

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 25 FEBRUARY
2008 11.30AM



COMMITTEE MEMBERS PRESENT

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

Councillor Susan Sandall
Councillor Raymond Wootten

OFFICERS

Monitoring Officer
Service Manager Democracy
Democratic Officer

OTHER MEMBERS

Councillor Nick Craft

20. DECLARATIONS OF INTEREST

All those members present declared a personal interest in agenda item 7 on core training.

21. MINUTES OF THE MEETING HELD ON 15TH JANUARY 2008

The minutes of the meeting held on 15th January were approved as a correct record of the decisions taken.

Reference was made to the last Council meeting (24th January 2008) at which a query had been raised about the content of the Constitution minutes particularly the question raised about notices of motion. The question asked was why did notices of motion have to go to the Leader as well as the Chief Executive. The Monitoring Officer replied that the Constitution stated that notices of motion were to go to the Chief Executive; it was purely historical that members of a group sent their motions to their group Leader first and it was not a matter for the Constitution.

 "Listening Learning Delivering"

22. AMENDMENTS TO THE CONSTITUTION - CORE TRAINING

The following item was dealt with as a matter of urgency due to the need to embed the information within the Constitution as agreed at the Council meetings held on 23rd June 2005 and 1st March 2007.

RECOMMENDATION

That the Constitution Committee recommends to Council the following amendments to the Constitution shown in bold:

1. Page 38 – Article 2.3 of Part 2 section b, roles and functions of all councillors, Rights and duties to include -
 - iv) ***All district councillors are required to attend the core training programme within 12 months* of their appointment as a councillor.***

** For 2007/2008 only the core training is extended from 12 months from appointment by a further three months.*

2. Page 41- Article 4 of Part 2 part 4.2 iii) to read-

*"agreeing and /or amending the terms of reference for committees or policy development groups, deciding on their composition and making appointments to them including the appointments of Chairman and vice chairman if not determined by the annual meeting **and that no member be appointed in breach of the constitution**".*

3. Page 120 Article 1.2 viii) in part 4 to read -

*that the chairmanship and vice chairmanship of all committees and PDG's excluding Standards Committee are appointed according to their suitability and merit in the opinion of the leader and **that no member be appointed in breach of the constitution**.*

That the Service Manager Human Resources and Organisational Development be required to inform group leaders of the attendance of Councillors at core training events prior to the annual general meeting.

That the Service Manager Human Resources and Organisational Development notify all Councillors of what core training they have completed to date and look at the possibility of issuing a certificate

to those Members who have completed their training.

Members had been circulated with report HR&OD 096 which concerned decisions that had been made at Council concerning core training for Members and embedding those decisions within the Constitution. The Service Manager Human Resources and Organisational Development (HR&OD) apologised for the issue not being brought before the Committee earlier and briefly outlined those training sessions that had been held to date. Recognising the diary commitments of Councillors and that new Councillors were maybe unaware of the requirement and implications of attending the training sessions she wished to extend the 12 months stated in the report by three. Members discussed what was meant by core training and whether or not this was mandatory training and the implications of attending or not attending, also whether this was something that affected new Councillors or all Councillors. Both the Service Manager HR&OD and the Monitoring Officer responded to the concerns expressed and stated that all Councillors needed to attend even those that had been re-elected and had previously attended core training sessions. The Service Manager HR&OD was hoping to put further training sessions on at the beginning of April. Reference was made to Parish Council representatives and whether this applied to them, to which the Service Manager HR&OD replied that it was for District Councillors only and if Members agreed this would be reflected in the amendment to the Constitution. As some Members seemed unaware as to whether or not they had done the training, it was agreed that the Service Manager HR&OD notify all Members as to whether or not they had received the core training and look at the possibility of issuing a certificate. On being put to the vote the Committee agreed the recommendations as outlined in the report with the addition of District Councillors and the extension of the time frame for completing the training for this year only by three months.

23. AMENDMENTS TO THE CONSTITUTION

RECOMMENDATION

That the Constitution Committee recommends to Council that the following amendments (shown in bold) are made to the Constitution:

1. *Page 61 (d) Head of Paid Service, Monitoring Officer and Chief Finance Officer*

The Council has designated the following posts as shown below to be Statutory Officers of the Council.

2. *Page 54(b) Terms of Reference of the Governance and Audit Committee*

(vi) To approve and review the Code of Corporate Governance and the action plan.

(vii) To inform and approve the Annual Governance Statement following consultation with all members of the Council.

3. *Page 129 Motions without Notice*

(xviii) a motion relating to any item on the agenda of that meeting where no motion has been proposed.

Members had before them report LEG014 which had been circulated by the Monitoring Officer and proposed various minor amendments to the Constitution which had been requested at meetings of the Governance and Audit Committee and Council. The issue concerning Motions without Notice had come to light following the challenge made at the Council meeting on 24th January. It was noted motions were proposed by Members for items on the agenda for which no notice was given and for which no provision was made in the Constitution, it was acknowledged that this historically was common practice and therefore in order to regularise this occurrence the amendment to the Constitution was proposed. Members agreed with the recommendations as outlined in the report.

24. RESOURCES FOR THE STANDARDS COMMITTEE

Members noted the report circulated by the Monitoring Officer. A question was asked concerning the Chairmanship of the two sub-committees as well as the main committee and whether with only two Independent representatives this was lawful. The Monitoring Officer replied that it was acceptable as the budget did not allow for a third independent representative and both were aware that the new arrangements would increase their workload.

25. CLOSE OF MEETING

The meeting closed at 12.15pm.

Just before the meeting closed the Monitoring Officer informed the Committee that the work that they had done to date was more reactive in nature and she asked them to look through the Constitution and let her know if there were any parts that they had issues with or they felt could be done in a better way.