

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 17 JANUARY 2011



COMMITTEE MEMBERS PRESENT

Councillor Mrs Joyce Gaffigan (Vice-Chairman)
Councillor Peter Martin-Mayhew (Chairman)
Councillor Alan Parkin
Councillor Susan Sandall
Councillor Raymond Wootten

OFFICERS

Head of Legal and Democratic Services (Monitoring Officer) (Lucy Youles)
Enforcement Co-ordinator (Gwen Came)
Principal Democratic Officer (Jo Toomey)
Democratic Officer (Lucy Bonshor)

12. DECLARATIONS OF INTEREST

None declared.

13. MINUTES OF THE MEETING HELD ON 11TH OCTOBER 2010

The minutes of the meeting held on 11th October were agreed as a correct record of the decisions taken.

14. AMENDMENTS TO THE CONSTITUTION

1. Public Open Forum

The Head of Legal and Democratic Services informed the Committee that she had been asked to put forward the report (LDS014) to clarify the position for asking questions and making speeches at Council during the Public Open Forum. Currently there appeared to be some ambiguity around this issue. A proposed amendment had been put forward in the report for only questions that were relevant to agenda items to be raised in the same way that any speeches had to be relevant to an agenda item, but it was for Members to discuss the issue and make a recommendation accordingly.

A short discussion followed with Members feeling strongly that for the public to only be allowed to ask questions about items on the agenda was far too limiting. They should be allowed the opportunity to ask any question they wished in a public arena, especially as to date the number of questions asked during the Public Forum period were comparatively few. Further comments were then made about Councillors responsibility to their electorate and for them to help with any problems that their constituents had without the need to air them at a public Council meeting. It was agreed that the Constitution be amended to clarify that any question could be asked during the public open forum at the beginning of a Council meeting of any member of the Council on any subject (subject to the necessary qualification), but that any speeches must relate to an item on that Council agenda.

Recommendation:

The Constitution Committee recommends to Council that the Constitution be amended at 10.1 to clarify that any question can be asked during the Public Open Forum subject to 10.5 but any speeches made must be relevant to an item on that agenda.

2. Delegation to Head of Environmental Services Dog Control Orders

The Enforcement Co-ordinator presented report SS10 on behalf of the Waste and Recycling Service Manager. The report asked for the Constitution to be amended to enable fixed penalty notices to be issued by authorised officers for offences under the Dog Control Orders 2010 which come into force at the end of January 2011, namely for failing to clear up after their dog; failing to put their dog on and keep on a lead when requested to do so and allowing a dog into an area from which they are excluded. The Orders had been adopted by Council in accordance with the Clean Neighbourhoods and Environment Act 2005. The Constitution required amending to allow authorised officers to serve the appropriate enforcement notices and take the appropriate enforcement action.

The Head of Legal and Democratic Services informed the Committee that the delegation was essential to enable officers to enforce the Dog Control Orders. The proposed amendment was an amendment to a current delegation to permit enforcement under the dog control orders.

A short discussion followed with Members asking various questions about officer numbers and how the new orders will be advertised, public and Parish Council involvement to which the Enforcement Co-ordinator replied. A question was asked about the use of covert CCTV to which the Head of Legal and Democratic Services replied that covert CCTV would not be unless it was in prevention of crime and disorder, necessary and proportionate and in accordance with legislation and current Regulation of Investigatory Powers guidance.

Members agreed with the proposed delegation.

Recommendation

The Constitution Committee recommends that the Constitution be amended as follows:

Page 97

- **At paragraph 1 - to delete reference to the Dogs (Fouling of Land) Act 1996 and include reference to service and enforcement relating to failure to clear up in respect of dog fouling, failure to put a dog on a lead when requested to do so and allowing a dog into an area from which they are excluded in accordance with the The Fouling of Land by Dogs within the district of South Kesteven Order 2010, The Dogs Exclusion within the district of South Kesteven Order 2010 and The Dogs on Leads under Direction within the district of South Kesteven Order 2010 and in accordance with the Clean Neighbourhood and Environment Act 2005.**
- **At paragraph 2 - include reference to failure to put a dog on a lead when requested to do so and allowing a dog into an area from which they are excluded.**

3. Street Naming

The Head of Legal and Democratic Services informed the Committee that requests for Street Naming came into the Council and were dealt with by way of a Non Key Decision by the Portfolio Holder for Economic Development. It had been requested that the Constitution Committee consider delegating to the Head of Development and Growth those decisions that were uncontested street naming decisions and the Portfolio Holder for Economic Development agreed with this proposal. The Head of Legal and Democratic Services informed the Committee that any decision made by a Head of Service under delegated powers was documented and in this case would help free up the Portfolio Holder's time for other matters. A question was asked about the process to which the Head of Legal and Democratic Services replied.

It was agreed to amend the Constitution to delegate uncontested street naming to the Head of Development and Growth.

Recommendation

That the Constitution Committee recommends to Council that applications for uncontested street naming be delegated to the Head of Development and Growth

15. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

Before the meeting closed a Member, the Chairman of Development Control Committee raised the issue of speaking at Development Control Committee; he asked if the Constitution could be clarified under the “Speaking at Development Control Committees” that Councillors had five minutes speaking time and Members of the public had only three minutes. Although the information was currently in the Constitution it was not easily identifiable. The Committee agreed to clarify the wording under the Speaking at Development Control Committees”.

Recommendation

That the Constitution be clarified with reference to “Speaking at Development Control Committees” and the amount of time allowed for Councillors and members of the public.

The meeting closed at 10.55am.