

AUDIT COMMITTEE

Corporate Governance – Constitutional Amendment 19th September 2007

Report of Head of Democratic Services

PURPOSE OF REPORT

The report recommends consideration of a revision to the Constitution following a recent request to produce a report to Committee.

This report is public

1.0 RECOMMENDATIONS

That Committee consider whether, or not, a new Council Procedure Rule 15.3 (with subsequent re-numbering of 15.3 and 15.4) should be included in the Constitution with immediate effect as follows:

15.3 Officer Briefing Note

Where a Motion for which Notice has been given is included on the Agenda, an officer briefing note will be included on the Agenda to accompany that motion setting out in particular any key risks and potential financial and legal implications for the Council should the proposed motion be carried.

2.0 Introduction

2.1 Members will be aware that the Constitution currently provides for Members to submit written notices of motions for debate at full Council as follows:

'15 **MOTIONS ON NOTICE**

15.1 **Notice**

Except for motions which can be moved without notice under Rule 16, written notice of every motion, from at least 2 Members, must be delivered to the Chief Executive not later than 10 days before the date of the meeting in writing or by electronic mail (from a known or recognised source). This can be collective notification for Members of the same political group. These will be entered in a book open to public inspection.

15.2 **Motion Set Out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Members who have given notice state, in writing, that they propose to move it to a later meeting or withdraw it.

15.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the District.

15.4 **Closure of Debate**

Debate on any motion for which notice has been given may be closed after 45 minutes, when the Mayor may move to the summing up and vote on any amendment then being debated and on the substantive motion without further debate or amendment.'

2.2 In the past 12 months the following have been the subject of a Motion on Notice:

- Proposed Heysham/M6 Link (June 2007)
- Sustainable Communities Bill (Feb 2007)
- Rail Transport - Loss of Services (Feb 2007)
- Micro Renewable Technology (Feb 2007)
- Traffic Calming near Schools(Dec 2006)
- School Bus Fares Increases(Dec 2006)
- Privatisation of NHS (Sept 2006)
- Piccadilly Gardens (Sept 2006)
- Top Up Fees for Students(Sept 2006)
- Climate Change Action (July 2006)

3.0 **Background**

3.1 The custom and practice has been for the Chief Executive, on receipt of any Notice of Motion, to consider any potential for its approval to have implications for the Council and where necessary request an appropriate officer to provide a briefing note to accompany the Motion on the agenda. This sets out any potential risks and provides the opportunity for Members to ask questions of the relevant Director prior to the debate.

3.2 A request has been made to bring forward a report to enable the Committee to consider whether, or not, a formal process should be introduced to include an officer briefing note alongside all Member motions.

3.3 Should Audit Committee resolve to make this a formal requirement of the Constitution, then an appropriate amendment is required to Council Procedure Rule 15, and this will be reported to the next meeting of the Council Business Committee.

4.0 **Options and Options Analysis (including risk assessment)**

4.1 The options available to the Committee are to recommend the inclusion of the proposed amendment to formalise the requirement for an officer briefing note to be provided to accompany all Motions on Notice at full Council or to take no action, recognising that officers already provide an appropriate briefing note when considered necessary.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report, although the change to the constitution being considered requires officer resources to be used to produce briefing notes each and every time a member motion is proposed.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

In accordance with Article 15 of the Constitution, changes to the Constitution can only be made as a result of recommendations from the Monitoring Officer or Audit Committee. Approval of the proposed amendment is delegated to the Council Business Committee.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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