

PLEASE NOTE VENUE

CONSTITUTION COMMITTEE AGENDA



Friday 24 August 2007

at 2.00pm

**in Conference Room 2
at the Belle Vue, Community, Sports and Youth Centre,
Kendal Road, Hartlepool.**

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors Brash, Fenwick, Flintoff, James, A Marshall, J Marshall, Preece, Richardson, Simmons and Young.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the Committee held on 6 July 2007
 - 3.2 To receive the minutes of the meeting of the Constitution Working Group held on 13 August 2007 (to follow)
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Chief Solicitor's Briefing Report (to follow)
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

6 July 2007

The meeting commenced at 2.00 pm at Belle Vue Community Sports and Youth Centre, Kendal Road, Hartlepool

Present:

Councillor Carl Richardson (In the Chair)

Councillors Bob Flintoff, Ann Marshall, Arthur Preece and Chris Simmons

Officers: Tony Brown, Chief Solicitor
Denise Wimpenny, Principal Democratic Services Officer

5. Apologies for Absence

Apologies for absence were submitted on behalf of the Mayor, Stuart Drummond, Jonathan Brash and Marjorie James.

6. Declarations of interest by members

None.

7. Confirmation of the minutes of the meetings of the Constitution Committee held on 1 June 2007 and the Working Group held on 22 June 2007

The Minutes of the meeting of the Committee held on 1 June, were confirmed subject to the following amendment:-

Minute No 4 – Paragraph 5 be amended to read:-

“Additional appointments to the consultees on Constitution Issues – At present on issues such as Special Urgency Notices, the Chair of Scrutiny was consulted, and in his/her absence, the Chair of Council, in his/her absence, the Vice-Chair of Council.”

The Minutes of the meeting of the Working Group held on 22 June 2007 were received.

8. Amendments to the Constitution (Chief Solicitor)

The Chief Solicitor invited the Committee to consider suggestions made by the Constitution Working Group at their meeting on 22 June 2007 for amendment of the Constitution.

Democratic Deficit

It was noted that the terms of office of the Chairman of the Council, the Vice-Chairman of the Council and the Chair of the Scrutiny Co-ordinating Committee expired in May 2008. Each of these Members had a responsibility in relation to Constitution provisions for call-in and urgency and special urgency, details of which were outlined in the report. Concern had been expressed that if all of the Members referred to were not re-elected, the relevant functions could not be discharged in the 'interregnum' between election and Annual Council.

Members had considered the options available to deal with this situation which could include:-

- delegation to an officer
- identification of a member by reference to eg seniority
- disapplying the relevant procedures in such circumstances, or
- no action

However, the Working Group's preferred option was to involve the Scrutiny Chairs as a fall back position in the event of the absence of all of the members identified in the Constitution. This could be achieved by the insertion in each of the provisions of the following sentence:-

"If none of the identified members is available for whatever reason the matter shall be referred to [such of] the Chairs of the Scrutiny Forums [as are available within 24 hours of the need for a decision being identified]"

Members supported the insertion of the above sentence in each of the provisions.

Constitution Working Group – Business Management Group

Arising from correspondence with a Member, the Constitution Working Group had considered the need for retention of the provision in Article 15 of the Constitution in relation to Managing Council Business. The composition of the Business Management Group was set out in the report.

It was noted that the Sub-Group had not met and the Chief Solicitor indicated that to the best of his recollection, the only issue to which the remit of the Sub-Group would be relevant was in the current work programme relating to the decision making processes of the Local Strategic Partnership. Members noted that membership of the Business Management Group was made up of members of the Constitution Working Group.

The Chief Solicitor advised that having confirmed that the Business

Management Group did not figure in the Modular Constitution Guidance issued by the DETR in 2000, there were no constitutional difficulties in removing this from the Constitution.

Decision

- (i) In relation to the democratic deficit issue, that Council be recommended to insert the proposed sentence as outlined above in each of the provisions of Part 4 of the Constitution.
- (ii) That Council be recommended to delete Article 15.03 from the Constitution relating to the requirement for a Business Management Group.

9. Any Other Business – Appointment of Substitutes

Following a query received by the Chair, the Committee discussed what arrangements were in place to ensure substitutes received all agenda papers including “to follow” papers in advance of the meeting and whether they had sufficient time to read the papers. Members noted that it was the responsibility of the Member appointing the substitute to pass on the papers.

The Chief Solicitor provided clarification regarding the procedure for the appointment of substitutes and stated that the Principal Democratic Services Officer had prepared a detailed letter of clarification in response to this query. Discussion ensued in relation to the option of appointing a permanent substitute, the role of the Democratic Services Team in facilitating these arrangements and the new proposed arrangements which would allow Members to appoint substitutes immediately prior to commencement of the meeting provided notification had been provided to a member of the Democratic Services team.

CHAIRMAN

COUNCILLOR C RICHARDSON