

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 27 APRIL 2009



COMMITTEE MEMBERS PRESENT

Councillor Kenneth Joynson
Councillor Peter Martin-Mayhew
(Chairman)
Councillor Susan Sandall

Councillor Andrea Webster (Vice-Chairman)
Councillor Raymond Wootten

OFFICERS

Legal Services Manager (Monitoring Officer)
Housing Solutions Service Manager
Principal Democracy Officer
Democracy Support Officer

OTHER MEMBERS

(none)

1. MEMBERSHIP

The Committee were notified that Councillor Joynson was substituting for Councillor Mrs Gaffigan for this meeting only.

2. DECLARATIONS OF INTEREST

Councillor Ray Wootten declared a personal interest in agenda item 7 (Changes to the Scheme of Delegation) by virtue of being a volunteer care worker for Soldiers, Sailors and Airmen's Family Association and Councillor Ken Joynson also declared a personal interest in agenda item 7 be virtue of being a member of the British Polio Fellowship.

3. MINUTES OF THE MEETING HELD ON 20TH FEBRUARY 2009

The minutes of the meeting held on 20th February were agreed as a correct record.

4. CHANGES TO SCHEME OF DELEGATION

Recommendation:

That the Constitution Committee recommends to Council the following amendments to Delegated Authority at Part 3 of the Constitution to

 "Listening Learning Delivering"

include:

Housing

1. to authorise grants under the Housing Grants, Construction and Regeneration Act 1996 as implemented under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 with the exception of discretionary Disabled Facilities Grants

to include an additional delegation to the Corporate Governance and Housing Portfolio Holder

Discretionary Disabled Facilities Grants

The Service Manager Housing Solutions introduced report CHSC016 to the Committee. Following the Cabinet meeting in April 2009 and the decision made a change to the scheme of delegation was required to ensure delegated authority was granted to the Portfolio Holder Corporate Governance and Housing for Discretionary Disabled Facilities Grants (DDFG). The Housing Solutions Service Manager gave Members a broad background of how the discretionary facilities grant would work. He then gave examples of instances when a DDFG maybe used and also how it had the flexibility to be used with a Mandatory Facilities Grant.

Some Members expressed concern about the process for grant approval, the number of people on the waiting list and timescales involved. The Housing Solutions Manager referred to the current system which was not perhaps ideal, as unfortunately the demand would always be there, but was a better system to that which was in place three years ago. Members gave examples of cases to which the Housing Solutions Service Manager replied that he would be happy to discuss these cases outside the meeting. Members agreed with the recommendation as outlined in the report.

5. COUNCILLOR CALLS FOR ACTION

Recommendation:

The Constitution Committee recommends to Council that the Council's Constitution be amended to take account of the new Councillor Call for Action (CCfA) process. The Constitution to be amended to include at page 189 after Call in a new item 12a

12a. Councillor Call for Action (CCfA)

1. Any member of the Council can refer to the Scrutiny Committee, any 'local government matter' which is relevant to the functions of

that committee.

- i. *local government matter” means - any matter relating to the functions of the authority which affect the member’s area or any individual who lives or works in that area which is not an excluded matter”*
2. *If a member wishes to refer a Councillor Call for Action to the Scrutiny Committee they must complete the approved Councillor Call for Action pro-forma and submit this to the Scrutiny Officer.*
3. *The Scrutiny Officer in conjunction with the Chair of the Scrutiny Committee will assess whether the Councillor has completed the necessary checklist and if so will place the request on the agenda for the next meeting. Where approval for inclusion on the agenda is unlikely because the criteria have not been met, the Chairman will liaise with the Member raising the Call for Action. If there is disagreement the Call for Action will not be submitted to committee for determination.*
4. *Prior to considering the request Members of the Scrutiny Committee will first confirm that the call for action is valid and meets the criteria in the checklist.*
5. *The member raising the call for action will then be asked to present in person the issue before the committee. Should the member be unable to attend then they may request another councillor from their ward to present on their behalf. If no ward councillor is able to be present the committee will defer the item to a future meeting. The presentation should include an indication of what they would see as a satisfactory resolution*
6. *Members will then consider the call for action and agree what they will do to resolve the issue. This may include calling witnesses (including portfolio holders, officers or external representatives). In making any recommendations for a solution on the matter before them, regard should be had to the resource implications for the Council.*
7. *Having considered and resolved the call for action as agreed the Committee will report the outcome to the member raising the call for action.*
8. *The matter should not be being separately considered by another local authority.*

Insert into Constitution under Terms of Reference, Scrutiny Committee new point (v) on page 44.

(v) To consider Councillor Calls for Action.

The Committee had been circulated with report DEM026 which considered the process and procedures for hearing a councillor call for action following legislation made. Members felt that few cases would come forward as they would have to be very unusual not to have been addressed through other mechanisms that were already in place but agreed that the issue should be included within the Constitution. It was mentioned that few Councillors would be aware of the legislation and it was agreed that the Principal Democracy Officer would write to Members with a copy of the guidance.

6. MEMBERS JOB DESCRIPTIONS

Recommendation

That Members' Job Descriptions be circulated to all PDG's for consideration and comment. The Constitution Committee to look at the issue again before Council once the consultation with PDG's is complete to consider whether the agreed descriptions should be detailed in the constitution.

Members briefly discussed report DEM027 which concerned Members Job Descriptions. These had been put together following the Council's new approach to the Council's priorities and the priority theme plans. The Principal Democracy Officer highlighted a few areas that had been amended by Cabinet already. Following comments by the Monitoring Officer the Committee decided that a wider consultation with Members was required before the issue went to Council. It was agreed that the Members' job descriptions should be circulated at the next round of PDG's. Following the consultation, a further report is submitted to the Constitution Committee to agree the best place for inclusion within the Constitution.

7. CLOSE OF MEETING

The meeting closed at 11.15am.