

Report of	Meeting	Date
Corporate Director of Governance (presented by the Deputy Leader)	Council	18 <sup>th</sup> December 2007

## PROPOSED REVISIONS TO THE CONSTITUTION

### PURPOSE OF REPORT`

- To seek support for proposed revisions to the rules governing debate at Council meetings.

### RECOMMENDATION(S)

- That the revised Council Procedure Rules attached be adopted by the Council.
  - That the decision making powers of the General Purposes Committee be transferred to the Development Control Committee

### EXECUTIVE SUMMARY OF REPORT

- This is the first of a number of reports which will be presented over coming months proposing changes to the Constitution. Some of those changes should await the enactment of the current Local Government and Public Involvement in Health Bill. Those being proposed now are unlikely to be significantly affected by that piece of legislation.
- Changes to the current rules of debate for Council meetings are proposed. The proposed new rules are set out in the appendix to this report with a detailed explanation of the proposals. Since this report was originally tabled at Council discussions between the party leaders have resulted in some minor improvements to the original drafting and, for ease of reference, these are now incorporated in the appendix and are clearly identified.
- It is suggested that the current functions of the General Purposes Committee in respect of footpaths should be transferred to the Development Control Committee.

### REASONS FOR RECOMMENDATION(S) (If the recommendations are accepted)

- The proposals aim to ensure that decisions are made in an effective manner, that the rules for debate at Council meetings are clear and easily understood and that the Council meeting provides a forum for quality political debate.

## CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	
Involving People in their Communities		Ensure Chorley is a performing Organisation	√

## BACKGROUND

8. The Council Procedure Rules are currently quite difficult to follow. Many of the proposed changes aim simply to clarify existing rules by rewording or by bringing together related provisions. More significantly though are the following:
- a. The rules governing questions being asked without notice are amended. The current rules say that members may ask “a question upon the report or an item within it”. Historically this has been interpreted as allowing a member to ask only one question for example in relation to the Cabinet report. More recently a more flexible interpretation has been adopted. The proposal is that Members may ask as many questions as they want in total but only one on each item within the report.
  - b. The requirement for Development Control, Licensing and General Purposes Committees to report to Council is removed. As these Committees are regulatory in nature it is generally inappropriate to reopen a debate at Council on a decision which has already been made. This change will not though prevent a Committee referring an item to Council for a decision.
  - c. A new category of “Special” Council meetings is created with more flexible rules of debate, it is envisaged that there will be at least two Special Council meetings, one for the Budget and one for Corporate Strategy. Other Special meetings may be arranged to discuss other very significant items of business which require the whole of a Council meeting to be devoted to them. It is hoped that this change will allow for significant political debate on the strategic issues which are most important to the Council.
  - d. A new rule is introduced requiring petitions to be presented to Council. This will not apply to petitions which relate to specific planning or licensing matters (which will continue to be presented to the relevant decision making body). For other petitions though it provides a formal process for considering petitions which is currently lacking.
  - e. Amendments proposed by the Group Leaders include a requirement to record in the minutes when a Member leaves the meeting. A proposal to allow one supplementary question following a question being asked without notice has also been made.
10. The main functions of the General Purposes Committee relate to the making of footpath orders. The proposed transfer of these functions reflects the fact that the Council’s role in these matters has been significantly diminished following the demise of the Highways Agency. In relation to most footpath orders the Council is acting as a consultee and

technically the right to respond lies with the Executive Member. The Council does retain rights to make footpath orders associated with development and it seems appropriate that responsibility for these should lie with the Development Control Committee.

## IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included within the report:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√		

CHIEF OFFICER NAME – ANDREW DOCHERTY

CHIEF OFFICER DESIGNATION – CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A.Docherty	5102	18/12/2007	ADMINREP/REPORT