



Committee and date

Annual Council

12 May 2011

Item No

9

Public

REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP

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1.0 Summary

- 1.1 This report proposes changes to Procedure Rules 4 and 14, relating to the convening of extraordinary Council meetings, the process for handling petitions under the Council's Petitions Scheme, the Local Member Protocol and the publication of revisions to the Council's Constitution.

2.0 Recommendations

- 2.1 The Council is recommended to approve:

- (a) That Procedure Rule 4, relating to Extraordinary Meetings, be amended to incorporate the additional words specified in paragraphs 3.3 and 3.4(i) to (iii).
- (b) That the text relating to the operation of the Council's Petition Scheme, as set out in Appendix 1 to the report, be incorporated immediately after Procedure Rule 14.1(iii) (Questions, Statements and Petitions by the Public at Ordinary Council Meetings);
- (c) That the revised version of the Local Member Protocol, as set out in Appendix 2 to the report, be incorporated in Part 5 of the Constitution; and
- (d) That to reduce printing costs all future amendments to the Constitution only be published on the Council's website.

REPORT

3.0 Convening Extraordinary Meetings (Procedure Rule 4)

- 3.1 The calling of the recent Extraordinary Council meeting on 17 March 2011 highlighted some deficiencies in the wording of Procedure Rule 4. The first concerns the presumption that the Council remains the supreme decision-making body when, as Part 3 of the Constitution shows, it no longer holds that function. The second relates to paragraph 4.2 which requires the Chief Executive to call a Council meeting in the usual way, regardless of the content of the notice requisitioning the meeting.
- 3.2 The Political Structures Monitoring Group (PSMG) considers the purpose of an Extraordinary Council meeting is to deal with matters of extreme urgency, usually where there are risks of financial and/or legal consequences arising from any delay. While it accepts that as the sovereign body, Council can always reverse a delegation to Cabinet, the significance of such action makes this extremely unlikely.
- 3.3 The PSMG therefore recommends that to correct the misconception in Procedure Rule 4.1 the wording in paragraph (iv) is prepared with the following:
- “Subject to the matter contained in the notice being the responsibility of the Council and not delegated under Part 3 of the Constitution”
- 3.4 As regards the content of paragraph 4.2 (Business of Extraordinary Meetings), it is recommended that this be amended to incorporate as follows:-
- (i) No business shall be transacted at a meeting called by Members other than that specified in the notice published under Rule 9.1 below.
 - (ii) The Chief Executive may, however, reject such a request if (in his/her opinion) it:
 - is not a matter where the Council has a responsibility, or a legitimate interest;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a decision which has been considered, decided or rejected by a meeting of the Council in the past six months; or
 - requires the disclosure of confidential or exempt information.
 - (iii) The notice calling the meeting shall contain a motion which makes explicit the reason for calling the meeting and the action the Council is being asked to take.

4.0 Petition Scheme Rules

- 4.1 Recent experiences have highlighted the need to extend the wording of Procedure Rule 14.1 following the Council's adoption of the Government's model Petition Scheme in June 2010.
- 4.2 The PSMG recommends that the text set out in Appendix 1 to this report, be added after paragraph 14.1 (iii) of the Council's Procedure Rules.

5.0 Local Member Protocol

- 5.1 The PSMG recommends the adoption of the revised version of the Local Member Protocol, as set out in Appendix 2 to this report.

- 5.2 This incorporates the following modifications:

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| Paragraph 7 | Delete 'Strategic Planning Committee' |
| Paragraph 13, Line 13 | Delete 'as a matter of courtesy' |
| Paragraph 16, Lines 3 and 4 | Delete 'except for events held at Shirehall or publicised solely by way of press release or broadcast' |
| Paragraph 22, Line 5 | Delete 'except as specifically approved by the supplier of the information or the Chief Executive' |

and the deletion of the qualification 'normally' generally throughout the Protocol.

- 5.2 The PSMG also recommends that the existing staff be reminded of the need to comply with the protocol and in future, the Chief Executive ensures that it forms part of the training and induction programme.

6.0 Publication of the Constitution

- 6.1 The PSMG recommends that to reduce costs, the amendments to the Constitution should only be published on the Council's website and that this change shall apply immediately. However, to assist members updated paper copies will be held by the Members' Secretary and will also be available in the Members' Library.
- 6.2 Additionally, Committee Officers will ensure that a current version is taken to all meetings.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

Environmental Appraisal

None

Risk Management Appraisal

Community / Consultations Appraisal

Cabinet Member

Keith Barrow

Local Member

All

Appendices

Appendix 1 – Revised Petition Scheme Rules

Appendix 2 – Revised version of the Local Member Protocol