

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.