



# COUNCIL

**12 May 2008**

**Agenda Status: Public**

**Directorate: Constitutional Review**

<b>Report Title</b>	<b>Constitutional Review</b>
---------------------	------------------------------

## 1. Summary

Following initial consideration by the Council on 17 March 2008 of the report of the Constitution Review Working Party this report sets out the detailed drafting changes to the Constitution for adoption.

## 2. Recommendations

1. That Council adopts the changes to the Constitution set out in appendix 3 of this report.
2. That the Tree Panel be reconfigured with five Councillors who are not Members of the Planning Committee.
3. That Council delegates powers to the Solicitor to the Council to make any minor grammatical changes to the Constitution prior to publishing the document.

## 3. Report Background

**3.1** The cross-party Constitutional Review Working Party has met on a number of occasions and as a result of its deliberations, various changes to the Constitution are suggested. The Constitutional Working Party Group's broad thinking is contained in Appendix 1 and 2 of this report. These Appendixes have already been reported to Full Council. The Constitutional Review Working Party last met on 28 April 2008, to consider the detailed drafting and to make suggestions for final changes to the Constitution. As a result of that meeting, some minor changes had been made to Appendix 2.

The detailed drafting, with changes tracked in red, are attached at Appendix 3

## **3.2 The headline proposals are as follows:**

### **3.2.1 Public Speaking Rights**

If the proposals are adopted, the public will be given additional speaking rights at ordinary Council meetings. Currently, members of the public can speak on motions (subject to detailed rules) and to ask questions during Council's question time. If these proposals are adopted, members of the public will have an additional right to address Council on any matter on the Council's agenda and will have a maximum of three minutes slot to do this. These rights will be in addition to the rights to speak on motions and to ask questions at question time.

### **3.2.2 Length of Council Meeting**

To accommodate the extra half an hour slot, it is proposed that the length of the Council meeting be increased by half an hour. The Constitutional Working Party Group considered two options to accommodate this. One was to start Council meetings half an hour earlier and the other option was to adjust the guillotine so it falls half an hour later, i.e. at 10 pm, as opposed to 9.30 pm. The suggested amendments in this report suggest the latter course, which is for the guillotine to fall later and for Council meetings to end at 10 pm.

### **3.2.3 Portfolio Holder Presentations**

When original amendments to the Constitution introduced the Portfolio Holder presentations slot, the then administration had six Portfolios. The current administration has seven Portfolios and to accommodate them the time slot for Portfolio Holder presentations has been increased by fifteen minutes, to a total period of forty-five minutes.

## **Procedural Rules**

### **3.2.4 Motions**

Various amendments to Motions have been suggested in this report. Some amendments have been drafted to clarify rules of debate whilst other changes are more substantive.

- Amendments have been made to increase the submission deadline for amendments to Motions to two and a half working days. This will work as follows:

If a Council meeting were to be held on Monday, amendments to Motions would need to be submitted to the Monitoring Officer by 12 noon on the Thursday before the meeting. The purpose for this amendment is to ensure that proper professional advice on the validity of the amendment can be provided by the Chief Executive and Monitoring Officer and that there is adequate time to circulate the amendments amongst groups. This amendment if approved should facilitate better quality debate on amendments.

- Adjustments to the Constitution have been suggested to allow the Mayor to use their discretion to amend Motions, to correct any factual or grammatical errors, but

without changing the main thrust of the Motion. Again, this will assist the administration and debate of amendments.

### **3.2.5 Length of Speeches**

Currently, the Constitution allows movers and seconders of Motions a total speaking time of ten minutes, with other speeches restricted to five minutes. The proposed amendments to the Constitution will reduce this to a maximum of a five minutes speech from a mover of a Motion, and all other speakers including a seconder of a motion, will have a maximum of three minutes to make a speech.

### **3.2.6 Opposition Business**

The suggested amendments, introduce a new concept to the Constitution. If adopted, it will allow opposition groups and those not part of a group, to introduce relevant items for consideration by Council. The items of business here could include Motions, and there will be restrictions on the ability for these to be amended. Only one item from an opposition group or individual will be allowed at each Council meeting. The right to introduce items will be based on the groups/individual's proportional representation on the Council. Officers will prepare worked examples and guidance for members on their rights to introduce items under this heading.

### **3.2.7 Tree Preservation Order**

Currently, the Tree Preservation Panel is a sub-committee of the Planning Committee. However, recently a rare circumstance has arisen whereby the current Panel members (drawn from the Planning Committee) have been unable to hear a matter as it had previously been discussed by the Committee. It is therefore proposed that in future the Panel be configured from Councillors not serving on Planning Committee (or Cabinet).

### **3.2.8 Contract Procedure Rules**

Various technical changes have been made to the Contract Procedure Rules, which seek to clarify and reflect structural changes in the way the Council deals with procurement issues.

### **3.2.9 Shadow Cabinet**

Changes to the Constitution will introduce the concept of a Shadow Cabinet. However, the protocol is actually being discussed with relevant Members and will be circulated to Members before the Council meeting.

### **3.2.10 Race Equality Forum**

Running in parallel to the Working Party another group has been reviewing the Race Equality Forum. Consultations with professionals in partner organisations and networks involved with community cohesion, race equality, hate crimes and community engagement have taken place together with members of the Faiths Forum, Faithworks and Churches Together in Northampton. The need for a Forum that deals not only with faiths, but also ethnicity, culture and diverse communities for dealing with doctrine but also with practical aspects of living together and engaging with the Council came out strongly from these discussions. There were no concerns in respect of duplication

particularly with the independently organised Faiths Forum but rather that this proposal would be complementary. Set out in Appendix 7 is a revised Article renaming the Race Equality Forum as the Diverse Communities Equality Forum and setting out new objectives for it.

#### **4. Implications (including financial implications)**

##### 4.1 Resources and Risk

Financial Implications (*if appropriate*), Risk and Non-financial resource (e.g.staffing) implications and comments from Finance if appropriate

##### 4.2 Legal

The Constitution defines the way the Council operates and as such the agreed document will have legal force.

##### 4.3 Other Implications

None specifically.

#### **5. Background Papers**

FJF Constitution file.

**Report Author and Title:** Francis Fernandes  
Solicitor to the Council

**Telephone and Email:** 01604 838334