

Bath & North East Somerset Council	
MEETING:	Council
TITLE:	PROPOSED AMENDMENTS TO THE CONSTITUTION
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1 – Constitution Working group proposed amendments	

1 THE ISSUE

- 1.1 This report sets out several proposed amendments to the Constitution, following discussions with the Constitution Working Group. The report also suggests an addition to the Council's Code of Conduct.

2 RECOMMENDATION

Council is asked to;

- 2.1 Approve the amendments to the Council's Constitution as set out in Appendix 1 to the report; and
- 2.2 Approve the additional wording for the Council's Code of Conduct as set out in paragraph 5.4 of this report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no direct financial implications relevant to this report; however, there are clearly financial issues concerned with pecuniary interests.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Constitution must be in compliance with the terms of the Local Government Act 2000; Local Government and Public Involvement in Health Act 2007; Local Democracy; Economic Regeneration and Construction Act 2009; Localism Act 2011 and any other relevant statutory acts or guidance.

5 THE REPORT

- 5.1 The Constitution is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how

decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

5.2 Following suggestions for amendments to various constitutional rules, the Constitution Member Working Group was convened to consider these.

5.3 The proposed amendments and rationale for those are set out in Appendix 1.

5.4 In addition to the proposed amendments in Appendix 1, the Monitoring Officer requests that an additional sentence be added to the Code of Conduct (Part 6, item 3 of the Constitution, approved by Council on 19th July 2012) to make clearer the consequences of non-disclosure of a pecuniary interest, as set out below;

“Non-disclosure of a pecuniary interest is a potential criminal offence”

5.5 This does not represent a change to existing rules but seeks to make the implications of this clearer to Members.

RATIONALE

5.6 Council is requested to agree the amendments to ensure that the Constitution is up to date with best practice, legally correct and reflects the wishes of Members.

6 OTHER OPTIONS CONSIDERED

6.1 To not approve the requested changes.

7 CONSULTATION

7.1 Consultation has taken place with the Member Working Group, the Monitoring Officer and the Chief Executive.

8 RISK MANAGEMENT

8.1 There is a risk to Members, and the decision making they are involved in, if all necessary interests are not disclosed. There is a reputational risk to the Council if correct declarations are not made.

9 EQUALITIES

9.1 There are no significant issues.

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Background papers	The Council's Constitution
Please contact the report author if you need to access this report in an alternative format	