

<b>DECISION-MAKER:</b>	<b>COUNCIL</b>		
<b>SUBJECT:</b>	REVISIONS OF THE CONSTITUTION		
<b>DATE OF DECISION:</b>	20 JULY 2016		
<b>REPORT OF:</b>	SERVICE DIRECTOR: LEGAL & GOVERNANCE		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
Various matters were raised by members at the AGM in May as part of the annual report reviewing the Constitution. Council resolved that Group Leaders (GLs) consider the points raised and a further report be submitted. This has happened and the various discrete matters are detailed below for adoption or further consideration.	
<b>RECOMMENDATIONS:</b>	
(i)	That an additional paragraph is added to the Council Procedure Rules covering Aldermen speaking at Council as per this report.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	Council at the AGM in May 2016 requested that Group Leaders considered various questions posed regarding the Constitution and report back to Council.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	None in light of the above request.
<b>DETAIL (Including consultation carried out)</b>	
3.	<u>Aldermen – Questions at Council</u> It was originally proposed that in light of increased activity by Honorary Aldermen at Council that it may be prudent to include a small paragraph in the Constitution covering this area rather than leave to the discretion of the Mayor. On reflection it is recommended that a maximum of 5 minutes per question. This can be reviewed in due course if necessary.
4.	<u>Public Participation</u> Public and member participation in local authority decision making is a core tenet of public accountability, democracy, transparency and sound decision making. The Council's various schemes are as wide, and in many cases wider than other authorities. Accordingly, it is believed we accord with best practice

	both in respect of meetings such as Council generally and in quasi judicial meetings such as planning and licensing.
5.	There is no formal or prescribed best practice or formulaic approach; it must be what fits the Council's requirements best. To date it is believed this has generally worked well. Ultimately it must, as a common law rule, be within the gift of the chair of the meeting to control the proceedings. Accordingly, it is the view of GLs and the Service Director: Legal and Governance that no revisions to the Constitution are needed. Chairs have been reminded of the need to involve the public and members as appropriate especially in quasi-judicial meetings such as Planning Panel and Licensing Committee.
6.	A broad summary of what other authorities do at Council is below. There are different rules and lead in times for Licensing and Planning and Rights of Way Panel.

	Southampton	Portsmouth	Brighton	Eastleigh	Fareham
	Questions and Deputations – 7 days before the meeting	Notice - 12 noon day before meeting	Fifth working day prior to meeting	(Area Committees) No notice needed but only taken at the start of meeting – 5 minutes for item and 5 minutes to speak against in total.	Noon 2 days prior to meeting

7.	<p><u>Confidentiality</u></p> <p>A question was posed as to the policies in place regarding confidential information and what happens when breached?</p> <p>In summary, appropriate rules and sanctions are in place. The Code of Conduct for Members and other contractual terms and policies governing officers are as strong as they can be within the law. Members and officers have been reminded by the Service Director: Legal and Governance of the provisions, the need to maintain confidential information as exactly that and the sanctions. GLs agreed no further action was required as the systems are as robust as the law permits.</p>
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**RESOURCE IMPLICATIONS**

**Capital/Revenue**

8. | None

**Property/Other**

9. | None

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

10. | Local Government Act 2000, Localism Act 2011.

**Other Legal Implications:**

11.	None.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
12.	None.

<b>KEY DECISION?</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	none
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	None.
<b>Documents In Members' Rooms</b>	
1.	None.
2.	
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
<b>Privacy Impact Assessment</b>	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	