

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP
DATE: 2 December 2010

TITLE	Reports to Council by Officers	ITEM NO.
REPORT OF	Mel Peaston, Committee Services Manager	

PURPOSE	To consider whether there should be express provision in the Constitution for reports from the statutory officers to be submitted to Council.
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ORIGIN OF PROPOSAL	A recent Council Chairman's Briefing, whilst considering a report of the Monitoring Officer
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RECOMMENDATION:
<p>(1) that consideration be given to recommending to Council to amend the Constitution as follows:</p> <p>Part 5B Section 3.2 Business para 3.2.1.16 add the wording shown in italics below:-</p> <p><i>Any other business specified in the summons, including reports, if any, from the statutory officers (Head of Paid Service, S151 Officer, Monitoring Officer).</i></p>

SUPPORTING INFORMATION

1. Comments were made at the recent Council Chairman's Briefing expressing surprise that a report of an officer was being submitted to Council.
2. The Constitution at Part B5 section 18.16 para 18.16.1 states:

"Officers will not normally be called upon to address the Council or to answer questions unless specifically requested to do so by the Chairman of the Council. This rule shall not apply to the provision of procedural advice by the Monitoring Officer or to the Head of Paid Service and Chief Finance Officer when acting in their statutory roles."
3. This indicates that there may be times when it is appropriate for a statutory officer to address the Council.
4. There is currently nothing in the Constitution which prevents a report from being submitted to Council by an officer. It would be inadvisable for a statutory officer to be prevented from submitting a report to Council.
5. A check has been carried out to establish whether other councils have any guidance on whether officers address Council meetings. In summary:-
6. **Cambridgeshire County Council** has no similar paragraph to this Council's regarding Officers addressing the Council.
7. **Peterborough City Council (Unitary)** has no similar paragraph to this Council's regarding Officers addressing the Council. However within the section for Ordinary Council meetings – order of business - there is a provision:
" (j) hold "Council business time" comprising notices of motion; recommendations of the Executive and of any committees; reports and recommendations of the Proper Officer and any other business which needs to be transacted by Council."

There is also a note at the end of this section:
"General.
All functions in the above rules that are identified as being the responsibility of the Chief Executive may be exercised on her/his behalf by the Monitoring Officer, Head of Legal Services or Principle Democratic Services Officer."
8. **Nottinghamshire County Council**
Within the section setting out business at ordinary meetings of the Council there is a provision:
"2.1.19 reports of the Chief Executive, Service Director, Finance, Monitoring Officer and chief officers".

9. Whilst it is for this Council to determine how it wishes to operate, it should not rule out the possibility of statutory officers submitting a report to Council. Two out of three of the councils listed above appear to have included specific provision for this.
10. It is therefore suggested that the part of the Constitution which sets out the business of ordinary council meetings, Part B5 section 3.2 Business, should be amended to clarify that the final item of business at a council meeting, any other business specified in the summons, may include reports from a statutory officer.
11. The proposed amendment and the context are set out at **Appendix A**.

Contact Officer Details:	Key Background Papers:
Mel Peaston, Committee Services Manager. Tel: 0300 300 6076	None