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## Report of the Assistant Chief Executive (Corporate Governance)

### General Purposes Committee

Date: 5 November 2010

Subject: Amendments to the Constitution

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

1. Further to the resolutions made at the Annual Council Meeting, amendments are recommended to the Constitution.
2. These are as follows:
  - amendments to Article 9 (membership of Corporate Governance and Audit Committee ) as set out in appendix 1 to this report;
  - amendment to Council Procedure Rule 12.1 (allocation of motions between political groups); and
  - amendment to Council Procedure Rule 14.5 (reference to Support Executive Member).
3. In addition, an amendment to Council Procedure Rule 1.1 (re considering recommendations of General Purposes Committee at the Annual Meeting) is recommended for clarity.
4. The proposed amendments to the Council Procedure Rules are set out in appendix 2 to this report.

## **1.0 Purpose Of This Report**

- 1.1 To ask the General Purposes Committee to recommend to Council amendments to Article 9 of the Constitution, and to the Council Procedure Rules.

## **2.0 Background Information**

- 2.1 General Purposes Committee is authorised to consider proposals to amend the Constitution and make recommendations to full Council.
- 2.2 Further to the change in Administration a number of inconsistencies have been identified in the Constitution.
- 2.3 In particular, there are consequential amendments arising from the change from an Administration with one major opposition group, to the current Administration with two major opposition groups.
- 2.4 In addition, it is proposed to clarify Rule 1.1, (which sets out the business to be considered at the Annual Meeting), to reflect that recommendations from General Purposes Committee are considered at that meeting, (in relation to amendments to the Constitution).

## **3.0 Main Issues**

### **Updating Amendments**

#### Article 9.2

- 3.1 As currently drafted, Article 9.2 provides that “Members of the Executive; and Political Group Leaders and Whips from the administration and the major opposition Group are precluded from being members of the Corporate Governance and Audit Committee”. There is now more than one major opposition group.
- 3.2 It is therefore recommended that this provision should refer to “the three largest groups”.
- 3.3 The recommended amendments are shown in the attached appendix 1 to this report.

#### Council Procedure Rule 12.1

- 3.4 Council Procedure Rule 12.1, in relation to Motions on Notice, provides that the number of motions admissible for full debate at any given meeting shall be limited to four. Footnote 7 currently refers to ‘Two of these being reserved to the largest opposition group, and one being reserved to the administration’.
- 3.5 It is recommended that the footnote should be amended to read, ‘One to the Labour Group, one to the Conservative Group, one to the Liberal Democrat Group and one to one of the two minority groups’. This is not intended to change the current practice of Whips’ involvement in determining the order in which motions are to be heard at any meeting.
- 3.6 Group Whips have been consulted, and agree that the proposed amendments are appropriate.

3.7 The recommended amendments are shown in appendix 2 to this report.

#### Council Procedure Rule 14.5

3.8 Council Procedure Rule 14.5, in relation to the period permitted for speeches at meetings, makes provision for the procedure to be followed when there are two Executive portfolio holders within a single portfolio. As there are no longer any jointly-held portfolios, it is recommended that this reference be removed.

3.9 The recommended amendments are shown in appendix 2 to this report.

### **Miscellaneous Amendments**

#### Council Procedure Rule 1.1

3.10 Council Procedure Rule 1.1, Timing and Business at the Annual Meeting, does not currently include explicit reference to full Council considering the recommendations of General Purposes Committee. It is recommended that this be inserted in the order of business between the election of the Leader and the establishment of Committees.

3.11 In accordance with this amendment, there would need to be consequential amendments to footnote 3 and Council Procedure Rules 2.2(h); 2.2(i); 6.2; 11.1(b); 15.1; 16.2; 19.1; 19.2; 24.1; 27.1 and 28.1, whereby any reference to Council Procedure Rule 1.1(g) are amended to read 1.1(h).

3.12 The recommended amendments are shown in appendix 2 to this report.

### **4.0 Implications For Council Policy And Governance**

4.1 It is in accordance with good governance principles to update the Constitution to ensure that it is fit for purpose.

### **5.0 Legal And Resource Implications**

5.1 There are no legal or resource implications arising from the proposed amendments.

### **6.0 Conclusions**

6.1 The Constitution should be amended to keep it fit for purpose.

### **7.0 Recommendations**

7.1 General Purposes Committee are asked recommend Council to approve:

- amendments to Article 9 as set out in appendix 1 to this report;
- revised Council Procedure Rules, amended as set out in appendix 2 to this report.