

REPORT TO: Executive Board

DATE: 23 September 2010

REPORTING OFFICER: Strategic Director – Resources

SUBJECT: Review of the Constitution

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek the approval of the Council to the revised Call-In Procedure and rules of debate for inclusion in the Constitution.

2.0 RECOMMENDATION: That Executive Board recommend to Council that the revised Call-In Procedure and rules of debate as detailed in the Appendix be approved.

3.0 BACKGROUND

- 3.1 At the meeting of the Executive Board held on 18 May 2010 a number of changes to the Constitution were approved. Annual Council on 21 May 2010 approved the recommendations of Executive Board.
- 3.2 The Executive Board also resolved that a cross party Constitution Working Group be established to consider changes to the Call-In Procedure and the proposals submitted by the Liberal Democratic Group and Conservative Group.
- 3.3 The Working Group met on 12 July 2010 and agreed the following:
- (i) Executive Board be recommended to approve the suggested revised text for Call-In as detailed in the Appendix;
 - (ii) With the exception of the suggestion in respect of training, Executive Board be recommended not to support the suggestions submitted by the Liberal Democrat Group and the Conservative Group;
 - (iii) All Councillors be offered training led by the Operational Director, Legal & Democratic Services to explain the key issues of the Constitution.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

- 4.1 Any other required changes during the period 2010/11 will be the subject of further reports.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton

None.

5.2 Employment, Learning and Skills in Halton

None.

5.3 A Healthy Halton

None.

5.4 A Safer Halton

None.

5.5 Halton's Urban Renewal

None.

6.0 RISK ANALYSIS

- 6.1. The Council needs to ensure that its Constitution is regularly updated so that it continues to support efficient, transparent and accountable decision-making by the authority.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 There are no Equality and Diversity issues associated with this report..

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

APPENDIX

9. Call in

Any matter decided by the Executive Board or the Executive Board Sub-Committee/Sub-Board may be called in not later than 5 working days after the publication of the Minutes of the Executive Board or Executive Board Sub-Committee /Sub-Board which decided the matter. At least ten Members of the Council or five Members of the relevant Policy and Performance Board with responsibility for the matter decided by the Executive Board or Executive Board Sub-Committee /Sub-Board, must apply in writing to the Chief Executive on the requisite form for the matter to be called in. Any matter called in must be considered at the next meeting of the Council which will have power to affirm or reject the decision. If rejected, the Council may refer the decision back to the Executive Board or Executive Board Sub-Committee/Sub-Board for further consideration. The call-in procedure can only be used once in relation to any particular decision. Once the procedure has been used and a decision confirmed or rejected by the Council, the decision cannot be re-considered.

Once a call-in application is made it cannot be withdrawn after the expiry of the call-in period, namely, after five working days following the publication of the Minutes of the Executive Board or Executive Board Sub-Committee /Sub-Board which decided the matter, unless the notice of withdrawal is signed by the same people who signed the call-in notice. Prior to the expiry of the 5 working day period, a signature to a call-in application can be withdrawn at any time. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive. If a signature is withdrawn prior to the expiry of the 5 working day period, the proposer will be advised and will need to obtain an alternative signature and notify the Chief Executive within the five day period.

The call- in procedure only applies to the Executive Board and Executive Board Sub-Committee /Sub-Board.

Decisions requiring immediate action and so specified in the minutes of the Executive Board or Executive Board Sub-Committee /Sub-Board are excluded from 'call-in'.

Procedure when a Call-in is received

- (1) Notification of call-in received on the requisite form.
- (2) The Chief Executive will confirm that the call-in is valid (i.e. is correctly signed by the required number of signatories, is a decision made by the Executive Board or Executive Board Sub-

committee /Sub-Board and was not excluded from the call-in procedure on the grounds of urgency).

- (3) Call-in item included on the next Council Summons; the following details will be included:
 - the name of the proposer;
 - the name of the seconder; and
 - the reason for call-in.
- (4) Call-in item is considered by Council as detailed in the 'Rules for Debate for Call-in'. Council can either affirm or reject the original resolution or can send it back for re-consideration by the original decision-making body (i.e. Executive Board or the Executive Board Sub-Committee /Sub-Board).
- (5) Decision of Council is implemented.

Rules of Debate for Call-in

- (1) A call-in shall not be discussed unless it has been proposed and seconded.
- (2) The Proposer shall have a maximum of five minutes to address Members to explain his reasons for the call-in.
- (3) A Member, when seconding the call-in may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (3) A Member when speaking shall stand and address the Mayor; if two or more Members rise, the Mayor shall call on one to speak. The other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.
- (4) A Member shall direct his speech to the call-in under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council, which shall be signified without discussion.
- (5) The Chairman of the relevant decision making body or the relevant Portfolio which is the subject of the call-in, has the right to speak on the matter for a maximum of five minutes.
- (6) Finally, the Proposer of the call-in shall have a right to reply to a maximum of five minutes.