

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.