

COUNCIL 6 FEBRUARY 2006

Chair:
Councillor Reg Rice

Deputy Chair:
Councillor Jean Brown

INTRODUCTION

- 1.1 This report covers two distinct issues within a single report considered by the General Purposes Committee at our special meeting on 30 January 2006. The report resulted in recommendations from the Committee to full Council to make amendments to the Council's Constitution.

**ITEM FOR DECISION FROM THE SPECIAL MEETING OF
THE COMMITTEE ON 30 JANUARY 2006**

**2. AMENDMENTS TO COUNCIL STANDING ORDERS ON
QUESTIONS AT FULL COUNCIL AND TO OFFICER'S DELEGATED
POWERS TO MAKE AMENDMENTS TO THE CONSTITUTION**

- 2.1 We received a report on proposed changes to the deadline for notifying questions to be asked at full Council meetings. This arises from Members' previous decision to include the full text of all questions in the Summons to Council.
- 2.2 The Summons to Council must be dispatched no later than 5 clear days before the Council meeting. This is also the current deadline for notifying questions at Council.
- 2.3 Council Standing Order (CSO) 9.3 provides that a question may only be asked by a member of the public if notice of it has been given to the "proper officer" (i.e. the Head of Member Services) no later than 10.00 a.m. on such day as shall leave at least 5 clear days before the day of the Council meeting. The same deadline applies to a question from an elected Member under CSO 10.5.
- 2.4 As a practical example, if a meeting of the Council is on Monday 20th of a month, then notice of a question would have to be received by 10.00 a.m. on Friday 10th. The "5 clear days" are defined as working days when Council offices are open and they exclude the dates when the notice is received and the Council meeting is held.
- 2.5 In order to allow adequate time for officers to collate, prepare and print the potentially extensive extra material arising from questions in the Summons to Council, we agreed that a further 3 days should be allowed. The effect is that the references to "5 clear days" in CSO 9.3.

and CSO 10.5 need to be changed to “8 clear days”. These changes are set out in Appendix 1 to this report.

- 2.6 We noted that bringing forward the normal deadline for questions would not alter the existing provision in CSO 10.5 (b). This allows an elected Member to ask a question relating to an urgent matter with the consent of the Member giving the answer provided that notice of the question is given by 10.00 a.m. on the day of the Council meeting.
- 2.7 We also discussed the possible amendment of CSO 10.7 which makes provision for no more than 2 supplementary questions arising from a question put by an elected Member. There were arguments for securing the rotation of questions between the political groups. Since this was a complex matter, we agreed that it should be the subject of further consultation with Members.
- 2.8 The second issue in the report concerned a recommendation to grant delegated powers to the Head of Member Services to make technical updates to the Constitution. We were advised that this was only intended to apply in cases where a substantive decision had already been taken by a Member body, for example, appointments made by Council to non-executive bodies or the establishment of subordinate bodies by The Executive. The intention was to permit consequential updates to the Constitution to be made without delay. As a safeguard, the delegated power would only be exercised in consultation with the Chair of this Committee.
- 2.9 We were concerned that the Committee would not be properly exercising its role as monitor of the Constitution unless changes to Executive arrangements in Part H and the officer structure in Part K were reported to us. Accordingly, we decided to approve the recommendation but subject to the deletion of references to Parts H and K in the delegation proposed in Appendix 2 to this report. We agreed that power to amend any obvious errors or inconsistencies throughout the Constitution should be included in the delegation.

WE RECOMMEND

That Council adopt:

- (i) the amendments to Council Standing Orders (Procedure Rules) set out in Appendix 1 to this report and that Part E.8 of the Council’s Constitution be amended accordingly.
- (ii) the amendments to the Scheme of Delegation to Officers set out in Appendix 2 to this report and that Part F.7 of the Council’s Constitution be amended accordingly.

