



Report of the Assistant Chief Executive (Corporate Governance)

Council

Date: 16th September 2009

Subject: Recommendations of General Purposes Committee

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

1.1 This report sets out recommendations to Council from General Purposes Committee in relation to proposed amendments to the Council Procedure Rules, Article 6 and Article 15 of the Constitution.

2.0 Background Information

2.1 General Purposes Committee is authorised to consider proposals to amend the Constitution and make recommendations about this to full Council. At its meeting held on 8th September 2009, the Committee resolved to recommend that full Council approve the proposed amendments to the Council Procedure Rules, Article 6 and Article 15, as attached at Appendices 1, 2 and 3 respectively.

3.0 Main Issues

Council Procedure Rules

3.1 A report was submitted by the Assistant Chief Executive (Corporate Governance), which had been produced at the request of Group Whips, asking Members to consider an amendment to the Council Procedure Rules. The proposed amendment introduces an additional 24 hour period to the process for the management of White Papers, to allow for the correction or withdrawal of motions should the proposer wish to do so following advice from their Group Whip.

- 3.2 It was therefore proposed that the Council Procedure Rules be amended to change the latest time for the submission of White Papers to 10.00am on the day *before* the issue of the Summons. This would allow for:
- Initial ordering and categorisation of all motions received;
 - Circulation to all Group Whips following that process;
 - The potential for the relevant Group Whip to secure the correction or withdrawal of any given motion up to the cut off time of 10.00am on the day of the issue of the Summons; and
 - Any necessary re-ordering and/or re-categorisation of motions.
- 3.3 General Purposes Committee resolved to recommend that full Council approve the proposed amendments to paragraph 12.1 of the Council Procedure Rules, as attached at Appendix 1.

Article 6

- 3.4 A report was submitted by the Chief Democratic Services Officer presenting a draft Vision for Scrutiny for approval.
- 3.5 KPMG, the Council's auditors, undertook a review of the Council's Overview and Scrutiny function. As part of their report, KPMG recommended that an overall vision for the Scrutiny function should be developed and published.
- 3.6 A draft Vision was therefore presented to the Committee, which had been produced in consultation with the Scrutiny Chairs, Executive Board Members and Group Leaders. The Vision uses as its basis the 'four principles of good public scrutiny' as developed by the Centre for Public Scrutiny. It also draws on the values agreed by Members in the 'Memorandum of Understanding between Executive Board and Scrutiny'.
- 3.7 General Purposes Committee resolved to recommend that Council approve the Vision for Scrutiny, and that it be included in Article 6 of the Constitution, as attached at Appendix 2.

Article 15

- 3.8 A report was submitted by the Assistant Chief Executive (Corporate Governance) setting out proposed amendments to Article 15, for the purposes of clarification.
- 3.9 Paragraph 15.2 of Article 15 states that, 'The 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 him/her to maintain it up-to-date;
 - Or for the purposes of clarification only.'
- 3.10 In order to clarify the first bullet point relating to decisions of the Council or Executive, it was proposed that the Article is amended to clarify that 'decisions of the Council or Executive' includes those decisions made by Council Committees, Committees of the Executive, and officers acting under delegated authority.

- 3.11 Although this amendment would be for clarification purposes only and strictly within the Monitoring Officer's delegated authority, it was considered more transparent and therefore preferable by the Monitoring Officer that the proposal was agreed by General Purposes Committee and full Council, rather than the Monitoring Officer approving an amendment to her own authority.
- 3.12 General Purposes Committee resolved to recommend that full Council approve the proposed amendments to Article 15, as attached at Appendix 3.

4.0 Implications For Council Policy And Governance

- 4.1 It is in accordance with good governance principles to keep the Constitution under review.

5.0 Legal And Resource Implications

- 5.1 Amendments to the Council Procedure Rules and the Articles must be approved by full Council, after consideration from General Purposes Committee. Although the Monitoring Officer is authorised to make amendments to any part of the Constitution for the purposes of clarification, she has asked that the proposed amendments to Article 15 be approved by General Purposes Committee and full Council for the reasons outlined in paragraph 3.11 of this report.

6.0 Conclusions

- 6.1 Full Council are recommend to approve the proposed amendments to the Council Procedure Rules, Article 6 and Article 15, as attached at Appendices 1, 2 and 3 respectively.

7.0 Recommendations

- 7.1 Council are recommended to resolve to:
- Approve the proposed amendments to the Council Procedure Rules, as attached at Appendix 1;
 - Approve the proposed amendments to Article 6, as attached at Appendix 2; and
 - Approve the proposed amendments to Article 15, as attached at Appendix 3.

Background documents

Reports to General Purposes Committee, 8th September 2009:

- Management of White Paper Motions;
- Vision for Scrutiny; and
- Amendments to Article 15.