

Report to: Constitution Working Party
Date of meeting: 13 March 2013
Report of: Head of Legal and Property
Title: Suggested Amendments to the Constitution

1.0 SUMMARY

- 1.1 This Working Party meets as necessary to consider how the Constitution is working and to consider any amendments to then recommend on to Council.
- 1.2 The Group Leaders and two independent councillors were asked if they wished to bring forward any particular concerns or items for review. Requests to look at the operation of the budget debate and time for questions on the Mayors report at Council meetings have been made. In addition officers would like the Working Party to consider some changes to the content of the agenda for Annual Council and Budget Setting Council

2.0 RECOMMENDATIONS

- 2.1 That any changes to the Constitution be recommended to Council for approval.

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Report approved by: Managing Director

3.0 DETAILED PROPOSAL

- 3.1 This is an opportunity for members to consider how the Constitution is operating and whether any changes to it (other than ones required by changes to the law) are recommended to Council for approval.
- 3.2 All the Group Leaders and the 2 independent councillors were written to by the Head of Legal and Property and asked to consult their respective Groups on whether they had any issues of concern that they wished the Working Party to consider.
- 3.3 2 requests have been received:

One relates to the operation of the debate around the budget and the other the length of time allowed for asking questions on the Mayors report.

In addition officers would like the Working Party to consider amendments to the content of the Council agenda for Annual Council and Budget Setting Council.

This report deals with each matter in turn.

3.4 **Budget Debate.**

This year is the first year that the Council has had the technology to monitor/police the length of time members speak. Under the Council Procedure Rules the mover of a motion has 10 minutes to speak and after that every other speaker has 5 minutes. The mover then has 5 minutes to reply at the end of the debate.

The convention for the budget debate is to allow the opposition group leaders up to 10 minutes to reply to the motion.

It has been requested by the Mayor that for the budget debate, as mover of the motion, she be given up to 20 minutes to speak. The Mayor is of the view that the budget debate is the most important item that Council debates during the year and therefore it should be given the time it deserves. In addition as the opposition group leaders are given double the usual time they have to speak, increasing the Mayor's time to 20 minutes would ensure parity. It is also proposed that it be made a specific rule for the budget debate that the opposition group leaders be allowed up to 10 minutes to respond rather than have to rely on Council waiving the Procedure Rules.

In addition there is the convention that any amendments to the budget are debated together and voted on *en bloc* at the end of the debate, rather than taking each amendment separately. This allows the debate to be 'in the round' but does prevent a Member who has already spoken from speaking again on each amendment. This has worked well and it is proposed that this is also made a specific rule.

Members might like to consider whether this practice should be more generally adopted for any motion where there are multiple amendments.

Finally it has been requested that consideration be given to putting the budget report higher up the agenda to enable sufficient time for debate without the concern of reaching the cut off time of 10:30 p.m. Members attention is drawn to paragraph 3.6 below where officers are suggesting some amendments to the agenda for budget setting council.

3.5 **Mayor's Report**

One of the independent councillors has requested that consideration be given to extending the time given in the rules to ask questions on the Mayor's report. He has suggested an extra 30 seconds. The rules currently allow a member to have 1 minute for asking the question, with no statements or supplementary questions. Does the Working Party wish to review the operation of members' questions on the Mayors report?

3.6 **Council Agenda Items.**

Currently other than the removal of the requirement for a report from the Mayor for Annual Council and written questions from the public for both Annual Council and Budget Setting Council all items listed in paragraphs 2.1 a-o are on every agenda in the order set out.

Officers would ask the Working Party, particularly in the light of the representation made by the Mayor that the debate on the budget be considered earlier in the agenda whether items such as petitions, and the Mayors report be taken off of the agenda for Annual Council and Budget Setting Council.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Head of Strategic Finance comments that there are no financial implications arising out of this report..

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Legal and Property Services comments that any amendments to the Constitution have to be approved by Council (other than delegations relating to Executive Functions which are entirely within the gift of the Mayor)

4.3 **Equalities**

There are no implications

4.4 **Potential Risks**

There are no risks

4.5 **Staffing**

4.5.1 No implications

4.6 **Accommodation**

4.6.1 No implications

4.7 **Community Safety**

4.7.1 No implications

4.8 **Sustainability**

4.8.1 No implications

Background Papers No papers were used in the preparation of this report

File Reference None