

Report of Principal Scrutiny Advisor
Report to Head of Democratic Services
Date: 30 March 2020
Subject: Constitutional Amendment

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Main issues

- The report recommends amending the Constitution to include an additional footnote for clarification within section 5.1.4.1 of the Executive and Decision Making Procedure Rules, which details the process for initiating a call-in.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- There are no Best Council Plan implications.

3. Resource Implications

- There are no resource implications.

Recommendations

- a) The Head of Democratic Services is requested to amend the Executive and Decision Making Procedure Rules to include an additional footnote for clarification within section 5.1.4.1, which details the process for initiating a call-in.

1. Purpose of this report

- 1.1 Article 5.1.4.1 of the Executive and Decision Making Rules details the process for initiating a call-in.
- 1.2 This includes a requirement for a call-in request to contain the “original signatures” of those calling in the decision.
- 1.3 It is proposed that a footnote is inserted into this section to clarify that:
 - ‘Original signatures’ can be provided electronically.
 - In order for an electronic signature to be considered valid it must be possible to demonstrate it has been included on an approved proforma at the direct request of the individual wishing to call in the decision.
 - Electronic signatures included following a request by a third party on behalf of another individual will not be valid.

2. Background information

- 2.1 Article 15.2.3 provides that the City Solicitor, in her role as Monitoring Officer, is authorised 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 them to maintain it up to date; or
 - For the purposes of clarification only.

The City Solicitor has sub delegated this authority to the Head of Democratic Services.

3. Main issues

- 3.1 In light of the increasing prevalence of digital and remote working practices clarification has been sought as to whether electronic signatures are considered valid ‘original signatures’ for the purpose of initiating a call-in, as set out in 5.1.4.1 of the Executive and Decision Making Procedure Rules.
- 3.2 It is proposed that a footnote is provided to confirm that an electronic signature is valid for the purpose of initiating a call-in where it can be demonstrated that the signature has been included on an approved proforma at the direct request of an individual wishing to call-in a decision.
- 3.3 It is further proposed that the footnote provides clarification that a signature will not be valid if it is provided via a request from a third party – for example, if the signature is sent via email by an officer on behalf of a councillor.
- 3.4 This additional footnote is set out in the attached amended version of the Executive and Decision Making Procedure Rules (see Appendix A).

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Executive Member for Resources was consulted in February 2020 and was supportive of the amendment for the purpose of clarification.

4.1.2 Scrutiny Chairs were also consulted and were supportive of the amendment.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no implications.

4.3 Council policies and the Best Council Plan

4.3.1 There are no implications.

Climate Emergency

4.3.2 This amendment clarifies the fact that a member seeking to initiate a call in can potentially do so while working remotely, thereby reducing unnecessary journeys into the city centre for the sole purpose of signing the approved call-in proforma.

4.4 Resources, procurement and value for money

4.4.1 There are no implications.

4.5 Legal implications, access to information, and call-in

4.5.1 This decision will be treated as a significant operational decision. It will be published on the Council's website but is not eligible for call in.

4.6 Risk management

4.6.1 The amendment will provide clarity about the use of electronic signatures as part of the process for initiating a call-in as per 5.1.4.1 of the Executive and Decision Making Rules.

5. Conclusions

5.1 The amendment will provide clarity about the validity of 'original signatures' referred to in 5.1.4.1 of the Executive and Decision Making Rules in instances where signatures are provided electronically.

6. Recommendations

6.1 The Head of Democratic Services is requested to amend the Executive and Decision Making Procedure Rules to include an additional footnote for clarification within section 5.1.4.1, which details the process for initiating a call-in.

7. Background documents¹

7.1 There are no background documents.

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.