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STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 24 February 2014

Present:

Councillor WJ Davies (Chair)

Councillors M McLaughlin G Ellis
D Roberts P Kearney
J Salter T Harney
L Fraser

Independent Persons Mr D Burgess – Joyce
Mr B Cummings
Mr C Jones
Professor RS Jones

11 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

No declarations of interest were received.

12 **MINUTES**

The Committee was aware that Minute No. 8 had already been considered by the Council at its meeting on 16 December 2013. However, all of the Minutes that related to the meeting held on the 26 November 2013 were now being presented to the Committee, so that it could agree that they were a correct record or otherwise and so that the Chair could sign them.

RESOLVED:

That subject to the amendment below the Minutes of the meetings of the Committee held on 26 November 2013 and 6 January 2014 be confirmed as a correct record.

Minute No. 8 of meeting on 26 November 2014 – Revisions to the Constitution, final paragraph on page 6 to read:

‘Councillor L Fraser informed that she had been happy with the proposed amendment to Paragraph 15 – Special urgency on Schedule 1 until she had heard Councillor P Kearney’s comments which had allowed her to see it in a different light. Councillor C Blakeley informed that he agreed with Councillor L Fraser on this.’

13 **MEMBER SURVEYS RESULTS**

A report by the Strategic Director – Transformation and Resources reminded the Committee that the Council’s Constitution was a ‘living document’ which needed to be kept under review to reflect changes in the Council and changes in the way the

Council delivered services and did business. It was noted that regular reviews helped to:

- ensure the Constitution remained relevant and effective;
- identified changes required to ensure clarity and consistency; and
- provided an opportunity for continuous improvement of the Council's constitutional arrangements.

Members noted that the Committee was responsible for keeping the Council's Constitutional arrangements under review. It was able to make minor changes to the Constitution as it considered appropriate and make recommendations to the Council regarding changes. However, any changes made should be made in order to better achieve the purposes set out in Article 1 – The Constitution of the Council's Constitution.

To assist the Committee discharge its role and responsibilities, the two following Members' Surveys had been agreed at its meeting on 6 January 2014:

- Proposed Amendments to Council's Constitution; and
- Member Perceptions and Experiences of the Governance Arrangements.

These Surveys had been, subsequently, launched on 13 January 2014 and had ran until 31 January 2014. The report included the responses received in relation to them.

The Committee had initially considered proposals to amend the Council's Constitution at its meeting on 26 November 2013. It had then made recommendations to the Council.

However, the Council at its meeting on 16 December 2013 had resolved that:

“Council considers that it is not in a position to accept the amendments suggested in Schedule 2.

The schedule of items set out on pages 45-49 of the Summons fails to clarify the concerns raised at the meeting of the Standards and Constitutional Oversight Committee held on 26 November.

Given the confusion and conflicting opinions expressed and evident at that meeting, Council believes that the matter be deferred. In order to restore confidence in the process, all Members should have full opportunity to see and consider the changes set out more clearly. There has to be ample time for further study and potential agreement.

To aid this consideration, the various issues shall be set out on these suggested lines:

- (i) The original wording, with the full paragraph;
- (ii) The wording that is the subject of suggested change;
- (iii) The revised wording in context;

- (iv) A reasoned argument setting out the background and comment explaining the proposed change.

Individual Members should be invited to comment by a date to be agreed so that their views on the issues can be considered at the next meeting of the Committee on 5 February 2014.

That the date for consulting with Members on potential changes to the Constitution as indicated in the report from the Cabinet Member for Governance is moved from 18 December 2013 to 7 January 2014 to commence 13 January 2014 and end 24 January 2014 to give Members more time to input any suggestions in revising the Constitution.”

The Committee had established a Standards Working Group and it had met on 17 December 2013 to consider its responsibility to review the Members’ Code of Conduct, the Protocol for dealing with complaints against Members and how higher standards of Member behaviour could be achieved and maintained.

The Standards Working Group had considered it appropriate that the Committee, when it next considered the proposed Member Surveys, should also consider the inclusion of questions relating to improving Members’ conduct/behaviour as well as questions in relation to the Members’ Code of Conduct.

The purpose of the Members’ Surveys had been to:

- ascertain and canvass the views of all Members on the effectiveness of the current governance arrangements (and afford Members to comment on what he/she considers could/should be improved);
- consider the proposed amendments to the Council’s Constitution and make comment upon the same; and
- ascertain and canvass the views of all Members on the Ethical Framework.

A brief overview of the responses received in relation to both Members’ Surveys was set out at Appendix 1 to the report.

Appendix 2 to the report provided details of the responses received in relation to the Members’ Survey on the proposed amendments to Council’s Constitution.

Appendix 3 to the report provided details of the responses received in relation to the Members’ Survey on Members’ Perceptions and Experiences of the Governance Arrangements.

The Standards Working Group had met on 17 February 2014 to consider, along with other matters, the responses to both Members’ Surveys. It was noted that there had been an overwhelming response from Members to support the amendments. The Working Group had gone through the findings of the Survey of the Proposed Amendments to the Council’s Constitution in detail but had recognised that more analysis and evaluation had been received of the responses to the Members’ Survey on Perceptions of the new Governance Arrangements Survey. It had agreed to take the time to look at this in more detail and make further recommendations to the

Committee on the Council's governance arrangements and Ethical Framework in due course.

Accordingly, it had **recommended:**

“That the Standards and Constitutional Oversight Committee:

- (1) thank all Members who have participated in both Members' Surveys; and
- (2) recommends to the Council approval of the Standards Working Group's recommended amendments to the Council's Constitution as set out in the appendix.”

The Committee gave detailed consideration to the Working Group's recommendations and comments which were presented to it in table form and agreed that good progress had been made overall. Members went through the Survey results on the Proposed Amendments to the Council's Constitution in detail, raising queries and questions which were clarified and responded to by the Head of Legal and Member Services. Of particular note to the Committee was that, every Member but one who had completed the Survey had been concerned about Members' behaviour at Council meetings. The Committee agreed to concentrate on this and what it could do to assist at a future meeting. A Member sought particular clarification on a number of points and the Head of Legal and Member Services responded as appropriately.

RESOLVED: That

- (1) **those Members who have participated in both Members' Surveys be thanked for their contributions; and**
- (2) **the recommendations of the Standards Working Group, as set out in the appendix to these Minutes, be approved.**

STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

Page No. (of the Constitution)	Original Proposed Amendment	Standards Working Group Recommended Amendment	Original Paragraph	Standards Working Group Comments (in italics)
<p>18</p> <p>Article 6 – Policy and Performance Committees</p>	<p>Paragraph 6.3 (vii) Delete reference to “two” and “five” parent governor representatives and replace with “at least two parent governor representatives and two Diocesan representatives”.</p>	<p>vii) The Co-ordinating Committee shall appoint at least two but not more than five parent governor representatives and two Diocesan representatives to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.</p>	<p>(vii) The Co-ordinating Committee shall appoint at least two but not more than five parent governor representatives to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The School Standards and Framework Act 1998 for parent governors and the Education Act 1996 for Diocesan Representatives confirm that each Local Authority must appoint at least two (and not more than five) parent governor representatives and two Diocesan Representatives to each committee or sub-committee dealing with education matters.</p> <p>The legislation explains that these co-opted Members will have full voting rights in relation to any decisions concerning education</p>

STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

<p>In May 2013 Article 9 – The Standards & Constitutional Oversight Committee</p>	<p>Paragraph 9.2 (a) bullet point two Delete “three” replace with “four”.</p> <p>Insert new paragraph 9.4 (at page 25) “The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club”.</p>	<p>• <i>four</i> persons who are not Members or officers of the Council (independent persons).</p> <p>9.4 The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club.</p>	<p>• three persons who are not Members or officers of the Council (independent persons).</p> <p>[There is no existing 9.4]</p>	<p>and school matters.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>The change corrects a typographical error.</p> <p>Council at its May 2013 AGM agreed a new Ethical Framework which included the appointment of four Independent Members.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>The Council is the Trustee of the E.F Callister Youth Club. To assist the Council discharge its obligations, Council under the proposed change is delegating its Trustee responsibilities and powers to the Committee. This avoids the need for full meetings of Council, sitting as Trustee, being</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

				called to deal with issues affecting the Trust.
31 Article 10 – Constituency Committees	<p>Replace the first sentence in paragraph 10.2(iii) “The Constituency Committee have an advisory role” with “The Constituency Committee shall be a decision making committee”.</p> <p>Add in new paragraph “10.2 (iv) The Committee can appoint up to six Community Representatives with non-voting rights”.</p> <p>Add in paragraph “10.2 (v) Any Member of the Committee, including Community Representatives, may be appointed as the Chairperson of the Committee.”</p>	<p>10.2 Terms of Reference (i) ... (ii) ... (iii) <i>The Constituency Committee shall be a decision making committee.</i> They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.</p> <p><i>10.2 (iv) The Committee can appoint up to six Community Representatives with non-voting rights.</i></p> <p><i>10.2 (v) Any Member of the Committee, including Community Representatives, may be appointed as the Chairperson of the Committee.</i></p>	<p>10.2 Terms of Reference (i) ... (ii) ... (iii) The Constituency Committees have an advisory role. They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.</p> <p>[There is no existing 10.2(iv)]</p> <p>[There is no existing 10.2(v)]</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The changes reflect and confirm the powers that Members expect/require Constituency Committees to have.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the position that Constituency Committees are to be decision making.</p> <p><i>Original Proposed amendment agreed.</i></p> <p><i>This amendment clarifies the position that each Constituency Committee has the freedom to appoint a</i></p>

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				<p><i>Chairperson from the membership of the Committee.</i></p> <p><i>Constituency Committee arrangements should be kept under review.</i></p> <p>Council has previously agreed that up to six Community Representatives (with non-voting rights) can be appointed by each Constituency Committee; this change simply reflects that position.</p> <p>This change provides clarity on who can be a Chairperson of a Constituency Committee.</p>
<p>36</p> <p>Article 12 – Officers</p>	<p>Paragraph 12.3 – Function of the Monitoring Officer Add “12.3(h) - The Monitoring Officer be responsible to the</p>	<p><i>12.3(h) - The Monitoring Officer be responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the</i></p>	<p>[There is no existing 12.3(h)]</p>	<p><i>Original Proposed amendment agreed provided that the words “so far as reasonably possible” are deleted.</i></p>

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	Authority for ensuring so far as reasonably possible that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the Code of Corporate Governance)".	<i>Code of Corporate Governance)</i>		<i>This deletion provides clarity and removes any doubt.</i> The change ensures that Article 12 is consistent with the Council's approved Code of Corporate Governance.
49 Table 2 – Responsibility for Council Functions	Standards and Governance Committee (pg 51) Amend Committee title to "Standards and Constitutional Oversight Committee". Amend Functions to include "To carry out the functions, discharge the powers and undertake the duties of the Council as Trustee of the E.F Callister Youth Club".	<i>Standards and Constitutional Oversight Committee</i> <i>To carry out the functions, discharge the powers and undertake the duties of the Council as Trustee of the E.F Callister Youth Club</i>	Standards & Governance Committee This amendment simply adds a new function to the list of existing functions for this Committee appearing in Table 2.	<i>Original Proposed amendment agreed.</i> The changes amends a typographical error with regards to the name of the Committee. <i>Original Proposed amendment agreed.</i> As mentioned above the Council is the Trustee of the E.F Callister Youth Club. For the reasons already give, the changes ensures the function is included in the relevant part of the Constitution.

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	<p>Policy & Performance Co-ordinating Committee (pg 53) Add in “15” and delete” (Plus 4 voting and 1 other co-opted Members)”.</p>	<p>15</p>	<p>Members of the Authority (plus 4 voting and 1 other co-opted Members)</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The original wording should only relate to the Committee that deals with education matters, namely the Families and Wellbeing Policy & Performance Committee.</p>
<p>78</p> <p>Scheme of Delegation of (Non Executive) Delegation of Functions to Committees</p>	<p>Table B. Licensing & registration functions</p> <p>Amend paragraph 7 to read “Power to license sex establishments” and remove reference to “section 2 and Schedule 3”.</p>	<p><i>7. Power to license sex establishments</i></p> <p><i>The Local Government (Miscellaneous Provisions) Act 1982</i></p>	<p>7. Power to license sex shops and sex cinemas.</p> <p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The change removes a power that is not required.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change removes an unnecessary restriction on the application of the legislation.</p>

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	<p>Amend paragraph 26 - 2nd column (pg 80) to read “The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995”.</p> <p>Delete paragraph 48 (pg 81) relating to the “power to register motor operators”.</p>	<p><i>The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995</i></p> <p><i>Delete paragraph 48 - Power to register motor operators</i></p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.</p> <p>48. Power to register motor salvage operators.</p> <p>Part 1 of the Vehicle (Crime) Act 2001</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change removes an unnecessary restriction on the application of the legislation.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change reflects a power that no longer exists.</p>
<p>91</p> <p>Scheme of Non Executive Delegation of Functions to Officers</p>	<p>Schedule 4A Part 2 (1): The list of relevant legislation be amended to -</p> <p>Include: “Sunbeds (Regulation) Act 2010” “Mobile Home Act 2010” “Companies Act 2006” “Consumer Credit Act 1974,</p>	<p><i>Include the following legislation to the existing list of Acts and Regulations:</i></p> <p><i>“Sunbeds (Regulation) Act 2010”</i> <i>“Mobile Home Act 2010”</i> <i>“Companies Act 2006”</i> <i>“Consumer Credit Act 1974, 2006 and 2009”</i> <i>“The Cancellation of Contracts made in a “Consumer’s Home or Place of Work etc Regulations 2008”</i></p>	<p>This paragraph consists of a list of legislation. The amendment simply proposes to add or delete specific legislation to/from the list.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change updates legislation within the Scheme of Delegation so that it remains effective.</p> <p>It is preferable that specific legislation is cited in the Scheme rather than officers having to rely on the general provision that exists.</p>

	<p>2006 and 2009” “The Cancellation of Contracts made in a “Consumer’s Home or Place of Work etc Regulations 2008” “The Consumer Protection (Distance Selling) Regulations 2000”</p> <p>Delete: “Property Misdescriptions Act 1991” “Trade Descriptions Act 1968”</p> <p>Schedule 4A Part 2: Amend paragraph (2) (pg 94) to read “Institute legal action and or proceedings in respect of the enforcement of any</p>	<p><i>“The Consumer Protection (Distance Selling) Regulations 2000”</i></p> <p><i>Delete the following::</i> <i>“Property Misdescriptions Act 1991”</i> <i>“Trade Descriptions Act 1968”</i></p> <p><i>2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety and the health and safety.</i></p>	<p>2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety including those functions</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the power to institute proceedings and the scope of legislation.</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

	<p>legislation relating to trading standards, environmental health, environmental protection, food safety and the health and safety.”</p> <p>Amend paragraph 4(b) (pg 95) – replace reference to “Trading Standards Manager” with “Senior Manager (Trading Standards)”.</p> <p>Amend paragraph 4(c) and (d) (pg 95) – replace reference to “Trading Standards Manager, Divisional Officer (Business Support), Divisional Officer (Community Support and Regulation)” with “Senior Manager (Trading Standards) and Trading Standards</p>	<p>(4) (a) ...</p> <p>(b) personally or through the <i>Senior Manager (Trading Standards)</i> authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p> <p>(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:</p> <p><i>Senior Manager (Trading Standards) and Trading Standards Operation Manager</i></p>	<p>delegated to the Licensing, Health and Safety and General Purposes Committee, except the Health and Safety at Work etc. Act 1974.</p> <p>(4) (a) ...</p> <p>(b) personally or through the Trading Standards Manager authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p> <p>(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:</p> <p>Trading Standards Manager Divisional Officer (Business Support) Divisional Officer (Community</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This changes updates changes to officer posts following restructures.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This changes updates changes to officer posts following restructures.</p> <p><i>Original Proposed amendment agreed.</i></p>
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	<p>Operation Manager”.</p> <p>In relation to paragraph (15)(ii) (pg 96):</p> <ul style="list-style-type: none"> - delete reference to “(ii) Game Dealers Licences”; - amend (viii) to read “Notices given for temporary use of premises for gambling”; - delete reference to “(xviii) Motor Salvage operators”; and - amend (xxii) (see proposed amendment) 	<p>and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <ul style="list-style-type: none"> - delete “(ii) Game Dealers Licences”; - (viii) Notices given for temporary use of premises for gambling; - delete “(xviii) Motor Salvage operators”; <p>(xxii) to read: The enforcement of conditions relating to the licensing of hackney carriage and private</p>	<p>Support and Regulation)</p> <p>and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <p>Paragraph 15 contains a list of functions from which Games Dealers Licences is to be deleted.</p> <p>(viii) Consider notices given for temporary use of premises for gambling;</p> <p>Function to be deleted from functions list</p> <p>(xxii) to read: The enforcement of conditions relating to the licensing of hackney carriage</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This power is no longer relevant.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the power so that its is clear such Notices can be issued.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This power is no longer relevant.</p> <p><i>Original Proposed amendment agreed.</i></p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

		hire drivers licences, vehicle licences and operator’s licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension or revocation of driving licences, vehicle licences and operator’s licences.	and private hire drivers licences, vehicle licences and operator’s licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension of driving licences, vehicle licences and operator’s licences.	This change clarifies the power to enable revocation of licences not their suspension.
114-139 Rules of Procedure – Council Procedure Standing Orders	Page 118 - 5. Order of Business (Council Meetings), paragraph (2) (J) - Deleted and paragraphs then re-lettered. Page 119 – 5A – Annual meetings of the Council, Standing Order 2 (b) –Delete election and replace with “appointment”.	Delete: (j) To consider any other business specified in the summons; (This is repeated at paragraph (n) on the same list) (2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include: (a) as the first item of business, the election of a Civic Mayor; (b) the appointment of a Deputy Civic Mayor;	(j) To consider any other business specified in the summons; (2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include: (a) as the first item of business, the election of a Mayor; (b) the election of a Deputy Mayor;	<i>Original Proposed amendment agreed.</i> This change removes a Council agenda item that is repeated at paragraph (n) in the same list. <i>Original Proposed amendment agreed.</i> <i>The Standards W/G is satisfied that only Council will elect and appoint the Civic Mayor and Deputy Mayor respectively.</i> The Council is required annually to <u>elect</u> a Civic Mayor/Chairman and <u>appoint</u> a Deputy Civic

	<p>Page 120 - Standing Order 5B(9) new provision to be inserted - “Leader’s announcements – Appointment of Cabinet and Portfolios (unless to be confirmed as soon as practicably possible after the Annual General Meeting).”</p>	<p>5B(9)Appointment of Cabinet and Cabinet Portfolios and Holders.</p> <p>The Leader shall confirm his/her Cabinet and Cabinet Portfolios and Holders (or otherwise confirm to Council that such details shall be communicated to all Members as soon as practicably possible after the Annual General Meeting).</p>	<p>New provision.</p>	<p>Mayor/Chairman in accordance with Sections 3 and 5 of the Local Government Act 1972.</p> <p>Section 3(1) provides that “The chairman of a principal council shall be <u>elected</u> annually by the council from among the councillors.”</p> <p>Section 5(1) provides that “A principal council shall <u>appoint</u> a member of the council to be vice-chairman of the council.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>The change make no change to procedure or practice other than to ensure the provision is consistent with the above statutory provisions.</p> <p>This change seeks to</p>
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	<p>Page 122 – 8. Motions which may be moved without notice having been given under Standing Order 7</p> <p>Paragraph (l) - delete “36” replace with “22A”</p> <p>P123 – 10. Questions – Standing Order (2)(a) delete 5.1 and replace with 5(2)(h)</p> <p>P125 – 12. Rules of debate for Council Meetings</p> <p>Standing Order 12(6) Right of Reply (pg 125) – Delete 8 replace with “7”</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order 22A;</p> <p>(2) A member of the Council may (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order 5.2(h) of the Executive Board or a committee submitted to the Council at that meeting.</p> <p>12(6) Right of reply (Notices of Motion under Standing Order 7)</p> <p>The mover of a motion has a right to reply at the close of the debate</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order 36;</p> <p>(2) A member of the Council may (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order 5.1(h) of the Executive Board or a committee submitted to the Council at that meeting.</p> <p>12(6) Right of reply (Notices of Motion under Standing Order 8)</p> <p>The mover of a motion has a right to reply at the close of the</p>	<p>confirm/clarify an existing practice.</p> <p><i>Original Proposed amendment agreed.</i></p> <p><i>Proposed amendment agreed.</i></p> <p><i>Original Proposed amendment has been simplified.</i></p> <p>This change corrects a continuity issue.</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

	<p>AMENDMENTS - P126 - Standing Order 12(9)- Insert new provision – See proposed amendment opposite</p>	<p>on the motion. If an amendment is moved, only the mover of the original motion has a right of reply at the close of the debate on the amendment.</p> <p><i>12(9)(e) Where an ordinary Council meeting is scheduled to take place on a Monday, any amendment to a Notice of Motion submitted pursuant to Standing Order 7 must be submitted to the Head of Legal and Member Services (or his/her nominee) by no later than 10:00am on the Friday immediately preceding that ordinary Council meeting.</i></p> <p><i>In the case of any other scheduled ordinary Council meeting, any amendment proposed to a Notice of Motion must be submitted to the Head of Legal and Member Services (or his/her nominee) at least two clear working days prior</i></p>	<p>debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the 12(6) debate on the amendment in accordance with paragraph (7)(c) of this standing order. The mover of the amendment shall have no right of reply to the debate on the amendment.</p> <p>This is a new provision.</p> <p>There is no similar provision that exists within the Constitution.</p>	<p><i>Original Proposed amendment agreed; however it is considered appropriate that the Civic Mayor exercises any discretion under this proposed amendment not the Chief Executive and provides reasons in writing.</i></p> <p>This change seeks to mitigate against the need for an adjournment at Council to allow a Political Group(s) to consider amendments proposed</p>
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	<p>P127 – Standing Order (11) – Substantive Motion – delete “notified under Standing Order 5(1)(h)” and “notified as an objection”.</p> <p>P127- Standing Order (12) – Withdrawal of amendment- title change delete and replace with “Withdrawal of Motion or Amendment” and</p>	<p><i>to the relevant ordinary Council meeting unless the Civic Mayor agrees, giving reasons in writing, that it is in the public interest to allow the submission of the amendment at an alternative date and time.</i></p> <p>(11) Substantive motion If an amendment is lost, other amendments notified under Standing Order 12(9)(e) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment notified as an objection may be moved.</p> <p>(12) Withdrawal of Motion or Amendment A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No</p>	<p>(11) Substantive motion If an amendment is lost, other amendments notified under Standing Order 5(1)(h) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment notified as an objection may be moved.</p> <p>(12) Withdrawal of amendment A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No member may speak upon it after</p>	<p>to a Notice of Motion tabled at the Council meeting.</p> <p>The Civic Mayor has discretion to allow an amendment to be tabled at the Council meeting where he considers the public interest so demands.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change corrects a continuity issue and removes reference to the lodging of an amendment as an “objection” when there is no requirement for an amendment to be lodged as such.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change reflects the current practice and corrects a continuity issue.</p>
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	<p>add in "(See Standing Order 7(3))."</p> <p>P127 - Standing Order 13 Motions which may be moved in course of debate paragraph (d)- delete 7(8) replace with "9(1)."</p> <p>Page 131 – Voting – Standing Order 7- delete 7(8) replace with "9(1)."</p> <p>Page 133 – Section 2 – Relating to Committees - Standing Order 23 – (h) delete 4 replace with "1".</p> <p>Page 137- Standing Order 35- Calling in of Decisions</p>	<p>member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused (See Standing Order 7(3)).</p> <p>(d) to suspend Standing Order 9(1);</p> <p>(7) When the electronic voting system is not being used, a card vote may still be requested during the procedure referred to in Standing Order 9(1).</p> <p>(h) In relation to start time – S O 1 4</p>	<p>the mover has asked permission for its withdrawal, unless such permission has been refused.</p> <p>(d) to suspend Standing Order 7(8);</p> <p>(7) When the electronic voting system is not being used, no request for a card vote may be made during the procedure referred to in Standing Order 7(8).</p> <p>(h) In relation to start time – S O 4</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change corrects a continuity issue.</p> <p><i>Original Proposed amendment agreed; however the right to request a card vote has been clarified.</i></p> <p>This change corrects a continuity issue.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change corrects a continuity issue.</p>
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	<p>Standing Order 35(2) – (pg 137) Delete the word “notice” and replace with “Minute(s)”.</p> <p>Delete - “9a.m on the Thursday” and replace with “5:00pm on the final day of the call in period of five clear working days from the date of publication.”</p> <p>Standing Order 35(3)(a) – (pg 137) Delete “7 working days” replace with “15 working days”.</p>	<p>35(2) That <i>Minute(s)</i> will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00pm on the final day of the call-in period of five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period)</p> <p>35(3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason</p>	<p>35(2) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 9a.m. on the Thursday following publication of a decision on Friday. (Adjusted by a maximum of one day in there is one or more Bank Holidays in that period)</p> <p>35(3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the Call-In procedure and timetable.</p> <p>The call-in period remains unchanged.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change amends the timetable to ensure sufficient time is afforded to call a meeting of the relevant committee to hear the call-in.</p> <p>The last call-in demonstrated that it was very difficult to convene the necessary committee meeting within 7 working days.</p>
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