



MINUTES

CONSTITUTION COMMITTEE
MONDAY, 16 JULY 2007

COMMITTEE MEMBERS PRESENT

Councillor Kenneth Joynson
Councillor Peter Martin-Mayhew
(Chairman)
Councillor Alan Parkin (Vice-Chairman)

Councillor Susan Sandall
Councillor Raymond Wootten

OFFICERS

Chief Executive
Corporate Head of Finance and Resources
Service Manager, Democratic
Democratic Officer

OTHER MEMBERS

Councillor Sam Jalili

1. DECLARATIONS OF INTEREST

Councillor Joynson declared a personal interest in agenda item 3 due to his membership of the Deepings St James United Charities.

2. REVIEW OF THE CONSTITUTION

Recommendation

The Constitution Committee recommends the following changes to the Constitution:

1) Clause 2.01 (b) of Part 2 of the Constitution to read:

Only registered voters of the District, or those living or working there, or owning property or renting property within the District will be eligible **to stand for election as a Councillor**.

2) Clause 4.2(d) of Part 2 to read:

appointing the Leader (**the Leader to appoint and select the Cabinet**)

3) Clause 5.1 of Part 2 relevant paragraph to read:

The Chairman will have the use of the Chairman's Room, motor car and the services of a Civic Officer, all at his or her **discretion within budget and policy framework**, for the performance of those ceremonial duties.

4) Clause 14.2 of part 2 to delete the words "or advise the Council"

5) Clause 15.1 (b) & (c) of Part 2 to read:

- b) The **Chief Executive** may engage such offices as he considers necessary to carry out its functions.
- c) The **Chief Executive** will engage persons for the following posts, who will be designated chief officers:

6) Protocol for changes to the Council's Constitution (page 33) to include all of Part 4.

7) Clause 19.1 (c) to read:

- c) Rules capable of Suspension

The following Rules may be suspended:

All of the Councils Rules of Procedure except Rule **16.5** and **19.2**.

8) Clause 1.1 (vii) of part 4 delete.

9) Clause 1.1 (ix) of part 4 Council Procedure Rules to read:

That the Chairmanship and Vice-Chairmanships of **all Committees and PDG's** excluding Standards Committee are appointed according to their suitability and merit in the opinion of the Leader.

10) Clause 2 (vi) of part 4 Council Procedure Rules to read:

Deal with any business from the last Council meeting including the appointment of Chairman and Vice-Chairman of Policy development Groups and such other committees as the Council considers appropriate where such appointments have not been made or concluded at the Annual Meeting **or as a result of any vacancies which have arisen.**

11) Clause 2 (x) of part 4 to read:

Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Policy Development Groups, Scrutiny Committee and **other Committees** for debate.

12) Clause 9 of part 4 to read:

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours excluding any temporary adjournment will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting **after the minutes of the previous meeting have been dealt with.**

13) Clause 10 (10.1) of part 4 to read:

Residents of the District or any non-domestic ratepayer may ask questions of **any member of the Council** at ordinary meetings of the Council during a period of 30 minutes set aside at the start of the meeting.

14) Clause (g) of part 4 to read:

to withdraw a motion by the mover only

15) Clause 14.12 to read:

Point of Order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure, **the Articles contained in Part 2 of this Constitution** or the law. The member must indicate the rule, article or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

16) Clause 15.3 to read:

The debate will be chaired by the Chairman, **the Vice-Chairman, or if neither are present a Chairman elected by the Council for that meeting.**

17) Clause 23.2 to read:

Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the **next annual or** ordinary meeting of the Council after having been debated by the Constitution Committee.

18) Clause 14 of the Scrutiny Committee Procedure Rules (page 141) 10 (a) to read:

The Scrutiny Committee or constituted working group of the Committee, as well as reviewing documentation, in fulfilling the scrutiny role, **may reasonably** require any member of the Cabinet, Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit: (i)

.....

A report by the Monitoring Officer had been circulated to members highlighting minor anomalies within the Constitution. Members discussed each anomaly and agreed a change where necessary.

**3. REVIEW OF COUNCIL PROCEDURE RULE 1.2 (IV)
APPOINTMENTS TO OUTSIDE BODIES**

Recommendation

The Constitution Committee recommends to Council that no amendment is made to the Constitution and allows only appointments from nominations received from existing Councillors.

Members had been circulated with report LEG005 which concerned representation on outside bodies. Reference was made to the recent Council meeting at which three appointments had been made to organisations by people who were not councillors. Currently these appointments stood suspended.

Some members felt that representations on outside bodies fell into two categories. The smaller category was more localised and therefore these would be better represented by a local person who was interested in the organisation rather than a Councillor who had no interest in the organisation. Other members disagreed with this and indicated that within the 58 members of the Councillor a representative should be found. The Chief Executive suggested that

maybe the organisation should be contacted to see if they required someone who represented the Council, in which case this would need to be a Councillor, or wished for advice on finding someone locally who had an interest and would be willing to attend meetings but who did not represent the Council.

Further discussion followed and a comment was made about the control of delegations, this currently was in sufficient and should be addressed. Following which it was moved, seconded and agreed that no amendment be made to the Constitution and to allow only appointments from nominations received from existing Councillors.

4. NON KEY DECISIONS

Decision

That the Constitution Committee agree in principle for work to be undertaken to look at changing the Constitution to allow delegation to officers to approve tenders for goods and services rather than Portfolio Holders. All appropriate safeguards and checks to be included.

The Chief Executive explained to the Committee the current position with regard to how tenders for goods and services were approved and the background work involved up to the approval of a tender. Members needed to get involved at an earlier stage in the tender processes and he referred to the recent call-in and how this had "halted" a process that had begun sometime ago. Members agreed that information should come to them at an earlier stage and agreed in principle for work to be undertaken to look at changing the Constitution to delegate the approval of tenders to Officers rather than Portfolio Holders. A question was asked about tenders for the sale of assets but the Corporate Head of Finance and Resources replied that this was a separate issue and would still be made by either a key or non key decision by the Cabinet or the Portfolio Holder.

5. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

The following item was discussed due to the timescales involved in getting the document ready for distribution.

A mock A5 version of the Constitution was circulated to members for their views. The version included a "How to use the Constitution" and each part was colour coded. Members were happy with the work that had been done to date and looked forward to seeing a final draft version.

An item on the number of call-ins that the Scrutiny Chairman can request was asked to be put on the agenda for the next meeting together with an amendment to allow the Vice-Chairman of the Scrutiny Committee to request a call-in if the Chairman of Scrutiny was unavailable.

6. CLOSE MEETING

Meeting closed at 2pm.