

COUNCIL
26 MARCH 2026

CONSTITUTION UPDATE

Responsible Cabinet Member – Councillor Stephen Harker, Leader

**Responsible Director – Elizabeth Davison,
Executive Director of Resources and Governance**

SUMMARY REPORT

Purpose of the Report

1. To approve changes to the Council's Constitution.

Summary

2. The changes are proposed in order to better facilitate the work of the Council and provide additional clarification to the existing Council Procedure Rules.

Recommendations

3. It is recommended that:
 - (a) The updates and changes to the Constitution, as detailed in this report, be approved.
 - (b) The Monitoring Officer be delegated to update the Constitution to reflect the changes identified.

Reasons

4. The recommendations are supported to ensure that the Constitution is clear, accurate, up-to-date and fit for purpose.

Elizabeth Davison
Executive Director of Resources and Governance

Background Papers

The Constitution of the Council

Council Plan	An up to date and clear Constitution should contribute to the decision making and governance arrangements and help members and officers to deliver the Council plan.
Addressing inequalities	There is no direct impact on inequality.
Tackling Climate Change	There is no impact on climate change.
Efficient and effective use of resources	Improving the clarity of the Constitution will help with efficiency
Health and Wellbeing	There are no direct issues relating to Health & Wellbeing.
S17 Crime and Disorder	There is no direct impact on Crime and Disorder.
Wards Affected	There will be no direct impact on any particular ward.
Groups Affected	There will be no direct impact on any particular group.
Budget and Policy Framework	Amendments to the Constitution need to be approved by Council.
Key Decision	This is not an Executive Decision
Urgent Decision	This is not an Executive Decision
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

5. The Council's Constitution prescribes the framework for Council decision making and the procedures that are followed.
6. Some updating of the Constitution is needed from time to time as a matter of good housekeeping, and to ensure that the Constitution remains up-to-date and fit for purpose.

Council Procedure Rules relating to the asking of questions

7. Currently, elected members are able to ask questions at Council Meetings where one clear working day's notice in writing has been given and members of the public are able to ask questions at Council Meetings where 24 hours' notice in writing has been given. Due to a notable increase in the number of questions being submitted to these meetings, these tight deadlines are no longer practicable, and it is therefore recommended that the deadline for all questions on notice, from both elected members and members of the public, be extended to two clear working days prior to the meeting.
8. A clear working day is defined as a complete period of 24 hours, excluding weekends and bank holidays. The day that the question is delivered does not count and neither does the day of the meeting. By way of example, as our ordinary Council meetings are generally held at 6pm on a Thursday, questions would need to be submitted no later than the Monday before such a meeting in order to be accepted, if a two clear working days deadline were to be implemented.
9. It is therefore recommended that paragraph 15 of the Council Procedure Rules be amended as follows:

*'A question may only be asked if **two clear working days**' notice (that is not counting the day of the meeting or the day of delivery or weekends and bank holidays) has been given by delivering the question in writing or by electronic mail to Democratic Services. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.'*

10. At the Council Meeting held on 29 January 2026, Members resolved to amend paragraph 13 of the Council Procedure Rules relating to questions from Members of the Public to read:

*'Any person can ask a question of the Leader, Members of the Cabinet, or the Chair of a Committee at Ordinary, Extraordinary and Special meetings of the Council. **Questions submitted for Special or Extraordinary meetings must directly relate to a matter appearing on the Agenda.***

11. The rationale behind this change was that, as Special Meetings and Extraordinary Meetings are called for a specific purpose, it is an acknowledged practice that questions will only be accepted if they relate to an item on the Agenda for that meeting, however this had previously caused confusion for Members of the Public who were not aware of this practice and had stated that this should be explicit within the Constitution. The Constitution has now been amended, following the resolution at January's Council Meeting, to make this expressly clear.
12. Following January's meeting however, it has been acknowledged that it is not explicit within the Constitution that this same principle is expected to apply to questions from elected members too and therefore, for the avoidance of doubt, it is proposed that paragraph 51 of the Council Procedure Rules be amended as follows:

*'Members may ask the Mayor or a Cabinet Member a question which is relevant to the Council's powers or duties, or which affects the Borough in some way. A question may only be asked if **two clear working days**' notice (that is not counting the day of the meeting or the day of delivery or weekends and bank holidays) has been given by delivering the question in writing or by electronic mail to Democratic Services. The question must name the Member of the Council to whom it is to be put. **Questions submitted for Special or Extraordinary meetings must directly relate to a matter appearing on the Agenda.***

13. This change would make the position regarding questions from Members at Special and Extraordinary Council Meetings expressly clear, as well as encompassing the recommended deadline change from 24 hours to two clear working days.

Dealing with Amendments to Motions

14. When an amendment to a Motion is moved without notice during a meeting and that amendment has financial implications for the Council it is good practice to give Officers prior notice of that amendment, as Officers may not be able to give comprehensive timely advice during a Council meeting.
15. Making decisions that financially impact the Council without allowing time for Officers to properly consider the outcome and advise Members accordingly is therefore not advisable. For that reason, it is recommended that an additional paragraph be added to the "Method

of Dealing with Amendments”, which appears at paragraphs 60 to 69 of the Council Procedure Rules. That paragraph would read as follows:

‘If an amendment has financial implications for the Council, notice of it must be served, in writing, on the Chief Finance Officer / Section 151 Officer at least three clear working days (that is not counting the day of the meeting or the day of delivery or weekends and bank holidays) before the meeting. The amendment will not be accepted as valid, and will therefore be disregarded, if less than three clear working days’ notice has been given of it being moved or if the Chief Finance Officer / Section 151 Officer, in consultation with the Monitoring Officer, does not consider it to be deliverable and in accordance with the Council’s statutory obligations.’

Proper Officer roles

16. Following the senior management restructure agreed by Council on 24 September 2024, internal restructuring and organisational changes have taken place. As a result, some amendments are required to address appointments to the Proper Officer roles pertaining to the Building Act 1984. As Building Control sits within the Executive Director of Economy and Public Protection’s area of responsibility, they should be the Proper Officer in relation to sections 61, 78(8) and 93 of the Building Act 1984.

Code of Conduct for Employees

17. During a review of the Code of Conduct for Employees, it has been noted that the document contains some references to old job titles. It is therefore recommended that any reference to the Managing Director within this document be updated to Chief Executive and any reference to the Director for Economic Growth and Neighbourhood Services be updated to the Executive Director for Economy and Public Protection.