

CONSTITUTION COMMITTEE:

CONSTITUTION

Report of the City and County Solicitor and Monitoring Officer

Agenda Item 4

Reason for the Report

1. This is firstly an updating report concerning the ongoing officer review of the Constitution and secondly a paving report setting out proposals for a future work programme for the consideration and approval of the Committee.

Background

2. The Committee has the function of proposing to Council its recommendations for changes to the Council's Constitution. This includes the Articles of the Constitution and the Rules incorporated therein which include, for example, the Council Procedure Rules, the Committee Procedure Rules and Financial Rules.
3. The City and County Solicitor and Monitoring Officer has delegated authority from the Constitution Committee (meeting on 9 March 2005) to amend typographical and minor drafting errors.

Initial Proposals

Update of the Constitution

4. A Working Group of Officers under the Overview of the Governance Programme Chaired by the City and County Solicitor has been reviewing the Articles of the Constitution. A number of changes and improvements have been identified which would correct typographical errors, remove anomalies and repetitions, update statutory provisions and adopt current titles. The Committee's time may not be best served by receiving a detailed report on the minutiae of such revisions and it is recommended that delegated authority be given to the City and County Solicitor to incorporate such changes and that a final "clean" draft be put to Committee for ratification in due course. The Committee's approval would then be reported to full Council for final adoption.

Examples of the changes Officers have identified are:-

- Correction of titles e.g. Chief Financial Services Officer to City and County Treasurer.
- Updating of statutory and regulatory references.
- Updating Committee terms of reference
- Correcting grammatical errors and omissions
- Correcting inconsistencies e.g. reference to “days” and “working days”

Council Procedure Rules

5. Notices of Motion on Notice.

It is proposed that there be an additional criterion to be applied by the Proper Officer before approving NOM's for inclusion in the Council Summons. In any case where the NOM appears to be legally or financially unachievable within the approved Council Budget for the year in question, the NOM should appear on the Agenda but with a statement from the Proper Officer that the latter criterion appears to apply and that the NOM shall be deferred to the next Ordinary Council so that written legal and financial advice may be placed before Members when the matter is debated. This will avoid the possibility that the time of Council is spent debating an issue and approving a Motion that may turn out to be unachievable on legal or financial grounds.

6. Notices of Motion without Notice

It is proposed that a NOM to amend a Report, currently permissible from the floor, be changed to a NOM upon abridged notice by adopting the same deadline as Council Questions so that such a NOM appears on the “Amendment Sheet”. This would mean that any NOM to amend a report would have to be received by the Proper Officer no later than 9.00am the day before Council. Again this will afford the opportunity for the motion to be considered and considered officer advice made available.

7. Members Questions at Council.

There are now 9 Executive Portfolios. It is not proposed to change the procedure for written questions. However, for supplementary questions it is proposed that these be limited to questions for the Leader and 4 Portfolio Members at each Council. Questions for the remaining 4 Portfolio Members would take place at the next Council; for the first 4 at the next Council and so on. In this way supplementary questions for the Leader may be asked at every Council (except the AGM) but supplementary questions for 4 Portfolio Members would be taken by alternating them at each successive Council.

8. Potential Web casting of Council Proceedings.

The Council procedure rules currently state that *“No recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting”*. The Authority now has the technology to potentially web cast meetings of Council live on the Internet. Such technology is currently utilised by a number of local authorities and its benefits include increased public accessibility and transparency.

The Committee will receive a brief presentation on this matter that should assist Members to take a view on the future use of this technology and to make appropriate recommendations to Council.

Proposals for a Future Work Programme

Financial and Contract Procedure Rules

9. An Officer review is underway with the object of making the Rules clearer and more user- friendly. The review includes the thresholds for the delegated authority to write-off of debts and permitted actions by Officers. This work will be concluded for the next meeting and the Committee may wish to receive a report.

Changes to Articles

10. Audit Panel. An Officer review is underway looking at the role, remit and function of the Audit Panel in consultation with members of the Audit Panel. The Committee may wish to receive a report at a future meeting.

Planning Committee

11. The Committee has previously received a report on a draft Code of Good Practice that may be out for consultation with party groups. Officers are looking at the issues with a view to aligning any such Code with the new Members Code of Conduct. Members have raised issues about how the Committee functions. Currently there are no Procedure Rules specifically for regulatory Committees and this is being reviewed. Current delegations are also being reviewed. There are a number of guidance notes but there is no single document. The Standards and Ethics Committee have also expressed interest in a Code of Good Practice. The Committee may wish to receive a report at a future meeting.

Outside Bodies

12. It is proposed that there be a review of the criteria for representation by Members on Outside Bodies so that there is a consistency of approach. The review to include the reporting back procedures, accountability and term of office. Such a review would also assist in the development of appropriate Member training and appropriate officer support.

13. It is also proposed that there be a review of the criteria for Officer representation on Outside Bodies, also to include reporting back procedures and processes, accountability and terms of office. It is recommended that the responsibility for review and the appointment of Officer representation be delegated to the Chief Executive.

Legal Implications

14. The proposals in this report are legally achievable. Legal advice will be given as and when any new proposals are recommended for approval.

Financial Implications

15. The proposals in this report are financially achievable. Financial advice will be given as and when any new proposals are recommended for approval.

Recommendations

16. That Committee
 - (a) Grant the City and County Solicitor delegated authority to amend the Constitution as described in paragraph 5 of this report and bring a clean amended document to the next meeting of the Committee.
 - (b) Approve for recommendation to Council the amendments to the Constitution as described in paragraphs 5 to 7 of this report.
 - (c) Agree a way forward on the Web casting of Council meetings.
 - (d) Agree a future work programme

KATE BERRY

CITY AND COUNTY SOLICITOR AND MONITORING OFFICER

4th July 2008

Background papers
The Constitution