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## **TO REVIEW CONSTITUTIONAL PROCEDURE RULES RELATING TO MOTIONS ON NOTICE, QUESTIONS AND CALL-IN**

To: **Standards Committee – 3 April 2013**

By: **Harvey Patterson, Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **N/A**

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**Summary:** **To consider whether amendments are required to the Council Procedure Rules relating to motions on notice and questions and to the Overview & Scrutiny Procedure Rules relating to call-in.**

### **For Decision**

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#### **1.0 Questions and Notices of Motion relating to conduct of Members**

- 1.1 Recently, there have been occasions where Members have submitted to full Council questions and motions on notice which have related to the ethical conduct of other Members. Although the Monitoring Officer accepted those questions and motions on the basis that the current council procedure rules did not preclude them, he did feel, nevertheless, that it was inappropriate for matters of ethical conduct relating to individual Members to be the subject of discussion and debate at Council meetings for the reason that the ethical conduct of members is regulated by the Members Code of Conduct and the procedures adopted by the Council for dealing with complaints alleging a breach of the Code, none of which conceived any role for full Council as a complaints resolution forum.
- 1.2 At its meeting on 7 March 2013, the Constitutional Review Working Party recommended that Council Procedure Rule (CPR) 14.5 (Scope of questions) be amended to preclude questions that relate to ethical conduct of individual Members, and that CPR 16.4 (Scope of Motions on Notice) be amended to preclude motions on notice that relate to the ethical conduct of individual Members.

#### **2.0 Call-In and the Policy Framework**

- 2.1 Overview & Scrutiny Procedure Rule 15.0 provides that any decision of Cabinet is subject to Call-In. This leaves open the question of whether a Cabinet decision in relation to the adoption of a policy or procedure that forms part of the Council adopted Policy Framework can be Called In. It is, however, the view of the Monitoring Officer that the right of Call-In should not apply to Policy Framework documents for two reasons. Firstly and most importantly, the policies and plans of the Council that form part of the adopted Policy Framework are in fact approved by full Council, albeit on the recommendation of the Cabinet, and secondly, prior to approval by full Council, the Overview & Scrutiny Panel must be formally consulted.
- 2.2 Consequently, as the Constitution already mandates pre-decision scrutiny of all Policy Framework documents, OSPR 15.0 (a) should be amended to make it clear that the

right of Call-In will not apply to Cabinet recommendations made in relation to the approval of a policy or plan forming part of the Council's adopted Policy Framework.

2.3 On 7 March 2013 the Constitutional Review Working Party recommended that the changes to OSPR 15.0 (a) as set out at Annex 1 be approved.

### **3.0 Corporate Implications**

#### **3.1 Financial and VAT**

3.1.1 None

#### **3.2 Legal**

3.2.1 Any changes to procedural rules will require the Council's constitution to be amended.

#### **3.3 Corporate**

3.3.1 The Council's constitution sets out the rules governing the Council's business.

#### **3.4 Equity and Equalities**

3.4.1 None apparent

### **4.0 Recommendation**

4.1 That the Standards Committee recommends to Council approval of the constitutional changes set out at Annex 1.

### **5.0 Decision Making Process**

5.1 Any recommendations of the Standards Committee will be referred to Council for ultimate decision.

Future Meeting:	Date:
Council	18 April 2013

Contact Officer:	<i>Harvey Patterson, Corporate &amp; Regulatory Services Manager and Monitoring Officer, Ex 7005</i>
Reporting to:	<i>Dr Sue McGonigal, Chief Executive and S. 151 Officer, Ex 7002</i>

### **Annex List**

Annex 1	Suggested amendments to Council Procedure Rules 14.5 & 16.4 and Overview and Scrutiny Procedure Rule 15.0 (a)
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### **Background Papers**

<b>Title</b>	<b>Details of where to access copy</b>
<i>None</i>	

### **Corporate Consultation Undertaken**

Finance	<i>n/a</i>
Legal	<i>n/a</i>