

Appendix 1 - Summary of structural changes to the Constitution

Section in Current Constitution	Location in new constitution	Summary of Changes
Part 1 – Summary	Part 1 Summary and Explanation	<p>A glossary has been created.</p> <p>-----</p> <p>The term “Chair” will be used throughout the Constitution.</p> <p>-----</p> <p>Section on Political Groups moved here from the Procedural Rules section.</p>
Part 2 - Articles	Removed/relocated	<p>These have been removed and the information has largely been relocated as detailed in Appendix 2 or omitted since it was duplication.</p>
Part 3 – Responsibility for Functions	Part 2 – Functions who does what	<p>A diagram of decision-making bodies has been added.</p> <p>-----</p> <p>The local members for Lambridge are now voting members of the Alice Park Trust Sub-Committee making a total of five voting members.</p> <p>-----</p> <p>Licensing Committee – the Council’s objectives on Licensing have been removed as they are set out in the Licensing Statement of Policy. The list of legislation has been removed as it is not considered to be necessary and is set out in the Table of Delegations of Licensing Functions, which will be in the Library.</p> <p>-----</p> <p>An Independent Person Panel has now been established.</p> <p>-----</p> <p>The Health and Care Board has been removed as it no longer exists. Details relating to the Integrated Care System will be included once the new governance arrangements have been agreed.</p> <p>-----</p> <p>Part 2.12 Officer Delegations Avon Pension Fund – The Director of One West is given responsibility rather than the S151 Officer.</p>

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		<p>Part 2.36 now reads:</p> <p style="text-align: center;">LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 2013</p> <table border="1" data-bbox="810 510 1385 667"> <tr> <td data-bbox="810 510 975 667">Reg 2 (3B) & Statutory Guidance</td> <td data-bbox="975 510 1203 667">Designated LGPS Senior Officer</td> <td data-bbox="1203 510 1385 667">Director – One West</td> </tr> </table> <p>Pensions Fund Investment Panel - membership amended to read:</p> <p>“The Panel shall comprise a maximum of 6 voting Members of the Avon Pension Fund Committee, of which 3 shall be Bath and North East Somerset Councillors and 3 shall be the independent members of the Committee. (The membership shall include the Chairman of the Committee and /or the Vice-Chair).”</p> <p>Pensions Fund Investment Panel - Members shall be appointed for a period of four years in line with the Avon Pension Fund Committee.” (This was previously one year).</p> <hr/> <p>Part 2.35 & 2.36 Delegation Scheme. Various amendments;</p> <ul style="list-style-type: none"> • Clarification added regarding the Cascade Principle and links to local schemes of delegation, now held in the Library. • Removed wording General provisions. This conflicted with General provisions in section D and created confusion. • Clarification added that delegation applies to postholder rather than person • Clarification added that New Legislation delegated to postholder to prevent a lacuna. • Clarification added regarding powers of duly authorised officers under legislation. • Added Power under S.86 to declare office of councillor vacant after 6 months in compliance with LLG/ADSO guidance. <p>-----</p>	Reg 2 (3B) & Statutory Guidance	Designated LGPS Senior Officer	Director – One West
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		<p>At Section 2.36.3 Proper Officer functions:</p> <ul style="list-style-type: none"> • The reference to Head of Property Services has been removed as the role no longer exists. • A new entry has been made as follows: <p style="text-align: center;">DIRECTOR OF PEOPLE & POLICY</p> <p>To approve any special severance cases up to a maximum of £20,000 in accordance with the Council's published policy for severance payments.</p> <p>-----</p> <p>A "Joint Arrangements" section has been created at the end of the document. The Avon Fire Authority and Joint Health Scrutiny Committee have both been added to this section.</p>
Part 4 – Procedural Rules	Rule 3.1.22 & 3.1.23	Clarification added that this rule does not apply to PDS panels and Committees where questions can only be asked of the Chair, and that Group Leader questions only refer to Council.
4A – Rule 2	Rule 3.3.5	The time and place of all member meetings will be determined by the Monitoring Officer and notified in the summons rather than being set at the Annual Council Meeting, to reflect what happens in practice.
4A - Rule 5	Rule 3.1.7	<p>Special or Extraordinary meetings - Questions from the Public and Councillors will not be permitted unless these relate to the business to be discussed.</p> <p>[This qualification is reproduced in 3.2.19 for Cabinet meetings.]</p>
4A – Rule 13(iv)	Rule 3.1.6	Revised wording regarding the Leader statements at Council.
4A, rule 15		Reports of the Cabinet, non-executive committees and Overview and Scrutiny Panels has been removed. This is picked up in the Overview and Scrutiny rules and functions of Council.

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4A – Rule 27	Rule 3.1.19	Chair taking part in debate – Wording has been amended to provide greater clarity.
4A - Rules 32 and 33	Rule 3.1.22	Requirement to provide 4 clear working days' notice of a question extended to all committees, previously 4 clear working days only applied to Council and Cabinet. The maximum number of questions that will be permitted for both councillors and the public will be three. Previously this was unlimited.
4A Rules 32, 33 and 34	Rule 3.1.22	Removal of the paragraph inviting the Leaders of any Political Group with at least 20% of Council seats to indicate if they require a 10-minute debate on any issue raised in a particular question or statement. The 10-minute debate was considered to be inadequate for any meaningful discussion.
4A Rules 32, 33 and 34	Rule 3.1.22 and 3.1.23	Statements or questions will not be accepted if they are “defamatory, frivolous or offensive”.
4A Rule 34 & duplicate in other sections	Rule 3.1.23	<p>Councillors and members of the public have the right to put forward petitions and statements at a Council meeting. The submission must be relevant to the Council and/or the Bath & North East Somerset area. Advance notice of all statements (including those supporting a petition) must be submitted in writing (this to include transmission by e mail) stating the subject matter, and must be lodged with the Monitoring Officer no later than close of business 2 clear working days before the day of the meeting at which the submission is to be made (e.g. Monday 5pm for a meeting on a Thursday). Where possible, members of the public and Councillors are strongly encouraged to submit the text of their statement in advance to enable Members to read it before the meeting.</p> <p>Guidance is available on drafting/submitting a statement <i>(a link will be provided).</i></p>

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4A Rule 35	Rule 3.1.26	Motions – A small amendment giving some discretion to the Chair regarding the response by the mover of a proposal to the adjustment of the wording.
4A Rule 39	Rule 3.1.30	Withdrawal of Motion – A mover may withdraw a motion with the consent of the seconder (without the need for the consent of the meeting as this is not a legislative requirement).
	Rule 3.2.18, 19, 20, 22, 23, 24	Rules re-instated in Cabinet section to aid use at meetings so no need to refer elsewhere.
4C, Rule 2	Rule 3.7.2	Policy Budget and Framework Rules – 3.7 - List of Plans and Strategies amended to set out the statutory minimum which require Council approval. This removes additional bureaucracy and threat of challenge if the approval process is not followed.
4D – Rules 2, 3 & 4		Reference to Leader's Scheme of Delegation and Executive Functions, Sub Delegation of Executive Functions and Requisition of Single Member Planned Decision removed as included in Part 2.
4D Rule 8		Decisions taken by Cabinet at a meeting - removed as referenced in Access to Information Rules.
4D Rule 11		Absence of Cabinet Member or Leader - moved to Part 2.
4D Rule 12		Advice from Overview and Scrutiny Bodies - removed as picked up in policy and budget framework rules.
4D Rule 13		Arrangements for liaison with non-executive Councillors - moved to political groups section in summary and explanation.
4D Rule 25		Attendance by the Public – removed as covered in Access to Information Rules.
4D Rule 27		Conduct of meeting - removed as covered under Chair of meeting.

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4D(1) Rule 2	Rule 3.2.27	Submission of a call-in notice - If a member signifies support for a call-in by telephone, they should be required to confirm this in writing before the publication deadline for the call-in meeting.
4E Rule 17		Members and Officers attending - reference to petition legislation removed as this no longer applies. The requirement to have a petition scheme was repealed by the Localism Act 2011 and since then it has been a matter for local choice. Full Council agreed in July 2020 that a separate scheme was unnecessary as provisions remain for the public and councillors to submit petitions.
4E Rule 34		Deletion of the section of the paragraph which did not permit members of a PDS Panel to speak to the press without the permission of the Chair.
4E & F	Part 3.3	Non-executive committee and scrutiny rules now combined.
4K	Part 3.6.8	Disciplinary Action and Dismissal – amended to reflect current legislative requirements.
4(I) & 4(J)	Part 3.8 & 3.9	The Financial Regulations and Contract Standing Orders will be considered under the second stage of the Review of the Constitution so they are included here in their entirety.
Part 5 – Terms of Reference	Part 2 – Functions who does what	The Committee Terms of Reference have been brought up to date where necessary. The Terms of Reference now have a more standardised format with similar headings throughout the document.
Part 6 – Codes of Conduct and Working Protocols	Part 4 – Codes and Protocols	This section now just contains the Councillor Code of Conduct, the Protocol on Councillor/Officer Relations and the Employee Code of Conduct. The other Codes and Protocols are now available on the Council's website via a hyperlink.
Part 7 – Allowances	Part 5 – Members' Allowances Scheme	The "suspension" paragraph has been removed as the Localism Act 2011 removed the power to suspend a Councillor. The amounts payable for members' allowances have been updated to reflect current arrangements, in accordance with Council's agreement of the Independent Panel's recommendations. This section has been reconfigured to ensure that future amendments to

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		remuneration rates only require amendments to one schedule.
Part 8 – Management Structure	Link from Part 1	This is now available on the Council's website via a hyperlink.