

Constitutional and Nomination Committee

Minutes of the meeting held on 30 January 2013

Present:

Councillor Curley - In the Chair
Councillors Andrews, Karney, S Murphy, Tavernor, Watson and Wheale

CN/13/01 Urgent Business

The Chair agreed to take an item on Membership of Council Committees and representation on joint boards and joint committees as urgent business.

CN/13/02 Minutes

Decision

To approve as a correct record the Minutes of the meeting held on 5 December 2012.

CN/13/03 The Youth Council – Amendment to the Constitution

A report of the City Solicitor was submitted which sought approval for a recommendation to be made to Council that the Constitution be amended to allow the Youth Council for Manchester to make representations to the Council's Scrutiny Committees.

The Youth Council has been launched to give a vital voice to young people to enable them to get involved in the life of the city and provide them with a platform to help the Council and others shape future services in the city region. This will be helped by amending the City Council's Council's Constitution to formalise the relationship between Manchester Youth Council and the City Council's own Scrutiny Committees.

The addition of three new rules into Rule 6 of Part 4 Section E of the City Council's Constitution will give effect to this. It will give the Youth Council access to a mechanism akin to that which City Councillors have to refer matters to scrutiny committees.

The full revised Rule 6 was appended to the report, and the main changes are:

Proposed Amendment

6. Matters referred by Councillors to Overview and Scrutiny Committee, **and matters referred by the Youth Council.**

Proposed Amendment

6.4 On receipt of a notice under Rule 6.1, 6.2, 6.3 or 6.11, the matter will be included on the agenda for, and discussed at, a meeting of the relevant committee or sub-committee. Notices under Rule 6.2, 6.3 or 6.11 must be served no later than 28 days before the meeting at which the matter is to be discussed.

New Additions

6.11 The Manchester Youth Council may, by resolution of either House, refer to an overview and scrutiny committee any local government matter or crime and disorder matter which is relevant to the functions of the committee by giving notice in writing to the Chief Executive, including with the notice a copy of the resolution of the Youth Council and any report the Youth Council wishes the committee to consider. A local government matter is a matter which relates to the lawful discharge of any function of the authority and affects young people who live, work or study in the city, but excludes -

- any matter relating to a planning decision;
- any matter relating to a licensing decision under the Licensing Act 2003;
- any matter relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman);
- a crime and disorder matter;
- ongoing or threatened legal proceedings;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the overview and scrutiny committee meeting;
- any matter specified in an order made by the Secretary of State.

A crime and disorder matter is a matter concerning -

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs, alcohol and other substances, which affects young people who live, work or study in the city.

6.12 In considering whether or not to exercise any of its powers in relation to the matter referred under Rule 6.11 the committee may have regard to any representations made by the Youth Council as to why it would be appropriate to exercise any of its powers. If the committee decides not to exercise any of those powers in relation to the matter, it must inform the Youth Council of the decision and the reasons for it.

6.13 The determination of whether a matter is a “local government matter” or a “crime and disorder matter” under Rule 6.11 shall be made by the Chair of the relevant overview and scrutiny committee in consultation with the City Solicitor.

Decision

1. That the Council amend Rule 6 of Part 4 Section E of the Constitution to add proposed new rules 6.11, 6.12 and 6.13.

CN/13/04 Co-opted Members of the Young People and Children Scrutiny Committee

Decision

To recommend to Council the following be co-opted on to the Young People and Children Scrutiny Committee and to serve for two years from 10 September 2012:

Primary Parent Governor representative - Mrs Eve Holt
Secondary Parent Governor representative - Mrs Patsy Feeley

CN/13/05 Membership of Council committees and representation on joint boards and joint committees

Decisions

1. To request the Council to agree to suspend Procedural Rule 25.1 in relation to the following decisions (marked *) which involve reconsideration of a decision taken by the Council within the previous six months.

2. To recommend the Council to make the following changes in appointments to Committees of the Council –

Committee	Member removed	Member appointed
Finance Scrutiny Committee	Vacancy	Councillor Gillard
Licensing & Appeals Committee Licensing Committee	Vacancy	Councillor Loughman
Constitutional & Nomination Committee	Councillor Wheale	Councillor Hennigan