

ITEM 2(a)



Minutes of the meeting of the CONSTITUTION COMMISSION held on THURSDAY
4 APRIL 2017 at 6.00 pm

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

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

Apology: Councillor Marland

Also Present: M Bowmer (LGSS Director of Finance)

CC36 MINUTES

RESOLVED -

The minutes of the meeting of the Commission held 31 January 2018 be agreed and signed by the Chair as a correct record, subject to the minutes being dated '31 January 2018', rather than '5 October 2018'.

CC37 LGSS SCHEME OF DELEGATION

The Commission noted that the LGSS Scheme of Delegation was not part of the Council's Constitution as it was at both Cambridgeshire and Northamptonshire County Councils.

The Commission accordingly considered recommending to Council that the LGSS Scheme of delegation be added to Part 3 (Responsibility for Functions) of the Council's Constitution, to bring the Council in line with its partner authorities and to document the delegations which existed under the LGSS Partnership arrangements.

It was reported that the approach taken by the partner authorities did differ slightly in that Cambridgeshire County Council had included the complete LGSS Scheme of Delegation as part of its Constitution, while Northamptonshire County Council had only included the relevant delegations to itself.

The Commission recognised that the Cambridgeshire County Council approach was certainly the easier as it did not require any interpretation as to which sections to include and which not. However, the Northamptonshire County Council approach meant that superfluous delegations were excluded, but updating would be more difficult

RESOLVED –

That the Council be recommended to add the LGSS Scheme of Delegation to Part 3 (Responsibility for Functions) of the Council's Constitution, with the exact format of the addition being determined by the Service Director (Legal and Democratic Services) following the initial stage of the health check on the Constitution.

CC38

THE ABILITY OF COUNCILLORS TO SCRUTINISE OFFICER DECISIONS

The Commission noted that at its meeting on 31 January 2018 (Minute CC33 refers), it had agreed:

- (a) That at its next meeting the Commission review the 'tests' applied by officer colleagues, in consultation with Cabinet members, to determine both the 'sensitivity' of a decision and whether a decision falls within the Key Decision category.
- (b) That members of the Commission consult with their councillor colleagues to identify examples where 'sensitive' or Key decisions have been taken by officer colleagues without prior consultation with Ward Councillors.

The Commission accordingly reviewed a copy of the Council's Decision Making Guidance, which included the suggested tests' applied by officer colleagues, in consultation with Cabinet members, to determine both the 'sensitivity' of a decision and whether a decision fell within the Key Decision category.

The Commission also considered the undertaking given by the Leader of the Council at the meetings of the Council on 22 November 2017 (Minute C71 refers), and again at the Council meeting on 17 January 2018 (Minute CL84 refers) that any decision on a contract which was not a Key Decision would be taken by the Cabinet or a Cabinet member if requested by another councillor, until such time as the Constitution Commission had the opportunity to consider the arrangements.

It was also suggested that any training for officer colleagues on decision making should emphasise the requirement to notify councillors of issues impacting on their Ward.

RESOLVED –

That, noting the current procedure which allows any decision on a contract which is not a Key Decision to be taken by the Cabinet or a Cabinet member if requested by another councillor, the operation of the procedure be reviewed in six months' time.

CC39**DEALING WITH AMENDMENTS TO RECOMMENDATIONS AND MOTIONS**

The Commission reviewed the operation of the revisions to Council Procedure Rule 13, which dealt with amendments to recommendations and motions, in light of the Council's budget debate on 21 February 2018.

The Commission also considered, at the request of the Group Leaders, how the submission of amendments to recommendations and motions was dealt with in the event of a tie and noted that the current Constitutional provisions allowed the matter to be decided by a vote in Full Council on the order of business.

RESOLVED -

1. That further changes to Council Procedure Rule 13, as set out in the Annex to the minutes, be considered at the next meeting of the Commission, with particular thought being given to the need for Clause 13.6(f).
2. That consideration of how to deal with the timing of receipt of amendments, particularly where there is a tie, be deferred to the next meeting of the Commission and the Service Director (Legal and Democratic Services) be requested to suggest a range of options for the Commission's consideration.

CC40**HEALTH CHECK ON THE CONSTITUTION**

Further to minute CC34 of its meeting on 31 January 2018, it was reported that Bevan Brittan had been selected to undertake the health check of the Constitution.

RESOLVED –

- 1 That it be noted that Bevan Brittan had been engaged to conduct the initial health check of the Constitution.
2. That a meeting be arranged with the Commission, Bevan Brittan and officer colleagues before the end of April in order for Bevan Brittan to understand the particular issues which need to be addressed as part of the health check.

THE CHAIR CLOSED THE MEETING AT 7.30 PM