Length of Speeches, Question and Responses to Questions) be amended to read:-

“13.5. A Councillor will confine their speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Councillors when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech, or question or response to a question will exceed three minutes.”

Issue 5 – Arrangements for enabling voting from the gallery in the Bournemouth Civic Centre Council Chamber to ensure that voting is clearly visible to the public

32. In normal circumstances, outside of special and exceptional situations such as the pandemic, it was acknowledged that best practice would be for participating

Councillors to be in the well of the Council Chamber and there should be no need for the provision of 'overflow' seating for Councillors in a gallery.

33. The ongoing refurbishment of the physical democratic meeting arrangements within the Civic Centre campus (including improved seating and audio visual) will greatly improve the position moving forward.
34. The planned improvements will also potentially include the facility for transparent electronic voting from fixed 'delegate units'. At that time voting by this method would not be available from within the public gallery.
35. The Working Group considered that the current arrangements whereby Councillors may sit within the public gallery space, should continue until the new systems are installed. NO CHANGES to the Constitution were considered necessary at this time.

Issue 6 - Categories of Officers falling within the definition of 'Senior Officers' for disciplinary rules purposes

36. The Working Group was advised of an identified inconsistency within the Constitution in defining the categories of those officers who fall within the disciplinary hearing rules for Senior Officers.
37. This could be resolved by bringing into line the terms of reference of the Investigatory Disciplinary Committee in Part 3 (Responsibility for Functions) Paragraph 8 [page 3- 18] and the Appeals Committee in Part 3 (Responsibility for Functions) Paragraph 7 [page 3-18] and aligning these provisions within the definitions to the 2001 Regulations (as amended) within Part 4E (Officer Employment Procedure Rules) Rule 5 [page 4-63].
38. **It is RECOMMENDED that the terms of reference for the Appeals Committee and the Investigation and Disciplinary Committee be amended to include the words “, as defined in The Local Authorities (Standing Orders)(England) Regulations 2001 (as amended)”, after the references to ‘relevant Statutory Officers’.**

Issue 7 – Thresholds/Levels of Financial Delegation

39. The Working Group considered a request to review the financial approval limits within the Financial Regulations.
40. The Working Group was advised that these matters were the subject of an annual review of the Financial Regulations and it was considered appropriate to include this specific request as part of that separate review process.
41. NO CHANGES to the Constitution were considered necessary at this time.

Issue 8 – Public Participation - Public Questions and Statements

42. Rule 12 of the Part 4D (Meeting Procedure Rules) sets out the rules for public participation at meetings. It deals with Public Questions (Rule 12.4) [page 4-42]; Public Statements (Rule 12.5) [page 4-43] and with petitions (Rule 12.6) [page 4-44].
43. Experience of the application of this Rule has given rise to a number of issues and points of clarification and these were discussed at length by the Working Group. Although the majority view is reflected in the recommendations, there was not a consensus within the Working Group on all the points raised.

44. The issues upon which changes to the Constitution are recommended relate to the following points:-

- (a) Clarity regarding who may respond to questions;
- (b) The revision of the deadline for the submission of questions by the public to allow additional time;
- (c) Formalised extension to the deadline for the submission of questions where a report is delay in publication;
- (d) Clarity and consistent application regarding the matters to which questions and statements may relate at cabinet, committees and sub-committees and associated limits;
- (e) Clarity regarding the application of the 100 word count limit for questions and statements;
- (f) Clarity and consistency regarding the nomination of others to read questions and statements;
- (g) Clarity regarding the submission of petitions to meetings other than Council;
- (h) The removal of the petition organisers right of reply, which has proved impracticable at recent Council meetings where formal Motions have been submitted.

45. It is RECOMMENDED that the changes to the Public Participation rules, as detailed, in the appendices submitted to this report, be approved.

Issue 9 – Access to document – Overview and Scrutiny Board and Committees

- 46. The Working Group was advised that the right of the Chair, or in the absence of the Chair, the Vice-Chair of an Overview and Scrutiny Committee to see papers in relation to private decisions of the Cabinet before the decision is made should be subject to Part 4A Rule 24.5 [page 4-17].
- 47. This provides that, where the Leader so determines, a member of the Overview and Scrutiny Committees will not be entitled to any document that is in draft form or to the advice of a political advisor.
- 48. Due to the previous redrafting of the Constitution and the introduction of a new sub-heading these provisions had become disjointed and required the cross-reference to provide clarity.
- 49. For information, Rule 24.4 enables members of an Overview and Scrutiny Committee to be able to see information relevant to their work of overview and scrutiny albeit that it is exempt or confidential.

50. It is RECOMMENDED that Procedure Rule 24.3 (Part 4A) be amended to read:-

24.3 Subject to Rule 24.4 and 24.5 of this Part 4A the Chair, or in the absence of the Chair, the Vice-Chair of the Overview and Scrutiny Committee is entitled to see papers in relation to private decisions of the Cabinet before the decision is made.

Issue 10 – Prevent Channel – Statutory functions to be included within Constitution

51. The Working Group was advised that the Council's Community Safety professionals were recommending that best practice was to reference within the Constitution the Council's responsibilities in relation to counter-terrorism and to the 'Prevent' channel. National benchmarking now looks to establish whether these functions are established within a Council's governance framework.

52. Home Office advice states that:-

“Constitutions should 'normally list or detail (at a high level) the statutory functions of the Local Authority and any delegations made to fulfil those requirements (Local Government Act 2000). Each Constitution is structured differently, so we are asking Local Authorities to take a view on the most appropriate place to reflect Prevent/Channel statutory functions and for this to feature within any scheduled update/review of the Constitution. There is no requirement to initiate an update to the Constitution outside of this normal scheduled cycle of review.”

53. Article 12.1 in Part 2 of the Constitution (Decision Making) [page 12-1] sets out a list of principles which should apply and underpin decisions made by the Council at every level of the decision-making process. It was suggested that the general responsibilities under the Prevent and counter-terrorism agenda be added to the list as a new part (j) to read:-

j) take into account the Council's statutory duties and responsibilities relating to counter-terrorism, prevention of violent extremism and the Prevent channel.

54. It is RECOMMENDED that Article 12.1 (Decision Making Principles) be amended to include the general responsibilities under the Prevent and counter-terrorism agenda as detailed above.

Issue 11 - Co-opted and other non-Councillor members of Children's Services Overview and Scrutiny Committee (including Young People members)

55. The Working Group was advised that the Chair of the Children's Services Overview and Scrutiny Committee had requested that, although non voting, the significant role of Youth Parliament representatives in the work of the Committee should be formally recognised within the Constitution.

56. To recognise the role of the Youth Parliament representatives, it was proposed to make appropriate changes to Part 2 (Article 6 – Overview and Scrutiny) in relation to the Children's Services Overview and Scrutiny Committee, and Part 3A (Responsibility for Functions) for the Committee. Details of the proposed changes are shown within the appendices to this report in the respective parts.

57. It is RECOMMENDED that the changes to Part 2, Article 6 and Part 3A, relating to the Children's Services Overview and Scrutiny Committee, as detailed, in the appendices submitted to this report, be approved.

Issue 12 – Planning process governance issues

58. Councillor Brooke had highlighted a number of practical issues relating to the planning process and these were set out for the Working Group.

59. However, it was accepted that these were not matters which related directly to specific sections of the Constitution although Part 6 (Codes and Protocols) includes at Schedules 3 [from page 6-24] the Local Code of Best Practice relating to Planning Matters and at Schedule 5 [from page 6-32] the Local Protocol for Speaking and Statements at Planning Committee.
60. The Head of Audit and Management Assurance provided an update on action taken in response including updates to the planning portal.
61. The Working Group expressed satisfaction with the way that this was being progressed and the proposal that this should be a subject for future discussion at the Audit and Governance Committee. NO CHANGES to the Constitution were considered necessary at this time.

Issue 13 – Voting by Councillors who have not been present for the whole of the relevant discussion and debate

62. The Working Group was advised that a Councillor had suggested that in all decision making meetings a Councillor should only be able to vote on an item if they have been present for the entirety of the debate on that particular item. The member highlights recent council meetings which attracted significant press attention.
63. Part 4 (Procedural Rules) includes various provisions about voting practice and procedures, however, none of these make specific reference to attendance requirements.
64. The Working Group was advised that there was no legislative requirement for a Councillor to be present in the chamber/meeting room for the whole of the debate on an item for any ordinary meeting of Council, Cabinet or non-regulatory committees. There is a responsibility placed on each Councillor, however, to properly inform themselves and ensure that they are sufficiently apprised of any matter before voting.
65. Whether or not to include such a requirement in the BCP Council Constitution would therefore be a matter for local choice.
66. The Monitoring Officer and Head of Democratic Services had canvassed their respective professional groups and all those who responded confirm that the Constitutions of their councils did not include such a provision for all meetings. Although it is acknowledged that some other councils may have such a provision in their Constitutions. The Working Group was advised that those Monitoring Officers who responded have cautioned against such a provision for the following reasons:-
 1. Requiring a Councillor to be present for the whole of the debate or be barred from voting could disenfranchise Councillors who may arrive at the meeting a few minutes late due to unforeseen circumstances, for example, trouble finding parking.
 2. An item under discussion would need to be interrupted each time a Councillor needed to exit the room for whatever reason, thereby prolonging meetings and interrupting the flow of debate.
 3. The business of the Council might be slowed down, if political groups wanted to ensure that certain Councillors would and could be present for the whole of meetings, especially if they are adjourned and reconvened at a later date.
 4. In a council of the size of BCP, it would be difficult for officers to track arrivals and departures to the level of detail required.

5. Any of the above may be susceptible to manipulation for political reasons.
67. The Working Group did not support the introduction of restrictive rules relating to voting, however, it wished to re-enforce the need for Councillors to be properly informed and proposed the insertion of a new rule under voting to read:-
- “It is the responsibility of each Councillor to properly inform themselves and ensure that they are sufficiently apprised of any matter before voting.”*
- 68. It is RECOMMENDED that Part 4D (Voting) be amended to include the procedure rule as detailed above.**

Issue 14 – Attendance of Councillors at Meetings

69. The Working Group was advised that a Councillor had submitted a request to consider issues relating to attendance, how non-attendance is recorded, whether reasons for absence should be captured, the application of substitution representation and potential imbalance of representation.
70. Part 4D (Meeting Procedure Rules) includes a single reference to records of attendance which requires the Monitoring Officer to keep a record of Councillors attending any meeting of the Council, the Cabinet, any Committee, or Sub-Committee.
71. Attendance at meetings is recorded in the Committee Management system and statistical data is produced for each Councillor on the web site. Prior to all meetings, members of that meeting will be shown as ‘Expected’. Following the meeting, the attendance records are updated for the production of the minutes and are typically marked as one of the following from a drop-down list.
- Present, as expected
 - Present, as expected, virtual
 - Present, as substitute
 - In attendance
 - In attendance, virtual
 - Apologies
 - Apologies, sent representative
 - Apologies due to Council Business
 - Absent
72. There are other options available for pre- and post-meeting status but these are infrequently or never used for Councillors. The system is capable of recording specific reasons for absence via a further drop-down list, however, this would be an additional burden on the Democratic Services team, is not a requirement of any regulations and would serve little or no benefit to council business.
73. The Working Group was advised that where a Councillor does not present their apologies for a meeting, the attendance records will be recorded as ‘Absent’. Where Councillors are substituted, the substitute Councillor will be recorded as ‘Present, as substitute’ and the original member will be recorded as ‘Apologies, sent representative’.
74. The remaining points raised related to the consequences of political balance rules which is prescribed by regulations and cannot be over-ridden by the Constitution. NO CHANGES to the Constitution were proposed by the Working Group.

Issue 15 – Cabinet Plus / Lead Members on Scrutiny

75. A member requested the Working Group to review the arrangements for Lead Members serving on the Overview and Scrutiny Committees, and the potential conflict of roles.
76. Part 2, Article 6 (Overview and Scrutiny), paragraph 6.4.2 [page 2-13] relating to membership, states that *“As they have no delegated powers to take individual decisions, Lead Members of the Cabinet may be a member of the Overview and Scrutiny Committees only where there is no conflict between their Cabinet support work and the matters under consideration by Overview and Scrutiny.”*
77. The Working Group considered that the existing provisions provided sufficient clarity and NO CHANGES to the Constitution were proposed.

Issue 16 Eligibility for election of office

78. Part 4D, Rule 22 (Substitute Members), paragraph 22.3 [page 4-53], states that “The outgoing member shall cease to be the Political Group’s representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that substitute Councillor shall become the representative on the Committee or Sub-Committee for the same period.”
79. As a consequence of this provision, a Councillor who is substituted for a meeting is not a voting member of the relevant body for the duration of the meeting and as such is not eligible for election to the position of chair or vice-chair of that body.
80. Part 4D, Rule (Election of Chair and Vice-Chair) [page 4-36], does not include any reference to eligibility and it is proposed that a new paragraph be added as follows:-
 - 2.5 *The meeting may elect, from among the voting members, a Councillor to the office of Chair and Vice-Chair. For the avoidance of doubt, a Councillor who is absent and substituted for the meeting at which the election takes place is not eligible for nomination.*
 - 2.6 *In the event that an ineligible Councillor is elected to office, that Councillor shall not be permitted to take office and the candidate with the second-highest number of votes, where a ballot is conducted, shall be duly elected.*
81. **It is RECOMMENDED that Part 4D (Election of Chair and Vice-Chair) be amended as detailed in the appendices to this report.**

Issue 17 – Planning Committee Delegations

82. The Working Group was advised that the Council’s Constitution at Part 6 (Code of Conduct and Protocols), included at Schedule 3, a Local Code of Best Practice relating to Planning Matters.
83. This Code includes specific reference to the importance of early engagement of Councillors in planning issues relating to a potential planning application and how this can be a positive contribution to helping ensure the sustainable development of the area meeting the need of the community.
84. Despite this provision, no delegated authority exists to initiate this engagement and the Working Group received a request to amend Part 3A (Delegation of Functions) to grant authority to the Planning Committee deal with these matters. The proposed

changes to the Constitution are set out in Part 3A, paragraph 2.4 in the appendices to this report.

- 85. It is RECOMMENDED that the proposed amendment to add a paragraph to Part 3A, paragraph 2.4 to the responsibilities of the Planning Committee, as detailed in the appendices to this report, be approved.**

Summary of financial implications

86. There are no financial implications arising from this report.

Summary of legal implications

87. The Constitution of the BCP Council complies with relevant legislation.

Summary of human resources implications

88. There are no human resource implications arising from this report.

Summary of sustainability impact

89. There are no sustainability implications arising from this report.

Summary of public health implications

90. There are no public health implications arising from this report.

Summary of equality implications

91. The Constitution of the BCP Council sets out the rights of public access to the democratic process.

Summary of risk assessment

92. The Constitution is a legally required document which prescribes the procedural and democratic arrangements for the proper governance of the Council.

Background papers

None

Appendices

Draft Revision Extracts to Parts 2, 3 and 4 of the Constitution.