

**Meeting:** Council

**Date:** 20 July 2023

**Wards affected:** All Wards

**Report Title:** Constitution Amendments – Various

**When does the decision need to be implemented?** As soon as possible

**Cabinet Member Contact Details:** Councillor Tyerman, Cabinet Member for Finance and Corporate Services, alan.tyerman@torbay.gov.uk

**Lead Officer Contact Details:** Amanda Barlow, Monitoring Officer, amanda.barlow@torbay.gov.uk

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## 1. Purpose of Report

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- 1.1 This report sets out sets out a number of operational amendments to the Council's Constitution which have been requested by the new Administration.

## 2. Reason for Proposal and its benefits

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- 2.1 The proposals in this report ensures that the following sections of the Constitution are up to date and fit for purpose:
- Article 11 – Decision Making
  - Article 13 – Review and Revision of the Constitution
  - Standing Orders in relation to Council Meetings
  - Local Protocol on Leader of the Council and Political Group Relations

## 3. Recommendation(s) / Proposed Decision

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1. That Council approves the following revised Constitution documents, as set out in Appendices 1 to 4 to this report:
- Appendix 1 - Article 11 – Decision Making
  - Appendix 2 - Article 13 – Review and Revision of the Constitution
  - Appendix 3 - Standing Orders in relation to Council Meetings

- Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations

## Appendices

Appendix 1 - Article 11 – Decision Making

Appendix 2 - Article 13 – Review and Revision of the Constitution

Appendix 3 - Standing Orders in relation to Council Meetings

Appendix 4 - Local Protocol on Leader of the Council and Political Group Relations

## Background Documents

[Future Approach to Constitution Amendments.pdf \(torbay.gov.uk\)](#)

## Supporting Information

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### 1. Introduction

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- 1.1 At the meeting of Council held on 13 October 2022 (minute 45/10/22 refers), the Council approved amendments to Article 13 of the Constitution, requiring amendments other than those required by law or minor amendments (which are signed off by the Monitoring Officer) to be approved by the Council, following circulation to all Councillors and discussion with Group Leaders. There has been a change in Administration, following the Local Government Elections in May 2023. The new Administration wish to revert back to the previous arrangement which permits under delegated authority, the Monitoring Officer to also make other changes to the Constitution that he/she believes are in the best interests of the Council and/or local people, in consultation with Group Leaders, with an escalation provision to report matters to full Council for a decision. The proposed amendment is set out in Appendix 2.
- 1.2 It is proposed to reduce the key decision threshold in respect of redundancies/changes in terms and conditions for employees from 100 to 25 to give a more realistic threshold, as set out in Appendix 1.
- 1.3 The following amendments are proposed to the Standing Orders in relation to Council Meetings, as set out in Appendix 3:
  - Clarity that the Annual Meeting of the Council will not receive petitions and questions from the public or members.

- Defining the scope of Notice of Motions so that they cover matters which the Council has responsibility or direct ability to influence and/or control.
- Updating the current Petition Scheme to mirror the United Kingdom's Parliament and Government petition rules, as to circumstances when the Council will not accept petitions.

1.4 To reflect current practice, it is proposed that the Local Protocol - Relations between the Leader of the Council and Political Groups be amended to require attendance at the Local Government Association Conference. Namely, the three Councillors appointed by the Council to be on the Local Government Association General Assembly, shall attend Conference (see Appendix 4).

## 2. Options under consideration

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2.1 To leave the current sections of the Constitution in place. However, the revised sections do not reflect the intended operational practice, following the Local Government Elections in May 2023.

## 3. Financial Opportunities and Implications

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3.1 None

## 4. Legal Implications

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4.1 None

## 5. Engagement and Consultation

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5.1 The revised sections of the Constitution have been circulated to all Councillors and discussed with Group Leaders and their suggestions have been incorporated into the final version, in accordance with the current Article 13 of the Constitution.

## 6. Purchasing or Hiring of Goods and/or Services

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6.1 Not applicable

## 7. Tackling Climate Change

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7.1 Not applicable.

## 8. Associated Risks

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8.1 None

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None