



REPORT TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda item 16(L)

PORTFOLIO AREA: Not applicable

Date of Meeting: 10 September 2002

Public

Key Decision: No

Recorded in Forward Plan: No

Inside/Outside Policy Framework Not applicable

Title: PROPOSED MINOR CHANGES
TO THE COUNCIL'S CONSTITUTION
Report of: CITY SOLICITOR AND SECRETARY
Report reference: TC.178/02

Summary:

The report outlines minor changes which will need to be made to certain parts of the Council's Constitution to incorporate the provisions of new Regulations which require longer periods of notice for meetings of the Council, Committees and the Executive.

Recommendations:

The Council is requested to note and approve amendments to the Constitution set out in the Appendix to this report and to authorise the City Solicitor and Secretary to make the appropriate amendments accordingly.

Contact Officer: John Egan

Ext: 7004

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 and The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 The Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002 and The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002 were recently passed and they will come into force on 1 October 2002.
- 1.2 The Regulations amend parts of the Local Government Act 1972 which contain provisions about access to meetings and documents relating to those meetings of Councils, their Committees and Sub-Committees. In particular, at present public notice of a meeting must normally be given at least three clear days before the meeting is held. The agenda and certain other documents must be open to inspection at least three clear days before the meeting. An item of business may not normally be considered at a meeting unless a copy of the agenda, including the Item has been available for public inspection for three clear days before the meeting.
- 1.3 The Regulations amend the current position by extending each of these periods of three clear days to five clear days as far as Councils, their Committees and Sub-Committees are concerned. The Regulations similarly extend the period in relation to meetings of the Executive to five clear days and this extended period also applies to the prior public availability of reports in respect of any individual Member of the Executive making a key decision.
- 1.4 It will therefore be necessary to make appropriate amendments to the Council's Constitution which currently provides references in some instances to the lesser period of three clear days. I have been through the various Procedure Rules in the Constitution and have attached as an Appendix to this report a summary of those parts of the Constitution which will require amendment in order to bring it in line with the new Regulations.
- 1.5 Members will see that the proposed amendments are relatively few in number and are entirely of a procedural nature. The practical effect will be that Officers will need to ensure that reports and agendas for meetings are published and available for public inspection earlier than has hitherto been the case in order to meet the new statutory deadlines. The object of the Regulations is to give the public a greater opportunity to have access to Council agendas and reports prior to meetings in order to improve the democratic process.

2. CONSULTATION

- 2.1 The report is referred to the full Council on 10 September next because it will be a matter for the Council to agree any amendments to the Constitution. The report has, however, by way of advanced notification been submitted to the Executive and the Community Overview and Scrutiny Committee for their information.

3. STAFFING/RESOURCES COMMENTS

- 3.1 The Regulations should produce no additional demand on resources other than the fact that Officers will need to be more vigilant in ensuring that reports are produced on time.

4. CITY TREASURER'S COMMENTS

- 4.1 Not applicable.

5. LEGAL COMMENTS

- 5.1 These are included in this report.

6. CORPORATE COMMENTS

- 6.1 The Chief Officers Management Team has been made aware of the position.

7. RISK MANAGEMENT ASSESSMENT

- 7.1 Officers will need to be more vigilant in terms of ensuring reports and agendas are available and despatched in time to comply with the statutory requirements to ensure that decisions are legally made.

8. EQUALITY ISSUES

- 8.1 None.

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 None.

10. CRIME AND DISORDER IMPLICATIONS

10.1 None.

11. RECOMMENDATIONS

11.1 The Council is requested to note and approve amendments to the Constitution set out in the Appendix to this report and to authorise the City Solicitor and Secretary to make the appropriate amendments accordingly.

12. REASONS FOR RECOMMENDATIONS

12.1 To ensure that the Council complies with the statutory obligations imposed by the new Regulations.

JOHN EGAN
CITY SOLICITOR AND SECRETARY

APPENDIX

THE LOCAL AUTHORITIES (ACCESS TO MEETINGS AND DOCUMENTS) (PERIOD OF NOTICE) (ENGLAND) ORDER 2002 AND

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (ACCESS TO INFORMATION) (ENGLAND) AMENDMENT REGULATIONS 2002

PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION

SECTION OF THE CONSTITUTION	PROPOSED AMENDMENT
1. Council Procedure Rules, Rule 6 (Page 127)	Amend the third line to read "five" clear days rather than three.
2. Council Procedure Rules, Rule 11.4 (Page 132)	Delete paragraph (a) and replace by a new paragraph which reads "they have given notice of the question in writing or by electronic mail to the City Solicitor and Secretary no later than midday at least 7 clear days before the date of the meeting; or"
3. Access to Information Procedure Rules, Rule 5 (Page 143)	Change the third line to read "five" clear days rather than three.
4. Access to Information Procedure Rules, Rule 13 (b) (Page 148)	Change to "at least 5 clear days" rather than 3 clear days.
5. Access to Information Procedure Rules, Rule 15 (d) (Page 150)	Change to "at least 5 clear days" rather than 3 clear days.
6. Access to Information Procedure Rules, Rule 20 (Page 152)	Change to "five clear working days" rather than three clear working days.
7. Access to Information Procedure Rules, Rule 22.1 (Page 153)	Change to "at least 5 clear days" from 3 clear days.

SECTION OF THE CONSTITUTION

PROPOSED AMENDMENT

- | | |
|---|--|
| 8. Overview and Scrutiny
Procedure Rules,
Rule 13 (b) (Page 171) | Change to "at least 5 <u>clear</u> working
days notice". |
| 9. Overview and Scrutiny
Procedure Rules,
Rule 15 (b) (Page 171) | Change to "at least 5 <u>clear</u> working
days notice". |
| 10. Overview and Scrutiny
Procedure Rules,
Rule 15 (c) (Page 171) | Change to "within 7 clear working
days" rather than 5 working days. |
| 11. Overview and Scrutiny
Procedure Rules,
Rule 15 (d) (Page 172) | Change to "within a further 7 clear
working days" rather than 5 working
days. |
| 12. Overview and Scrutiny
Procedure Rules,
Rule 15 (e) (Page 172) | Change to "further 7 clear working
day period" rather than 5 working
day period. |
| 13. Overview and Scrutiny
Procedure Rules,
Rule 15 (f) (Page 172) | Change to "within 7 clear working
days" rather than 5 working days. |
| 14. Overview and Scrutiny
Procedure Rules,
Rule 15 (h) (Page 172) | Change to "within seven clear
working days" rather than five
working days. |