

CONSTITUTION COMMITTEE AGENDA



Friday 10 July 2009

at 2.00 pm

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors C Akers-Belcher, Allison, R Cook, Flintoff, James, Laffey, G Lilley, 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 12 June 2009

4. ITEMS REQUIRING DECISION

4.1 Constitution Working Group and Constitution Committee – Work Programme for 2009/10 – *Chief Solicitor*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

12 June 2009

The meeting commenced at 2.00 pm the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

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

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

58. Apologies for Absence

Apologies for absence were received from The Mayor, Councillors Sandra Fenwick and Bob Flintoff.

59. Declarations of interest by Members

None.

60. Confirmation of the following minutes

- (i) Constitution Committee – 1 May 2009 – confirmed.
- (ii) Constitution Working Group – 29 May 2009 – received subject to the inclusion of Councillor Bob Flintoff's apologies.

61. Matters arising from the minutes

A Member sought clarification on whether the Resident Representative and Community Empowerment Network Representative on the Civic Honours Committee would be invited to future meetings of the Constitution Working Group. The Chief Solicitor confirmed that those representatives had been invited to the recent meeting of the Constitution Working Group to comment on the item referring to the remit of the Civic Honours Committee

62. Business Report (*Democratic Services Team Manager*)

The report had attached by way of appendix the report and minutes of the Civic Honours Committee which took place on 29 April 2009. Members of the Civic Honours Committee agreed that the role and remit of the

Committee be submitted to the Constitution Working Group, Constitution Committee and Council for agreement and adoption into the Council's Constitution.

At the meeting of the Constitution Working Group on 29 May 2009 Members amended the draft process relating to the nomination and election of Honorary Freeman and Alderman as follows:

1.1.1 to be amended to read as follows:-

Nominations for election as an honorary freeman should

- (a) have been born in the Borough *and/or*,
- (b) reside or have resided in the Borough *and/or*,
- (c) have or have had strong established links to the Borough; *and*
- (d) in some manner have brought distinction upon the Borough.

A discussion ensued on the appointment of the Resident Representative and Community Empowerment Network Representative on the Civic Honours Committee and a Member questioned whether this appointment would be renewed at the commencement of the new municipal year. A Member noted that the elections for resident representatives and community empowerment network representatives were held in September/October but was unsure if this was annually or bi-annually. However, it was indicated by a Member that the community empowerment network would usually comply with the appointment process of the outside body appointed to. The Chief Solicitor indicated this would be examined further.

A Member raised an additional amendment to the minutes of the Constitution Working Group on 29 May 2009 to indicate that Ron Foreman was a Community Empowerment Network Representative.

Members referred to Appendix B of the report, the draft remit for insertion into the Council's Constitution and Function 1 which provided for the qualifying criteria to be developed. Members were concerned that this criteria had already been developed and established and may be misinterpreted through future changes in memberships of the Civic Honours Committee. Members felt that should any amendments to the qualifying criteria be required/suggested, this should be considered by the Constitution Committee in the first instance. The Chief Solicitor indicated that Function 1 of the proposed remit would be removed at Members request.

Decision

- (i) That the terms of office of the Resident Representative and Community Empowerment Network Representative be examined and clarified.
- (ii) That the role, remit and terms of reference of the Civic Honours

Committee together with the process relating to the nomination and election of Honorary Freeman and Alderman as identified in the report be submitted to Council for adoption into the Council's Constitution incorporating the removal of Function 1 as detailed above.

63. Planning Code of Practice (*Chief Solicitor*)

The report sought further views of Members to the adoption by the Council of a Planning Code of Practice. A draft of the code was attached by way of Appendix.

A Member noted the large amount of work that had already been undertaken in the examination and amendment to the draft code of practice by both Members and officers and suggested that the document be accepted and submitted for adoption.

Decision

That the Draft Planning Code of Practice be submitted to Standards Committee and then to Council for adoption and inclusion within the Council's Constitution.

64. Questions on Notice at Full Council – Rule 11.2 (ii) (*Chief Solicitor*)

The report provided the background to concerns raised by Members in relation to questions on notice to the Cleveland Fire Authority. The Chief Solicitor advised that this issue had been discussed with the Chair of the Fire Authority and at the District Lawyers Group where it was noted that there were a number of different practices operating across the Tees Valley.

It was therefore proposed to amend Council Procedure Rule 11.2 (ii), second bullet point, as follows:

- “A Member of the Cleveland Fire Authority any question on any matter in relation to the discharge by the Fire Authority of its functions.”

Decision

- (i) Members noted the report.
- (ii) That Council Procedure Rule 11.2 (ii) be amended as detailed above.

The meeting concluded at 2.30pm.

CHAIRMAN

CONSTITUTION COMMITTEE

10 July 2009



Report of: Chief Solicitor

Subject: CONSTITUTION WORKING GROUP/COMMITTEE –
WORK PROGRAMME 2009-2010

1. PURPOSE OF REPORT

To agree the Working Programme for the Constitution Working Group and Constitution Committee for 2009/10.

2. ISSUES TO BE CONSIDERED

At the first meeting on the Constitution Committee in the 2008/09 Municipal Year, a work programme for the coming year was considered.

The topics agreed by Members of the Committee are set out in Table 1 below.

Table 1

Approved Work Topic	Current position
Contract Scrutiny Panel	Complete
Council Procedure Rules - submission of late reports to Council	Incomplete – responses to invitation to groups to comment incomplete
Local Strategic Partnership	On-going – further report required
Reporting Mechanisms – Standards and General Purposes Committees	Further report required
Ward Surgeries, including the operation of the purdah period.	Complete
Member Questions at Council	Not considered following initial reference
Statement of Services	On-going further report required
Review of Delegated Authority Scheme	Uncompleted – findings of Scrutiny Co-ordinating Committee to be

	incorporated into review.
Clarification of Access to Information Rules and distribution of confidential papers.	Complete
Licensing Committee	Complete .

3. RECOMMENDATION

- (i) Members consider which topics are to be progressed as part of the 2009-2010 Work Programme for the Constitution Working Group and Constitution Committee.
- (ii) Members are requested to consider a priority order for the consideration of the items within the work programme.
- (iii) Members are requested to suggest any additional topics they wish the Constitution Working Group to examine as part of its Work Programme for 2009-2010.