

Manchester City Council Report for Resolution

Report to: Constitutional and Nomination Committee – 30 January 2013
Council 30 January 2013

Subject: The Youth Council – Amendment to the Constitution

Report of: The City Solicitor

Purpose of the report

To recommend to the Council that the Constitution be amended to allow the Youth Council for Manchester to make representations to the Council's Scrutiny Committees.

Recommendation

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 as set out below in paragraph 2.2.

Financial consequences for revenue budget:

None

Financial consequences for capital budget:

None

Wards affected:

All

Implications for:

Antipoverty	Equal Opportunities	Environment	Employment
No	Yes	No	

Equal Opportunities Implications

To improve democratic access for the City's young people.

Background documents:

Young People and Children Scrutiny Committee Report 16 October 2012
"Constitutions of Manchester Youth Council and the House of Manchester"

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1. Background

- 1.1 Youth councils are now present in the majority of Local Authority areas nationally and enable young people to have influence on decisions which affect them and their communities. The Manchester Youth Council was launched in November 2012. It is modelled on the two house system of modern British politics. The Young People's Council itself - aimed at 13-19 year olds - is seen as the House of Commons equivalent. A second 'upper' house has also been established, the House of Manchester - aimed at 19 - 24 year olds.
- 1.2 The two Constitutions of the Houses of the Youth Council were considered by the Young People and Children Scrutiny Committee in October 2012, and with those the intent to define the relationship between the Youth Council and the Scrutiny Committees.

2. Formalising the Relationship with the Youth Council

- 2.1 In supporting the development and creation of the Youth Council the intention has been 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 make formal the relationship between Manchester Youth Council and the City Council's own Scrutiny Committees.
- 2.2 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 City Councillors have to refer matters to scrutiny committees. The full revised Rule 6 is 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.

Appendix

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

- 6.1 Any member of an overview and scrutiny committee or sub-committee may refer to that committee or sub-committee any matter which is relevant to the functions of the committee/sub-committee by giving notice in writing to the Chief Executive.
 - 6.2 Any member of the authority may refer to an overview and scrutiny committee of which they are not a member any local government matter (as defined in Rule 6.8) which is relevant to the functions of the committee by giving notice in writing to the Chief Executive.
 - 6.3 Any member of the authority who is not a member of the Communities Scrutiny Committee (being the designated Crime and Disorder Committee) may refer to that committee any local crime and disorder matter (as defined in Rule 6.9) by giving notice in writing to the Chief Executive.
 - 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.
 - 6.5 In considering whether to exercise the power in Rule 6.2, or 6.3, the member must have regard to any guidance issued by the Secretary of State and any protocol issued by the Council in connection with this power.
 - 6.6 In considering whether or not to exercise any of its powers in relation to the matter referred under Rule 6.2, or 6.3 the committee may have regard to any representations made by the member 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 notify the member of the decision and the reasons for it.
 - 6.7 Where the overview and scrutiny committee exercises its power to make a report or recommendation to the Council or the Executive on any matter referred to it by a member under Rule 6.2, or 6.3 the committee must provide the member with a copy of the report or recommendation (subject to Rule 8B).
 - 6.8 Under Rule 6.2 a "local government matter" in relation to a member means a matter which relates to the discharge of any function of the authority and affects all or part of the ward for which the member is elected or any person who lives or works in that ward, but excludes -
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- a local crime and disorder matter as defined in Rule 6.9;
- 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);
- 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.

Provided that a matter is not excluded from being a local government matter, notwithstanding that it would otherwise fall within (b), (c) or (d) above, if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on systematic basis.

6.9 Under Rule 6.3 a “local crime and disorder matter”, in relation to a member, means 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 all or part of the ward for which the member is elected or any person who lives or works in that ward.

6.10 The determination of whether a matter is a “local government matter” or a “local crime and disorder matter” under Rules 6.8 and 6.9 above shall be made by the Chair of the relevant overview and scrutiny committee in consultation with the City Solicitor.

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
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- 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 scrutiny committee in consultation with the City Solicitor.