

Report of the Head of Civic, Democratic and Legal Services

AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Summary

1. The Executive is asked to consider recommending to Council a further amendment to the Constitution to enable the Council's Monitoring Officer to more effectively review, monitor and amend the Constitution in the longer term.

Background

2. The City of York Council considered a report from the Head of Civic, Democratic and Legal Services, who is also the Council's Monitoring Officer, at a Special Council Meeting on the 27 April 2006 where an amended Constitution was approved. At that meeting Full Council agreed to arrangements for the Head of Civic, Democratic and Legal Services to review implementation of the new Constitution and report back to Council in due course.
3. As part of a review of the implementation of the Constitution a number of minor drafting amendments have been identified. In addition, issues have been raised regarding aspects of the Constitution that require further amendment to improve the effectiveness of the Council's decision making process.
4. The provisions for amending the Constitution are set out in Article 16 of the Constitution. An extract of this Article is attached to this report at Annex 1. Specifically the Constitution requires all amendments to be reported to Full Council for approval at the earliest opportunity. This effectively means that any amendment no matter how minor and even if it is agreed by all parties must be reported to Full Council.
5. The preparation of a report to Full Council, its publication and circulation has resource implications and it is proposed that minor amendments, improvements to drafting and changes that have agreement of all Political Groups ought to be undertaken by the Monitoring Officer in consultation with the Chief Executive.

Consultation

6. The Head of Civic, Democratic and Legal Services has consulted with all Political Groups on the proposals in this report. All Groups have agreed to the

recommendations. In addition the Green Group have asked that partner organisations be consulted on amendments to the Constitution which have an impact on how the Council is to work with such organisations and that any changes other than minor drafting amendments be reported to Full Council in the interests of openness and transparency.

Options

7.1 Option 1

That the Constitution be amended to authorise the Head of Civic, Democratic and Legal Services in consultation with the Chief Executive to make amendments to the Constitution without approval of Full Council as follows:

- Minor drafting amendments
- Any other amendment in consultation with Group Leaders

7.2 Option 2

To leave the provisions of Article 16 unamended.

Analysis

8.1 Option 1

This option will enable the structure and decision-making process of the Council to be kept up-to-date and amendments implemented effectively to reflect political agreement. Where there is no cross-party agreement to a change there will be provision in the Constitution to refer the proposed amendment to Full Council for approval in the usual way.

8.2 Option 2

This option preserves the present arrangements that require all amendments to be reported to Full Council for approval. This delays implementing appropriate amendments effectively and results in Council having to consider minor drafting issues.

Corporate Priorities

9. Option 1 would improve the decision making process of the Council and will contribute to the Council's priority of improving leadership at all levels to provide clear, consistent direction to the organisation.

10. **Implications**

- **Financial** - None
- **Human Resources (HR)** - None
- **Equalities** - None

- **Legal** – The proposed amendment will ensure that legislative changes can be implemented more effectively
- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** - None

Risk Management

11. The proposed amendment will reduce the risk of the Constitution becoming out of date and ensure the governance arrangements remain legally sound and robust.

Recommendations

12. Executive are asked to recommend to Full Council the amendment to the Constitution proposed at paragraph 7.1.
13. Members are to consider whether to recommend to Full Council that all changes to the Constitution other than minor drafting amendments are reported to Full Council.

Reason: To ensure that the Constitution is more effectively reviewed and monitored and that the business of Council properly reflects the important issues to be discussed by that forum.

Contact Details

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Report Approved

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Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 – Extract of Article 16 from the Constitution