

Report of the Assistant City Solicitor to the meeting of Governance and Audit Committee on 30 October 2015

Subject:

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Proposed Amendments to the Constitution

Summary statement:

At the meeting of Council on 14 July 2015 Council resolved:

Council notes that there is no mechanism for changing the Chair of an Area Committee in the event that political balance changes during the municipal year.

Council asks the Acting City Solicitor to prepare amendments to Standing Orders 35 and 37 in order to allow for such circumstances and that these are presented to full Council for consideration during this municipal year.

This report sets out the requested amendments to the Council's Constitution so that the Governance and Audit Committee may make appropriate recommendations to Council.

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Portfolio:

Corporate

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Improvement Area:



1. Summary

1.1 At the meeting of Council on 14 July 2015 Council resolved:

Council notes that there is no mechanism for changing the Chair of an Area Committee in the event that political balance changes during the municipal year.

Council asks the Acting City Solicitor to prepare amendments to Standing Orders 35 and 37 in order to allow for such circumstances and that these are presented to full Council for consideration during this municipal year.

This report sets out proposed amendments to the Council's Constitution to deal with the issue raised.

2. Background

2.1 Rule 35 of the Rules of Procedure at Part 3A of the Council's Constitution provides:

35 Chairing Meetings

35.1 The Council will, with the exception of area committees, appoint chairs and deputy chairs of committees and committees will appoint chairs and deputy chairs of subcommittees for the Municipal Year. Area committees will appoint a chair and deputy chair at their first meeting in the Municipal Year. If a vacancy occurs, a new chair or deputy chair shall be appointed as soon as practicable.

35.2 If the Council fails, except in the case of area committees, to appoint the chair of a committee or a committee fails to appoint the chair of a sub-committee for the Municipal Year, a chair for that meeting must be elected. If this fails, the meeting must be adjourned.

35.3 If for any reason the chair and deputy chair of a committee or sub-committee are absent at the start of or during a meeting, the meeting itself shall elect a chair for the meeting or part of it. If this fails, the meeting must be adjourned.

35.4 Joint meetings of committees or sub-committees will elect a chair for that meeting only.

35.5 Any political group may nominate spokespersons and deputy spokespersons for committees and sub-committees.

2.2 Accordingly the Chairs and Deputy Chairs of Area Committees are appointed by the Area Committees at the first meeting in each Municipal Year. There is currently no provision for the removal of a Chair or Deputy Chair during the Municipal Year. In particular there is no provision to deal with circumstances in which the membership of an Area Committee changes during the course of the Municipal Year, for example as the result of a by-election. A situation can therefore arise where the Chair and Deputy Chair appointed at the start of the Municipal Year may at some point in the Year no longer be the Chair and

Deputy Chair which the Area Committee would appoint if given a further opportunity to do so.

3. Proposed Amendments to the Constitution

- 3.1 If Council wishes to amend the Constitution to allow for the replacement of the Chair and Deputy Chair of an Area Committee during the course of the Municipal Year this could be achieved by inserting the following wording into Standing Order 35 of the Council Procedure Rules:

35.1A If at least one half of the members of an Area Committee inform the City Solicitor in writing, no later than 5 working days before a scheduled meeting of the Area Committee, that they wish the next meeting of the Area Committee to commence with consideration of the appointment of a Chair and Deputy Chair then the City Solicitor shall inform all the members of the Area Committee that such written notice has been received as soon as is practicable and that meeting of the Area Committee shall commence with the consideration of the appointment of a Chair and Deputy Chair.

And with the following consequential amendment to Standing Order 37.6.

37.6 Except for meetings convened under Standing Order 37.5 above, or Area Committee meetings to which Standing Order 35.1A applies, and provided that the agenda for the meeting has not been published, the City Solicitor, with the agreement of the chair or, in her/his absence, the deputy chair, may cancel, postpone or bring forward a meeting.

4. Financial and Resource Appraisal

- 4.1 The resources required to amend the Constitution can be met from existing provision.

5. Legal Appraisal

- 5.1 As set out above.

6. Other Implications

- 6.1 There are no equal rights, sustainability, community safety, Human Rights Act or trade union implications of this report.

7. Not for Publication Documents

- 7.1 None

8. Recommendation

- 8.1 That Committee consider whether to recommend to Council that the Constitution be amended as set out at paragraph 3 above.

9. Background Papers

- 9.1 None