

Subject:	Constitution Review		Status:	For Publication	
Report to:	Governance Working Group Council		Date:	28 th November 2012 12 th December 2012	
Report of:	Director of Business		Portfolio Holder:	Customer Service, Legal and Licensing	
Key Decision:	No – reserved for Full Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Equality Impact Assessment:		Required:	No	Attached:	No
Biodiversity Impact Assessment		Required:	No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	To amend the Members Questions wording at Part 4 section 10.1 to “ <i>A Member must submit written questions to Committee and Member Services by 9.00am at least 2 days before the day of the meeting (not including weekends or public holidays) to enable the question to be included in the Council Agenda, e.g. if the Council meeting is on a Wednesday the deadline is 9.00am on Monday prior to the meeting, or 9.00am on Friday for bank holiday weekends. Written questions will take priority over verbal questions and will be taken if there is time.</i> ”
1.2	To amend the Speaking Procedures for Development Control at Part 2 Article 3 to “ <i>Any elected member who is not a member of the committee may, by prior agreement with the chair, address the committee for a maximum of 5 minutes on each application that is within their ward. A member of another ward may be permitted to speak at the discretion of the chair.</i> ”

2. PURPOSE OF REPORT

- 2.1 To consider the recommendations of the Governance Working Group and make changes to the Constitution as required.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

5. BACKGROUND AND OPTIONS

5.1 Members Questions (Part 4 section 10.1)

Following a member request, the deadline for submission of members questions to Council was reviewed. The wording currently states that questions should be submitted 3 clear working days prior to the meeting. Clear working days does not include weekends, the day of

the meeting or the day of the request, therefore if the meeting is on Wednesday, then the submission deadline is the Thursday prior to the meeting.

Members considered reviewing the current wording to allow questions to be submitted closer to the meeting.

Members are asked to consider changing the current wording below:

A Member must give at least three clear days notice of the question to Committee and Member Services before the date of the meeting to enable the question to be included in the Council Agenda. Written questions will take priority over verbal questions and will be taken if there is time.

to:

A Member must submit written questions to Committee and Member Services by 9.00am at least 2 days before the day of the meeting (not including weekends or public holidays) to enable the question to be included in the Council Agenda, e.g. if the Council meeting is on a Wednesday the deadline is 9.00am on Monday prior to the meeting, or 9.00am on Friday for bank holiday weekends. Written questions will take priority over verbal questions and will be taken if there is time.

5.2 Speaking Procedures for Development Control (Part 2 Article 3)

Members are asked to consider re-wording the speaking procedures for Development Control to clarify the existing procedure. This section is being considered for amendment following a planning meeting where the ambiguity of this section was raised.

Members are asked to consider changing the current wording below:

Any elected ward member who is not a member of the committee may, by prior agreement with the chair, be allowed to address the committee once per application, for a maximum of 5 minutes in each case. In exceptional circumstances any other elected member wishing to speak can do so in consultation with the chair.

to:

Any elected member who is not a member of the committee may, by prior agreement with the chair, address the committee for a maximum of 5 minutes on each application that is within their ward. A member of another ward may be permitted to speak at the discretion of the chair.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no material financial implications arising from the report.

7. MONITORING OFFICER

7.1 All legal implications are commented upon in the body of the reports.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

8.1 There are no HR implications arising from the report.

9. CONSULTATION CARRIED OUT

9.1 Statutory Officers, Legal Officers, Council, Governance Working Group and Committee and Member Services.

9.2 Governance Working Group recommendations:

Member Questions:

To change to wording to: ***“A Member must submit written questions to Committee and Member Services by 9.00am at least 2 days before the day of the meeting (not including weekends or public holidays) to enable the question to be included in the Council Agenda, e.g. if the Council meeting is on a Wednesday the deadline is 9.00am on Monday prior to the meeting, or 9.00am on Friday for bank holiday weekends. Written questions will take priority***

over verbal questions and will be taken if there is time.”

Speaking procedures for Development Control:

To change the wording to: “Any elected member who is not a member of the committee may, by prior agreement with the chair, address the committee for a maximum of 5 minutes on each application that is within their ward. A member of another ward may be permitted to speak at the discretion of the chair.”

10. CONCLUSION

- 10.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers	
Document	Place of Inspection
The Constitution of the Council	www.rossendale.gov.uk/constitution