

CONSTITUTIONAL AMENDMENTS

Report By: Assistant Chief Executive – Legal and Democratic

Wards Affected

County-wide

Purpose

- 1 To approve the adoption of changes to the Council's constitution.

Financial Implications

- 2 There are no financial implications.

Reasons

- 3 All Councils are required by law to prepare and keep up to date a Constitution that explains and regulates how the Council operates, how decisions are made and the procedures which are followed.
- 4 Council is requested to adopt the changes outlined in this report.

Considerations

- 5 Scheme of Delegation
Paragraph 12.4.2

The Scheme of Delegation was approved by Council on the 25 July 2008. It requires minor amendment to enable Cabinet Members to take key decisions within their portfolio responsibilities, consistent with Part 6 of the constitution. The proposed amended paragraph 12.4.2. will now read:

“Cabinet Member Decisions are those that do not fall within the definition of an Administrative or Management Decisions (See 12.5)”.

- 6 Paragraph 12.4.12 b)

This paragraph currently requires the Assistant Chief Executive – Legal and Democratic to provide a report to Cabinet on Urgent Key Decisions made by Cabinet Members. As key decisions would be subject to the normal call-in scrutiny procedures of the Council, Council is requested to approve the deletion of paragraph 12.4.12 b) of the Scheme of Delegation:-

“The report must be sent to the Assistant Chief Executive- Legal and Democratic to present to the next convenient Cabinet Meeting”.

7 Questions from Members of the Public

Council agreed in principle at its meeting on the 25 July 2008 to permit one supplementary question from a member of the public who has submitted written questions for a Cabinet Member or a Chairman of a Committee's response and to amend paragraph 4.24.2 of the constitution. Attached as Appendix 1 is a guide for public speaking at meetings of Council.

8 Paragraph 4.24.2 of the constitution reads:-

“No supplementary questions may be asked”

to be replaced by:-

“4.24.2.1 A member of the public with permission of the Chairman of the Council may ask one supplementary question only, addressed to the appropriate Cabinet Member or Chairman of a Committee for response. A verbal response will be given by the Cabinet Member or Chairman of a Committee. If the Cabinet Member or Chairman of a Committee is not able to respond verbally then a written reply shall be sent to the questioner.

4.24.2.2 The supplementary question must relate to the question made by the member of the public. Only one supplementary question is permitted and is time restricted to one minute. Where several members of the public have lodged similar written questions, these will be dealt with together. One person may be elected by the group to ask one supplementary question on behalf of the group.

4.24.2.3 Supplementary questions will be dealt with in the same order as the questions are presented in the Agenda. This is the order in which they are received by post or electronically by the Assistant Chief Executive: Legal and Democratic.”

RECOMMENDATION

THAT

- (a) Council considers and adopts the amendments to paragraphs 12.4.2 and 12.4.4 of the Scheme of Delegation;**
- (b) Council considers and adopts the amendment to the constitution to permit members of the public to ask one supplementary question of cabinet members or a Chairman of a Committee at public questions**

APPENDICES

- Appendix 1 – Guide to public speaking at meetings of Council

BACKGROUND PAPERS

- None