

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**4 JANUARY 2007**

**REPORT OF  
CORPORATE  
MANAGEMENT TEAM**

### **COUNCIL DECISION**

**Corporate - Lead Cabinet Member - Councillor Coleman**

#### **REVIEW AND REVISION OF THE CONSTITUTION**

1. Summary

This report presents Cabinet with details of proposed changes to the Council Procedure Rules and the Concordat for Communication and Consultation with Members for consideration and for recommending to the Council.

2. Recommendations

That the proposed revised Council Procedure Rules and Concordat for Communication and Consultation with Members be agreed and recommended to Council for approval.

3. Reasons for the Recommendations/Decision(s)

To update the Rules in light of the experience of applying them in practice and to amend the Concordat to reflect changes previously agreed eg to Cabinet Member portfolios.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise

executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.**

**AGENDA ITEM**

**REPORT TO CABINET**

**4 JANUARY 2007**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**COUNCIL DECISION**

**CORPORATE - Lead Cabinet Member - Councillor Coleman**

**REVIEW AND REVISION OF THE CONSTITUTION**

**SUMMARY**

This report presents Cabinet with details of proposed changes to the Council Procedure Rules and the Concordat for Communication and Consultation with Members for consideration and for recommending to full Council.

**RECOMMENDATION**

That the proposed revised Council Procedure Rules and Concordat for Communication and Consultation with Members be agreed and recommended to Council for approval.

**DETAIL**

1. At the Members' Advisory Panel ("the Panel") on 2 November 2006 details of suggested changes to the Council Procedure Rules ("the Rules") and Concordat for Communication and Consultation with Members ("the Concordat") were reported to the meeting.
2. The Panel agreed that the Rules and the Concordat, with the suggested changes highlighted, should be circulated to all Members for comments, before being reported back to and considered by the Panel at its meeting on 13 December 2006.
3. As a result of this, two Members commented, indicating that "the changes are practical and necessary and reflect usage today" and that no problems can be seen (with what is suggested).
4. The Rules and Concordat are attached to the report at **Appendix 1 and 2** respectively, with the suggested revisions highlighted in red. The changes to the Rules arise from them being reviewed and amended in light of the experience of applying them in practice. The Concordat needs to be refreshed given the changes to Cabinet Member portfolios, and Members' Information provision, and because of the introduction of E-genda.
5. The scrutiny review of corporate consultation by the Corporate Policy Select Committee has also resulted in a proposed recommendation (to Cabinet) that the Concordat be revised to ensure that Councillors are notified of consultation proposed in their Ward before the consultation commences and is in the public domain. In order to reflect this in the Concordat, a new paragraph 3v(c) could be added, using the wording above.

6. This feedback was presented to the Panel at its meeting on 13 December 2006 when the Panel agreed that the Rules and Concordat, as proposed to be revised, should be recommended to Cabinet and Council for approval.
7. Since the Panel meeting, the replacement text at paragraph 2v of the Concordat has been included and is also shown in red in the appended document.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

8. There are no financial implications arising directly from this report.

### **Legal**

9. The further revisions and additions to the Rules and Concordat whilst considered to represent improvements to the constitutional framework, are not legally required, save that the proposed revisions to the Concordat are necessitated by other changes approved by the Council.

## **RISK ASSESSMENT**

10. The issues within this report are categorised as low risk to medium risk.

## **COMMUNITY STRATEGY IMPLICATIONS**

11. Within the context of liveability and enhancing local democracy, certain of the proposed revisions will help to achieve greater openness and transparency in relation to the Authority's corporate governance framework.

## **CONSULTATION INCLUDING WARD COUNCILLORS**

12. All of the proposed revisions and additions have previously been brought to Members' attention.

### **Director of Law and Democracy**

**Contact Officer:** David E Bond

**Telephone No:** 01642 527060

**Email Address:** [david.bond@stockton.gov.uk](mailto:david.bond@stockton.gov.uk)

Background Papers: The reports to the Panel on 2 November and 13 December 2006 and the Appendices to this report.

Ward(s) and Ward Councillors: Not Ward specific

Property Implications: None