

Standards Committee – 27 January 2014

Review of the Constitution – Part 4 – Rules of procedure (excluding financial and contract rules)

1. Summary of report

This is the third report relating to the review of the Constitution which will be continuing until the 7 April meeting 2014 when Parts 5 to 11 will be reviewed.

2. Recommendation

That the amendments contained within this report be approved for inclusion in the updated Constitution to be recommended to Council at its Annual meeting in June 2014.

3. Report detail

Part 4 of the Constitution relates to rules of procedure and is made up of eight sections, the seventh and eight sections being the financial rules and contract rules which are the responsibility of the Audit Committee.

4. Proposed amendments

4.1 Part 4.1 – Council procedure rules

15.6(a) – Amendments to motion

Add after “person presiding”:

“and provide for circulation to the meeting sufficient copies for each member present”

Paragraph 15.6(a) will then read:

“Upon moving an amendment to a motion the mover shall, once it has been seconded, submit the amendment in writing to the person presiding and provide for circulation to the meeting sufficient copies for each member present prior to a vote being taken on the proposed amendment, failing which it shall fall.”

4.2 **Part 4.2 - Access to Information procedure rules**

15(b) – General exception

“Chief Executive” to be replaced by “Executive Director”. Paragraph 15(b) will now read:

“(b) the Executive Director has informed the Chair of a relevant Scrutiny and Performance Panel, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;”

4.3 **Part 4.4 – Executive procedure rules**

1.1 Who may make Executive decisions?

Add “the Leader” to the list in the second paragraph. Paragraph 1.1 will now read:

“The arrangements for the discharge of executive functions are set out in the Executive arrangements adopted by the Council.

If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the adopted arrangements or the Leader may provide for executive functions to be discharged by:-

- (i) the Leader;
- (ii) the Executive as a whole;
- (iii) a Committee of the Executive;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) another local authority.

but not by an individual Member of the Executive.”

5. **Resource and legal considerations**

None directly related to this report.

6. **Performance and risk management**

Performance and risk management are a feature of all Council functions. It is important that Council policies and procedures are reviewed and updated on a regular basis. If the Council fails to do this there is an increased risk that the Council will be subject to legal challenge or litigation. In terms of performance it is important that elected members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the Council deliver services. The Constitution is a key part of this framework of internal control.

7. **Equality implications**

In maintaining up-to-date policies and procedures the Council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes in relationship to equalities that elected members and officers must observe.

Background papers

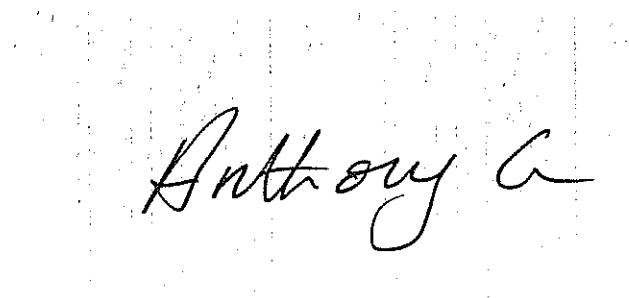
Walsall Council Constitution

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A handwritten signature in black ink, appearing to read 'Anthony A.', is written over a faint, dotted grid background.

Signed:

Head of Legal and Democratic Services and
Monitoring Officer

17 January 2014