



MEETING OF THE CONSTITUTION AND ACCOUNTS COMMITTEE

MONDAY, 30 APRIL 2007 9.30 AM

COMMITTEE MEMBERS PRESENT

Councillor Mrs Frances Cartwright
Councillor John Hurst
Councillor Albert Victor Kerr

Councillor Peter Martin-Mayhew
Councillor Mrs. Linda Neal (Chairman)

OFFICERS

Chief Executive
Corporate Head of Finance and Resources
Monitoring Officer
Service Manager, Democracy
Democratic Officer

OTHER MEMBERS PRESENT

Councillor Teri Bryant

58. MEMBERSHIP

The Committee were notified that Councillor Mrs Cartwright was substituting for Councillor Lovelock for this meeting only.

59. DECLARATIONS OF INTEREST

None declared.

60. MINUTES OF MEETING HELD ON 26TH MARCH 2007

Councillor Hurst referred to the minutes and raised that issue of names being recorded in the minutes specifically at page 2 when he had made reference to the number of members of the new Scrutiny Panel and that nine members was a deplorably low figure. This was noted and the minutes on 26th March approved.

61. NOTICE OF MOTION REFERRED FROM COUNCIL MEETING 19TH APRIL 2007

Decision

That the Constitution and Accounts Committee recommends that the Constitution be amended to incorporate the following:

- (1) ***That no notices of motion be allowed at the annual budget meeting;***
- (2) ***That no member be allowed to submit more than one notice of motion at any meeting of the Council;***
- (3) ***That a guillotine be imposed after 30 minutes with a five minute warning given for the original motion or the original motion as amended to be put and a vote taken;***
- (4) ***That no more than two notices of motion be debated at any single Council meeting;***
- (5) ***That at the annual council meeting members are selected to present motions to the Council for a trial period of twelve months (as per the above rules). Those members to be drawn randomly from a "hat". The hat to contain only those members who wish their names to be included. Once a member has been drawn their name is not returned to the "hat".***
- (6) ***If for any reason the member chosen to put the motion is unable to do so no substitute to be allowed.***
- (7) ***That the Constitution be amended in order that motions can be rejected if they are frivolous, vexatious, inflammatory or if they are substantially similar to any discussed at Council within the last six months.***

Members had been circulated with a motion that had been put by Councillor Mike Williams referred to the Committee from the Council meeting held on 19th April 2007. The Service Manager Democracy referred to the amendment which had been made at the Council meeting which included a guillotine. The full decision from the Council read:

- (1) *The Constitution Committee seek to change the Constitution with regards to notices of motion at meetings of this Council;*
- (2) *That no more than two notices of motion be debated at any single Council meeting with provision for the operation of a guillotine on such debates, and that because of time constraints, no notices of motion be allowed at the annual budget meeting;*
- (3) *No member be allowed to submit more than one notice of motion at any meeting of the Council.*

A lengthy discussion ensued covering all aspects of the motion with various suggestions and proposals being put forward. Members agreed that no motions should be discussed at the budget meeting. The number of motions per member was then discussed and the issue of urgency. It was agreed that only one motion per member be allowed. The issue of the guillotine was then discussed and how this would work. It was agreed that the guillotine would come into force after 30 minutes and that a five minute warning be given before the end of the 30 minutes to enable the original motion or the motion as amended to be put to the Council and a vote taken. The importance of motions and being protective of minority groups and other items such as policy development were then discussed and it was moved that four motions be put, but this proposal did not receive a seconder. Two motions were then voted on and this was agreed. Councillor Hurst asked for his vote against this proposal

to be recorded. The issue of how to decide on which motions were put forward was discussed at length. Options discussed included the Chief Executive being delegated or the Strategic Directors being delegated both these options would mean that the motions would be dealt with on a time received basis. However this was not favourable with the Committee. Councillor Hurst proposed that the Chairman or the Vice-Chairman of the Council make a decision having consulted with the group leaders, however this did not receive a seconder. The option of the Council deciding which motion was then discussed with various means of how to carry this out discussed from written motions circulated at the beginning of meetings to electronic voting taking place. It was suggested that a random means of selection would be for each member's name to be put in a "hat" and the name of two members being drawn out. Members agreed with this suggestion and it was proposed that this be carried out at the annual council meeting for a trial period of twelve months. Those members who did not wish their names to be included were withdrawn from the hat before a selection was made. Members agreed with this proposal. The issue of substitutes was then discussed it was proposed that no substitutes be allowed; on being put to the vote this was agreed. Councillor Hurst asked that his vote against this proposal was recorded.

The Chief Executive asked the Committee that reference be made within the Constitution to reject motions if they were frivolous, vexatious, inflammatory or if they were substantially similar to any discussed at Council within the last six months. The Committee were in favour of this being included within the Constitution.

62. QUESTIONS WITHOUT DISCUSSION

Decision

That the Constitution and Accounts Committee recommends that the Council have a list of Questions without Discussion circulated at the council meeting, the Questions without Discussion to be referred to the relevant PDG, Committee etc for an answer. The issue to be referred back to Council only if necessary.

The Chief Executive referred to a request he had received from a member which concerned Questions without Discussion. The Committee discussed how these were dealt with and it was proposed that the new PDGs or relevant committee answered the questions, only referring them back to the Council if necessary. On being put to the vote this was agreed. Councillor Hurst asked that his vote against the proposal was recorded. In order that no questions became "lost" it was proposed that a list still be circulated at the Council meeting and the relevant PDG, Committee selected and on being put to the vote it was agreed.

The date of the budget meeting and the issued of all day meetings was raised. The Corporate Head of Finance and Resources informed the Committee that the budget meeting had to be held between 1st and 11th March in order to set the council tax.

63. CHANGES TO THE CONSTITUTION

Decision

That the Constitution and Accounts Committee approves in principal the amendments to the Constitution as per the appendix to report DLS0098 subject to any anomalies found by Councillor Bryant and the Monitoring Officer and the following amendments:

- Page 9 (c) Democracy to be included in the finances made available to them.***
- Page 26 15.3 Functions of the Monitoring Officer to have the same clause of that of the Section 151 Officer but from a legal perspective.***
- Page 27 15.4 That the Functions of the Chief Finance Officer are defined as in the CIPFA guidance.***
- Page 29 (b) Key Decisions i) advice to be sought from the Section 151 Officer and ii) advice to be sought from the Chief Executive.***
- Page 43 That the Appeals Panel should read “3 members of the Licensing Committee or the Resources PDG”.***
- Page 45 Chief Executives Appraisal Panel “That the panel comprise of four members appointed by the Council”.***
- Page 82 (a) Last sentence in paragraph wording to be amended so that it is fit for purpose in today’s electronic environment.***
- Page 83 Wording to be included in order that the Chairman or Vice/Chairman of the PDG’s or the Chairman of the Council may answer on behalf of the Council***
- Page 93 19.1 That the minutes of a meeting be moved and seconded from the floor not by the Chairman.***

That the word days within the constitution be qualified as to whether they are calendar or working days.

A copy of the draft constitution had been circulated to members with changes highlighted. The Monitoring Officer referred to the covering report and identified those changes that had been made. Various amendments were highlighted at the meeting and the Committee agreed to those amendments being made. Agreement was also given for the numbering within the Constitution to be changed where necessary. The Chairman thanked Councillor Bryant for his work in highlighting anomalies within the constitution.

64. CLOSE OF MEETING

The meeting closed at 11.20am.