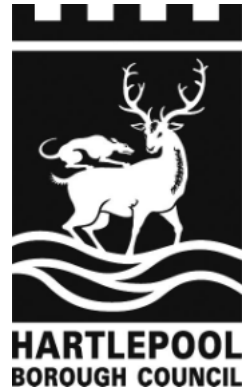


CONSTITUTION COMMITTEE AGENDA



28 August 2009

at 2.00 pm

**in Committee Room C,
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 Minutes of the meeting held on 10 July 2009.
- 4. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

10 July 2009

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

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Christopher Akers-Belcher, Stephen Allison, Rob W Cook, Bob Flintoff, Arthur Preece and Chris Simmons.

In accordance with Council Procedure Rule 4.2 (ii), Councillor George Morris attended as a substitute for Councillor Pauline Laffey.

Officers: Alyson Caman, Legal Services Manager
Amanda Whitaker, Democratic Services Team Manager
Angela Hunter, Principal Democratic Services Officer

65. Apologies for Absence

Apologies for absence were received from The Mayor and Councillor Pauline Laffey.

66. Declarations of interest by Members

None.

67. Confirmation of the minutes of the meeting held on 12 June 2009.

Confirmed.

68. Constitution Working Group and Constitution Committee – Work Programme for 2009/10 *(Chief Solicitor)*

The Legal Services Manager presented a report which detailed the approved work topics for 2008/09 and the current position for each topic. For clarification the Legal Services Manager confirmed that the following topics were complete:

- Ward Surgeries, including the operation of the purdah period.

- Licensing Committee

A discussion ensued on the suggested topics and a number of additional topics. The following were agreed for inclusion within the Work Programme for 2009/10 in the priority order as indicated:

- (1) Crime and Disorder Committee
- (2) Review of Delegated Authority Scheme
- (3) Council Procedure Rules/Web-casting of Council Committees
- (4) Local Strategic Partnership/Member questions at Council/Reporting Mechanisms.

It was noted that the Council would need to have a Crime and Disorder Committee in place from October 2009 and it was suggested that the Scrutiny Manager be invited to a future meeting of the Constitution Working Group to discuss this further.

Decision

That the following topics be included in the Work Programme for the Constitution Work Programme and Constitution Committee for 2009/10 and in the priority order indicated:

- (1) Crime and Disorder Committee
- (2) Review of Delegated Authority Scheme
- (3) Council Procedure Rules/Web-casting of Council Committees
- (4) Local Strategic Partnership/Member questions at Council/Reporting Mechanisms.

69. Any Other Business – State of the Borough Debate

The Chairman raised the issue of the State of the Borough Debate and the amendment to the Constitution which had been discussed at the meeting of the Constitution Committee on 1 May 2009. A discussion ensued on the importance of ensuring the obligatory nature of this process should be highlighted given that the results were designed to assist the formulation of the Budget and Policy Framework.

Members discussed the benefits of holding the Debate in the evening and during the day and agreed that 7pm was considered the most favourable time to hold the Debate. However, it was noted that should the Mayor feel it necessary, a daytime Debate may be held in addition to the evening Debate. Members reinforced their previous decision at the meeting on 1 May 2009 with the following amendment to the Constitution – Part 4, Council Procedure Rules, Section 15:

“The Mayor shall call a State of the Borough Debate in October of each year on a date and at a place to be agreed with the Chair, at 7.00pm with an additional Debate to be held during the daytime, should The Mayor deem

this to be necessary.”

Decision

That the Constitution, Part 4, Council Procedure Rules, Section 15 be amended as indicated above.

The meeting concluded at 2.45 pm.

AMENDMENT – CONSTITUTION WORKING GROUP – 14 AUGUST 2009

Minute 65 – To include Councillor Geoff Lilley’s apologies.

CHAIRMAN

CONSTITUTION WORKING GROUP

14 August 2009

The meeting commenced at 12 noon in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Christopher Akers-Belcher, Stephen Allison, Rob W Cook, Bob Flintoff, Marjorie James, Pauline Laffey, Geoff Lilley, Arthur Preece and Chris Simmons.

Officers: Peter Devlin, Chief Solicitor
Chris Scaife, Countryside Access Officer
Paul Cowie, Town and Village Green Officer
Angela Hunter, Principal Democratic Services Officer

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

None.

3. MINUTES OF CONSTITUTION COMMITTEE ON 10 JULY 2009

Received.

4. WARD SURGERIES AND THE PURDAH PERIOD

The Chief Solicitor presented a report which highlighted that the report of the Constitution Committee, submitted to Council on 30 July 2009, had been referred back to the Constitution Working Group for a further review of the recommendations, in particular the budget implications of hiring appropriate buildings to hold ward surgeries. An extract of the Constitution Committees' report was attached by way of Appendix.

A lengthy debate took place in which Members discussed the importance of Members having contacted with their ward electorate and varying attendances at ward surgeries. It was suggested that more flexible ways of engaging with the electorate be considered as the pattern of how councillors had changed over the years, for example street surgeries and emails. It was noted that funding for ward newsletters may be available as this appeared to have happened in the past.

Members requested a breakdown of the allocated budget for ward surgeries and indicative costs of hiring premises for ward surgeries to enable further exploration of how this can be better utilised, perhaps broken down by Member rather than across wards with the possibility of pooling budgets within a ward should the Members wish to do so.

A Member referred to an instance where ward councillors were invited to the ward's residents' association meetings and these had in turn become informal wards surgeries. It was questioned whether any of the ward surgery budget could be used to subsidise the hire of the premises for these meetings.

It was suggested that an additional Constitution Working Group be arranged immediately following the next Constitution Committee on 28 August 2009 at which Members will be provided with the budgetary information referred to above.

RECOMMENDATION

That an additional meeting of the Constitution Working Group be arranged to immediately follow the next Constitution Committee on 28 August 2009 at which a breakdown of the ward surgery budget information will be provided for Members' consideration.

5. TOWN AND VILLAGE GREENS

The Countryside Access Officer and *Rights of Way Officer* presented a report which proposed the agreement of a procedure to be adopted by the Council to enable it to discharge its statutory obligations as the Commons Registration Authority. The following proposals were submitted for consideration by the Working Group:

- 3.1 The Council either :
 - 3.1.1 constitutes a new committee to consider all applications to register land as Town & Village Green and therefore discharge the Council obligations as registration authority (the Town & Village Green Committee),
- OR
- 3.1.2 constitutes a new committee, incorporating the above applications, but also to consider all applications in relation to Common Land and Town & Village Greens and to take on

additional responsibility for matters relating to Public Rights of Way (the PR Com).

A lengthy discussion took place in relation to the benefits of including this provision within the remit of Planning Committee or the creation of a new Committee. The issues of training and possible conflicts of interest were also discussed. Members were of the view that this additional function could be included within the role and remit of Planning Committee and it was suggested that a report proposing this, including the additional training required, be submitted to Planning Committee Members for their comments. This would then be reported back to a future meeting of the Constitution Working Group for further consideration.

RECOMMENDATION

That a report be submitted to Planning Committee detailing the proposal to include this function within the remit of the Planning Committee along with the additional responsibilities and training required, with any comments received to be reported back to the Constitution Working Group at a future meeting.

6. REPORTING MECHANISMS – STANDARDS COMMITTEE AND GENERAL PURPOSES COMMITTEE

The Chief Solicitor presented a report which highlighted that consideration of the above was part of the Constitution Working Group's work programme for 2009/10. In relation to General Purposes Committee Members were concerned that currently, there was no democratic accountability unless a decision required funding and this was reported to Council for approval. A discussion ensued on the possibility of enabling the 'call-in' provision to be applied to General Purposes Committee.

One of the issues raised in relation to General Purposes (Appeals and Staffing) Committee was the fact that the majority of papers were confidential due to the nature of the topic. This provided a further complication regarding the democratic accountability of the Committee in light of any knock-on consequences, in particular financial implications, resulting from a decision of that Committee. It was noted that the remit of General Purposes Committee was agreed over 7 years ago and it was suggested that it might be timely to revisit the role and remit of this Committee. A Member suggested it may be worthwhile ascertaining how other local authorities put the function of the General Purposes Committee into practice, including accountability.

Due to the complexity of this issue, it was suggested that it be discussed further at the additional Constitution Working Group agreed earlier on the agenda.

RECOMMENDATION

That a further report be submitted to the Constitution Working Group to be held on 28 August 2009 immediately following Constitution Committee to enable further detailed discussion.

The meeting concluded at 2.20 pm.

CHAIRMAN