

CONSTITUTION COMMITTEE AGENDA



30th November, 2005

at 4:00 p.m.

in Committee Room A

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond,

Councillors: Fenwick, Flintoff, Griffin, James, A Marshall, J Marshall, Dr. Morris,
Preece Richardson and Young

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes in respect of the meeting of the Constitution Committee held on 10th October 2005 (attached)
 - 3.2 To receive the minutes in respect of the meeting of the Constitution Working Group held on 17th November 2005 (to follow)
4. **ITEMS REQUIRING DECISION**
 - 4.1 Council Procedure Rules – Time for Putting and Responding to Questions –
Chief Solicitor

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

10 OCTOBER 2005

Present:

Councillor Carl Richardson (In the Chair)

Councillors Sheila Griffin, Marjorie James, Ann Marshall, Dr George Morris and Arthur Preece.

Officers: Tony Brown, Chief Solicitor
David Cosgrove, Principal Democratic Services Officer

17. Apologies for Absence

Apologies for absence were submitted on behalf of The Mayor, Stuart Drummond, Councillors John Marshall and David Young.

18. Declarations of interest by members

None.

19. Confirmation of the minutes of the meeting of the Constitution Committee held on 30th August 2005

Confirmed.

20. Minutes of the meeting of the Constitution Working Group held on 27th September 2005

Members discussed Minute 13 of the Working Group in relation to the Process of Elections for Honorary Aldermen and Freemen. Members considered that the proposed membership of the Civic Honours Committee should include the Chairman of the Council or nominated substitute. The Committee requested that this proposal be fed back to the Working Group when the issue was discussed further. The Chief Solicitor advised the committee that, contrary to the suggestion made at the earlier meeting, legislation restricted the title of Honorary Alderman to former members of the Council.

The minutes of the Working Group were received.

21. Use of Overview and Scrutiny Procedure Rule 18

(Scrutiny Coordinating Committee)

The report set out at Appendix 1 the final findings of the Scrutiny Coordinating Committee following its enquiry into the authority's application of the Overview and Scrutiny Procedure Rule 18 in relation to the Corporate Restructure report agreed by Cabinet on 6 June 2005.

At its meeting on 27th September, 2005 the Constitution Working Group endorsed the recommendations made to it from the Scrutiny Co-ordinating Committee namely; that Rule 18 be amended to ensure there is a requirement to consult through a non-Executive member prior to its future application. Accordingly, current reference to the 'Chief Executive (or in his/her absence the Monitoring Officer) must agree that the decision is urgent', be deleted and replaced by reference to the 'Chair of the Scrutiny Co-ordinating Committee (or in his/her absence the Chairman of the Council or in his/her absence the Vice-Chairman) must agree that the decision is urgent.'

Decision

That Council be requested to give consideration to the findings of the Scrutiny Co-ordinating Committee's enquiry into the use of Overview Scrutiny Procedure Rule 18 and that the said rule be amended by way of deletion of the reference to the 'Council's Chief Executive Officer (or in his/her absence the Monitoring Officer)' through the inclusion of reference to the 'Chair of the Scrutiny Co-ordinating Committee (or in his/her absence the Chairman of the Council or in his/her absence the Vice-Chairman of the Council).'

CARL RICHARDSON

CHAIRMAN

CONSTITUTION WORKING GROUP

MINUTES AND DECISION RECORD

17th November 2005

Present:

Councillor Carl Richardson (In the Chair).

Councillors: Bob Flintoff, Sheila Griffin, Marjorie James, Ann Marshall, J Marshall, George Morris and Arthur Preece.

Officers: Tony Brown, Chief Solicitor
Joan Wilkins, Principal Democratic Services Officer
Angela Hunter, Principal Democratic Services Officer

23. Apologies for absence

Apologies for absence were submitted on behalf of the Mayor, Stuart Drummond and Councillors Sandra Fenwick and David Young.

24. Declarations of interest by members

None.

25. Minutes of the meeting held on 27th September 2005.

The minutes of the meeting held on the 27th September 2005 were confirmed subject to the following amendments:-

Minute No. 22 – Honorary Alderman and Freeman – Process for Elections

That the membership of the Civic Honours Committee be as follows (amendment shown in bold)

- **The Chairman of the Council, or his/her substitute**
- The Leaders/Co-ordinator of the three main Groups (Labour, Liberal Democrat and Administrative Groups) or their substitutes,
- An independent Member (The Mayor or his/her substitute),
- One Resident Representative (**Non voting**). and
- One representative from the Community Empowerment Network (**Non voting**).

26. Matters arising from the minutes of the meeting held on 27th September, 2005

Minute No. 21 – Ward Surgeries

Regarding recommendation

ii) Members reiterated their request for the circulation of the case authority I of DPP .v. Luft. The Chief Solicitor indicated that this would be provided with a full copy of the judgement to be sent to Councillors James and Richardson.

27. Honorary Alderman and Freeman - Process for Election (Chief Solicitor)

Further to minute no. 22 of the previous meeting the Chief Solicitor reported that in accordance with the wishes of the Working Group the political groups and independent members had been invited to comment on the proposals for the amendment of the Honorary Alderman and Freeman election process. Responses had, however, not been forthcoming and Members were asked to consider how they wished to proceed. With this in mind Members requested that a reminder be sent out to Group the political groups and independent members asking again for comments, with the aim of bringing a further report back to the meeting of the Constitution Committee in January 2006.

RECOMMENDED - That a reminder be sent to the Group Leaders and Independent Members seeking their views on the proposed amendments to the process for the election of Honorary Alderman and Freeman, with a report to be presented to the meeting of the Constitution Committee in January 2006.

28. Council Procedure Rules – Time allocated for answering questions (Chief Solicitor)

The Chief Solicitor reported that during recent informal discussion, the Chairman of the Council raised concern as to the disparities, which exist within the Council Procedure Rules, regarding the time available for a member to respond to a question, depending upon the particular provision under which the question was put. The relevant provisions of the procedure rules were as follows and the proposed amendments detailed in bold:

10 QUESTIONS FROM THE PUBLIC

10.7

(iv) A member of the public asking a question will have a maximum of one minute to put his/her question at the meeting and up to ~~two~~ **one** minutes for each supplementary question. A Member of the Executive answering a question will have a maximum of five minutes to put his or her answer to the question and up to ~~one~~ **two** minutes for each supplementary answer.

11. QUESTIONS BY MEMBERS

11.1 Questions about recent decisions of the Executive

*A Member asking a question will have a maximum of ~~two~~ **one** minutes to put his/her question at the meeting and up to ~~two~~ **one** minutes for each supplementary question. A Member of the Executive answering a question will have a maximum of five minutes to put his or her answer to the question and up to two minutes for each supplementary answer.*

11.2 Questions on notice at full Council

*(vi) A Member asking a question will have a maximum of one minute to put his/her question at the meeting and up to one minute for each supplementary question. The relevant Member answering a question will have a maximum of ~~three~~ **five** minutes to put his or her answer to the question and up to ~~one~~ **two** minutes for each supplementary answer.*

Recommended - that the proposed amendments to the Council Procedure Rules relating to the time allocated for answering questions, as outlined above, be approved.

C RICHARDSON

CHAIR

CONSTITUTION COMMITTEE

30th November 2005



Report of: Chief Solicitor

Subject: COUNCIL PROCEDURE RULES – time for putting and responding to questions.

1. PURPOSE OF REPORT

- 1.1 At its meeting on 17th November the Constitution Working Group considered the Chief Solicitors Briefing Paper relating to the disparities which exist within the Council Procedure Rules, regarding the time available for a member to respond to a question, depending upon the particular provision under which the question is put. The Constitution Working Group were of the opinion that , together with the time limits for putting questions, the provisions should be altered in order to achieve consistency of approach.

2. BACKGROUND

- 2.1 The relevant provisions of the procedure rules are set out below (the text suggested by the Constitution Working Group to be amended is shown struck through, and the suggested substitution shown in square brackets in each case):

CPR

10 **QUESTIONS FROM THE PUBLIC**

10.7

- (iv) *A member of the public asking a question will have a maximum of one minute to put his/her question at the meeting and up to ~~two minutes~~ [one minute] for each supplementary question. A Member of the Executive answering a question will have a maximum of five minutes to put his or her answer to the question and up to ~~one minute~~ [two minutes] for each supplementary answer.*

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- (iv) *A Member asking a question will have a maximum of ~~two minutes~~ [one minute] to put his/her question at the meeting and up to ~~two minutes~~ one minute for each supplementary question. A Member of the Executive answering a question will have a maximum of five minutes to put his or her answer to the question and up to two minutes for each supplementary answer.*
- (v)
- (vi) *Questions on notice at full Council*
- (vii)
- (viii) *A Member asking a question will have a maximum of one minute to put his/her question at the meeting and up to one minute for each supplementary question. The relevant Member answering a question will have a maximum of ~~three~~ [five] minutes to put his or her answer to the question and up to ~~one minute~~ [two minutes] for each supplementary answer.*

3. RECOMMENDATIONS

- 3.1 That the Constitution Committee give consideration to the suggested amendments