

**COUNCIL**

**DATE:** 27<sup>TH</sup> JANUARY, 2004

**SUBJECT:** REVIEW OF CONSTITUTION

**REPORT BY:** CHIEF EXECUTIVE (HEAD OF LOCAL DEMOCRACY)

**CONTACT OFFICER:** SANDRA PARADINE

**IMPLICATIONS:**

<b>LEGAL</b>	✓	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	✓	<b>CONSULTATIONS</b>
<b>STAFFING</b>		<b>OTHER</b>

**WARDS AFFECTED: NONE**

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**PURPOSE**

1. The purpose of this report is to refer to the Council the recommendations of Constitution Committee in relation to proposed amendments to the Council's Constitution.

**RECOMMENDATION(S)**

2. The Council is recommended to amend Standing Orders to:-
  - (i) Provide that, in the case of any Committee or Sub-Committee appointed by the Council, apart from the Standards Committee and any Sub-Committee appointed by the Standards Committee, on which there are co-opted members, the quorum for a meeting be calculated without taking into account any co-opted members present.

- (ii) **Provide for questions to be asked before amendments in relation to reports before the Council, permitting one question per member plus unlimited supplementaries subject to the Mayor having discretion to allow more than one question per Member if he/she considered the nature of the business being discussed warranted it.**
- (iii) **Provide that, where a Member asks a question of another member in relation to reports to the Council or questions under Standing Order 7.1, the member shall be entitled to a reply (either at the meeting or in the form of a subsequent written reply) unless to reply would involve divulging information prejudicial to the interests of the Council.**
- (iv) **That the Monitoring Officer be instructed to finalise the detailed wording to give effect to the above and to make the necessary amendments to Part 4 of the Constitution.**

### **BACKGROUND**

- 3. At its meeting held on 12<sup>th</sup> November, 2003, Constitution Committee considered a report of the Monitoring Officer regarding revisions to Standing Orders in order to resolve difficulties which had arisen.
- 4. The Committee determined that the Council be recommended to approve the proposed amendments to Standing Orders as set out below and to instruct the Monitoring Officer to finalise the detailed wording to give effect to the below and make the necessary amendments to Part 4 of the Constitution:
  - (i) To provide that, in the case of any Committee or Sub-Committee appointed by the Council, apart from the Standards Committee and any Sub-Committee appointed by the Standards Committee, on which there are co-opted members, the quorum for a meeting be calculated without taking into account any co-opted members present.
  - (ii) To provide for questions to be asked before amendments in relation to reports before the Council, permitting one question per member plus unlimited supplementaries subject to the Mayor having discretion to allow more than one question per Member if he/she considered the nature of the business being discussed warranted it.
  - (iii) To provide that, where a Member asks a question of another member in relation to reports to the Council or questions under Standing Order 7.1, the member shall be entitled to a reply (either

at the meeting or in the form of a subsequent written reply) unless to reply would involve divulging information prejudicial to the interests of the Council.

## **REPORT**

5. Members were advised that two particular areas of Standing Orders had recently come to light as being in urgent need of revision. These were:
  - (i) The quorum for the Lifelong Learning Scrutiny Committee is set at three. However, Standing Orders did not provide that this must be three elected members. Four of the Members of the Lifelong Learning Scrutiny Committee are voting co-opted Members and, therefore, there could be a quorum and a valid meeting held with no elected members present. This was not felt to be desirable and it was therefore proposed that the quorum for any meeting of a Committee or Sub-Committee should be three elected members, disregarding any co-opted members present. This would not apply to the Standards Committee where statutory rules and special factors apply; nor would it apply to any Sub-Committee established by the Standards Committee.
  - (ii) The second issue related to questions on reports to Council. Currently, Standing Orders are silent as to whether or not Members may ask a question on a report before the Council prior to the report being debated. Strict interpretation of Standing Orders would be that there is no provision for this. However, custom and practice had permitted questions to be asked and following recent Council meetings it was felt that the issue should be expressly regulated under Standing Orders and not left to custom and practice.
6. It was therefore proposed that changes be made to Standing Orders as set out in the Recommendations above.

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

7. There are no background papers relating to this report.