



Minutes of the meeting of the CONSTITUTION COMMISSION held on WEDNESDAY 18 JANUARY 2017 at 6.00 pm

Present: Councillor Dransfield (Chair)
Councillors Eastman (Substitute for Councillor R Bradburn) and Marland

Officers: S Bridglalsingh (Acting Service Director [Legal and Democratic Services] and Monitoring Officer) and S Heap (Committee Services and Scrutiny Manager)

Apology: Councillor R Bradburn

Also Present: Councillors Miles and Morris

CC09 MINUTES

With regard to Minute CC07 (Public Participation in Council Business), it was noted that refurbishment of the Council's meeting facilities and how this could enhance public participation in Council Business was still being considered, but councillors had been surveyed as to their expectations and various options were being costed.

RESOLVED -

That the minutes of the meeting of the Commission held 12 July 2016 be agreed and signed by the Chair as a correct record, subject to the words 'and its membership shall not include Cabinet members' being included at the end of the resolution for Minute CC06.

CC10 SPEAKING ARRANGEMENTS – DEVELOPMENT CONTROL COMMITTEE / PANEL

It was reported that at its meeting on 12 July 2016 (Minute CC03 refers), the Commission requested an update on progress in reviewing its speaking arrangements be submitted to its next meeting and agreed to consider reviewing the arrangements itself if no progress had been achieved.

The Commission noted that the Development Control Committee had considered a revised draft Scheme at its meeting on 29 September 2016 (Minute DCC23 refers) and decided to instruct officers to engage in a full formal public consultation for an 8 week period and bring back proposals at the earliest opportunity.

It was also note that the Development Control Committee was scheduled to receive the results of the consultation at a meeting in March.

The Commission was reminded that the referral to the Development Control Committee had recommended a change to the speaking arrangements which would allow a Ward Councillor to speak on any planning application in their Ward, or any application which may have a significant impact on their Ward.

RESOLVED -

That the speaking arrangements for the Development Control Committee be considered by the Commission at its April meeting following review by the Development Control Committee in March.

CC11

DEALING WITH AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

It was reported that at its meeting on 12 July 2016 (Minute CC04 refers), the Commission had requested that officer colleagues produce a briefing note to be considered by the political groups which addressed possible changes to how amendments to recommendations and motions were dealt with, which included:

- (a) Options for dealing with speeches by those seconding motions and amendments;
- (b) Amendments during the budget debate; and
- (c) The Parliamentary model for dealing with amendments to motions.

The Commission noted that the briefing note had not been drafted in sufficient time for it to be circulated to Groups and comments received in sufficient time for this meeting.

The Commission was accordingly asked to consider the draft briefing note to ensure it addressed the relevant issues it wished to be considered by the Groups.

The Commission recognised that the process for amendments to motions and recommendations needed to be simple and understandable both for councillors and members of the public and also avoid repetitive debates. It also needed to make adequate provision for members of the public to have the opportunity to comment in the knowledge of the amendments coming forward.

RESOLVED -

That officer colleagues be requested to review the way in which the Council deals with amendments to recommendations and motions and submit to the next meeting of the Panel in April a recommended approach which:

- (a) prevents duplication of debate;

- (b) allows the 'owner' of the motion to accept all or parts of amendments;
- (c) is clear and understandable for the public;
- (d) allows the public to comment at an appropriate time; and
- (e) addresses voting on amendments to recommendations and motions in parts.

CC12 COUNCIL PROCEDURE RULE 1 – ANNUAL COUNCIL MEETINGS

The Commission noted that the issue of the timing / arrangements for the Annual meetings of the Council had recently been discussed by Group Leaders, who had generally supported the idea of having one rather than two Annual meetings. However, Group Leaders were of the view that there should be a mechanism for separating the ceremonial and business elements if the political situation demanded.

The Constitution Commission accordingly considered possible changes to the Council's Procedure Rules to facilitate one rather than two Annual meetings, while still allowing separate meetings to be held if considered more expedient.

RESOLVED –

That the Council be recommended to adopt the revised Council Procedure Rule 1 (**Annexed**) which allows for the Annual Council Meetings to be combined.

CC13 REVIEW OF EXECUTIVE SCRUTINY / CALL-IN ARRANGEMENTS

The Commission noted that a number of concerns had been voiced by councillors and officers about the way that the Executive Scrutiny Committee was functioning. These concerns included:

- (a) the purpose of executive scrutiny – were decisions being questioned generally on basis that the outcome was not liked by the persons calling in, rather than focusing on the quality of decision making;
- (b) the role of mediation and whether it was meaningful; and
- (c) the inability to review a decision which came to the same decision but on different grounds.

It was reported that in 2014/15 a cross party working group conducted a thorough review of scrutiny, including executive scrutiny, although as a result of the review the detailed rules governing the procedure had remained untouched. The only recent change to the call in procedure was to formalise mediation as part of the procedure.

It was also reported that both the Chair and Vice chair of the Committee have been informally consulted and agreed that a review was required to bring more efficacy to the process.

The Commission accordingly considered whether it would wish to commission a review of the Executive Scrutiny arrangements and or the call-in arrangements and, if so, whether the review should take place now, or as part of the overall review of scrutiny to be held later in the year.

RESOLVED –

That the Service Director (Legal and Democratic Services) be requested to commence a review of the call-in arrangements and the terms of reference and operation of the Executive Scrutiny Committee which identifies for the Commission's consideration:

- (a) the current position with regard to both process and legislation;
- (b) Issues of concern; and
- (c) any recommended changes to the current arrangements.

CC14

POWERS OF THE APPEALS COMMISSION - HOUSING APPEALS

The Commission considered a request from the Appeals Commission to review the powers available to the Appeals Commission when determining Housing Appeals, particularly with regard to its ability to make recommendations to other bodies and officer colleagues on matters ancillary to the Housing Options and Allocations Scheme.

RESOLVED –

That the members of the Appeals Commission who heard the housing appeal on 1 August 2016 be advised that, having considered the powers of the Appeals Commission in respect of housing appeals, the Constitution Commission is of the view that the general power to make recommendation to officer colleagues, another body of the Council, or in this case the applicant is sufficient.

CC15

ACCESSIBILITY OF MEETINGS TO THE PUBLIC

The Commission was requested to consider whether more should be done to encourage attendance at Council meetings by members of the public and whether the constitutional provisions that governed public participation needed to be changed to make it easier to access meetings.

It was suggested that Chairs of Committees could take time at the start of meeting to outline how the meeting would be run and what opportunities there were for the members of the public to be involved.

It was also be suggested that the Commission could involve the public in any review, in order to ascertain their views.

RESOLVED –

That consideration of this matter be deferred to the next meeting of the Commission in April to allow it to be considered alongside the final report of the Consultations Task and Finish Group.

CC16

MOVING PROCEDURAL MOTIONS DURING CLOSURE

The Commission noted that at a recent meeting of the Council clarification was sought with regard to the ability to move a procedural / closure motion. However, detailed information as to the specific request was not available.

The Commission accordingly considered the provisions for closure motions as set out in Council Procedure Rule 13.10

RESOLVED –

That, in the absence of clarity about the issue of concern, no further action be taken on this matter unless further details can be identified.

CC17

DATE OF NEXT MEETING

The Commission noted that its next meeting was scheduled to take place on Wednesday 19 April 2017.

THE CHAIR CLOSED THE MEETING AT 7:33 PM