

APPENDIX 1

Proposed recommendations to Council.

It is proposed that Cabinet recommend to Council that:

1 *"The Democratic Services Manager be instructed to consider on an annual basis whether any of the policies in the policy framework set out in Article 3 of the Constitution are due for review or renewal and to liaise with the Council's officers to ensure that any such policies are brought to Council for consideration."*

2 Article 7(3) of the Constitution shall be amended so as to read:

"(3) The Leader will be a councillor elected to the position of Leader by the Council at its annual meeting for a term of four years, or until the day of the first annual meeting of the Council held after the expiry of their term of office as a councillor, if the latter is a shorter period. He or she will hold office until –

- he or she resigns from the office; or*
- he or she is no longer a councillor; or*
- he or she is removed from office by resolution of the Council, whereupon his or her term of office as leader shall end on the day of that Council meeting. "*

3 "Executive Procedure Rule 7(2) be amended so as to read:

(1) The Assistant Director of Legal Services will arrange for the monthly publication of the plan of key decisions covering the forthcoming 2 months and shall circulate a copy of the plan to all councillors".

4 Overview and Scrutiny Procedure Rule 14(4) be amended so as to read:

"4) The Chair of Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Cabinet decision as urgent."

- 5 A new Article 8(2A) shall be inserted into the Overview and Scrutiny Procedure Rules which shall read:

“(2A) The Overview and Scrutiny Management Board shall consider the plan of key decisions referred to in Rule 7 of the Executive Procedure Rules on a regular basis and shall identify decisions to be scrutinised and shall also meet prior to each meeting of the Cabinet to consider what recommendations to make to the Cabinet in respect of matters on the agenda for the Cabinet meeting.

- 6 That a Constitution Working Group with the same elected member representation as the Governance Working Member’s Group be established with responsibility for:

- Reviewing the scheme of delegation to officers
- Carrying out an annual review of the operation of the Constitution
- Reviewing the arrangements for recording Council decision making on-line
- Reporting back to Cabinet on these issues with a view to Cabinet making recommendations to Council

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- 7 Paragraph (2) of Schedule 1 to the Overview and Scrutiny Procedure Rules be amended so as to read:

“(2) The membership of the OSMB shall comprise –

- *a chairperson who shall be a councillor appointed by the Council;*
- *a vice-chairperson who shall be appointed by the Council and who shall be a member of the main opposition group*
- *the chairs and vice-chairs of the overview and scrutiny select commission who shall be councillors appointed by the Council so as to reflect the political balance of the Council*
 - *the chair and vice-chair of audit committee;*
 - *sufficient opposition councillors nominated by Opposition Parties or councillors and appointed by the Council, to ensure political balance”*

- 8 Rule 13(6) of the Overview and Scrutiny Procedure Rules be amended so as to read:

“6) During the notification period –

- in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least three other members may request the chairman of the OSMB to call-in the decision for scrutiny by that board; and*
- in the case of a decision that relates to an education function, a member or education representative who is supported by three members or three education representatives (or a combination of both members and education representatives) may request the chairman of the OSMB to call-in the decision.”*

- 9 Rules 5.4 and 5.5. of the Access to Information Rules be amended so as to read:

“5.4. In relation to reports to be considered at full Council or committee meetings or executive meetings held in public, a member of the Council has, subject to rule 5.5, the right to inspect any document that:

5.4.1 contains material that relates to an item to be considered a full Council or committee meeting, or

5.4.2 is in possession or under the control of the executive and contains material relating to any business to be transacted at an executive meeting held in public, whether or not he or she is a member of the particular committee or the executive.

and to receive copies of all reports to be considered at an executive meeting, including reports containing confidential or exempt information.”

5.5. The right mentioned in rule 5.4 does not extend to a document or part of a document that in the opinion of the Assistant Director Legal Services –

5.5.1. contains confidential or exempt information (please see the Appendix), except where the exempt material is included within reports to Cabinet which are to be provided to the Chair of Overview and Scrutiny Management Board, the Chairs of Select Commissions and the leaders of the two largest opposition groups, or

5.5.2. *discloses advice provided by a political adviser or assistant to the executive*

but Rule 5.5 does not apply:-

5.5.2.1 to confidential or exempt information disclosed to members in accordance with rule 5.4.

5.5.2.2. to exempt information that falls within paragraph 3 (information relating to the financial or business affairs of any particular person (including the Council)) of Schedule 12A to the Local Government Act 1972, except to the extent that the information relates to any terms to be proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

5.5.2.3. to exempt information that falls within paragraph 6 (information which reveals that the Council proposes to serve a notice on a person or to make an order or direction under any enactment) of Schedule 12A

10 A new Rule 5.6 shall be inserted into the Access to Information Rules which shall read:

“5.6 The Democratic Services Manager will ensure that a copy of the agenda and the reports for each meeting of Cabinet that will be debated in the open part of the Cabinet meeting will be provided to all members who are not members of Cabinet and who are not referred to in Rule 5.5.1 above as soon as is practical after those documents are published.”