



Report of:	Meeting	Date	Item no.
The Leader of the Council (Cllr Gibson) and the Corporate Director of Resources	Council	30 July 2015	12

Constitution Amendments

1. Purpose of report

1.1 To enable changes to be made to the Council's Constitution:

2. Outcomes

2.1 More up to date and effective governance arrangements

3. Recommendations

3.1 That the changes to Article 9 of the Constitution, relating to the terms of office of the Leader and Cabinet members, set out as track-changes in Appendix 1, be approved.

3.2 That the provision for a member of the public or a representative of a voluntary organisation or other agency to make a presentation at a Council meeting, currently set out in paragraphs 10.1, 10.2 and 10.3 of the Council Procedure Rules, attached as Appendix 2, be deleted and that subsequent paragraphs be re-numbered accordingly.

3.3 That the removal of the requirements in Section 11(1) of the Local Democracy, Economic Development and Construction Act 2009 relating to Local Authority Petitions Schemes and the intention to simplify the arrangements for dealing with petitions at Wyre, be noted.

4. Background

4.1 There is a need for various, relatively minor, changes to be made to the Constitution to reflect changed circumstances or to clarify ambiguities which have emerged over time.

5. Key issues and proposals

(a) Term of office of Cabinet Members

- 5.1** Article 9, in Part 2 of the Constitution, sets out the role and composition of the Cabinet. The proposed amendments, shown as track-changes in Appendix 1, will remove a current ambiguity about the terms of office of Cabinet members and enable administrative arrangements for the payment of Special Responsibility Allowances to be clarified.

(b) Presentations at Council meetings

- 5.2** The current provisions for a member of the public or a representative of a voluntary organisation or other agency to make a presentation at a Council meeting were introduced when the format of Council meetings was reviewed in October 2004. It was considered, at that time, that such a provision would encourage public involvement and was one of a number of measures introduced to make clearer the change of purpose of the meeting, following the introduction of the then still fairly new Leader and Cabinet decision making structure, in place of the previous committee system. However, such a provision is no longer considered to be necessary because requests to make such presentations are now very rarely received and experience suggests that having a 10 minute presentation within a formal Council meeting is not particularly beneficial, either for the presenter or for Councillors. In most cases, information can be provided to the Council or assistance sought from it in other, more direct ways. When a presentation about the work of a particular organisation or about a specific issue is appropriate, a more detailed, less formal and more interactive briefing, with an opportunity for questions and answers, is likely to be more effective. Such a briefing can usually be arranged for 6pm, prior to the start of a Council meeting at 7pm, although that “slot” is used primarily for Councillor training.

(c) Petitions Scheme

- 5.3** The Council has recently been informed that the requirement in Section 11(1) of the Local Democracy, Economic Development and Construction Act 2009 for all local authorities to have a petitions scheme has been repealed. The lengthy and complex procedures set out in the Council's current scheme (approved by the Council on 24 June 2010 and included in Part 5.09 of the Constitution) which closely followed various steps prescribed in guidance issued under the 2009 Act, therefore no longer need to be followed. Simpler, quicker and clearer arrangements will be drawn up and submitted for approval as soon as possible.

Financial and legal implications	
Finance	None arising directly from this report.
Legal	The proposals in this report will ensure that the parts of the Council's Constitution referred to are up to date and that statutory requirements are met.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

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List of background papers:		
name of document	date	where available for inspection
None	-	-

List of appendices

Appendix 1 Revised version of Article 9 – The Cabinet

Appendix 2 Extract from current Council Procedure Rules – Presentations at Council meetings.

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Article 9 - The Cabinet

9.01 Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

9.02 Form and Composition

The Cabinet will form the Executive of the Council and will consist of the Leader together with at least five Councillors (the statutory maximum is 8 plus the Leader).

On election; the Leader will inform the Council of the Deputy Leader and other Members he has appointed to the Cabinet.

Each Member of the Cabinet will individually hold office until the Annual Council Meeting following the next Council elections, unless:

- he or she resigns from office;
- he or she is suspended from being a Councillor under Part III of the Local Government Act, 2000;
- he or she is no longer a Councillor;
- he or she is removed from office by the Leader, who must give written notice of any change to the Chief Executive (such removal to take place after two days and to be notified to the Council at the next meeting).

9.03 Leader

The Leader will be a Councillor elected to the position by the Council at the Annual Meeting following an election. The Leader will then hold office until the Annual Council Meeting following the next Council elections, unless:

- he or she resigns from office;
- he or she is suspended from being a Councillor under Part III of the Local Government Act, 2000;
- he or she is no longer a Councillor;
- he or she is removed from office by a resolution of the Council (following a vote on Notice of Motion submitted under the Council Procedure Rules;
- ~~– the Annual Council meeting following the next election of Councillors.~~

If the office of Leader becomes vacant, the Council shall fill the vacancy as soon as reasonably practicable, either at the next ordinary or a specially convened Council meeting. The person elected will then hold office in accordance with the provisions of this Article. (Pending such an appointment the Deputy Leader will assume the responsibilities of the Leader)

9.04 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet

Procedure Rules set out in Part 4 of this Constitution.

9.05 **Responsibility for Functions**

The Leader will maintain a list as set out in Part 3 of the Constitution detailing the particular responsibilities of each Cabinet Member. Functions can also be delegated to committees of the Cabinet, Officers or joint arrangements and, where applicable, would be listed in Part 3.

9.06 **Lead members**

The Leader may also appoint such number of other councillors as he/she may think fit to assist the Council and the Cabinet. These councillors, known as Lead Members, have no decision making powers and do not form part of the Executive. Their role will be to provide support and advice on their specialist area of activity. Each Lead Member holds office until ~~he or she~~ the Annual Council Meeting after the next Council elections, unless:

- he or she resigns from office;
- he or she is suspended from being a Councillor under Part III of the Local Government Act 2000;
- he or she is no longer a councillor; or
- he or she is removed from office by the Leader who must give written notice of any change to the Chief Executive (such removal to take place after two days and to be notified to the Council at the next meeting).

The responsibilities of Lead Members are set out in Part 3 of the Constitution.

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Extract from the current Council Procedure Rules**10. Presentation by a Member of the Public, or a Representative of a Voluntary Organisation or other Agency****10.1 General**

A member of the public, a representative of a voluntary organisation or an other agency may make a presentation to the Council. They may address the Council for up to 10 minutes on the work of their organisation or on any issue which has a direct effect upon the Borough or on the role of the Council. Only one presentation will be received by the Council at each meeting.

10.2 Notice

Anyone wishing to make a presentation to the Council shall give notice to the Democratic Services and Scrutiny Manager at least 5 clear working days before the meeting (i.e. normally the Wednesday before a meeting on the following Thursday). Details of the presentation will be included on the agenda.

In the event of more than one request being received before the deadline, lots will be drawn. No individual or organisation will be permitted to make more than one presentation during a twelve month period.

10.3 Response

The Leader of the Council or the relevant Portfolio Holder will respond. A maximum of 5 minutes will be allocated for this purpose.

It is proposed that these paragraphs be deleted.

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