

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 13 JULY 2009



COMMITTEE MEMBERS PRESENT

Councillor Peter Martin-Mayhew (Chairman)
Councillor Susan Sandall
Councillor Andrea Webster (Vice-Chairman)
Councillor Raymond Wootten

OFFICERS

Monitoring Officer (Lucy Youles)
Principal Democracy Officer (Paul Morrison)
Service Manager Housing Solutions (Kevin Martin)
Democratic Officer (Lucy Bonshor)

8. APOLOGIES

An apology for absence was received from Councillor Sam Jalili.

9. DECLARATIONS OF INTEREST

Councillor Wootten declared a personal interest in minute 11 by virtue of being a member of the National Association of Retired Police Officers and a member of the Grantham East Police Panel.

10. MINUTES OF THE MEETING HELD ON 11TH JUNE 2009

The minutes of the meeting held on 11th June were agreed as a correct record. The Monitoring Officer advised Members that the Scrutiny Committee had looked at Members job descriptions at their meeting on 24th June. They recommended that they should not be included within the Constitution but should be made available for guidance to councillors; perhaps a means of doing that would be the Council's website.

11. OVERVIEW AND SCRUTINY - CRIME AND DISORDER NEW DUTY

Recommendation:

The Constitution recommends to Council that the Council's existing Scrutiny Committee be designated the Council's Crime and Disorder Overview and Scrutiny Committee in addition to its existing role on scrutiny generally subject to comments from the Scrutiny Committee to



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be held on 22nd July 2009.

Changes to the Constitution would be as follows:

Page 43 – clause 6.1 – Scrutiny Introduction

- *In respect of its duty under the crime and disorder legislation, the Committee may co-opt additional members to serve on the committee in accordance with s.3 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009.*

Page 43 - clause 6.2 – Terms of reference of the Scrutiny Committee

- *Discharge the functions of Section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.*

Page 44 – clause 6.4

- *shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period*
- *The Scrutiny Committee may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”) subject to the provisions set out in that regulation.*

The provisions of the Scrutiny Committee Procedure Rules at page 183 of the constitution will have to be amended to include the relevant provisions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

The Principal Democracy Officer referred to new regulations that had come in to force under the Crime and Disorder (Overview and Scrutiny) Regulations 2009 from 30th April this year. The regulations brought into force Sections 19, 20 and 21 of the Police and Justices Act 2006. Section 19 of the Police and Justices Act placed a duty on local authorities to establish a crime and disorder Scrutiny Committee. He said there was no problem in designating the existing Scrutiny Committee as a Crime and Disorder committee as this had happened with other local authorities. The idea would be that about twice a year the Scrutiny Committee would become the Crime and Disorder Committee and look

at crime and disorder issues. Members of the Constitution Committee were concerned that those Members on the Scrutiny Committee would not have the necessary experience in crime and disorder matters to carry out their work and that any co-opted person or representative from the Police could sway the Committee, a more balanced approach was needed. The Principal Democracy Officer referred to the County's Health Scrutiny Committee and that Members on this committee did necessarily have health qualifications. Another Member referred to the work load of the Scrutiny Committee, surely this would add to the workload. The Principal Democracy Officer indicated that he had spoken to the Chairman and Vice-Chairman about the proposal but it had not gone before the Committee itself. A discussion followed and Members voiced their concerns about the make-up of the committee and also the increase in work load. The Monitoring Officer said that the make-up of the Committee was decided by Members and something that would be addressed at Council but careful consideration would need to be made concerning the name of the Committee. In order to move the matter forward perhaps the issue should be discussed by the Scrutiny Committee and their comments put forward to Council. The Principal Democracy Officer said that an agenda was going out that day and the issue could be added to the agenda. The Committee agreed that the Scrutiny Committee should look at the issue and subject to any comments made the recommendations as outlined in the report be forwarded to Council for ratification.

12. AMENDMENTS TO THE CONSTITUTION

Recommendation:

The Constitution Committee does NOT approve the delegated authority to the Corporate Head of Sustainable Communities in order that she/he can be authorised to prosecute offences under Section 1 of the Protection from Eviction Act 1977.

Members had been circulated with report HST27 which sought approval to change the Constitution to delegate authority to the appropriate officer level to authorise prosecution of offences under the Protection from Eviction Act 1977. The Service Manager Housing Solutions gave a brief overview of why the report had been submitted and examples of when this delegation would have been useful to have in place. Members wanted to know how long the current process took to which both the Service Manager Housing Solutions and the Monitoring Officer replied. The Service Manager Housing Solutions said that the use of the delegation would not be used "all the time" but would be another tool at officers' disposal when eviction situations arose. A lengthy discussion followed with Members asking questions about the current process and why the need to change the delegation. Mention was made of the Portfolio Holder, Councillor Carpenter and whether he was happy or not for the proposed change to take place. The Service Manager Housing Solutions read out an e-mail received in which Councillor Carpenter indicated he did not object to the change. Members felt that the current process in place was sufficient to deal with any issues that came about and therefore agreed not to change the

current delegation.

The Monitoring Officer then referred to an issue that had come to light with regard to which Portfolio Corporate Governance fell under, however she had not heard back from the relevant Cabinet Members and therefore this was an issue that would be discussed possibly at the next meeting. She was proceeding with the scheme of delegation meeting with officers concerned and would come back to the Committee as soon as amendments had been formulated.

13. CLOSE OF MEETING

The meeting closed at 9.50am.