

North Tyneside Council

Report to Council

Date: 21 July 2016

ITEM 10

Title: Council Procedure
Rules – Proposed Change

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service

Area: Law and Governance

Responsible Officer: Vivienne Geary, Head of Law and Governance (Tel: (0191)6435339)

Wards affected: All

PART 1

1.1 Executive Summary:

This report contains a proposed change to the Council Procedure Rules in relation to the deadlines for the submission of questions and motions to full Council.

1.2 Recommendation(s):

It is recommended that Council approve the proposed changes to the Council Procedure Rules contained in the Constitution, as set out in Appendix A to this report, and refer the approved changes to the Elected Mayor for her consent in accordance with Article 15 of the Constitution.

1.3 Forward Plan:

This report first appeared on the Forward Plan that was published on 11 July 2016.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the Our North Tyneside Plan priorities.

1.5 Information:

- 1.5.1 Since the annual review of the Constitution approved by the Council in May 2016, some further issues have been drawn to the attention of the Monitoring Officer for consideration.

- 1.5.2 The Constitution Task Group met on 5 July 2016 to consider the proposed changes to Council Procedure Rules contained in the Constitution which concern the deadlines for the submission of questions by members of the public and Members of the Council and the submission of motions.
- 1.5.3 The proposed changes to the Constitution approved by the Constitution Task Group, which are submitted for Council's approval, are attached in Appendix A to the report.
- 1.5.4 The Constitution and associated documents will continue to be kept under review and any further proposals to amend the Constitution and its associated documents will be reported to Council other than those which reflect any changes in the organisational structure of the Council or any legislative changes where the power remains unaltered. The Council has previously authorised the Head of Law and Governance, in consultation with the Chair of the Constitution Task Group, to make such changes and these need not be reported to Council.

1.6 Decision options:

The following decision options are available for consideration by Council:

- Option 1 - Accept all of the proposed changes;
- Option 2 - Make amendments to the proposed changes; or
- Option 3 - Reject some or all of the proposed changes.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

- 1.7.1 Option 1 is recommended for the following reasons:
- 1.7.2 To allow maximum time for the submission of questions and motions for full Council meetings prior to the publication of the agenda for those meetings.

The proposals presented to Council have been scrutinised by the Constitution Task Group, which is the Authority's consultative body for any changes to the Constitution and its associated documents and are the recommendations of the Monitoring Officer, who has a duty under Article 16 of the Constitution to monitor and review the Constitution.

1.8 Appendices:

Appendix A – Proposed changes to the Council Procedure Rules approved by the Constitution Task Group.

1.9 Contact officers:

Dave Brown, Law and Governance (Tel: 643 5358)
Janice Gillespie, Finance (Tel.6435701)

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

North Tyneside Council's Constitution
Papers submitted to Constitution Task Group on 5 July 2016

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from the proposed changes to the Council Procedure Rules

2.2 Legal

In accordance with Article 15 of the Constitution, the Monitoring Officer has a key role in reviewing the operation of the Constitution and in making recommendations to Council on ways in which it could be amended to ensure that it achieves its purpose as set out in Article 1.

There are no legal implications directly arising from the proposed changes to the Council Procedure Rules.

2.3 Consultation/community engagement

The Constitution Task Group has met to consider the proposed changes to Council Procedure Rules. The Leaders of each of the political groups represented on the Council have also been consulted.

2.4 Human rights

There are no human rights implications directly arising from the proposed changes to the Council Procedure Rules.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from the proposed changes to the Council Procedure Rules.

2.6 Risk management

There are no risk management implications directly arising from the proposed changes to the Council Procedure Rules.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from the proposed changes to the Council Procedure Rules.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from the proposed changes to the Council Procedure Rules.

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy

Constitution – Proposed Changes Appendix A

No.1

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
1.	Part 4.1 – Council Rules of Procedure	<p>7. Questions by Members of the Public</p> <p>(2) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5.00 p.m. seven clear working days before the day of the meeting which has been designated for public questions. Each question must give the name and address of the questioner. At any one meeting, no person may submit more than one question and no more than one question may be asked on behalf of an organisation. In addition, no question may be sub divided into more than two related parts.</p> <p>10. Questions on notice (by Members of the Council)</p> <p>However, a Member may only ask a question if either:</p> <p>a) they have given notice of the question by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5.00 p.m. seven clear working days before the day of the meeting. Each question must give the name of the questioner and name the Member of whom it is to be asked; or</p>	<p>7. Questions by Members of the Public</p> <p>(2) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5.00 p.m. seven six clear working days before the day of the meeting which has been designated for public questions. Each question must give the name and address of the questioner. At any one meeting, no person may submit more than one question and no more than one question may be asked on behalf of an organisation. In addition, no question may be sub divided into more than two related parts.</p> <p>10. Questions on notice (by Members of the Council)</p> <p>However, a Member may only ask a question if either:</p> <p>a) they have given notice of the question by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5.00 p.m. seven six clear working days before the day of the meeting. Each question must give the name of the questioner and name the Member of whom it is to be asked; or</p>

b) the question relates to urgent matters, they have the consent of the Chair of the Council, and the content of the question and the reasons for the urgency are given to the Monitoring Officer by 12 noon on the day of the meeting.

11. Motions

(1) Written notice of every motion, signed by at least three Members, must be delivered to the Monitoring Officer not later than 5.00pm seven clear working days before the date of the meeting.

b) the question relates to urgent matters, they have the consent of the Chair of the Council, and the content of the question and the reasons for the urgency are given to the Monitoring Officer by 12 noon on the day of the meeting.

11. Motions

(1) Written notice of every motion, signed by at least three Members, must be delivered to the Monitoring Officer not later than 5.00pm ~~seven~~ **six** clear working days before the date of the meeting.

Reason for proposed change:

To allow maximum time for the submission of questions and motions for full Council meetings prior to the publication of the agenda for those meetings.

Implications of proposed change:

- **Finance and other resource implications:**
There are no finance or other resource implications arising directly from these proposals.
- **Legal implications:**
There are no legal implications arising directly from these proposals.
- **Consultation/Engagement undertaken (internal and external):**
Consultation on the proposals has been undertaken with the Constitution Task Group. The Leaders of each of the political groups represented on the Council have also been consulted on the proposals.
- **Human Rights implications:**
There are no human rights implications arising directly from these proposals.
- **Equalities and Diversity implications:**
There are no equalities and diversity implications arising directly from these proposals.

	<ul style="list-style-type: none">• Risk Management implications: There are no risk management implications arising directly from these proposals.• Crime and Disorder implications: There are no crime and disorder implications arising directly from these proposals.• Environment and Sustainability implications: There are no environment and sustainability implications arising directly from these proposals.
	<p>Proposed by: Dave Brown Service Area: Law and Governance Contact Tel. No: 6435358</p>
	<p>Head of Service sign-off: (please insert a cross in the box)</p> <div data-bbox="725 612 842 671" style="border: 1px solid black; text-align: center; width: 50px; height: 30px; display: inline-block;">x</div>