

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>6 JULY 2011</b>
<b>SUBJECT:</b>	<b>CONSTITUTIONAL CHANGES</b>
<b>REPORT FROM:</b>	<b>LEADER</b>
<b>CONTACT OFFICER:</b>	<b>Jayne Hammond Monitoring Officer and Council Solicitor</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	<b>This paper is within the public domain.</b>
<b>SUMMARY:</b>	<p>This report seeks approval to amendments to the Constitution in order to bring into operation:-</p> <ul style="list-style-type: none"> <li>• changes to Public Question Time, relating to meetings of the Council and the Executive, as announced by the Leader at the Annual Meeting.</li> <li>• new decision-making arrangements following the re-instatement of the Executive;</li> <li>• revised management arrangements following the restructure of the Chief Executive's Department.</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<p>Members are asked to:-</p> <ol style="list-style-type: none"> <li>1. Approve changes to the Council Constitution, relating to the Council Procedure Rules; decision-making arrangements; management structures and responsibilities; roles and responsibilities of portfolio holders, spokespersons and Committee chairs.</li> <li>2. Delegate authority to the Monitoring Officer, in consultation with the Leader, to make any consequential amendments to the Constitution as a result of this decision, and to agree any changes of fact and law, arising from decisions of Council, the Executive and Committees.</li> </ol>
<b>IMPLICATIONS:</b>	None as a direct result on this report.

<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no direct financial or risk implications arising from this report.
<b>Statement by Executive Director of Corporate Resources:</b>	There are no financial implications arising from this report.
<b>Equality/Diversity implications:</b>	<b>None</b>
<b>Considered by Monitoring Officer:</b>	<b>Yes.</b> In accordance with Article 15.02 of the Constitution, changes to the constitution will only be approved by the full Council after consideration of the proposal by the Standards Committee or the Leader.
<b>Wards Affected:</b>	<b>All</b>
<b>Scrutiny Interest:</b>	<b>None</b>

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Management Board	Leader	Ward Members	Partners
Yes	Yes		
Scrutiny Committee	Committee	Council	
		Yes	

**1.0 BACKGROUND**

- 1.1 At the Annual Meeting of Council held on 18 May 2011, the Leader indicated his intention to re-visit the Council Procedure Rules relating to public speaking and questions to Members at Executive and Council meetings.
- 1.2 At the same meeting, the Leader also reported that meetings of the Executive would re-commence during the 2011/12 Municipal Year.
- 1.3 The purpose of this report is to seek constitutional changes in order to bring this about, and to update the Constitution in line with the restructure of the Chief Executive's Department.

**2.0 ISSUES**

- 2.1 The current Council Procedure Rules contain the following paragraphs in respect of Public Speaking

- Paragraphs 10.1 to 10.10 contain arrangements for dealing with questions from members of the public at Council meetings.
- Questions have to be submitted in writing to the Chief Executive four clear working days prior to the meeting.
- There is no right to ask a supplementary question once a response is given.
- Questions are limited to one per person.

2.2 With regard to meetings of the Executive, currently questions from the public are allowed only at the discretion of the Chair and Ward Members may ask a question relating to an item on the agenda affecting his/her ward subject to three working days notice being given. One supplementary question may be asked.

2.3 With regard to questions from members to the Leader, under the current arrangements these must be submitted to the Chief Executive four clear working days prior to the meeting.

2.4 Changes have also been made to the Management Structure, particularly following the restructure of the Chief Executive's Department, and these have to be reflected in the relevant parts of the Constitution.

2.5 Members are asked to note that further amendments to the Constitution are proposed in respect of Township Forums, and this is dealt with under a separate report.

### **3.0 CONCLUSION**

3.1 Council is asked to approve changes to the Council Procedure Rules which will bring about the following:

- Change the requirement of notice to be given for public questions at Council to 12 noon on the second clear working day immediately prior to the Council meeting. For a meeting on the Wednesday, this would be the Monday prior.
- Allow a member of the public to ask one supplementary question.
- If time permits, invite further questions from members of the public present at the meeting.
- Change the requirement of notice to be given for Member questions to the Leader to 12 noon on the second clear working day immediately prior to the Council meeting. For a meeting on the Wednesday, this would be the Monday prior.
- Allow a public question time session of 30 minutes at meetings of the Executive, without a requirement for prior notice, and at which non-Executive members of the Council may participate.

3.2 Council is asked to approve the further constitutional changes set out in Appendices 1 and 2.

3.3 Council is asked to give the Monitoring Officer delegated authority, in consultation with the Leader, to make the necessary amendments to the Council Constitution, in order to incorporate the proposed changes in Paragraph 3.1 and 3.2 above.

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**List of Background Papers:-**

Council Procedure Rules as contained in the Council Constitution.

**Contact Details:-**

Jayne Hammond  
Assistant Director of Legal and Democratic Services.

Chris Shillitto  
Head of Democratic Services

## **Strong Leader Model – Executive – Changes to the Constitution**

Summary and Explanation (Pages 9 – 13)

Minor changes to replace reference to the 'Leader/Cabinet' with "Executive".

### **Articles 2 to 5**

Minor changes to replace reference to 'Cabinet' with "Executive" and to indicate that the public are entitled to attend meetings of the Executive.

### **Article 7**

Minor changes to replace reference to 'Cabinet' with "Executive"

Form and composition of the Executive.

Executive members

Role Specifications for Executive Members (To follow)

### **Article 10**

See separate report on Township Forums

### **Article 11**

Minor changes to replace reference to the 'Leader/Cabinet' with "Executive".

### **Article 13**

Minor changes to replace reference to the 'Leader/Cabinet' with "Executive".

### **Article 16**

Minor changes to replace reference to the 'Leader/Cabinet' with "Executive".

### **Part 3 – Responsibilities for functions**

Minor changes to replace reference to the 'Leader/Cabinet' with "Executive".

### **Part 4 – Rules of Procedure**

Minor changes to replace reference to the 'Leader/Cabinet' with "Executive".

## **Management and Proper Officer Delegations - Changes to the Constitution**

### **Article 4 – Section 4.02-6(b)**

Minor change to substitute Executive Director of Corporate Resources for Director of Finance and E Government.

### **Article 12**

Delete reference to Assistant Chief Executive, Director of Legal and Democratic Services, Director of Finance and E Government and Director of Personnel and substitute Assistant Director of Legal and Democratic Services, Assistant Director of Personnel and Executive Director of Corporate Resources.

Functions and Areas of Responsibility assigned to the Assistant Chief Executive, as set out on pages 64 and 111, be assigned to the Deputy Chief Executive, except "Youth Offending Team," which be deleted.

The post of Assistant Director of Resources (Finance) be designated Chief Finance Officer (Section 151).

### **Part 3 – Responsibility for Functions**

Minor Changes to Officer Delegation Scheme to reflect changes in title referred to above.

Under Part 3, Delegations to Specific Officers, Transfer functions assigned to Assistant Chief Executive to Deputy Chief Executive.

Part 5 – Proper Officers - Minor Changes to reflect changes in title referred to above.

### **Part 4 – Rules of Procedure**

Minor Changes to reflect changes in title referred to above.

### **Part 5 – Codes and Protocols**

Minor Changes to reflect changes in title referred to above.

### **Part 7 – Management Structure**

Minor Changes to reflect changes in title referred to above.