
Cabinet Member (Community Safety and Equalities)
Council

14 June 2013
25 June 2013

Name of Cabinet Member:

Cabinet Member (Community Safety and Equalities) Councillor Phil Townshend

Director Approving Submission of the report:

Director of Finance and Legal Services

Ward(s) affected: All

Title: Changes to the Constitution

Is this a key decision?

No

Executive Summary:

This report is to seek the approval of the Council for further changes to the Constitution following on from the appointment of Deputy Cabinet Members at the Annual Council meeting on 16 May and to amend the delegations in the Constitution in relation to the Registrar of Births, Marriages and Deaths

Recommendations:

Cabinet Member

To recommend to Council the changes to the Constitution set out in Section 2 of the report.

Council

The changes to the Constitution set out in Section 2 of the report be approved with immediate effect.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Report title: Changes to the Constitution

1. Context

- 1.1 At the Council's Annual Meeting on 16 May, the Council resolved to appoint three Deputy Cabinet Members. This required a number of changes to the Constitution. Further changes are now needed to give Cabinet Members and Deputy Cabinet Members additional rights to speak at Full Council meetings.
- 1.2 In addition, the delegation in the Constitution regarding the Registrar of Births, Marriages and Deaths needs to be amended to comply with statute.
- 1.3 The proposed changes to the Constitution should take effect immediately. All new text is shown underlined and in italics.

2. Proposed Changes to the Constitution

2.1 Right to Ask Questions at Council

- 2.1.1 It is proposed that Councillors should be given the right to ask written and verbal questions of Deputy Cabinet Members at Council meetings in the same way that they may ask questions of Cabinet Members.
- 2.1.2 Paragraph 4.1.20 of the Council Procedure Rules in Part 4 of the Constitution needs to be amended as follows:

4.1.20 A Councillor may put in writing a question concerning any matter relating to Council business to be answered at the meeting by the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor. Such questions must be delivered to the Director of Customer and Workforce Services at a location* designated by her/him not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the Cabinet Member, Deputy Cabinet Member, Chair or other Councillor replying, or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in her/his opinion is irrelevant or frivolous or a repetition of or substantially similar to a question already asked upon that part of the proceedings.

*NB The location currently designated is Room 59 in the Council House.

- 2.1.3 Paragraph 4.1.25 of the Council Procedure Rules in Part 4 of the Constitution needs to be amended as follows:

4.1.25 A Councillor may ask a Cabinet Member or a Deputy Cabinet Member an oral question at the meeting without prior notice being given on any other matter relating to the Cabinet Member's or Deputy Cabinet Member's

portfolio. The Lord Mayor will call on Councillors in the order in which they catch her/his eye. An answer may be given orally by the Cabinet Member *or Deputy Cabinet Member* at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which, in his/her opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or questions already asked.

2.1.4 Paragraph 8.8.of Part 8 of the Constitution (Procedural Matters) needs to be amended as follows:

8.8 Procedure for dealing with written questions of Council Meetings:

8.8.1 The deadline for receiving written questions is 9.00 am 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, *Deputy Cabinet Member*, Chair or other Councillor and Director.

8.8.2 The Cabinet Member, *Deputy Cabinet Member*, Chair or other Councillor will arrange for a written response to be prepared, which must be with him/her by 5.00 pm on the Friday before Council.

8.8.3 The Cabinet Member, *Deputy Cabinet Member*, Chair or other Councillor will then have up until 4.00 pm on the Monday the day before Council to check the responses before it needs to be e-mailed to the appropriate Governance Services Officer.

2.2 Right to Make Statements at Council Meetings

2.2.1 It is proposed that Cabinet Members and Deputy Cabinet Members should be given the right to make a statement on an issue or matter of significance to the city at Council meetings in the same way that the Leader is currently able to do.

2.2.2 The following text needs to be inserted into the Council Procedure Rules in Part 4 of the Constitution immediately after paragraph 4.1.40:

STATEMENT BY CABINET MEMBERS OR DEPUTY CABINET MEMBERS

4.1.41 A Cabinet Member or Deputy Cabinet Member will be entitled to make a statement on an issue or matter within their portfolio and which is of significant importance to the City. The statement will last no more than 10 minutes.

4.1.42 Where there is to be a Statement by a Cabinet Member or Deputy Cabinet Member, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.

4.1.43 A Councillor from each of the other Groups represented on the Council will be entitled to respond to the statement. The response will last no more than 10 minutes.

4.1.44 The Cabinet Member or Deputy Cabinet Member will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

The remaining paragraphs of the Council Procedure Rules will need to be renumbered accordingly.

2.3 Registrar of Births, Marriages and Deaths

2.3.1 At its meeting on 3 July 2012 the Council resolved a number of changes to the Constitution required, mostly, as a result of new legislation. In particular Council was asked to approve new delegated powers to:

“review, amend or increase fees in connection with the births, marriages and deaths registration service (including fees for the approval and review process relating to secular and/ or religious premises as venues for marriages and civil partnerships) and identify any areas for additional income generation.”

2.3.2 Delegated authority was given to the Cabinet Member (Community Safety and Equalities) in consultation with the Council Solicitor. In order to comply with statute, the delegation needs to be substituted with the following wording at section 3.7

“Local Government Act 1972

(c) review, amend or increase fees in connection with the births, marriages and deaths registration service (including fees for the approval and review process relating to secular and/ or religious premises as venues for marriages and civil partnerships) and identify any areas for additional income generation.”

Council Solicitor in consultation with Cabinet Member (Community Safety and Equalities)”

3. Results of consultation undertaken

3.1 The amendments arise in part from proposals following on from the decision at Annual Council to appoint Deputy Cabinet Members and also in order to comply with statute.

3.2 Timetable for implementing this decision

4.1 The proposed changes would, if approved, take immediate effect.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

There is no additional expenditure directly arising from the report.

5.2 Legal implications

The Constitution will reflect the decisions taken and will meet legal requirements.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect the rights and duties of elected members.

6.2 How is risk being managed?

No risk identified.

6.3 What is the impact on the organisation?

Compliance with the Council's Constitution enables the Council to exercise all its powers and duties in accordance with the law and the requirements of its Constitution.

6.4 Equalities / EIA

There are no equality issues arising from the proposed amendments.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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