

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 9 JUNE 2014



COMMITTEE MEMBERS PRESENT

Councillor Ray Auger
Councillor Vic Kerr

Councillor Alan Parkin
Councillor Raymond Wootten (Chairman)

OFFICERS

Head of Finance (Richard Wyles)
Head of Legal & Democratic Services (Lucy Youles)
Community Engagement & Policy Development Officer (Carol Drury)
Democratic Officer (Lucy Bonshor)

41. APPOINTMENT OF VICE-CHAIRMAN

The Chairman proposed Councillor Alan Parkin as Vice-Chairman to the Committee, this was seconded and as there were no other nominees Councillor Parkin was elected Vice-Chairman.

42. APOLOGIES

An apology for absence was received from Councillor Shorrock.

43. DISCLOSURE OF INTERESTS

None disclosed.

44. MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2013

The minutes of the meeting held on 16th December 2013 were agreed as a correct record.

45. AMENDMENTS TO THE CONSTITUTION

Appeals Panel

Recommendation

That the Constitution Committee recommends to Council that the Appeals Panel on page 82 item 2 is removed from the Constitution.

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Members had been circulated with report HR&OD120 which explained why there was no longer a need to have an Appeals Panel within the Constitution as matters covered by the panel were now dealt with under other policies which the Council had in place.

It was proposed, seconded and agreed to remove the Appeal Panel from the Constitution.

Members Questions

Recommendation

That the Constitution Committee recommends to Council that the Notice of Questions at 11.3 (i) be amended to include the wording underlined below and that 72hours be changed to 3 working days:

- (i) They have given at least 3 working days notice before the time of the commencement of the meeting in writing of the question including the wording of the question to be asked to the Chief Executive.***

The Head of Legal and Democratic Services referred to a recent interpretation of the notice of questions to be asked at Council. A Member had given notice that they intended to ask a question at Council but had not given the content of that question. In order to clarify the procedure it was proposed that wording asking for the content of the question is also given in writing to the Chief Executive. Members were in agreement with the proposal and also asked if the 72hours could be changed to three working days to accommodate Bank Holidays. It was proposed, seconded and agreed to include “the wording of the question to be asked” and also that 72hours be changed to three working days.

Policy Development Co-ordinating Group

Recommendation

That the Constitution Committee recommends to Council that the Constitution be amended at page 46 as per the appendix attached to report LDS127 concerning the new Cabinet and Policy Development Liaison Group.

The Policy Development Co-ordinating Group as currently constituted within the Constitution had previously fallen in to disuse. For the past year a new form of Cabinet/PDG Liaison Group had been piloted and it was proposed to amend the Constitution to recognise the new Cabinet and Policy Development Liaison Group in place of the Policy Development Co-ordinating Group.

Members agreed with the proposal and it was proposed, seconded and agreed to amend the constitution to reflect the Cabinet/PDG Liaison Group.

46. CONSTITUTION REVIEW

Budget and Policy Framework Procedure Rules

Recommendation:

That the Constitution Committee recommends to Council the adoption of the revised Budget and Policy Development Procedure Rules as appended to report LDS126, appendix 2.

The current Budget and Policy Framework Procedure Rules in part recited the legislation word for word and were not easy to apply. Changes had been made which interpret and clarify the wording of the legislation which made the rules easier to use. Updates had also been made where required.

Members were happy with the proposed revisions and it was proposed, seconded and agreed to recommend to Council the revisions to the Budget and Policy Framework Procedure Rules.

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

The following item was discussed due to the need to amend the Constitution to reflect the delegation if a contractor was challenged whilst dealing with stray dogs on behalf of the Council.

Recommendation:

That the Constitution Committee recommends to Council that the Constitution be amended to include the following under the Operations Director delegation;

To serve and authorise Officers and contractors appointed to exercise the function relating to the control of stray dogs where appropriate to serve notices under Section 149 of the Environmental Protection Act 1990 (seizure of stray dogs)

The Council had recently carried out a tendering process and a new contractor had been appointed for the control of stray dogs. This was a statutory function that the Council carried out. To negate any challenge to the new contractors it was felt that the Constitution should be amended to reflect the delegation.

A brief discussion followed about the stray dog service to which the Environmental Health Service Manager responded to questions.

It was agreed to amend the constitution accordingly.