

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 28 MAY 2012



COMMITTEE MEMBERS PRESENT

Councillor Ray Auger
Councillor Rob Shorrocks

Councillor Adam Stokes (Vice-Chairman)
Councillor Raymond Wootten (Chairman)

OFFICERS

Head of Legal and Democratic Services (Lucy Youles)
Democratic Officer (Lucy Bonshor)

1. APOLOGIES

An apology for absence was received from Councillor Susan Sandall.

2. DECLARATIONS OF INTEREST

Councillor Wootten and Councillor Adam Stokes declared a personal interest in agenda item 6 as the County Council had agreed their Member Code of Conduct at their Annual meeting on 18th May 2012.

3. MINUTES OF THE MEETING HELD ON 16TH APRIL 2012

The minutes of the meeting held on 16th April 2012 were agreed as a correct record of the decisions taken subject to the close of meeting being changed to 11.05am.

4. DECISION ON MOTIONS REFERRED BACK FROM COUNCIL ON 3RD MAY 2012

Recommendation:

That the Constitution Committee reassess the decision on motions until further enquires have been made with surrounding local authorities to see how they deal with motions and Members have been asked for their views on motions.

Members debated the decision on motions which had been referred back to the

Committee by Council from its meeting held on 3rd May 2012. As one of the Members was new to the Committee he asked for the background to the Committee's decision. The Chairman replied that following the Council meeting in April he had been approached by a number of Members who were concerned that the motions were not given enough time to be debated fully and that there were too many motions for debate at the budget setting meeting. The Member could see the reasoning on whether or not to allow motions at a budget setting meeting but could not understand how this could come in to play for all Council meetings. The Chairman replied that he did not wish to stifle debate but timing was a factor and too many motions had been submitted to the budget setting meeting. The Member replied that if the objective was to improve the time management of council meetings then not just motions should be looked at, other issues such as guest speakers and having a timed agenda should be looked at. It was suggested that Members be asked how they think that the operation of council meetings can be improved. The Head of Legal and Democratic Services confirmed about the pending project to review the Constitution was imminent. It was suggested that perhaps a working group be convened to help look at the Constitution review, and due to its size it could be broken down into sections. A member asked what the urgency was, could it not be incorporated into the whole review and he proposed that the answer be deferred until further enquires have been made with the Members to gain their views on motions; however he did not get a seconder. The Chairman proposed that the issue of motions be reassessed until further enquires have been made with surrounding local authorities to see how they deal with motions and Members have been asked for their views on motions.

A working party to look at the Constitutional Review should be drawn from the Constitution Committee.

5. AMENDMENTS TO THE CONSTITUTION

The Head of Legal and Democratic Services referred to the Standards Committee which had recently taken place at which a new draft Code of Conduct for Members had been recommended to Council for approval. The new code was to be in place by 1st July although this was not a statutory deadline. It was proposed that the Council meeting on 12th July would adopt the code. She had brought the issue before the Constitution Committee for information as there would be changes required to the Constitution when the new code was adopted. She listed those pages where changes would be required, page 70, page 251 and page 49. She circulated for Members information a copy of the new draft code which included the seven principals as required by law; however, the Standards Committee had also requested that a paragraph on respect should also be included in the code especially as most complaints received dealt with the matter of respect. This issue was highlighted by one Member as being a 'Slippery concept'. The Head of Legal and Democratic Services replied that there was clear guidance from previous standard board cases and well documented case studies which covered this

area. She indicated that following adoption of the new code the Standards Committee would no longer exist as there would be no need for a Committee. Complaints received would go to the Monitoring Officer and the independent person to try and get a resolution with the complaint. Any complaint that required a hearing could be dealt with by three Members of a review board, membership of which was taken from the Licensing Committee as happened at present. A Member asked about a right of appeal to which the Head of Legal and Democratic Services replied there was no right of appeal for the complainant and none proposed in the legislation or regulations. If there was a major breach of the code relating to disclosable pecuniary interests, this would be a matter for the criminal court.

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

A question was asked about the Constitutional Review. The Head of Legal and Democratic Services replied that the project had not yet started but had been identified by the priority of well run council. The concept had been for a third party to act as a critical friend to the review however, this had not worked out as planned. The Member asked that the item be put on to the next agenda.

Meeting closed at 10.58am.