

Meeting: Council

Date: 22 February 2024

Wards affected: All Wards

Report Title: Constitution Amendments – Notice of Motions

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

Cabinet Member Contact Details: Councillor Jackie Thomas, Cabinet Member for Tourism, Culture & Events and Corporate Services, jackie.thomas@torbay.gov.uk

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1. Purpose of Report

- 1.1 This report sets out changes to the Council’s Constitution in respect of the procedure for Notice of Motions that fall within the remit of the Cabinet and to reflect current practice.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report ensures that the following sections of the Constitution are up to date and fit for purpose:
- Standing Orders – Council Meetings;
 - Standing Orders – Cabinet Meetings

3. Recommendation(s) / Proposed Decision

1. That Council approves the following revised Constitution documents, as set out in Appendices 1 and 2 to the submitted report:

Appendices

- Appendix 1 - Standing Orders – Council Meetings
- Appendix 2 – Standing Orders – Cabinet Meetings

Background Documents

None

Supporting Information

1. Introduction

- 1.1 Article 13 – Review and Revision of The Constitution sets out the arrangements for revisions to the Council’s Constitution. This enables the Monitoring Officer to keep the Constitution under review and to make changes that are required for technical or legal reasons. 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.
- 1.2 The Standing Orders in relation to Council Meetings, as set out in Appendix 1 have been amended to clarify the deadline by which Notice of Motions must be submitted in order to be included on the agenda for the relevant Council or Cabinet meeting.
- 1.3 The Standing Orders in relation to Cabinet Meetings have been amended to include details of how a Notice of Motion will be dealt with by the Cabinet.

2. Options under consideration

- 2.1 To not update the Constitution, this option was discounted as the current standing orders did not adequately address Notice of Motions being considered and determined by Cabinet.

3. Financial Opportunities and Implications

- 3.1 None

4. Legal Implications

- 4.1 None

5. Engagement and Consultation

- 5.1 The revised sections of the Constitution have been discussed with Group Leaders and their suggestions have been incorporated into the final version of the documents, in accordance with Article 13 of the Constitution.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable

7. Tackling Climate Change

7.1 Not applicable.

8. Associated Risks

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			There is no differential impact.

child poverty issues and deprivation)			
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

10.1 None

11. Cumulative Community Impacts

11.1 None