

Report of the Interim City Solicitor to the meeting of Governance and Audit Committee on 27 November 2015

AC

Subject:

Proposed Amendments to the Constitution

Summary statement:

At the meeting of Council on 20 October 2015 Council referred the Motion on “Council Standing Orders – Report of the Leader of Council” to the Governance and Audit Committee for report.

This report sets out the terms of the Motion so that the Governance and Audit Committee may make appropriate recommendations to Council.

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1. Summary

- 1.1 At the meeting of Council on 20 October 2015 Council referred the following motion to Governance and Audit Committee for report:

COUNCIL STANDING ORDERS – REPORT OF THE LEADER OF THE COUNCIL

*To be moved by Councillor Green
Seconded by Councillor Val Slater*

This Council recognises that the format of the current Full Council Meeting Agenda limits the opportunities for all Elected Members to receive the most up to date information on issues of significance affecting the District and to ask questions about any action that the Council or other parties are taking to address those issues.

The Council therefore believes that its Standing Orders should be amended to allow for a written Leader's Report to be circulated at the meeting updating members on key issues and providing the opportunity for them to ask questions relating to issues raised in the report.

*This Council resolves that Council Standing Orders be amended as follows:
To insert a new paragraph 4.1.9A in standing order 4 to read:*

4.1.9A Report by the Leader of the Council

To insert a new standing order 11A, to read:

11A Report by the Leader of the Council

11A.1 At each ordinary meeting of Council, not including any meeting at which consideration of the Council's budget is on the agenda, the Leader or a member of the Council nominated by the Leader will provide a written report, a copy of which shall be made available to every member of Council and the public at the commencement of the meeting.

11A.2 There shall be a period of up to 15 minutes during which any member of the Council may ask the Leader of the Council or the member of the Council nominated by the Leader a question on any matter arising out of the written report.

11A.3 The Leader of the Council or the member of the Council nominated by the Leader will reply to each question and the answer may take the form of:

11A.3.1 A direct oral answer.

11A.3.2 Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.

11A.3.3 Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council.

11A.3.4 *A reference to a written answer provided under standing order 12.9*

2. Background

- 2.1 There is currently no provision in the Constitution of the Council for the Leader of the Council to make such a report.

3. Proposed Amendments to the Constitution

- 3.1 At the Appendix to this report are set out the relevant extracts from the current Rules of Procedure at Part 3A of the Constitution with the proposed amendments in italics.

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 It is a matter for Council as to whether it wishes to have report from the Leader of the Council at each meeting of Council.

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 make recommendations to Council on the amendments to the Constitution of the Council proposed in the Motion.

9. Background Papers

- 9.1 Constitution of the Council, available at:

<http://www.bradford.gov.uk/NR/ronlyres/1AC7A905-A2C8-47A9-847F-69B0AE65B4B9/0/CBMDCCConstitution.pdf>

10. Appendix

- 10.1 Extracts from the Council's Constitution showing proposed amendments in italics.

APPENDIX

EXTRACTS FROM THE COUNCIL'S CONSTITUTION SHOWING PROPOSED AMENDMENTS IN ITALICS

PART 3A RULES OF PROCEDURE

STANDING ORDER 4

4 Ordinary Meetings

4.1 At ordinary meetings, business will usually be dealt with in the following order:

4.1.1 Choice of a person to chair the meeting if the Lord Mayor and Deputy Lord Mayor are absent.

4.1.2 Disclosures of interest from members and officers.

4.1.3 Agreeing the minutes of the last meeting and signing them.

4.1.4 Receiving any apologies for absence.

4.1.5 Written announcements from the Lord Mayor. These (if any) will be circulated to all members and placed in the public galleries before the meeting starts.

4.1.6 Considering any appeal against a decision to restrict a document.

4.1.7 Petitions.

4.1.8 Public Question Time.

4.1.9 Membership of the Executive, committees and joint committees, appointment of chairs and deputy chairs of committees excluding area committees.

4.1.9A Report by the Leader of the Council

4.1.10 Member Question Time.

4.1.11 Any business remaining from previous meetings.

4.1.12 Recommendations from the Executive and committees.

4.1.13 Motions (in the order in which they were notified).

4.1.14 Other business on the agenda.

4.2 The order of the items set out in paragraphs 4.1.5 to 4.1.14 may be changed by the meeting on a motion passed without discussion.

4.3 The items set out in paragraphs 4.1.7, 4.1.8, 4.1.10, 4.1.11 and 4.1.13 will not be considered at any meeting at which the setting of the Council Tax as part of the budget process is on the agenda.

PROPOSED NEW STANDING ORDER 11A

11A Report by the Leader of the Council

11A.1 At each ordinary meeting of Council, not including any meeting at which consideration of the Council's budget is on the agenda, the Leader or a member of the Council nominated by the Leader will provide a written report, a copy of which shall be made available to every member of Council and the public at the commencement of the meeting.

11A.2 There shall be a period of up to 15 minutes during which any member of the Council may ask the Leader of the Council or the member of the Council nominated by the Leader a question on any matter arising out of the written report.

11A.3 *The Leader of the Council or the member of the Council nominated by the Leader will reply to each question and the answer may take the form of:*

11A.3.1 *A direct oral answer.*

11A.3.2 *Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.*

11A.3.3 *Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council.*

11A.3.4 *A reference to a written answer provided under standing order 12.9*