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Subject to approval at the next Constitution Working Party meeting

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CONSTITUTION WORKING PARTY

29 February 2024 at 6.00 pm

Present: Councillors Yeates (Chair), Jones (Vice-Chair), Bower, Butcher, Greenway and Purser.

10. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Haywood and Penycate.

11. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

12. MINUTES

The minutes of the last meeting of the Working Party held on 16 November 2023 were approved as a correct record with the Chair confirming that these would be signed at the end of the meeting.

13. ITEMS NOT ON THE AGENDA THAT THE CHAIR OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent matters for this meeting.

14. CONSTITUTION AMENDMENTS

The Working Party received a report from the Group Head of Law & Governance and Monitoring Officer proposing changes to the Council's Constitution at set out below:

- Part 5 – Rules of Procedure (Meetings) – Section 1 – Council Procedure Rules – Rule 12 – Questions by Members of the Public
- Part 5 – Meeting Procedure Rules – Section 2 – Committee Procedure Rules:
 - Rule 10 – Questions by Members of the Public
 - Rule 12 – Attendance by Other Members of the Council
- Part 7 – Section 2 – Officer Scheme of Management (Group Heads)

The Group Head of Law & Governance and Monitoring Officer reminded Members that at the last meeting of the Working Party, it had listed a range of items to review at future meetings. One of the items listed had been Public Question Time at Full Council and Committee meetings. The procedure rules in place for other Council's had been reviewed and so the following changes were proposed:

**At Council Procedure Rule 12.1 and Committee Meeting Procedure Rule 10
– Submitting Questions:**

b) Questions may be rejected by the Chief Executive in consultation with the Chair if they: [~~removals are set out using strikethrough~~ with additions shown using **bold**:

- ~~would divulge, or require to be divulged, confidential or exempt information~~
- **relate to planning applications being considered by the Planning Committee or the Council;**
- **relate to situations in which the committee acts like a court of law eg in considering licensing matters as those matters are addressed through individual legal processes and through the courts;**
- **relate to matters personal to the questioner, his or her spouse, partner or relative;**
- **relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):**
 - (a) **information relating to any individual**
 - (b) **information which is likely to reveal the identity of an individual.**
 - (c) **information relating to the financial or business affairs of any particular person (including the authority holding that information)**
 - (d) **information relating to any consultations or negotiations or contemplated consultation or negotiations, in connection with any labour relations matter arising between the authority of a Member of the Crown and employees of, or office holders under, the authority**
 - (e) **information in respect of which a claim of legal professional privilege could be maintained in legal proceedings**
 - (f) **information which reveals the authority proposes:**
 - **to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - **to make an order or direction under any enactment**
 - (g) **information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution or crime**

No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting.

12.4 – Supplementary Questions

~~If time permits~~ **At the Chair's absolute discretion**, a questioner who had put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. **It must take the form of a question and not a statement in response to the original answer.**

Members were reminded that that the same changes were proposed to the Committee Meeting Procedure Rules for Public Question Time.

The Chair invited questions from Members. Following detailed debate, the following changes were agreed by the Working Party:

- relate to planning applications being considered by the Planning Committee or the Council; be changed to read as set out below:
- ~~relate to specific live planning applications or general planning decision upon action under the Planning Acts being considered by the Planning Committee or the Council;~~
- No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting; be changed to read as set out below:
- **No more than two valid questions will be accepted from one member of the public (or their household) in relation at one single meeting;**
- It was agreed that the restriction entitling a member of the public to submit no more than two valid questions should not apply to public question time procedures at Committee meetings.
- Some tidying up to the wording at 12.4 [supplementary questions] was agreed to read as set out below:
- **At the Chair's absolute discretion**, a questioner who has put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. **It must take the form of a question that follows, and not a statement, in response to the original answer.**

The proposed changes for Committee Procedure Rule 12 [Attendance by other Members of the Council] as set out below were agreed:

12 – Attendance by Other Members of the Council

12.1 Addressing a Committee

A member of the council shall have the right to attend a meeting of any committee of the council (~~except the Standards Committee~~) of which they are not a member, but they shall not be entitled to take part in any discussions or vote on the any matter under consideration. They may, however, address a meeting of a committee on a specified item or items of business with the permission of the committee. **This right shall not automatically apply in relation to consideration of a report by the Standards Committee where that report contains exempt information regarding non-anonymised allegations of breaches of the Code of Conduct by district, town and parish councillors.**

The proposed changes at Part 7 – Management Structure, Delegations & Authorisations – Section 2 – Office Scheme of Management – Group Heads were agreed – as set out below were agreed:

1.2 THE GROUP HEAD OF ORGANISATIONAL EXCELLENCE

1.2.1 To act on behalf of the council in all matters related to the discharge of the council's function and responsibilities relating to the delivery of:

- **Equalities, Diversity and Inclusion to be added**
- **~~Scrutiny Support to be removed.~~**

Having debated Paragraph 1.2, comments were made by one Member of the Working Party about progressing some sort of scrutiny within the committee system as it was felt that committees were not adequately undertaking self-scrutiny.

It was agreed that this matter would be discussed further as part of the next item on the agenda.

Having had the recommendations proposed by Councillor Jones and seconded by Councillor Bower, the Working Party

RECOMMEND TO FULL COUNCIL

That the changes outlined in Appendix 1 to the report, as amended at the meeting, and as highlighted above, be approved.

15. CONSTITUTION CHANGES AND UPDATES

The Group Head of Law and Governance and Monitoring Officer presented his report and reminded members that at the last meeting of the Working Party, discussion had taken place looking at other areas of the Constitution that members wished to review. One of the areas identified the removal of the duration of meeting time limit for the Planning Committee and Licensing Sub-Committee, and this had been recommended to and had been agreed by Full Council at its meeting held on 10 January 2024.

The remaining areas had been set out within the report at Paragraphs 4.2 to 4.7 and the Working Party was being asked to reconsider and prioritise these and to bring forward any additional items that it might have or to identify any other items requested by other Members of the Council.

The Working Party worked through the list of items and agreed the following:

- Part 3 – Responsibility for Functions – Committees in terms of approving write-offs. The Group Head of Finance and Section 151 Officer had since confirmed that the Write-Off Policy planned to be taken to the meeting of the Policy & Finance Committee on 7 March 2024, to enable the Working Party to examine write-off levels and anomalies, would be brought straight to the Working Party and at a meeting of the Working Party to be held on 15 April 2024. Working Party Members approved this date.
- Public Question Time for Full Council and Committees – as this had been dealt with as part of the previous agenda item, this was removed from the list of actions.

The Working Party then discussed scrutiny. The Group Head of Law & Governance and Monitoring Officer confirmed that in changing its governance structure from a Leader and Cabinet form of governance over to a Committee system, the Council had decided not to include a scrutiny function [an established Committee] when confirming what meetings would be formed under the Committee system. If Members were interested in considering the introduction of a formal Scrutiny Committee, as part of the Committee system, it would be necessary to review the number of committees and their responsibility of functions as part of this debate and in contemplating what this function might look like and how and if it should be introduced and operate.

In discussing scrutiny in general, the Working Party agreed that Council Procedure Rule 14.3 – General Questions from Members, required tidying up in terms of who was responsible for responding to questions. This had been included in the list of areas suggested by the Working Party at its last meeting. As this could be considered as a form of scrutiny, it was agreed that this item and a scoping report covering all aspects of possibly reintroducing scrutiny within the Committee system would be brought to the Working Party's next meeting.

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It was agreed that such a report should consider what a scrutiny function could look like; how it could be incorporated; the need to review the existing structure; how this could be adapted if a scrutiny function was to be considered further; or how scrutiny could be better introduced into the existing structure.

The remaining items listed for review, would be considered by the Working Party later in the summer and could be discussed further in terms of setting a meeting for their consideration on 15 April 2024.

Following debate, the items listed above for consideration at the Working Party's next meeting on 15 April 2024, were agreed.

Having been proposed by Councillor Jones and seconded by Councillor Bower,

The Working Party

RESOLVED – That

(1) The next meeting of the Working Party would be held on 15 April 2024;

(2) That meeting would receive a report on the following items:

- Part 3 – Responsibility for Functions – Committees in terms of approving write-off levels as part of the Debt Policy – a report from the Group Head of Finance and Section 151 Officer;
- A scoping report regarding considering the reintroduction of a formal scrutiny function within the Committee System; and
- Council Procedure Rule 14.3 [General Questions from Members] with this and the above forming a report from the Group Head of Law & Governance and Monitoring Officer.

(The meeting concluded at 7.28 pm)