

REPORT FOR RESOLUTION

REPORT TO: CITY COUNCIL
CONSTITUTIONAL AND NOMINATION COMMITTEE

DATE: 9TH JULY 2008

SUBJECT: CONSTITUTION OF THE COUNCIL

REPORT OF: THE CITY SOLICITOR

PURPOSE OF REPORT:

To enable the Council to consider revisions to the Constitution.

RECOMMENDATIONS:

That the Council adopts the recommended amendments to the Constitution as set out in the report.

FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:

None

FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:

None

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BACKGROUND DOCUMENTS:

Report to the City Council: Constitution of the Council 14th May 2008

WARDS AFFECTED:

All

IMPLICATIONS FOR:

Employment Environment	Antipoverty	Equal Opportunities	
No	No	No	No

BACKGROUND

1. Section 37 of the Local Government Act 2000 requires a local authority, which is operating executive arrangements to prepare and keep up-to-date a Constitution. This City Council adopted a Constitution on 12th September 2001 when it began operating executive arrangements. Amendments have been made to reflect operational needs, changing circumstances and new statutory requirements and guidance at and between subsequent Annual Meetings of the Council.

2. At their meeting on 14 May the Council adopted a revised constitution for the 2008/9 municipal year but it was reported that further matters relating to constitutional issues would need to be reported to this meeting including:

- ❖ A new AGMA constitution

- ❖ Recommendations of the Independent Remuneration Panel on Members Allowances

(Reports on these two items are elsewhere on the agenda)

- ❖ A revised employee Code of Conduct and

- ❖ Revised guidance on use of Resources by members to reflect more closely current working practices especially in relation to IT.

(Work on these two matters is ongoing and reports will be brought to a future meeting)

PROPOSAL

3. In the meantime it has become apparent that the Constitution does not reflect the Council's requirements in relation to access to committee meetings particularly Overview and Scrutiny meetings. Firstly, although the Overview and Scrutiny Procedure rules (rules 11 and 13.4) enable participation of executive members in meetings of the committees in respect of called-in items subject to the provisions of the members code of conduct, the Procedure Rules do not deal specifically with participation in other items which form part of an Overview and Scrutiny Committee's agenda. These can include items which are before an Overview and Scrutiny Committee in the early stages of its policy review and development role and also items which are already scheduled to be considered at a later meeting of the Executive.

4. In order to ensure that the Council's Constitution facilitates the Council's decision making and scrutiny functions it is recommended that it should be amended to set out in the Overview and Scrutiny Procedure Rules provision for Executive members and Assistant Executive members to attend Overview and Scrutiny committees. This would enable such members to attend the confidential part of the meetings where part B items are being considered

subject to the provisions of the members code of conduct. Without prejudice to the rights of Executive Members in respect of called in items such Members would also be able to give evidence and answer questions at the request of the committee in relation to any items.

RECOMMENDATIONS

5. Council is recommended to adopt the amendments to the Constitution set out in this report.

APPENDIX 1

PROPOSED AMENDMENTS TO THE CONSTITUTION

Overview and Scrutiny Procedure Rules

After rule 10 insert a new rule 10A as follows:

- 10A Subject to the provisions of the code of conduct for members and without prejudice to the rights of Executive members under rule 13.4, Executive Members and Assistant Executive members may attend meetings of Overview and Scrutiny Committees including parts of the meeting where exempt items are being discussed and shall be entitled to receive the agenda for the meeting (including exempt matters) and to speak, give evidence and answer questions at the invitation of the committee.

Amend rule 13.4 as follows:

- 13.4 The Chief Executive shall then notify the decision-taker of the call-in. Any item which is called-in will be placed on the agenda for the next meeting of the relevant Overview and Scrutiny Committee. The relevant Chief Officer and/or Executive Member shall have the right to explain the reasons for the decision and to respond to comments made at the meeting **subject in the case of Executive to the provisions of the Code of Conduct for Members.**

Renumber Rules following the new 10A as appropriate.