

CONSTITUTION COMMITTEE AGENDA



23rd January 2009

at 1.00pm

in Committee Room *B*

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors R Cook, Fenwick, Flintoff, James, Laffey, A Marshall, Morris, Preece, Richardson, Simmons

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the Constitution Committee of 21 November 2008.
 - 3.2 To consider the minutes of the Constitution Working Group of 15th January 2009 (to follow)
4. **ITEMS REQUIRING DECISION**
 - 4.1 Executive Arrangements – *Chief Solicitor*
 - 4.2 Questions on Notice at Full Council – Rule 11.2 (ii) – *Chief Solicitor*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

21 November 2008

The meeting commenced at 2.00pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Sandra Fenwick, Bob Flintoff, Marjorie James, Pauline Laffey, Ann Marshall, George Morris, Arthur Preece and Chris Simmons.

Officers: Peter Devlin, Chief Solicitor
Angela Hunter, Principal Democratic Services officer

33. Apologies for Absence

Apologies for absence were received from The Mayor, Stuart Drummond.

34. Declarations of interest by Members

None.

35. Confirmation of the minutes of the following meetings:

Constitution Committee – 10 October 2008 – confirmed subject to the emphasis by underlining of the word actual in the last paragraph of minute 31.

Constitution Working Group – 3 November 2008 – received.

36. Clarification of Access to Information Rules and Distribution of Confidential Papers (Chief Solicitor)

As part of the work programme, the Chief Solicitor submitted a report to the Constitution Working Group on 3 November 2008 in relation to access to information provisions with particular emphasis upon exempt and confidential information. In addition report provided an overview of the relevant legislation. A lengthy discussion took place which was summarised within the minutes of this meeting which were attached to the agenda of this Committee for receipt.

Members attention was drawn to paragraph 3.2 of the report which stated that for the avoidance of doubt, a Member under a “need to know” basis was able to inspect documents which were “reasonably necessary” for that Member to carry out his/her duties. However, this common law principle did not provide for a Member the right to have a “roving commission” to inspect documents. Consequently “a mere curiosity or wish” to see a document which was “exempt” or otherwise “confidential” would not be sufficient. It was noted that it would be appropriate to emphasise that where access to confidential information was given, the Member in receipt of such information was bound by the confidentiality rules that apply. The Chief Solicitor suggested that a briefing note could be prepared and approved by the Chair and Vice Chair of this Committee prior to distribution to Members, specifically relating to access to confidential information and the Members Code of Conduct. In addition to this briefing paper, a Member suggested that additional information could be included within the front of the Constitution which was provided to all Members, which could clearly detail the rules and regulations around access to information, in particular confidential information.

A discussion ensued around access to information from Boards or Partnerships which Members participate in. The Chief Solicitor advised that it was usual practice for individual Boards and Partnerships to regulate their own proceedings. However Members felt that any Member who was part of an individual Board or Partnership should be given access to any relevant information necessary to undertake their duties in relation to that Board or Partnership. Consideration was given to the submission of a motion to Council stating that all Boards and Partnerships should regulate their own proceedings including that the individual Boards and Partnerships themselves should agree which papers were public and which were private. Members were of the view that the basic principles of access to information which was detailed in the Council’s Constitution should prevail across all Boards and organisations that Members participate in and were accountable for, unless there was clear reason not to be, for example where information related to specific individuals. It was further suggested that clarification of this issue should be included within the Code of Conduct for Officers within the Constitution and circulated to all relevant Boards and Partnerships.

In light of the discussion which took place, Members requested that the terms of reference of the Neighbourhood Action Plans for North, Central and South areas be submitted to the Constitution Working Group for consideration. The Chief Solicitor added that this could be included within the work programme for the Constitution Working Group.

Decision

- (i) That the Chief Solicitor prepare a briefing note for all Members clarifying the rules around Access to Information in particular, confidential information.

- (ii) That clarification of this issue be included within a Note to Officers and circulated to all relevant Boards and Partnerships..
- (iii) That consideration of the terms of reference of the Neighbourhood Action Plans for North, Central and South Area be included within the overall work programme of the Constitution Working Group.

The meeting concluded at 3.15pm.

CHAIRMAN

CONSTITUTION WORKING GROUP

15 January 2009

The meeting commenced at 4.30 pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Rob Cook, Bob Flintoff, Marjorie James, Pauline Laffey, Ann Marshall, George Morris, Arthur Preece and Chris Simmons.

Officers: Peter Devlin, Chief Solicitor
Amanda Whitaker, Democratic Services Team Leader
Angela Hunter, Principal Democratic Services Officer

33. APOLOGIES FOR ABSENCE

Apologies for absence were received from The Mayor, Stuart Drummond and Councillor Sandra Fenwick.

34. DECLARATIONS OF INTEREST

None.

35. MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2008

Confirmed.

36. MATTERS ARISING FROM THE MINUTES

A Member questioned whether an update on minute 31 - clarification of access to information rules and distribution of confidential papers, had been prepared. The Chief Solicitor confirmed that a "Briefing Note" for Officers had been prepared and would be circulated to Corporate Management Team (CMT) upon receipt of approval from the Chair and Vice Chair of the Working Group. The Chair indicated his approval for the note to be circulated to CMT and a "Guidance Note" for Members would follow shortly thereafter.

In response to Members' concerns, the Chief Solicitor indicated that a Code of Conduct for officers was still awaiting introduction through the DCLG.

However, it had been noted that the conduct of officers was already governed within either a professional code of practice, ie solicitors, teachers, or through the standard terms and conditions of employment. This should be conveyed to all employees upon commencement of duties, as part of the Council's induction programme.

37. QUESTIONS ON NOTICE AT FULL COUNCIL – RULE 11.2 (ii)

The Chief Solicitor presented a report which outlined the Council Procedure Rule with regard to questions to the Cleveland Fire Authority (CFA). Members were concerned that questions to the CFA were limited to the minutes attached to the Council agenda and which they considered a major restriction. It was acknowledged that although Council representatives on the CPA and CFA should not be expected to answer questions on operational matters, questions on the overall effectiveness of the service were deemed to be viable questions. Members considered that there should be a uniformed approach for questions to both the CPA and CFA.

A discussion ensued on the timescales for the submission of questions to a Council meeting and Members were in agreement that the current timescales were appropriate and should not be altered.

Members suggested that the Chief Solicitor approach the CFA to ascertain their views on the submission of questions to the Council's representatives on the CFA.

Recommendation

That the Chief Solicitor approach the CFA to obtain their views on varying the restriction on the submission of questions to the Council's representatives on the CFA as part of the Council agenda.

38. EXECUTIVE ARRANGEMENTS

The Chief Solicitor presented a report which provided general information upon the changes that could be adopted to the governance arrangements by local authorities under the provisions of the Local Government and Public Involvement in Health Act, 2007. The proposals associated with such a change should also incorporate a timetable and where relevant, transitional arrangements to implement the proposed changes. If a local authority proceeds by way of a referendum (which appears to be mandatory where an authority has previously conducted a referendum), the result of that referendum would then be binding upon the local authority. With the exception of those authorities who were presently operating alternative arrangements and where arrangements relate to the model of a Mayor and Council Manager wherein changes were required in 2009, the majority of authorities would operate their confirmed new governance arrangements to have application to the elections following the defined "permitted resolution

periods". As detailed in the report it was noted that Hartlepool Council's likely permitted resolution period would therefore end on 31 December 2014 should a referendum be undertaken in the period prior (ie after 18 October 2011), which favoured a change to the executive arrangements. For the avoidance of doubt, the permitted resolution period, would recur in every fourth year from the initial "timetable" as indicated within the report.

39. BUSINESS REPORT

A) HARTLEPOOL WAR MEMORIAL AND CROSBY HOMES

During a review of Council appointments to outside bodies in 2001, the above organisation was removed from the approved list. It was noted that the organisation had continued to invite the Chairman of the Council as an ex-officio trustee. Members were asked to consider re-instating this organisation onto the list of outside bodies to which Council representatives are appointed.

Members were supportive of the inclusion of this organisation into the list but sought clarification on the voting rights of ex-officio trustees.

Recommendation

That the Democratic Services Team Leader seek clarification from the Hartlepool War Memorial and Crosby Homes on the voting rights of ex-officio trustees and report back to the next meeting of the Constitution Working Group.

Councillor Simmons declared a non-prejudicial interest in the next item.

B) CIVIC HONOURS COMMITTEE

The Chair has requested that the Working Group give consideration to the composition and voting of the Civic Honours Committee as agreed at Council on 26 October 2006. It was noted that the original composition as agreed did not include the Chairman of the Council and Members felt that the Chairman should be included on the membership.

The number of political groups included on the composition was also questioned by Members. In response to Members questions, the Chief Solicitor advised that any two individuals could form a political group and as such, the Administrative Group were a recognised political group.

The following composition was suggested:

The Mayor
The Chairman of the Council
1 representative from the 3 main political groups
1 independent Member
1 resident representative (non-voting)
1 community empowerment representative (non-voting)

In addition, it was suggested that a voting majority of 4 be established.

A discussion ensued on the possibility of including a Freeman of the Borough on the Committee and it was agreed that this was not feasible at the current time.

The timetable for advertising the invitation to submit nominations and the process that follows was discussed and the following was agreed:

- 1) Advertise in Hartbeat magazine in the March and June editions.
- 2) Closing date to be 4 weeks after the 2nd advertisement.
- 3) Civic Honours Committee to meet to discuss nominations.
- 4) Individuals be consulted on whether they accept their nomination.
- 5) Accepted nominations to be submitted to next Ordinary Council meeting for approval.
- 6) Special Council to be convened to install honours on date agreed by the Chairman.

Recommendation

- 1) That the composition of the Civic Honours Committee be agreed detailed above.
- 2) That a voting majority of 4 be established.
- 3) That the timetable as detailed above be agreed and processed by the Democratic Services Team Leader.

40. ANY OTHER BUSINESS

A Member requested that further discussion be undertaken at the next meeting of the Working Group in relation to political groups and the recommendations provided through the Comprehensive Performance Assessment, in light of a discussion that Member had with a representative from the Electoral Commission.

41. **ANY OTHER BUSINESS**

A Member raised concerns that the Council's standard had not been flown as a mark of respect at the recent sad death of ex-Mayor of the Town. It was noted that this was a difficult issue as it was at the families' discretion whether there were any ceremonial duties, including a civic funeral, undertaken. It was suggested that this issue should be documented in some form to avoid any confusion in the future, although the sensitivities around this issue were acknowledged.

42. **ANY OTHER BUSINESS**

It was noted that the Mayoral election had been scheduled for June this year. The Constitution only provided for the Annual General Meeting of the Council to take place in March, April or May depending on when local elections were held. However, Members were asked to give consideration to holding the Annual General Meeting in June, post this year's Mayoral election. Members noted that the AGM was usually held within 21 days of an election and suggested that this should also apply in this case.

Recommendation

That the Annual General Meeting of the Council 2009 be convened within 21 days of the Mayoral Election to be held on 4 June 2009.

The meeting concluded at 5.55 pm.

CHAIRMAN

Report of: Chief Solicitor

Subject: EXECUTIVE ARRANGEMENTS

1. BACKGROUND

- 1.1 Members are requested to note that this report replicates that submitted to the Constitution Working Group for their meeting on 15th January, 2009, in order to comply with the Access to Information provisions. Members are therefore requested to essentially “cross reference” this report with the discussions as reflected in the minutes of that meeting.
- 1.2 The Local Government and Public Involvement in Health Act, 2007, continues a reform of local government through structural arrangements as well as for patient and public involvement in the provision of health and social care services. The Act, builds upon the executive arrangements which came through the provisions of the Local Government Act 2000 and builds upon the themes introduced through the ODPM document “The Future of Local Government – Developing a 10 Year Vision” (2004) and the White Paper: “Strong and Prosperous Communities” (2006).
- 1.3 The Local Government Act 2000 had introduced three distinct forms of executive arrangements (although some District Councils could adopt “alternative arrangements”) as follows;
- Mayor and Cabinet Executive
 - Leader and Cabinet Executive
 - Mayor and Council Manager Executive
- 1.4 The 2007 Act provides for two forms of executive arrangements namely the Elected Mayor and Cabinet Executive and a “new form” of Leader and Cabinet Executive. Of note, the Elected Mayor will serve a four year term, as will the ‘new style’ Leader (see further below). This is clearly indicative of the Government’s formula for Local Government with a strong emphasis on leadership, seen as “the single and most important drive for and improvement for local authorities” (para 3.18 White Paper refers).
- 1.5 The Local Government Act 2000 had also introduced a new decision making framework with a clear separation between decision making and scrutiny of those decisions. The policy objectives of such new arrangements were as follows;
- To achieve greater efficiency
 - Greater transparency
 - Greater accountability of decisions and scrutiny thereof

2. CONSTITUTIONAL ISSUES

- 2.1 The 2007 Act retains the model of Mayor and Cabinet, wherein a directly elected Mayor functions with a Cabinet comprising more than two but no more than 10 Executive Members. The other model, relates to an Executive Leader who will be elected by Council and who would appoint a Cabinet again comprising of more than two Cabinet Members but no more than 10 Members. Where a local authority operates “whole” elections then a Leader would potentially be the Leader through appointment by Council for a four year term or until his/her term of office expires. Where an authority operated an electoral scheme on a rotational basis ie by thirds then such an appointment would take place at the Annual General Meeting or until his/her term of office expires. Such a Leader would be responsible for the appointment of Cabinet Members.
- 2.2 The 2007 Act, as indicated, retains the Government’s favoured option of an Elected Mayor and Cabinet Executive. However, over three hundred local authorities operate a Leader and Cabinet Executive and will accordingly be required to decide between the elected Mayor and Cabinet model or the ‘new style’ Leader and Cabinet. The Act provides for a process of changing an authority’s governance arrangements, subject to DCLG guidance, which is awaited.
- 2.3 Under the ‘new style’ Leader and Cabinet model, the Council appoints the Leader, but who then appoints the Cabinet including the size of the Cabinet (more than two, but not exceeding ten). A Deputy Leader, appointed (and who may be removed) by the Leader, would have power to act in the Leader’s absence. The crucial difference in the ‘new style’ Leader model is the fixed term of office of the Leader, of four years (or until his/her term of office expires), although the Council will have power to remove him or her during their term of office. Again, and by an analogy with the Elected Mayor the ‘new style’ Leader would determine and exercise the executive functions and powers of the authority.

3. CHANGING GOVERNANCE ARRANGEMENTS

- 3.1 Through Section 64 of the 2007 Act a local authority is allowed to change its governance arrangements where such an authority “wishes to make a change” in those arrangements. In order for an authority to proceed, the following process and procedures would need to be initiated;
- (i) The drawing up of proposals for change (taking account of best value requirements) including a timetable dealing with such changes for the governance of the authority.
 - (ii) An authority may subject such proposals to a referendum, most particularly, where the authority wished to operate a different form of

executive arrangements, but would not be bound to do so, unless the authorities existing arrangements were approved by a referendum or a petition is received.

- (iii) Take reasonable steps to consult “local government electors and other interested persons”.
 - (iv) Proceed through a resolution of Council.
- 3.2 Through an amendment to the provisions of the Local Government Act 2000 various prescribed periods are provided for, in relation to changing an authority’s governance arrangements.
- 3.3 As Members will note, a move to a new form of executive arrangements is predicated by a resolution being passed. It is also further prescribed, that from the third day following the relevant elections, the local authority will cease operating the old form of executive and start operating the new arrangements. With particular reference to this authority, the following is pertinent;

“If the local authority is currently operating a Mayor and Cabinet Executive the “appropriate election of Councillors” are the ordinary election of Councillors of the local authority held on the day on which the next ordinary election of a Mayor was expected to be held when the resolution to make the change in governance arrangements was passed”.

In the absence of compliance with this ‘statutory’ timetable it does not appear permissible for a local authority to change its governance arrangements. The timetable for the “permitted resolution period “ is as follows

Type of local authority	Permitted Resolution Period
Metropolitan District	Period ending 31st December, 2009
County	Period ending 31st December, 2008
London Borough	Period ending 31st December, 2009
Non-Metropolitan District	Period ending 31st December, 2010

- 3.4 The new legislation in repealing the Mayor and Council Manager model, entails that in particular Stoke City Council are required to adopt a new form of executive model. Members may be aware that following a referendum that Council is moving to the ‘new style’ Leader and Cabinet model. Such a change needs to be effected in 2009, in that particular Council’s case, otherwise the Secretary of State has power to impose new arrangements by order. Similarly, those authorities operating ‘alternative arrangements’ with a resident population exceeding 85,000 on 30th June, 1999, (namely Brighton and Hove Council) are required to change to the new style Leader and Cabinet model no later than their annual general meeting in 2009. Again,

the Secretary of State has power to impose such executive arrangements in default. For this Council, it should be noted that any change would need to be approved through a referendum. Section 45 of the Local Government Act, 2000, did prescribe that “a local authority may not hold more than one referendum in any period of five years”. However, this statutory provision was altered through Section 69(1) of the 2007 Act, wherein a local authority “may not hold more than one referendum in any period of ten years”. Consequently, as this Council proceeded with a referendum on 18 October, 2001, the ten year period would need to elapse before a change in governance could take place. Accordingly, the initial “permitted resolution period” for this Council, would be that ending on the 31 December, 2014, should a referendum be undertaken in the period prior (ie., after 18 October 2011) . Any new model ie., Leader and Cabinet., would also therefore only take effect at the expiry of the term of office of the elected Mayor, namely the expiry of their four year term.

4. SUMMARY

- 4.1 This report therefore provides general information upon the changes that could be adopted to the governance arrangements by local authorities under the provisions of the 2007 Act. The proposals associated with such a change should also incorporate a timetable and where relevant, transitional arrangements to implement the proposed changes. If a local authority proceeds by way of a referendum, the result of that referendum would then be binding upon the local authority. With the exception of those authorities who are presently operating alternative arrangements and where arrangements relate to the model of a Mayor and Council Manager Executive wherein changes are required in 2009, the majority of authorities would operate their confirmed new governance arrangements to have application at the elections following the defined “permitted resolution periods”, as more particularly detailed herein.

5. RECOMMENDATION

- 5.1 That the report and its contents be noted.

6. CONTACT OFFICER

Peter Devlin, Chief Solicitor

Report of: Chief Solicitor

Subject: QUESTIONS ON NOTICE AT FULL COUNCIL –
RULE 11.2(ii)

1. BACKGROUND

1.1 At its meeting on the 7th November, 2008, the Constitution Working Group requested a report to be prepared on the apparent contradiction, relating to questions on notice to the Cleveland Police Authority and to those questions to a member of the Cleveland Fire Authority pursuant to Council Procedure Rule 11.2(ii). This followed a Member question to a meeting of Council which was disallowed by the “Proper Officer” on the basis that the Member question did not fall within the terms of this applicable rule. For the avoidance of doubt, the Member question related to an ongoing prosecution and therefore did not fall with the parameters of a question to a Member of the Cleveland Fire Authority which by virtue of the applicable Procedure Rule is confined to matters contained within the minutes of the Fire Authority as attached to the agenda of the particular Council meeting. This report provides some of the background to this apparent anomaly and also details the functionality of a police and a fire authority and also commentary as to how this issue is approached amongst the other constituent authorities. Members will note that this report replicates the report submitted to the Working Group for its meeting on 15th January and Members are therefore requested to have regard to the minutes of that meeting in the course of further discussion of this item.

2. QUESTIONS ON NOTICE UNDER RULE 11.2

2.1 Members will be aware, that a question on notice at Council, needs to be in writing and given to the Chief Executive Officer before midday on the Friday before the meeting (or, in the case of the meeting held otherwise than on a Thursday, three clear working days before the meeting) and where such a notice is also signed by a Member. Specifically, Rule 11.2(ii) relates a question to a member appointed on such an outside body, as follows:

- *The person nominated by the Cleveland Police Authority pursuant to Section 20 of the Police Act, 1996 any question on any matter in relation to the discharge by the Police Authority of its functions; or*
- *A member of the Cleveland Fire Authority the question in relation to any matter contained in minutes of the Fire Authority attached to the agenda of the meeting.*

- 2.2 Members will also be patently aware, that a response under Rule 11.4 to a question can take the form of either a direct oral answer which will then allow for open debate in Council or where the matter cannot be conveniently be given by way of an oral answer, through a written response circulated to all Members of the Council. At the discretion of the Chair, the questioner may ask a supplementary question in accordance with Rule 11.2 at the next ordinary meeting of the Council about the issues related to that written answer.

3. FUNCTIONS OF A POLICE AUTHORITY

- 3.1 Current arrangements for the composition and function of a Police Authority derive from the provisions of the Police and Magistrates Courts Act, 1994, which in turn relate and have application to the 43 Police Authorities in England and Wales. Although there are currently proposals relating to direct elections of Police Authority members, the current composition of police authorities is seventeen members, with nine appointed through local authorities, three Members from the Magistrates Courts and five individuals representing the local community. The provisions of the 1994 Act, were further consolidated under the Police Act, 1996, with the primary responsibility of police authorities to maintain “an efficient and effective police force”. The other major functions of a Police Authority, for information, is as follows:

- to consult local communities on policing matters and priorities,
- set the budget for the police force,
- to set the strategic direction for policing in line with central government directives,
- monitor the forces performance, to ensure the maintenance of efficiency and effectiveness with the production of a policing performance plan including the three year strategy under the terms of the Police Reform Act, 2002,
- appoint a Chief Constable and senior officers

- 3.2 Pertinent to the consideration of Rule 11.2(ii), Section 20 of the Police Act, 1996, relates to questions on police matters at Council meetings. Through this statutory provision local authorities are obligated as follows;

“(1) Every relevant Council shall make arrangements (whether by Standing Orders or otherwise) for enabling questions on the discharge of the functions of the Police Authority to be put by Members of the Council at a meeting of the Council for answer by a person nominated by the authority for that purpose.

“(2) On being given reasonable notice by a relevant Council of a meeting of that Council at which questions on the discharge of a police authorities functions are to be put, the Police Authority shall nominate one or more of its members to attend the meeting to answer those questions.”

4. ROLE AND FUNCTIONS OF A FIRE AUTHORITY

4.1 Under the Fire Services Act, 1947 (as amended through the Fire and Rescue Services Act, 2004), the power given to the establishment of Fire Authorities can be exercised through a combination of representatives appointed on behalf of the constituent local authorities. Following the relevant "Combination Scheme Order", the functions of the Cleveland Fire Authority are discharged through the four constituent authorities with membership being based upon applicable resident populations. Therefore, the twenty three members of the Cleveland Fire Authority are drawn on a 4, 6, 6 and 7 basis amongst the four Tees Valley Local Authorities. As is the case with the Police Authority, the statutory requirement of the Fire Authority is to maintain "economy, efficiency and effectiveness" or, in the case of the Fire Authority the maintenance of public safety. Furthermore, such an authority in operating a fire and rescue service has the following functions;

- promoting fire safety in its area,
- making provision for the purpose of extinguishing fires in this area and protecting life and property in the event of fires in its area,
- provision for rescuing people in the event of road traffic accidents and protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents in its area,
- at the discretion of the Secretary of State, the provision of emergency services.

5. APPROACH OF THE OTHER CONSTITUENT AUTHORITIES

5.1 For the further information of Members, it appears that there are some similarities in the constitutional arrangements operating within the Tees Valley authorities with some subtle nuances. Within the constitutional arrangements of all the authorities, is a right to refuse a question, in any event, in the following given circumstances;

- the question is defamatory, frivolous or offensive,
- the question is substantially the same as a question put in the last six months,
- the question discloses or relates to confidential matter or matter which is otherwise exempt information as held by that authority.

5.2 Through the requirements of Section 20 of the Police Act, 1996, a Council is to make arrangements in relation to questions relating to the discharge by Police Authorities of their functions. No such statutory requirements exist in relation to a Fire Authority. Consequently, the three other Tees Valley authorities whilst making explicit reference to questions to the Cleveland Police Authority, direct questions to the Fire Authority either through questions tabled under matters relating to 'Joint Committees' or 'Joint

Authorities' or through other 'Outside Bodies' as opposed to explicit reference to the Fire Authority. Furthermore, Stockton Borough Council, requires two clear days notice (unless the matter is one of urgency) where a question relates to the discharge of the functions of the Police Authority under the Rule 11.3 of its Council's Procedure Rules. Redcar and Cleveland Council under their Procedure Rule 11.5 require questions with at least five working days notice in writing and Middlesbrough Borough Council under Council Procedure Rule 8.8(i) requires seven clear days notice, to be given. It is also notable, that Middlesbrough Borough Council also requires questions to members of its Joint Committees/Joint Authorities and those representing Outside Bodies, to be given seven clear days notice of a Member question.

6. CONCLUSION

- 6.1 Members will discern that whilst it is a statutory requirement for reference to questions to a Police Authority to be contained within the Council Procedure Rules of an authority, no such requirement exists in relation to a Fire Authority. In the arrangements within the Council's own Procedure Rules there is no discernable difference from any other authority within the Tees Valley area, in this regard. However, Members will note the variance relating to applicable notice periods operating amongst the Tees Valley authorities in relation to consideration of questions to Police Authority representatives. It is open to Members to recommend a broader questioning of representatives of the Cleveland Fire Authority beyond reference to minutes of the authority which again currently needs to relate to those minutes attached to the particular agenda of the relevant Council meeting. However, Members must have regard to matters of procedural fairness with adequate notice being provided to those Members of the Council who represent the Fire Authority through appointment to that particular body. Furthermore, questions should not be given which are of a nature of being defamatory, frivolous or otherwise being offensive and clearly should not relate to matters which could compromise a Member and possibly undermine the relationships between authorities. In addition, there may well be questions which should be properly best directed to the Fire Authority as a corporate body, as opposed to questions to a Member of that entity, depending on the nature of the questions and its likely impact.

7. RECOMMENDATIONS

- 7.1 To note the contents of this report and to discuss.