

Report of:	Monitoring Officer
Contact Officer:	Alistair Welch
Telephone No:	01785 619204
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 30/08/17

COUNCIL
30 AUGUST 2017
CONSTITUTION AMENDMENTS – COUNCIL PROCEDURE RULE 9

1 Purpose of Report

- 1.1 To present to Council for consideration proposed amendments to the Constitution.

2 Recommendation

- 2.1 That the proposed amendments to the Constitution as detailed in Appendix 1 be approved.

3 Key Issues and Reasons for Recommendation

- 3.1 The current version of the Constitution was approved by Council on 12 August, 2015, and came into effect on 1 September, 2015. A number of amendments to the Constitution were approved by Council on 5 April, 2017.
- 3.2 At the meeting of Council held on 5 July, 2017, Members requested that the Constitution Working Group be convened to further review Council Procedure Rule 9 following concerns raised by Members about the process for dealing with comments and questions under that Rule.

4 Relationship to Corporate Priorities

- 4.1 The Constitution provides for the proper governance of the Council and cuts across all priorities.

5 Report Detail

- 5.1 The process for reviewing the Constitution on an annual basis was adopted as part of the review of the Constitution undertaken in 2015 to ensure that it would remain up to date and allow for amendments to be made in a timely manner if the need was identified during the year.
- 5.2 The most recent review was undertaken by the Constitution Working Group during 2016/17, resulting in a number of amendments being approved by Council on 5 April, 2017, including several changes to the Council Procedure Rules.
- 5.3 One of those changes was to remove the requirement for minutes of Cabinet, Committees, Sub-Committees and Panels to be submitted to Council for information and instead a 'Minutes Record' be published alongside each Council agenda to allow Members to raise comments or questions on Minutes contained within the record, subject to following the updated requirements of Procedure Rule 9.
- 5.4 The first Minutes Record was published with the 5 July, 2017 Council agenda. At that meeting concerns were raised by Members about how the new Procedure Rule 9 had been appropriated, and Council resolved that the Constitution Working Group be convened to further review the Rule.
- 5.5 The Constitution Working Group met on 31 July, 2017 and discussed a number of amendments to Procedure Rule 9 which are reflected in Appendix 1 for determination. Should the amendments be approved, the revised Procedure Rule 9 will be inserted into the Constitution immediately.

6 Implications**6.1 Financial**

None.

6.2 Legal

Keeping the Constitution under regular review ensures that it complies with any relevant legal requirements currently in force.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality and Diversity

None.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1: Tracked changes version of amended Council Procedure Rule 9.

Appendix 2: Non-tracked changes version of amended Council Procedure Rule 9.

Previous Consideration

None

Background Papers

Notes of the meeting of the Constitution Working Group.

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9. CONSIDERATION OF REPORTS OF MEETINGS OF THE CABINET, COMMITTEES, SUB-COMMITTEES AND PANELS

- (1) A document called The Minutes Record (the "Record") containing the minutes of Cabinet, Committees, Sub-Committees, and Panels shall be circulated to all members at least 5 clear working days before each Council meeting.
- (2) The Record shall contain the minutes of all meetings that have taken place since the last Record was issued. If the minutes have not, at the time of publication, been approved as a correct record they shall be clearly marked as "DRAFT".

(NB Minutes appearing in the Record marked "DRAFT" will not appear again in the Record once approved but will be published on the Council's website)

- (3) The Record will be circulated electronically but members may request a paper copy. A paper copy of the Record will be placed in each Group Room.
- (4) Any member who wishes to ask a question or make a comment on any item in the Record at the Council meeting must give written notice to the Managing Director at least ~~48 hours~~ 3 clear working days before the start of the meeting giving the minute number of the item and setting out clearly the question to be asked or the comment to be made. Questions may be asked of the Leader, the Cabinet Member who holds the relevant portfolio or the Chairman of the relevant meeting. Comments and questions shall be confined to the subject matter of the item.

(NB For a normal Council meeting held on a Wednesday the deadline is 5.00pm on the previous Thursday)

- (5) A maximum of 10 questions or comments will be permitted for each meeting and no member may submit more than 2 questions or comments for each Council meeting. Questions and comments will be accepted in the order in which they are received.
- (6) A written response from the Leader, Cabinet Member or Chairman will be compiled. A document containing all questions and comments together with the responses will be circulated to all members at or before the commencement of the Council meeting. For the avoidance of doubt the response may be that the person declines to give a response to the question or comment.

Appendix 1

~~(4)~~(7) The person chairing the Council meeting will call each of the members who have given notices submitted a question or comment in the order in which ~~the items referred to~~ they appear in the document and that member may ask a supplementary question or make a supplementary comment confined to the subject matter of the original question or comment or the content of the response. The Leader, Cabinet Member or Chairman who gave the original response may answer the supplementary question or respond to the supplementary comment but there shall be no further questions, comments or discussion.

~~(a)~~ — Comments and questions shall be confined to the subject matter of the item,

~~(b)~~ — The Leader, the relevant Cabinet Member or the Chairman of the relevant meeting may respond to a comment but there shall be no further discussion

~~(c)~~ — The person to whom a question is addressed may answer the question orally, may offer a written reply or may decline to answer.

~~(d)~~ — Following an answer to a notified question any member may put a supplementary question arising out of the answer but following the answer to the supplementary question(s) there shall be no further discussion. After 10 minutes from end of the answer to the notified question no further supplementary questions will be taken.

(8) This Rule is not intended to restrict member's access to information or to restrict their ability to ask questions or seek information by other means or at other times. Members ~~may~~ should before using this Rule contact the Leader, Cabinet Members or the Chairmen of Committees or Officers to ask questions or seek information. Any questions or comments received after the deadline or which exceed the number allowed under this rule will be passed to the appropriate person but will not be circulated at the council meeting.

~~(5)~~(9) Any recommendations of the Cabinet, Committee, Sub-Committee, Panel or Forum which requires a decision by Council shall be considered as a separate agenda item on the Council agenda. Any questions or comments in relation to such an item will be taken with that item.

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- (7) The person chairing the Council meeting will call each of the members who have submitted a question or comment in the order in which they appear in the document and that member may ask a supplementary

Appendix 2

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