



Coventry City Council

Council Meeting

18 September 2007

Booklet 2

Recommendations

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STANDARDS COMMITTEE

27th June, 2007

Members Present:- City Council Members

Councillor N. Lee
Councillor K. Mulhall
Councillor A. Williams

Independent Members

B. Farrer (Chair)
B Ray
M. Farrell
J. Willetts

Parish Councillor Representative

B. Shakespeare

Employees Present:- S. Bennett (Legal and Democratic Services Directorate)
C. Hinde (Director of Legal and Democratic Services)

Apologies:- A. Casey
M Farrell
B. Jackson

RECOMMENDATION

1. Proposed Amendments to the Constitution

The Committee considered a report of the Director of Legal and Democratic Services that outlined proposed changes to the Constitution following consideration of these matters by the Constitution Working Group.

Currently, the Constitution indicates that decisions of the Cabinet or any Cabinet Member which are urgent (ie. any delay likely to be caused by the call-in process, whereby non Cabinet Members have the right to ask for a decision to be scrutinised, would prejudice the Council's or the public's interest) are not subject to call-ins. In such cases, the records of the decisions reflect the reasons for urgency and state that they are therefore not subject to call-in. In addition, the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, must attend meetings where urgent decisions are taken and they are asked to agree the need for urgency.

In practice, in most instances, there is the opportunity for the Scrutiny Co-ordination Committee to consider urgent reports prior to their consideration by Cabinet or Cabinet Members and to agree the need for urgency.

Approval was sought to amend the Constitution to remove the requirement in paragraph 4.5.27.3 for the Chair of the Scrutiny Co-ordination Committee, or his/her

nominee, to attend the relevant meeting of the Cabinet or Cabinet Member, if the Scrutiny Co-ordination Committee has already given their approval to a decision being taken urgently so that call-in does not apply. However, the requirement to attend would still stand where the Scrutiny Co-ordination Committee had not had the opportunity to consider an issue prior to its consideration by Cabinet or Cabinet Member, or if they did not agree that a decision could be taken urgently so that call-in did not apply.

The Statement of Accounts is approved by the City Council. However, prior to its consideration by Council, it is considered by the Audit Sub-Committee, Scrutiny Board (1) and Cabinet.

Approval was sought to amend the Constitution so that instead of the Statement of Accounts being considered at three separate meetings prior to its submission to Council, it is considered at a Joint Meeting of the Audit Sub-Group and Scrutiny Board (1) to which all Members of the Council are invited to attend.

During the course of the last Municipal Year, there have been occasions when a "minor technical" amendment has been moved to a Motion or Recommendation, which the Proposer of that Motion or Recommendation has been minded to accept. However, the Constitution specifically precludes an amendment from being accepted. The Constitution Working Group asked that a form of wording be provided that would allow the Proposer of a Motion/Recommendation to "accept minor technical amendments" without control of the Motion/Recommendation passing to the Mover of that amendment.

Consideration had been given to this issue and it was recommended that rather than trying to define a "minor technical" amendment, instead, it should be up to the Proposer of the substantive Motion whether or not they wish to accept the amendment, whatever it is.

This would mean deleting the second sentence of paragraph 4.1.62 of the Constitution and replacing it with the following words:-

"When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in paragraph 4.1.50 will not apply.

Throughout the last Municipal Year, the Constitution Working Group have been looking at ways of improving Council meetings. Currently, Question Time is near the start of the agenda, and this can last for up to two hours. It is proposed to change the order of the agenda so that matters left for determination by the Council and Recommendations (ie. the business of the Council meeting) are considered nearer the start of the meeting, after declarations of interest, to be followed immediately by Question Time. An appendix to the report detailed both the current order of business together with the proposed order.

The Constitution Working Group had also been reviewing the length of speeches at Council meetings. Currently the mover of a Motion or Recommendation is allowed five minutes with the seconder and all other speakers being allowed three minutes. After careful consideration, noting that there was no agreement between the political groups, the

Constitution Working Group had decided not to make a decision on this issue and to consider this matter again at an appropriate time.

RESOLVED that the City Council be recommended to make the following changes to the Constitution:-

- (a) Remove the requirement in Paragraph 4.5.27.3 of the Constitution for the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, to attend the relevant meeting of the Cabinet or Cabinet Member, if the Scrutiny Co-ordination Committee has already given their approval to a decision being taken urgently so that call-in does not apply.**
- (b) That the Statement of Accounts be considered at a Joint Meeting of the Audit Sub-Group and Scrutiny Board (1), to which all Members of the Council are invited to attend, prior to its consideration by Council.**
- (c) The proposed change to Paragraph 4.1.62 of the Constitution as set out in paragraph 4.3 of this report, in relation to accepting amendments to Motions/Recommendations.**
- (d) The changes to the order of the Council agenda so that matters left for determination by the Council and Recommendations (ie. the business of the Council meeting) are considered nearer the start of the meeting after declarations of interest, to be followed immediately by Question Time, as detailed in the appendix to the report.**

Report to
Standards Committee
Council

27th June, 2007
10th July, 2007

Report of

Director of Legal and Democratic Services

Title
Proposed Amendments to the Constitution

1 Purpose of the Report

1.1 This report outlines proposed changes to the Constitution following consideration of these matters by the Constitution Working Group.

2 Recommendations

2.1 Standards Committee are requested to:-

(i) Recommend that the City Council makes the following changes to the Constitution:-

a) Removes the requirement in Paragraph 4.5.27.3 of the Constitution for the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, to attend the relevant meeting of the Cabinet or Cabinet Member, if the Scrutiny Co-ordination Committee has already given their approval to a decision being taken urgently so that call-in does not apply.

b) That the Statement of Accounts be considered at a Joint Meeting of the Audit Sub-Group and Scrutiny Board (1), to which all Members of the Council are invited to attend, prior to its consideration by Council.

c) The proposed change to Paragraph 4.1.62 of the Constitution as set out in paragraph 4.3 of this report in relation to accepting amendments to Motions /Recommendations.

d)The proposed changes to the order of the Council agenda, as detailed in the appendix to this report.

(ii) Note that the issue of the length of speeches at Council meetings will be considered again by the Constitution Working Group at an appropriate time.

3 Information/Background

- 3.1 The City Council's Constitution has been operating in its current form since May 2003, and the Standards Committee has approved various amendments during the course of the last four years.
- 3.2 The Director of Legal and Democratic Services has also made some minor rewording/redrafting amendments in accordance with the authority delegated to him by the Standards Committee.
- 3.3 The Constitution Working Group, which has cross party representation, meets during the Municipal Year to give consideration to any issues that arise from the Constitution.

4 Proposal to be Considered

4.1 Consideration of Urgent Decisions by the Cabinet

Currently, the Constitution indicates that decisions of the Cabinet or any Cabinet Member which are urgent (ie any delay likely to be caused by the call-in process, whereby non-Cabinet Members have the right to ask for a decision to be scrutinised, would prejudice the Council's or the public's interest) are not subject to call-in. In such cases, the records of the decisions reflect the reasons for urgency and state that they are therefore not subject to call-in. In addition, the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, must attend meetings where urgent decisions are taken and are asked to agree the need for urgency.

In practise, in most instances, there is the opportunity for the Scrutiny Co-ordination Committee to consider urgent reports prior to their consideration by Cabinet or Cabinet Members and to agree the need for urgency.

Approval is sought to amend the Constitution to remove the requirement in Paragraph 4.5.27.3 for the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, to attend the relevant meeting of the Cabinet or Cabinet Member, **if the Scrutiny Co-ordination Committee has already given their approval to a decision being taken urgently so that call-in does not apply**. However, the requirement to attend would still stand where the Scrutiny Co-ordination had not had the opportunity to consider an issue prior to its consideration by Cabinet or Cabinet Member, or if they did not agree that a decision could be taken urgently so that call-in did not apply.

4.2 Statement of Accounts

The Statement of Accounts is approved by the City Council. However, prior to its consideration by Council, it is considered by the Audit Sub-Committee, Scrutiny Board (1) and Cabinet.

Approval is sought to amend the Constitution so that instead of the Statement of Accounts being considered at three separate meetings prior to its submission to Council, it is considered at a Joint Meeting of the Audit Sub-Group and Scrutiny Board (1), to which all Members of the Council are invited to attend.

4.3 Amendments to Motions/Recommendations at Council Meetings

During the course of the last Municipal Year, there have been occasions when a "minor technical" amendment has been moved to a Motion or Recommendation, which the

Proposer of that Motion or Recommendation has been minded to accept. However, the Constitution specifically precludes an amendment from being accepted. The Constitution Working Group asked that a form of wording be provided that would allow the Proposer of a Motion/Recommendation to "accept minor "technical" amendments without control of the Motion/Recommendation passing to the Mover of that amendment.

Consideration has been given to this issue and it is recommended that rather than trying to define a "minor technical" amendment, instead, it should be up to the Proposer of the substantive Motion whether or not they wish to accept the amendment, whatever it is.

This would mean deleting the second sentence of paragraph 4.1.62 of the Constitution on page 127 and replacing it with the following words:-

"When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in paragraph 4.1.50 will not apply."

4.4 Council Meetings and Length of Speeches

Throughout the last Municipal Year, the Constitution Working Group have been looking at ways of improving Council Meetings. Currently, Question Time is near the start of the agenda and this can last for up to two hours. It is proposed to change the order of the agenda so that matters left for determination by the Council and Recommendations (ie the business of the Council meeting) are considered nearer the start of the meeting, after declarations of interest, to be followed immediately by Question Time. An appendix to this report details both the current order of business, together with the proposed order.

As reported at your last meeting, the Constitution Working Group have also been reviewing the length of speeches at Council Meetings. Currently the Mover of a Motion or Recommendation is allowed 5 minutes with the Secunder and all other speakers being allowed 3 minutes. After careful consideration, noting that there was no agreement between the political Groups, the Constitution Working Group decided not to make a decision on this issue and to consider this matter again at an appropriate time.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓

	Implications (See below)	No Implications
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 Legal Implications

The City Council's Constitution is written in accordance with the provisions of the Local Government Act 2000. It is clearly in the Council's interest to ensure that the Constitution complies with the law and is not subject to challenge.

6 Monitoring

- 6.1 The Constitution is continuously monitored through its regular use and through the Constitution Working Group.

7 Timescale and Expected Outcomes

- 7.1 If the Standards Committee agree the changes to the Constitution, it is proposed that they are submitted to the next meeting of the City Council for approval.

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		✓
Council Consideration (if yes, date of Council meeting)	✓ 10 th July, 2007	

List of background papers

Proper officer: Chris Hinde, Director of Legal and Democratic Services

Author: Telephone 02476 833072
Suzanne Bennett, Principal Committee Officer, Legal and Democratic Services
(Any enquiries should be directed to the above)

Other contributors:
Chris Hinde, Director of Legal and Democratic Services

Papers open to Public Inspection

Description of paper

Constitution

Location

CH 59

APPENDIX

ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS

Current Order

Elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present
Receive any apologies for absence
Agree the minutes of the last meeting and their signature
Receive any return of persons elected as Councillors
Present the Citizen of the Month Award
Receive any correspondence and announcements of the Lord Mayor
Receive any petitions
Receive any declarations of interests by Councillors
Receive questions and provide answers to Councillors (except at the Council Tax meeting)
Receive any statement by the Leader of the Council
Determine any matters left for determination by the City Council
Consider Recommendations for the City Council
Consider Motions

Proposed Order

Elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present
Receive any apologies for absence
Agree the minutes of the last meeting and their signature
Receive any return of persons elected as Councillors
Present the Citizen of the Month Award
Receive any correspondence and announcements of the Lord Mayor
Receive any petitions
Receive any declarations of interests by Councillors
Determine any matters left for determination by the City Council
Consider Recommendations for the City Council
Receive questions and provide answers to Councillors (except at the Council Tax meeting)
Receive any statement by the Leader of the Council
Consider Motions

SCRUTINY BOARD (1)
(FINANCE, PROCUREMENT AND VALUE FOR MONEY, COMMUNITY COHESION
AND EQUALITIES, CUSTOMER, WORKFORCE AND LEGAL SERVICES,
AUDIT ISSUES)

4th July, 2007

Scrutiny Board (1)

Members Present:- Councillor Bains (Substitute for Councillor Townshend)
Councillor Batten (Substitute for Councillor Chater)
Councillor Charley
Councillor Crookes (Deputy Chair)
Councillor Kelsey
Councillor Williams (Chair)

Other Members Present:- Councillor Lee (by invitation)

Employees Present:- C. Hipkin (Finance and ICT Directorate)
S. Iananntuoni (Customer and Workforce Services)
M. Salmon (Customer and Workforce Services)
C. Steele (Chief Executive's Directorate)

Apologies:- Councillor Chater
Councillor Nellist
Councillor Skipper
Councillor Townshend

12. Audit Sub-Committee – Additional Terms of Reference

The Board considered a report of the Head of Corporate Policy that proposed an addition to the current terms of reference for Scrutiny Board (1) in relation to its audit responsibilities.

Scrutiny Board (1) was designated as the Council's Audit Committee. In September 2006, its terms of reference for this area of work were revised to take account of the latest CIPFA guidance and these were set out in an Appendix to the report. The Board subsequently established an Audit Sub-Group to consider audit issues.

At its informal planning meeting on 6th June, 2007, the Board decided that, if possible, monitoring of the Council's revenue and capital programmes should form part of its audit function and be carried out by the Audit Sub-Group. It was therefore proposed that in addition to the Board's consideration of the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's accounts, the Board's terms of reference be amended to include the monitoring of the City Council's revenue and capital programmes and the consideration of the City Council's Annual Statement of Accounts, prior to its consideration by the full Council.

RESOLVED that the City Council be recommended to approve the addition to the Audit Sub-Group's terms of reference in relation to its audit responsibilities.

Report to	Scrutiny Board (1) Council	4th July, 2007
Report of	Head of Corporate Policy	
Title	Audit Sub-Committee - Addition to Terms of Reference	

1 Purpose of the Report

- 1.1 To propose an addition to the current terms of reference for Scrutiny Board (1) in relation to its audit responsibilities.

2 Recommendations

- 2.1 Scrutiny Board (1) and Council are recommended to approve the addition to the Audit Sub-Group's terms of reference in relation to its audit responsibilities, shown in paragraph 4 below.

3 Information/Background

- 3.1 Scrutiny Board (1) is designated as the Council's Audit Committee. In September 2006, its terms of reference for this area of work were revised to take account of the latest CIPFA guidance. These are attached as the Appendix to this report.
- 3.2 The Board subsequently established an Audit Sub-Group to consider audit issues.
- 3.3 At its informal planning meeting on 6th June, 2007, the Board decided that, if possible, monitoring of the Council's revenue and capital programmes should form part of its audit function and be carried out by the Audit Sub-Group.
- 3.4 Officers have now looked into this and found no reason why this should not be done. In fact, given that the Sub-Group plays an important part in considering the Council's Statement of Accounts at the end of each financial year, it seems sensible for it to take on the monitoring role throughout the year.

4 Proposal and Other Option(s) to be Considered

- 4.1 It is therefore proposed that the Board's terms of reference be amended to read as follows:-

(Note: changes are shown in bold and italics.)

Accounts

14. To monitor the City Council's revenue and capital programmes and to consider the City Council's Annual Statement of Accounts, prior to its consideration by the full Council.

15. To consider the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's accounts.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications		✓
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)	✓ Scrutiny Board 1 4th July, 2007	
Council Consideration (if yes, date of Council meeting)	✓ to be decided	

List of background papers

Proper officer: Roger Hughes, Head of Corporate Policy, Chief Executive's Directorate

Author: Corinne Steele, Scrutiny Co-ordinator, Chief Executive's Directorate

Telephone: 024 7683 1145

(Any enquiries should be directed to the above)

Other contributors:

Stephen Mangan, Internal Audit Manager, Finance and ICT Directorate (tel. 024 7683 3747)

Chris Hinde, Director of Legal and Democratic Services (tel. 024 7683 3020)

Papers open to Public Inspection: Nil

css/wpdocs/scrutiny 2007-8/audit sub/report - revised terms of ref

APPENDIX

AUDIT COMMITTEE – TERMS OF REFERENCE

Audit Activities

1. To consider the Head of Internal Audit's Annual Report and Opinion, and a summary of internal audit activities (actual and proposed) and the level of assurance given within the Statement on the System of Internal Control incorporated in the Annual Accounts.
2. To consider summaries of specific internal audit reports as requested.
3. To consider reports dealing with the management and performance of internal audit.
4. To consider a report from the Head of Internal Audit regarding recommendations contained in Internal and External Audit reports that have not been implemented within agreed timescales.
5. To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
6. To consider specific reports as agreed with the External Auditor.
7. To comment on the scope and depth of external audit work and to ensure that it gives value for money.

Regulatory Framework

8. To maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.
9. To review any relevant issue referred to it by the Chief Executive, the Director of Finance and ICT or the Monitoring Officer.
10. To monitor the Executive's effective development and operation of risk management.
11. To monitor Council policies on "whistle blowing" and the anti-fraud and anti-corruption strategy.
12. To consider the Statement of Internal Control, prior to its consideration by the Executive.
13. To consider the Council's compliance with its own and other published financial standards and controls.

Accounts

14. To consider the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's Accounts.

General

15. To report annually on its work to the Council.

CABINET

28th August 2007

Cabinet Members
Present:-
Councillor Ahmed
Councillor Blundell
Councillor Foster
Councillor Mrs Johnson
Councillor Matchet
Councillor Noonan
Councillor O'Neill
Councillor Sawdon
Councillor Taylor (Chair)

Non-Voting Opposition
Representatives present:-
Councillor Benefield
Councillor Mutton
Councillor Nellist

Other Members
Present:-
Councillor Clifford

Employees Present:-
S. Bennett (Customer and Workforce Services Directorate)
S. Brake (Community Services Directorate)
F. Collingham (Chief Executive's Directorate)
C. Forde (Finance and Legal Services Directorate)
C. Green (Director of Children, Learning and Young People)
R. Hughes (Head of Corporate Policy)
S. Manzie (Chief Executive)
B. Messinger (Director of Customer and Workforce Services)
D. Parfitt (Chief Executive's Directorate)
S. Pickering (Director of City Services)
C. West (Director of Finance and Legal Services)

Apologies:-
Councillor Duggins
Councillor Ridley

RECOMMENDATION

67. Appointment of the Honorary Recorder for the City of Coventry

The Cabinet considered a report of the Director of Customer and Workforce Services, which sought approval for the appointment of a new Honorary Recorder for the City following the retirement of His Honour Judge Richard Cole.

The report submitted outlined the historical background which led to the appointment of Honorary Recorders and indicated that the City Council appointed its first Honorary Recorder in August 1971 and that since that date there had been 5 post holders. It was noted that the post was mainly ceremonial in nature, but did allow for the historic links between the City and the judiciary to be maintained.

It was further noted that His Honour Judge Richard Cole was appointed to the post in 1999, but had had to relinquish it as a result of his retiring from the Judicial Bench. The Cabinet asked that their thanks to His Honour Judge Richard Cole be recorded for his long and distinguished service as Honorary Recorder and the contribution he had made to civic life.

The link between the Judiciary and the City was clearly an important one and one which should be maintained. It was therefore proposed that a new Honorary Recorder should be appointed. It was custom for the City Council to offer the position to a Circuit Judge or Recorder serving on the judicial circuit which serves the City. As a result, an informal approach had been made to His Honour Judge Christopher Hodson QC, who was the Senior Circuit Judge in Coventry and who sits in the Crown Court in the City. His Honour Judge Hodson had indicated that he would be willing to accept the post of Honorary Recorder if it were to be offered to him.

RESOLVED that the City Council be recommended to appoint His Honour Judge Christopher Hodson as Honorary Recorder for the City of Coventry.



Report to

Cabinet
Council

28th August 2007

18th September 2007

Report of

Director of Customer and Workforce Services

Title

Appointment of Honorary Recorder for the City of Coventry

1 Purpose of the Report

- 1.1 To appoint a new Honorary Recorder for the City of Coventry following the retirement of His Honour Judge Richard Cole.

2 Recommendations

For Cabinet:

- 2.1 To recommend to the City Council that His Honour Judge Christopher Hodson should be appointed as Honorary Recorder for the City of Coventry.

For Council:

- 2.2 To consider the recommendation of Cabinet and to determine whether His Honour Judge Christopher Hodson should be appointed as Honorary Recorder for the City of Coventry with immediate effect.

3 Information/Background

- 3.1 The position of Recorder has a long history and the position dates back to 1345 when the City of Coventry was granted a Royal Charter by King Edward III. During the mediaeval period, the duties of the Recorder were principally acting as general legal advisor to the City, having responsibility for keeping accurate records, and seeing that true judgements were made. It was not until 1882 that it became a requirement for a Recorder to be a qualified lawyer.
- 3.2 In 1971 the Courts Act brought about substantial changes to the Court system and abolished the Quarter Sessions. With the abolition of these Courts, the formal role of the Recorder ceased. The Act provided that all part-time Judges could be known as

Recorders, but these would have no affiliation to any particular geographical area by virtue of their appointment. As a result of concerns expressed over the loss of this historic role, the Government changed the proposed legislation so as to allow for the appointment of Honorary Recorders. Only a Circuit Judge or a Recorder is qualified to hold office as an Honorary Recorder.

- 3.3 The City Council appointed its first Honorary Recorder in August 1971 and there have been 5 holders of the post since that date. The post is mainly ceremonial in nature, but it does allow for the historic links between the City and the judiciary to be maintained.
- 3.4 His Honour Judge Richard Cole was appointed to the post in 1999, but has had to relinquish it as a result of his retiring from the Judicial Bench. Councillors will recall the tributes that were paid to Judge Cole's long and distinguished service as Honorary Recorder at the Council meeting held on 26th June 2007, and the contribution he had made to civic life.

4 Proposal and other Options to be considered

- 4.1 The link between the Judiciary and the City is clearly an important one and one which should be maintained. It is, therefore, proposed that a new Honorary Recorder should be appointed. It is custom for the City Council to offer the position to a Circuit Judge or Recorder serving on the judicial circuit which serves the City. As a result, an informal approach has been made to His Honour Judge Christopher Hodson QC who is the Senior Circuit Judge in Coventry and who sits in the Crown Court in the City. His Honour Judge Hodson has indicated that he would be willing to accept the post of Honorary Recorder if it were to be offered to him.
- 4.2 Cabinet and Council are, therefore, recommended to appoint His Honour Judge Hodson to the vacant post of Honorary Recorder with effect from the date of the Council meeting.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		√
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		√
Finance		√
Health and Safety		✓
Human Resources		√
Human Rights Act		√

	Implications (See below)	No Implications
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications		✓
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

6. Timescale and Expected Outcomes

- 6.1 It is proposed that the appointment of Judge Hodson takes effect as of the date of the Council meeting at which his appointment is approved.

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		✓
Council Consideration (if yes, date of Council meeting)	✓ (18 th September 2007)	

List of background papers

Proper officer:
Director of Legal and Democratic Services
Author:
Director of Legal and Democratic Services
(Any enquiries should be directed to the above.)

Telephone 024 7683 3020

Other contributors:

Papers open to Public Inspection

Description of paper

Location

NIL

STANDARDS COMMITTEE

5th September, 2007

Members Present:- City Council Members

Councillor Mrs M Lancaster (substitute for Councillor Mulhall)
Councillor N. Lee

Independent Members

M. Farrell
D. Jackson
B. Ray
J. Willetts

Parish Councillor Representative

B. Shakespeare

Employees Present:- S. Bennett (Customer and Workforce Services Directorate)
K. Rice (Head of Legal Services)
D. Taylor (Interim Head of Democratic Services)

Apologies:- A. Casey
B. Farrer
Councillor K. Mulhall
Councillor A. Williams

RECOMMENDATION

9. Proposed Amendments to the Constitution – Written Questions at Council Meetings

The Committee considered a report of the Director of Customer and Workforce Services that outlined a proposed change to the Constitution in relation to written questions at Council meetings, following consideration of this matter by the Constitution Working Group.

Currently, the Constitution provides for written questions as part of Question Time at Council meetings. Councillors may put in writing a question concerning any matter to be answered at the meeting by the appropriate Cabinet Member, Chair or other Councillor. Questions must be submitted no later than 9.00 a.m. at least five clear working days before a Council meeting. The questions are then produced in a Questions Booklet and sent out with the agenda for the meeting. All Councillors are then aware of the questions submitted and the appropriate Cabinet Member, Chair or other Councillor has time to prepare the response to be given at the Council meeting.

In practice, some Councillors have been circulating a written response to the Councillor who has asked the question before the Council meeting and have then just

briefly referred to the answer at the meeting, without going into too much detail. Whilst this practice ensures that the Councillor asking the question has been supplied with all the relevant information and it speeds up Question Time, other Councillors or members of the public present at the meeting have not been party to the information.

Recognising the benefits of circulating written responses in advance of the meeting, the Constitution Working Group requested that a procedure be piloted at the June 2007 Council meeting whereby written answers to written questions would be circulated to all Councillors in advance of the meeting as well as being available on the day. A copy of the procedure was detailed in an appendix to the report.

The Constitution Working Group reviewed the pilot at their meeting on 25th July, 2007 and concluded that it had been successful. They therefore requested that the Standards Committee be recommended to amend the Constitution so that the procedure is adopted for all Council meetings, and that, in the meantime, the pilot be extended until the amendment to the Constitution is approved by Council.

RESOLVED that the City Council be recommended to amend the Constitution so that written answers are provided to written questions in advance of Council meetings, in accordance with the procedure detailed in the appendix to the report.

Report to

Standards Committee

5th September, 2007

Council

18th September, 2007

Report of

Director of Customer and Workforce Services

Title

Proposed Amendments to the Constitution – Written Questions at Council Meetings

1 Purpose of the Report

- 1.1 This report outlines a proposed change to the Constitution in relation to written questions at Council Meetings, following consideration of this matter by the Constitution Working Group.

2 Recommendations

- 2.1 Standards Committee are requested to recommend that the City Council amends the Constitution so that written answers are provided to written questions in advance of Council Meetings, in accordance with the procedure detailed in the Appendix to this report.

3 Information/Background

- 3.1 The City Council's Constitution has been operating in its current form since May 2003, and the Standards Committee has approved various amendments during the course of the last four years.
- 3.2 The former Director of Legal and Democratic Services has also made some minor rewording/redrafting amendments in accordance with the authority delegated to him by the Standards Committee. Following a recent restructuring, this delegation now rests with the Monitoring Officer.
- 3.3 The Constitution Working Group, which has cross party representation, meets during the Municipal Year to give consideration to any issues that arise from the Constitution.

4 Proposal to be Considered

4.1 Written Questions at Council Meetings

Currently, the Constitution provides for written questions as part of Question Time at Council Meetings. Councillors may put in writing a question concerning any matter to be answered at the meeting by the appropriate Cabinet Member, Chair or other Councillor. Questions must be submitted no later than 9.00 a.m. at least 5 clear working days before a Council Meeting. The questions are then produced in a Questions Booklet and sent out with the agenda for the meeting. All Councillors are then aware of the questions submitted, and the appropriate Cabinet Member, Chair or other Councillor has time to prepare the response to be given at the Council Meeting.

In practice, some Councillors have been circulating a written response to the Councillor who has asked the question before the Council meeting and then just briefly referred to the answer at the meeting, without going into too much detail. Whilst this practise ensures that the Councillor asking the question has been supplied with all the relevant information and it speeds up Question Time, other Councillors or members of the public present at the meeting have not been party to the information.

Recognising the benefits of circulating written responses in advance of the meeting, the Constitution Group requested that a procedure be piloted at the June 2007 Council meeting whereby written answers to written questions were circulated to all Councillors in advance of the meeting as well as being made available on the day. A copy of the procedure is detailed in the Appendix to this report.

The Constitution Working Group reviewed the pilot at their meeting on 25th July, 2007 and concluded that it had been successful. They therefore requested that the Standards Committee be recommended to amend the Constitution so that the procedure is adopted for all Council meetings and that, in the meantime, the pilot be extended until the amendment to the Constitution is approved by Council.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓

	Implications (See below)	No Implications
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Neighbourhood Management		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 Legal Implications

The City Council's Constitution is written in accordance with the provisions of the Local Government Act 2000. It is clearly in the Council's interest to ensure that the Constitution complies with the law and is not subject to challenge.

6 Monitoring

- 6.1 The Constitution is continuously monitored through its regular use and through the Constitution Working Group.

7 Timescale and Expected Outcomes

- 7.1 If the Standards Committee agree the change to the Constitution, it is proposed that it is submitted to the Council meeting on 18th September, 2007 for approval.

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		✓
Council Consideration (if yes, date of Council meeting)	✓ 18 th September, 2007	

List of background papers

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Papers open to Public Inspection

Description of paper

Location

Constitution

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APPENDIX

Procedure for Dealing with Written Questions At Council Meetings

1. The deadline for receiving written questions is 9.00 a.m. on the Monday, a week before the Council Meeting on the Tuesday. As soon as any question is received, it will be forwarded to the appropriate Cabinet Member, Chair or other Councillor and Director. (Note, is it very unusual to get any questions much before this deadline)
2. The Cabinet Member, Chair or other Councillor will arrange for a written response to be prepared, which must be with him/her by 5.00 p.m. on the Friday before Council.
3. The Cabinet Member, Chair or other Councillor will then have up until 4.00 p.m. on the Monday the day before Council to check the response before it needs to be e-mailed to the appropriate Committee Officer.
4. The Committee Officer will then send the response to all Councillors by 5.00 p.m. on the Monday.
5. Copies of all the responses will be circulated at the Council meeting.