

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 4 JUNE 2018



SOUTH
KESTEVEN
DISTRICT
COUNCIL

COMMITTEE MEMBERS PRESENT

Councillor Robert Reid
Councillor Jacky Smith
Councillor Mrs Brenda Sumner (Chairman)

OFFICERS

Solicitor to the Council (Lucy Youles)
Democratic Officer (Lucy Bonshor)

OTHER MEMBERS

Councillor Phil Dilks
Councillor Martin Wilkins

1. MEMBERSHIP

The Committee were notified that Councillor Jacky Smith was substituting for Councillor Ian Stokes and Councillor Reid was substituting for Councillor Westropp.

2. APOLOGIES

Apologies for absence were received from Councillor Sampson and Councillor Coutts.

3. DISCLOSURE OF INTERESTS

None disclosed.

4. MINUTES OF THE MEETING HELD ON 11TH DECEMBER 2017

As the minutes of the last meeting had been presented to Council and Members present had not attended the last meeting of the Committee, a vote on the minutes was not required.

5. AMENDMENTS TO THE CONSTITUTION

Decision:

2.1 That the Constitution Committee recommends to Council the amendment of Article 9.1.9 a) (viii) by deleting the existing clause and adding a new clause 9.1.9 a) (viii) as follows:

“Questions may only be put by Committee members to the applicant, an agent and/or a specialist advisor/consultant whether speaking on behalf of the applicant, for the grant of an application or against the grant of an application. Questions must be relevant to the application being considered and limited to the following matters:

- **Anything that they have specifically referenced in their speech**
- **Anything that is contained in the application**
- **Anything that has been made in a representation by the speaker in respect of the application**

Questions may be asked of public speakers by the Chairman and/or Vice-Chairman but only to establish the source of any material facts stated by a public speaker. Questions may be suggested by Committee Members to the Chairman who may put the question to the speakers if they are felt, by the Chairman, to be relevant.”

2.2 Article 9.1.9 a) (v) be amended to read:

Each person is allowed to speak for a maximum of three minutes and may be required to answer questions in accordance with Article 9.1.9 (a) (viii).

That the trial period for public speaking at Development Management Committee be continued for a further period until the issue has been determined by Council on 26 July 2018.

The Chairman of the Development Management Committee presented report LDS296 which proposed changes to questioning members of the public speaking at meetings of the Development Management Committee (DMC). A six month trial had been undertaken following the decision made by the Constitution Committee at its meeting on 13 November 2018.

In the past questions to the general public could be seen as leading in nature and for some speakers it was intimidating to speak before the Committee and then be asked questions a lot of which were not directly related to what the speaker had said.

The proposal did not stop Members asking questions of public speakers but these were directed through the Chairman or Vice Chairman and were only put if they were relevant. The Chairman of the Development Management Committee felt that the trial had worked well. Members were not stopped from asking questions. They were directed through the Chairman or Vice-Chairman which assisted the running of the Committee meeting. There was no intention to restrict the number of speakers at the Committee. Agents, applicants and those with technical knowledge would still be allowed to be questioned by the Committee whether they were for or against an application. He asked that the Committee recommend that following the trial the amendments be included within the Constitution.

A discussion then followed with those Members present putting forward their views on the proposed amendment to the Constitution. One Member who attended in his role as a Group Leader spoke against the proposal and asked for clarity about the content of the proposed recommendation and why there was a need for change to which the Chairman of the DMC replied.

Those Members present who also attended the Development Management Committee agreed that the meetings had been better during the period of the trial. Members of the Committee had the opportunity to ask questions but these were put through the Chairman or Vice Chairman. Reference was also made to Members who rather than asking a question made a statement or speech, which should be made during the debate of an application not during the preamble of an application. Such statements should not be directed to a member of the public. Having the questions put through the Chairman or Vice Chairman also made clear to the member of the public what the question was.

As the next Council meeting, at which any recommendation from the Committee would be determined, was not until 26 July 2018. It was suggested that an amendment be made to the recommendation that the trial period continue for the period until the Council had the opportunity to determine whether or not the Constitution should be amended to reflect the trial for public speaking at Development Management Committees. Reference was also made to Article 9.1.9 a) (v) which would need to be amended if the amendment to public speaking was agreed. There was no intention to reduce the time Ward Members could speak from five to three minutes. Members agreed that the trial continue for the period until the Council considered the recommendation from the Committee. On being put to the vote it was proposed, seconded and agreed to continue with the trial for the period suggested and that the recommendation as outline within the report be agreed including the amendment necessary to Article 9.1.9 a) (v) that *“Each person is allowed to speak for a maximum of three minutes and may be required to answer questions in accordance with Article 9.1.9 (a) (viii)”*.

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

The following issue was raised by the Chairman as urgent due to the need to amend the Constitution to reflect the proposed amendment to Article 16 as circulated at Council on 24 May 2018.

The Chairman referred to the Leaders scheme of delegation which was circulated at Council on 24 May 2018. As part of the scheme of delegation an amendment to Article 16 was proposed to be included within the Chief Executives delegation. It is a delegation to the Chief Executive to authorise offices who are suitably trained and qualified to carry out functions when the authorised post becomes vacant or ceases to exist and update the Constitution accordingly. The proposal required that this delegation was amended to include “*in liaison with the Leader of the Council*” so that it read:

In liaison with the Leader of the Council, to authorise offices who are suitably trained and qualified to carry out functions when the authorised post becomes vacant or ceases to exist and update the Constitution accordingly.

It was proposed, seconded and agreed that the words in liaison with the Leader of the Council be included.

Recommendation:

That Article 16 relating to the delegations to the Chief Executive in respect of the functions of the Chief Executive be amended to read:

In liaison with the Leader of the Council, to authorise officers who are suitably trained and qualified to carry out functions when the authorised post becomes vacant or ceases to exist and update the Constitution accordingly.

7. CLOSE OF MEETING

Before the meeting closed reference was made to outside bodies and Members appointment on them. It was confirmed that appointments to outside bodies were only included in the Constitution by way of reference to the appointments being a function of the Council. It was possible for the Constitution Committee to consider the issue of appointments to outside bodies with a view to including further reference in the Constitution. It was confirmed that a review of outside bodies would take place and a consideration of the remit for the review would be brought before the Committee.

Meeting closed at 11:22am.