

COMMITTEE REPORT

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

13th November, 2014

REVIEW OF THE COUNCIL'S CONSTITUTION

Assistant Director – Organisation and Governance

PURPOSE OF THE REPORT

1. To consider a review of the Council Procedure Rules which forms part of a wider review of the Council's Constitution.

BACKGROUND

2. Whilst an in depth review of the Constitution has not taken place for a number of years, it is now considered timely, given the local elections in May 2015, to now undertake such a review.
3. Members will also recall that the Chair of Council announced such a review was to take place at Council on 15th October 2014. He also welcomed Members to submit any views they might have. Written notification was subsequently sent to Members outlining the Chair's request.
4. In terms of revisions that have been made to the Constitution in recent years, they have tended to fall within four broad categories:
 - necessary alterations arising out of decisions made by either the Council or the Executive (e.g. Executive Scheme of Delegation);
 - changes in legislation;
 - alterations made under the delegated powers given to the Monitoring Officer to deal with changes as a result of legislative changes; and
 - changes to improve the working arrangements of the Council.
5. As part of the preparatory work in undertaking that in depth review, initial findings have indicated that:
 - it is in need of updating in several areas;
 - there are areas where some further clarity would help; and
 - it has become a very long document.
6. Due to the length of the document (currently running to 461 pages) and the work involved, it is proposed that the review be undertaken on the following basis:

Phase One

Council Procedure Rules (included as part of this report)

Phase Two

Summary and Explanation
Articles of the Constitution
Codes and Protocols
Responsibility for Functions
Rules of Procedure (excluding Council Procedure Rules)

Phase Three

Appendices (e.g. councillor/officer profiles)

7. In terms of the approvals process, it is intended to submit all three phases to this Committee in the coming months for it to then submit subsequent reports, with recommendations, to Council. So, for example, in terms of the Council Procedure Rules, subject to the views of this Committee, it is proposed to submit a report to Council on the 26th November 2014.

COUNCIL PROCEDURE RULES

8. As part of phase one, a review has been undertaken of the Council Procedure Rules, a copy of which is attached as an appendix.

The main changes include:

- the sections relating to questions and motions have been re-ordered to ensure the guidance reads consecutively;
- the guidance in relation to timescales for submission of questions has been clarified to make the distinction between the timescales for submission of questions relating to Executive reports, and the timescale for questions submitted to any other matters in relation to which the Council has powers or duties or which directly affects Middlesbrough and which falls within the terms of reference of that committee or sub-committee;
- the rules regarding appointment of substitute members on committees and sub committees have been clarified;
- the rules regarding withdrawal of motions have been clarified;
- the reference to "Policy Conferences" has been removed as Policy Conferences can be dealt with via Special meetings;
- the section on the Petitions procedure has been removed and replaced by a short extract on the rules in relation to the submission of petitions; and

- Annex 1 to the Council Rules of Procedure has been deleted with the information contained at Annex 1 being included under the relevant parts of the procedure.

9. In view of the importance of the Council Procedure Rules, a legal check is also being undertaken. Should any issues be identified pertinent to this Committee's consideration of the Rules, then they will be reported at the meeting.

FINANCIAL CONSIDERATIONS

10. Any financial implications arising from this report will be dealt with through existing resources

RECOMMENDATION

11. That views of the Committee are sought on the revised Council Procedure Rules attached to this report.

BACKGROUND PAPER

12. The Council's Constitution

AUTHOR

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