

Report of Principal Corporate Governance Officer

Report to Head of Governance Services

Date: 27th January 2015

Subject: Amendment to Constitution

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Access to Information Procedure Rules (“the Rules”) reflect the provisions of the Local Government Act 1972 in relation to notice of meetings.
2. The Local Government (Electronic Communications) (England) Order 2015, which amends the Local Government Act 1972 with effect from 30th January 2015, provides that notice of meetings can be sent to a Member by electronic means where that Member has given and not withdrawn their consent to such electronic delivery.
3. It is necessary to amend the Rules to reflect this change in the legislation.

Recommendations

4. The Head of Governance Services is requested to approve the amendment to Rule 3.2 of the Access to Information Procedure Rules, as set out in Appendix A of this report, with effect from 30th January 2015.

1 Purpose of this report

- 1.1 This report sets out amendments to the Access to Information Procedure Rules (“the Rules”) which are necessary to give effect to the Local Government (Electronic Communications) (England) Order 2015 (“the Order”).

2 Background information

- 2.1 The Monitoring Officer, and in accordance with her sub delegation scheme the Head of Governance Services, is authorised by Article 15.2 of the Constitution to make any changes to any Part of the Constitution which are required:

- As a result of legislative change or decisions of the Council or Executive to enable him/her to maintain it up to date;
- Or for the purposes of clarification only.

3 Main issues

- 3.1 The Order provides for amendments to Schedule 12 of the Local Government Act 1972 which govern the giving of notice of intended meetings. In particular the Order provides that notice may be given to a Member by electronic means if the Member has given (and not withdrawn) their consent to receive notice in this way.
- 3.2 The Rules currently provide for notice to be sent by post to or left at the Members’ usual place of residence, and so need amending to reflect the change in legislation by making provision for electronic delivery of the summons.
- 3.3 It is recommended that the Rules are amended as set out in Appendix A to this report.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Head of Governance Services will make appropriate arrangements to ensure that Members are consulted and their consent sought to the electronic delivery of notice of meetings.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and City Priorities

- 4.3.1 Giving notice of meetings by electronic means is in accordance with the Council’s aim to use “digital first”.

4.4 Resources and value for money

- 4.4.1 Giving notice of meetings by electronic means will reduce spend in relation to both printing and delivery of agenda packs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The proposed amendment ensures that the provisions set out in the Rules are in accordance with legislation.

4.6 Risk Management

- 4.6.1 There are no implications for this report.

5 Conclusions

- 5.1 It is necessary to amend the Rules to reflect the changes in legislation permitting electronic delivery of notice of meetings.

6 Recommendations

- 6.1 The Head of Governance Services is requested to approve the amendment to Rule 3.2 of the Access to Information Procedure Rules, as set out in Appendix A of this report, with effect from 30th January 2015.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.