

**COUNCIL 14 NOVEMBER 2005**

Chair:  
Councillor Reg Rice

Deputy Chair:  
Councillor Jean Brown

**INTRODUCTION**

- 1.1 This report covers two matters considered by the General Purposes Committee at our meeting on 24 October 2005. Both these reports resulted in recommendations from the Committee to full Council to make amendments to the Council's Constitution.

**ITEMS FOR DECISION FROM THE COMMITTEE MEETING ON  
24 OCTOBER 2005**

**2. AMENDMENTS TO COUNCIL STANDING ORDERS ON  
DEPUTATIONS, PETITIONS AND OTHER MATTERS**

- 2.1 We received a report on proposed changes to the procedures for hearing deputations and petitions at full Council, Committees and other bodies. These are potentially disruptive events unless properly regulated.
- 2.2 At present there is no minimum number of persons needed to trigger the deputation procedure. We recommend that not less than 10 residents of the Borough must sign the requisition before a deputation can be received. This ensures that full Council only hears matters of concern to a significant number of residents rather than individual issues.
- 2.3 A further problem with the existing procedure is the requirement for full Council to decide at the meeting whether or not to receive a deputation. If Members decide to reject a deputation, or to refer it elsewhere, then the signatories are likely to be unhappy at having to spend time attending the meeting to no purpose. We recommend that the procedures be amended so that the Mayor can decide, in advance of the Council meeting, whether to accept or reject the deputation and whether to refer it to a more appropriate Committee, Sub-Committee or other body. Generally, a deputation would only be heard by full Council where the issue in question was already on the agenda.
- 2.4 We considered and approved tabled amendments to the proposals in the report, to the effect that (i) the relevant terms of reference would be taken into account when a deputation was referred to another body, and (ii) a deputation would not normally be received if one had already

been received on substantially the same matter within the last 6 months.

- 2.5 We asked for amendments to the proposed procedures so that the matter would be reported to full Council for noting in the event of a deputation being rejected by the Mayor.
- 2.6 We agreed that, logically, the same procedures should apply to the submission of petitions to full Council and the submission of both deputations and petitions to Committees and other Council bodies. We noted that provision was to be made to assist children and young people under 18.
- 2.7 The recommended changes would affect Council Standing Orders 11 and 37. They are set out in Appendix 1 to this report.
- 2.8 A Protocol on the webcasting of meetings was agreed by The Executive on 20 September and by full Council on 3 October 2005. We are recommending that reference be made to this Protocol in a new Council Standing Order 58. This is set out at the end of Appendix 1 to this report.
- 2.9 We also approved the report's recommendations to make several other minor corrections and clarifications to Council Standing Orders which are set out in Appendix 2 to this report.

## **WE RECOMMEND**

That Council adopt the amendments to Council Standing Orders (Procedure Rules) set out in Appendices 1 and 2 to this report and that Part E.8 of the Council's Constitution be amended accordingly.

### **3. AMENDMENTS TO THE CONSTITUTION ON DELEGATED POWERS AND URGENCY**

- 3.1 When this Committee and full Council considered the Scheme of Delegation for the Children's Service, Members agreed in principle to amend the Scheme in line with a suggestion from the Executive Member for Children and Young People. He suggested that whenever a delegated power requiring prior consultation was about to be exercised by an officer, the "consultation" should involve the officer in obtaining the signed agreement of the relevant Executive Member. In the event of disagreement between the officer and the Executive Member, the matter would have to be reported to the full Executive Meeting for decision. These changes would affect the whole of the Scheme of Delegation not merely the part relating to the Children's Service.

- 3.2 At our last meeting we considered, and now recommend to Council, the necessary text changes to the Scheme of Delegation to Officers. These are set out in Appendix 3 to this report on page 3 at paragraph 3.06.
- 3.3 We noted the concern of the Leader about securing greater accountability in relation to all exercise of delegated powers by officers. We also noted as an example of good practice the current procedure of reporting all delegated decisions made by senior Planning Officers to the next meeting of the Planning Applications Sub-Committee.
- 3.4 We approved proposals to require a report to The Executive every month, or as nearly as possible, with input from all Directorates recording the number and type of decisions already taken under officers' delegated powers. For non-executive functions, reports would be made on the same basis to the responsible Committee or Sub-Committee.
- 3.5 The report before us proposed that decisions of particular significance, for example because of local concerns or high expenditure, would be reported individually to Members with the details summarised. In addition, we recommend that such decisions be brought to the attention of full Council by a report from the relevant body.
- 3.6 The proposed text changes, incorporating our amendment, are set out in Appendix 3 to this report on page 3 at paragraph 3.05.
- 3.7 We noted that the Constitution, as it currently stands, provides for all decisions taken under urgency provisions to be reported at least quarterly to The Executive, for executive functions, and to General Purposes Committee for non-executive functions. We accepted advice that the "Access to Information Regulations" 2000/2002 require the reporting of such executive decisions to full Council with summarised particulars of each decision; not just a record of their number and type. To ensure consistency, this revised procedure would apply to non-executive decisions as well.
- 3.8 The necessary text changes are set out in Appendix 3 to this report on page 3 at paragraph 3.04.

## **WE RECOMMEND**

That Council adopt the amendments to the Scheme of Delegation to Officers set out in Appendix 3 to this report and that Part F.7 of the Council's Constitution be amended accordingly.