

CABINET

13 October 2004

MINOR AMENDMENTS TO THE CONSTITUTION

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

CAB 902 – Minor Amendmentss to the Constitution arising from Statutory Changes (24/6/04)

EXECUTIVE SUMMARY:

This report proposes some minor amendments to the Constitution, which are set out in Appendix 1.

RECOMMENDATION:

That it be recommended to Council that the minor amendments to the Constitution as set out in Appendix 1 to this report be approved.

OTHER CONSIDERATIONS:

1 CORPORATE STRATEGY (RELEVANCE TO):

1.1 None.

2 RESOURCE IMPLICATIONS:

2.1 None.

BACKGROUND DOCUMENTS: None

APPENDICES: Appendix 1 – Minor Amendments to the Constitution

Appendix 1PROPOSED MINOR AMENDMENTS TO THE CONSTITUTION1. Part 3 - Responsibility for Functions (Section 6 – The Scheme of Delegation to Officers)

Paragraph 13 (page 23) of the City Secretary and Solicitor's delegation authorises him to take legal action on behalf of the Authority. However, the wording is not consistent with the same power contained in Part 2 - Article 14.03 of the Constitution (page 29). Therefore, the following wording is proposed which accords with Article 14.03:-

'Taking all necessary action to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Secretary and Solicitor considers that such action is necessary to protect the Council's interests, subject in cases in the High Court, wherever practicable, to consultation with the Leader or Deputy Leader if it concerns an executive matter, or the Chairman or Vice Chairman of the relevant committee if it concerns a non-executive matter.'

2. Part 4 – Rules of Procedure – Access to Information Procedure Rules

On 3 September 2003, Cabinet approved a policy with regard to the audio and visual recording of proceedings at meetings (Report CAB 699 refers). It is proposed that this policy be inserted as a new paragraph 3.2 in these Procedure Rules, as follows:-

'The audio and/or visual recording of meetings by members of the public is prohibited, unless the meeting concerned has specifically authorised that an exception be made. Such exceptions will normally only be considered for members of the press, rather than individuals or interest groups.'

3. Part 6 – Members Allowances Scheme

Schedule 2A lists meetings of outside bodies for which travel and subsistence will be payable to the Council's representative(s). Other bodies can be added to that list where it is known that meetings will be held on a regular basis. Two suggestions for additions have been received:-

(a) the Elected Member Scrutiny Network (West), administered by South East Employers, which meets at least twice per year. Cllr Allgood is the current representative. It is proposed that travel and subsistence be payable to the Council's appointed representative.

(b) afternoon and evening meetings of TACT, which are held monthly and are attended, whenever possible, by the Portfolio Holder for Housing and the Chairman of Housing Performance Improvement Committee. It is proposed that travel and subsistence be paid to these two office holders.

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