

AGENDA



For a meeting of the
CONSTITUTION COMMITTEE
to be held on
MONDAY, 28 MAY 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 Ray Auger, Councillor Susan Sandall, Councillor Rob Shorrocks, 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 16TH APRIL 2012

(Enclosure)

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

Extract from minutes of Council meeting held on 3rd May 2012
Report LDS062 by the Chairman of Constitution Committee.

(Enclosure)

6. AMENDMENTS TO THE CONSTITUTION

- Proposed changes to the Members Code of Conduct.

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

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 16 APRIL 2012



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
(Lucy Youles)
Democratic Officer (Lucy Bonshor)(none)

OTHER MEMBERS

Councillor Ian Selby

13. DECLARATIONS OF INTEREST

None declared.

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

Minutes of the meeting held on 26th September were agreed as a correct record of the recommendations made.

15. AMENDMENTS TO THE CONSTITUTION

Recommendation

The Constitution Committee recommends to Council the following changes to Clause 12 of the Council Procedure Rules regarding notices of motion at meetings of the Council:

- 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.

Members had before them report LDS057. The report had been compiled following the last Council meeting which had been the budget setting meeting and at which motions which were on the agenda had not been heard due to the quantity and time constraints. In order to address the issue a proposal was being put forward to restrict motions to only two per Council meeting, with no motions on notice at the Council's budget setting meeting.

The Chairman referred to investigation work that he had carried out which showed that over the last 5 years there had been 27 motions on notice considered at Council meetings. This gave an average of 5.2 motions per year. If the current proposal was adopted it would give members the opportunity to have 10 motions on notice considered during any one year, excluding the budget setting meeting. He felt that this was a fair proposal and gave Members the opportunity to debate a motion and not have to rush through it. The proposal was intended to promote debate not stifle debate.

Members debated whether or not the proposal was undemocratic. The monitoring officer advised that motions could be restricted by vote at the council meeting to close the meeting after 3 hours or a closure of motion proposal.

A more flexible approach to the number of motions including the budget setting meeting was suggested. Members debated the length of meetings and the time guillotine which some members did not support. The monitoring officer reminded Members that it was the Council as a whole that voted on whether or not to continue with a meeting. A Member read out comments that he had received both from other Members of the Council and one from a member of the public about the proposal to limit motions on notice. He asked that the comment from the Member of the public be reproduced in the minutes:

“Obviously there has not been an issue in the past and it seems that this is an extraordinary suggestion to fix a problem that doesn't exist, whilst in the meantime, damaging democracy and restricting our elected representatives.”

Further discussion followed with some Members agreeing with the proposal to limit the number of motions and others disagreeing. Councillor Selby who had attended the meeting, but was not a Member was allowed to speak. He felt that the proposal to limit the number of motions on notice was undemocratic and would stifle debate; also there was no evidence to justify changing the current system.

Each recommendation shown in the report was taken individually and following voting, all three recommendations were approved.

16. UPDATE ON SCHEME OF DELEGATION

The monitoring officer updated the Committee on changes to the scheme of delegation which had been authorised by the Chief Executive under her delegated authority relating to changes to posts.

Duties of the Lead Professional (Development Control) were now the responsibility of the Development Management Service Manager, Building Control and property management came under the remit of the Head of Property Development. The Head of Environmental Services now dealt with Housing Grants under the Construction and Regeneration Act 1996 as implemented under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 with the exception of discretionary Disabled Facilities Grants.

17. CLOSE OF MEETING

The meeting closed at 11.05pm.

Extract from Council Minutes – Thursday 3rd May 2012

15. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE

Decision:

That recommendations 1.1, 1.2 and 1.3 as detailed in report number LDS062 be referred back to the Constitution Committee for further consideration.

The Chairman of the Constitution Committee, in moving the recommendations in report number LDS062 explained why the Committee had looked to make recommendations on the number of notices of motion that could be submitted at Council meetings. He also provided a summary of the number of notices of motion that had been received. The proposition was seconded.

Debate on the motion ensued, which incorporated the following points:

- Restricting the number of motions would restrict the ability of Members to bring issues before the Council, restricting opposition groups
- Limiting the number of notices of motion to two a meeting could lead to a backlog and prevent timely discussion of arising issues
- The average number of notices of motion had been 5.2 a year. The number of notices of motion in March 2012 (6) was not usual
- The proportionality of making a decision on the basis of one meeting; it was suggested as an alternative that the Committee could have proposed preventing or limiting notices of motion at the Budget Council meeting only. A ruling on the proportionality of the decision was requested as a point of order in respect of Article 16.2(i). The point of order could not be accepted because it did relate to an alleged breach of rule relating to the council meeting.
- Preventing the submission of notices of motion would restrict Councillors' ability to represent their Wards
- Some issues brought as notices of motion could be resolved by asking questions of Portfolio Holders

An amendment was proposed and seconded that *“the matter be referred back to the Constitution Committee for further consideration.”* It was suggested that the Committee could undertake wider consultation with Councillors.

The amendment was put to the vote, where an equality of votes was achieved. The Chairman used her casting vote to vote for the amendment, which was consequently carried. The amendment became the substantive motion, and on being put to the vote, was carried.

REPORT TO COUNCIL

**REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE –
COUNCILLOR RAY WOOTTEN**

REPORT NO: LDS062

DATE: 3 May 2012

TITLE:	Recommendations from the Constitution Committee - 16th April 2012	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Access and Engagement Portfolio	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: l.youles@southkesteven.gov Telephone: 01476 406105	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
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	The Council's Constitution	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the Constitution Committee at its meeting on the 16th April 2012:

The Constitution be amended at clause 12 of the Council Procedure Rules 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

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 16th April 2012 to Council for approval. The report made to the Constitution Committee and minutes of the Constitution Committee meeting of the 16th April 2012 are attached to this report at the Appendix for information.

3. DETAILS OF REPORT

- 3.1 The details of the recommendation and the reasons for the recommendations are given in the minutes of the Constitution Committee meeting attached to this report and the report made to that meeting.
- 3.2 The recommendations made relate to motions on notice at council meetings. The proposals are that two motions on notice are considered at each meeting of the council except at the budget setting meeting when no motions will be placed on the agenda. In addition, each member may propose only one motion for each meeting at which motions on notice are permitted.
- 3.3 The proposals were made by the Chairman of the Constitution Committee following a council meeting when not all the motions proposed could be debated. Following a full debate of the proposals, the Committee approved the proposals for recommendation to Council.

4. OTHER OPTIONS CONSIDERED

No other options have been considered in respect of this report.

5. RESOURCE IMPLICATIONS

There are no known resource implications from the recommendations made.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

The recommendations are made to limit the number of motions on notice to ensure sufficient time at each meeting for debate on each motion proposed.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

No assessment is required in respect of this report.

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report

9. COMMENTS OF FINANCE SECTION

There are no financial implications resulting from this report.

10. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES

The recommendations are made to provide a process to limit the number of motions proposed at any council meeting to allow sufficient time for debate of each motion proposed. This could improve the management of motions at the council meetings. The administration of motions received prior to the meeting will have to be closely monitored.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

Not applicable

12. APPENDIX

Report to the Constitution Committee LDS057
Minutes of the Constitution Committee meeting of the 16th April 2012