

# MINUTES

## CONSTITUTION COMMITTEE

### MONDAY, 14 JULY 2008



#### COMMITTEE MEMBERS PRESENT

Councillor Reginald Howard  
Councillor Kenneth Joynson  
Councillor Peter Martin-Mayhew  
(Chairman)

Councillor Andrea Webster (Vice-Chairman)  
Councillor Raymond Wootten

#### OFFICERS

Legal Services Manager (Monitoring Officer)  
Democratic Officer

#### OTHER MEMBERS

#### 8. MEMBERSHIP

The Committee were informed that Councillor Howard was substituting for Councillor Susan Sandall for this meeting only.

#### 9. DECLARATIONS OF INTEREST

No declarations received.

#### 10. MINUTES OF THE MEETING HELD ON 3RD JUNE 2008

The minutes of the meeting held on 3rd June were approved as a correct record of the decisions taken.

#### 11. PROCEDURE FOR RECORDING DECISIONS DELEGATED TO OFFICERS - PROTOCOL

##### *Decision*

***That the Constitution Committee recommends to the Governance and Audit Committee the changes shown in the protocol appended to report LEG022, together with the following amendments:***

*"Listening Learning Delivering"*

**5.1 That reference to any monetary value (£10,000) is removed from this section.**

**5.7 That the Monitoring Officer should maintain a central record of all delegated decisions with copies of the relevant documentation for a minimum period of six years.**

***That the protocol should be undertaken for a trial period of 12 months and a report submitted to the Constitution Committee at the end of this period. That a quarterly report on those decisions taken by Officers under delegated powers be submitted to the Scrutiny Committee for information purposes.***

The Monitoring Officer referred to the protocol that had been circulated to Members following the last meeting of the Committee. This protocol dealt with how decisions, taken under delegated powers, should be recorded by Officers. She referred to those decisions taken by Council, Cabinet and Portfolio Holders which were all recorded and open to the Public's inspection. Currently, however, decisions taken by Officers under delegated powers were not recorded anywhere and this protocol set out to address this to make the process more transparent.

Members felt that it was necessary to have such a protocol in place and asked where the decisions would be kept. The Monitoring Officer said that they would be centrally logged in legal and a copy of the report and the decision report would be kept there. The Monitoring Officer said that resources were not available to question every single decision made under delegated powers but she would be checking that decision reports had been completed correctly. Members agreed that the Monitoring Officer should keep a copy of the decisions and that they should be kept for a minimum of six years and this should be reflected at 5.7 in the protocol. The issue of what is a significant monetary value was also discussed and the Committee agreed that reference to the figure of £10,000 should be removed from section 5.1.

In order to be open and transparent all decisions taken under delegated should be recorded in this way Members were adamant that all no section should be exempt.

The Monitoring Officer indicated that the protocol be trialled for a 12 month period with perhaps a report being submitted to the Scrutiny

Committee quarterly on the number of decisions made and a report submitted to the Constitution Committee at the end of the trial period detailing the number of decisions made and changes that perhaps could be made to the protocol, also whether or not it needed to be included within the Constitution. Members agreed that a trial period was a good idea as this would throw up any changes that needed to be made to evolve the document.

Members then discussed where they could view the decisions made and the Monitoring Officer suggested that they could be placed on the intranet or internet once the system was in use.

## **12. AMENDMENTS TO THE CONSTITUTION**

### ***Decision***

***That the Constitution Committee recommends to Council that the amendments to the scheme of delegation contained within report LEG021 be approved together with the following:***

***Page 99 of the Constitution to have the following amendments as underlined added:***

***8. To approve permits for public collections for charitable or other purposes under the provisions of the Charities Act 1992 and 2006 when the Act comes into force, and other relevant statutory provisions.***

***Table below 9 on page 99 – to read as follows:***

| <b><i>Act</i></b>                                     | <b><i>Function</i></b>          |
|-------------------------------------------------------|---------------------------------|
| <b><i>Local Government Miscellaneous Act 1982</i></b> | <b><i>Street Trading</i></b>    |
| <b><i>Licensing Act 2004</i></b>                      | <b><i>Alcohol Licensing</i></b> |
| <b><i>Gambling Act 2005</i></b>                       | <b><i>Gambling</i></b>          |

***Item 12 within report LEG021 to include at 20, 21 22 and 23. Item 15 within report LEG021 to include Anti Social Behaviour Officers and Legal Officers***

The Monitoring Officer referred to report LEG021 which contained minor amendments to the Scheme of delegation contained within the Constitution and she highlighted three specific delegations concerning Tenancy Services and Healthy Environment. Most of the delegation amendments concerned who made decisions when the Corporate Head of the section was absent. Corporate Heads had

been invited to attend the Committee by the Monitoring Officer to support their proposals.

Members agreed with the proposed delegations as outlined by report LEG021 and the Monitoring Officer but were disappointed that no Corporate Heads had attended. The Constitution was the document which underpinned the decisions made by both by Cabinet, Council and Officers to make them open and transparent to the public and Members felt that it was not perhaps given the recognition that it should have.

### **13. CLOSE OF MEETING**

The meeting closed at 11.30am. An item for inclusion on the October agenda was the terms of reference of the Scrutiny Committee and Policy Development Groups.