

AGENDA



For a meeting of the
CONSTITUTION COMMITTEE
to be held on
MONDAY, 16 APRIL 2012
at
10.30 AM
in the
WITHAM ROOM, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ
Beverly Agass, Chief Executive

Committee Members:	Councillor Mark Ashberry, Councillor Ray Auger, Councillor Susan Sandall, Councillor Adam Stokes (Vice-Chairman) and Councillor Raymond Wootten (Chairman)
Committee Support Officer:	Lucy Bonshor (01476) 40 61 20 l.bonshor@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

The Committee to be notified of any substitute members.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

Members are asked to declare an interest in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 26TH SEPTEMBER 2011

(Enclosure)

5. AMENDMENTS TO THE CONSTITUTION

Report LDS057 by the Chairman of the Constitution Committee.

(Enclosure)

6. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 26 SEPTEMBER 2011



COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry
Councillor Ray Auger
Councillor Susan Sandall
Councillor Adam Stokes (Vice-Chairman)
Councillor Raymond Wooten (Chairman)

OFFICERS

Head of Legal & Democratic Services/Monitoring Officer (Lucy Youles)
Democratic Officer (Lucy Bonshor)

8. DECLARATIONS OF INTEREST

None declared.

9. MINUTES OF THE MEETING HELD ON 13TH JUNE 2011

The minutes of the meeting held on 13th June were agreed as a correct record of the decisions taken.

The Head of Legal and Democratic Services referred to the issue that had been raised about substitution on the Licensing Committee and the Alcohol and Entertainment and Late Night Refreshment Licensing Committee. As the Alcohol and Entertainment and Late Night Refreshment Licensing Committee was a Sub Committee of the Licensing Committee then its members should be drawn from the Licensing Committee.

10. AMENDMENTS TO THE CONSTITUTION

Decision

The Constitution Committee recommends to Council that page 141, rule 24.7 (i) of the Constitution be amended to read "one working day prior to the meeting" and the reference to 24 hours prior to the meeting be deleted.

Members had been circulated with report LDS039 which concerned a minor

amendment to the Constitution concerning the notice given by members of the public who wished to speak at the Development Control Committee. Currently the constitution referred to 24 hours notice being given. However, this had caused problems when the Committee followed a bank holiday. It was proposed that the 24 hours be changed to one working day before the meeting. Members felt that this was a logical step to make and it was proposed, seconded and agreed.

11. CONSTITUTION REVIEW

Decision

That the Constitution Committee notes the report LDS038 and further considers the costs and resource implications of a full review of the Constitution and how it works.

Members had been circulated with report LDS038 from the Head of Legal and Democratic Services relating to the requirement and the contents of the Constitution. It was made clear this was not about making changes to the content of the Constitution. Appended to the report were extracts from the Local Government Act 2000 (Constitutions) (England) Direction 2000 which listed those provisions which local authorities were required to include in their Constitutions.

The Constitution was an important document which had to be effective and as efficient as possible. It was important that the Constitution Committee was effective and offered value to the Constitution. She sought a consensus from the Committee of a way forward to make the Constitution more workable but still retain the necessary requirements by law such as the Financial Regulations and the Contract Procedure Rules. She referred to aspects of the Constitution such as decision making which was contained in various bits of the document.

She proposed that the Constitution be critically reviewed at minimum cost to the Council.

(10.40am Councillor Ashberry arrived)

Members felt that simplification was necessary especially when it came to the decision making process which covered not just Cabinet and Council but Committees such as Development Control, Licensing and Scrutiny. Reference was made to carrying out the review in house. The Head of Legal & Democratic Services confirmed that an external view on the document would be useful, any changes would be continued to be carried out in house.

It was proposed, seconded and agreed to look at the resource requirements needed to have the Constitution critically reviewed externally and also look at the possibility of a working group to examine the Constitution and make it more easy to use within required regulations.

12. CLOSE OF MEETING

The meeting closed at 10.55am.

REPORT TO CONSTITUTION COMMITTEE

REPORT OF: CHAIRMAN OF THE CONSITUTION COMMITTEE

REPORT NO: LDS057

DATE: 16th April 2012

TITLE:	AMENDMENT TO MOTIONS ON NOTICE GIVEN UNDER COUNCIL PROCEDURE RULE 12	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Contstitutional change	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter Engagement & Corporate Governance	
CONTACT OFFICER:	Lucy Youles Head of Legal & Democratic Services l.youles@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Council minute 139 17.05.07	

1. RECOMMENDATIONS

The Constitution Committee recommend to Council that the Constitution be amended at clause 12 of the Council Procedure Rules (attached to this report for reference at Appendix A) regarding notices of motion at meetings of the Council as follows;

1.1 No more than two notices of motion will be debated at any single Council meeting. The time and date of all motions received by the Chief Executive in accordance with this clause 12.1 will be recorded and the first two valid motions received in accordance with this clause 12 will be set out in the agenda in accordance with clause 12.2.

1.2 No motions on notice will be included on the agenda or considered at the annual budget setting meeting;

1.3 Each member may propose only one motion for the agenda of any meeting. If any valid motion received is not included on the agenda of the next Council meeting, the proposer can request that the motion proposed be put forward to be included on the agenda of the next appropriate Council meeting.

2. PURPOSE OF THE REPORT

For Members of the Constitution Committee to discuss proposed changes to the Constitution concerning Motions on Notice given under Council Procedure Rule 12 and recommend any change to Council.

3. DETAILS OF REPORT

Currently the number of Motions on Notice at Council meetings is restricted to each Member having the opportunity to present two Motions on Notice on each Council agenda. This means that potentially there could be in excess of 100 Motions on Notice on a Council agenda if each Member submitted two motions within the correct timeframe.

In order that the motions submitted to Council are debated properly and are given due consideration it is recommended that only two Motions on Notice be allowed to be submitted per Council meeting and that no Motions on Notice be submitted to the annual budget setting meeting.

The provision of a time guillotine (implemented by the Chairman) should also be available for each Motion on Notice due to time constraints which may be in place due to the length of a Council agenda.

The Chief Executive would determine the motions to go on the agenda, however, in common with other authorities which operate similar arrangements, it would usually be the first two motions received that complied with the rules relating to Motions on Notice that would be included on the agenda. The final decision would rest with the Chief Executive. Any further motions received would be held

over for the next available meeting provided the proposer wished the motion to be put at a later date.

4. OTHER OPTIONS CONSIDERED

To keep the current arrangements and determine whether or not to continue with the meeting in accordance with clause 9 or clause 14.11 of the Council Procedure Rules which are attached to this report for reference at Appendix B

5. RESOURCE IMPLICATIONS

n/a

6. RISK AND MITIGATION

The proposal is made to mitigate the risk of multiple motions being proposed without sufficient time to consider each motion proposed.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

n/a

8. CRIME AND DISORDER IMPLICATIONS

n/a

9. COMMENTS OF FINANCIAL SERVICES

There is no financial impact arising from the proposal made.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Constitution Committee is required to consider any changes to the constitution proposed. The proposal is for a change to paragraph 12 as set out in the recommendations above.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

Appendix A – Clause 12 Council Procedure Rules

Appendix B – Clause 9 and Clause 14.11 Council Procedure Rules

APPENDIX A

12. MOTIONS ON NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member giving it, must be delivered to the Chief Executive at least 9 working days before the date of the meeting at which it is to be moved.

These will be recorded in the order in which they are received and open to public inspection. Any motion which purports to contravene any current legislation or purports to contravene the arrangement or terms of this constitution can be excluded by the Chief Executive in advice or at the meeting at which it is proposed to be debated.

12.2 Motions set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they proposed to move it to a later meeting or withdraw it.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which directly affect the district.

12.4 Number of Notices of Motion

No member shall have more than two notices of motion on the agenda for any meeting.

APPENDIX B

9. DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours excluding any temporary adjournment will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting after the minutes of the previous meeting have been dealt with.

14.11 CLOSURE MOTIONS

(i) A member may move, without comment, the following motions at the end of a speech of another member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

(ii) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(iii) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.