

CONSTITUTION COMMITTEE AGENDA



Friday 11 June 2010

at 2.00 pm

in Committee Room 'A, Civic Centre, Hartlepool

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors: Aiken, C Akers-Belcher, Cook, Gibbon, Griffin, James, Morris, Preece, Richardson, Simmons.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 Minutes of the Constitution Working Group held on 21 May 2010.
 - 3.2 Minutes of the Constitution Working Group held on 4 June 2010 (to follow)
 - 3.3 Minutes of the Constitution Committee held on 21 May 2010.
- 4. ITEMS FOR CONSIDERATION**
 - 4.1 Constitution Working Group/Constitution Committee Work Programme 2010-2011 – *Chief Solicitor*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION WORKING GROUP

21 May 2010

MINUTES

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Rob W Cook, Bob Flintoff, Arthur Preece and Chris Simmons

Officers: Alison Mawson, Assistant Director (Community Safety and Protection)
Alison Caman, Legal Services Manager
Amanda Whitaker, Democratic Services Team Manager
Joan Nominton, Scrutiny Manager
Angela Hunter, Principal Democratic Services Officer

52. APOLOGIES FOR ABSENCE

Apologies for absence were received from The Mayor, Stuart Drummond, Christopher Akers-Belcher, Pauline Laffey, Alison Lilley and Geoff Lilley.

53. DECLARATIONS OF INTEREST

None.

54. MINUTES OF THE MEETING HELD ON 26 MARCH 2010

Confirmed.

55. MEMBERSHIP OF NORTH EAST STRATEGIC MIGRATION PARTNERSHIP – Assistant Director (Community Safety and Prevention)

The Assistant Director (Community Safety and Protection) presented a report which outlined the role of the North East Strategic Migration Partnership (NESMP) and sought approval to include this organisation on the Council's official list of outside body appointments.

A discussion ensued in which the Assistant Director confirmed that there were currently approximately 70 asylum seekers in the town and there was a contract in place with a private landlord to provide accommodation for them. The Council

currently provided support through schooling and health provision. It was explained that once asylum was granted the asylum seekers become refugees with no support from that accommodation contract and should they become homeless, they can access support for accommodation through the local authority.

Members were supportive of the inclusion of this organisation on the Council's list of outside body annual appointments.

RECOMMENDATION

That the North East Strategic Migration Partnership be submitted to Constitution Committee and Council to be included on the Council's list of outside body annual appointments with immediate effect.

56. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 – PETITION SCHEME – *Chief Solicitor*

The Legal Services Manager presented a report which provided the background to the obligation of the local authority to operate a petition scheme from 15 June 2010. The report set out the legal requirements for the Council under the provisions of the Act and appended a draft petition scheme. Members were asked to note that due to the recognition of the processes and procedures required to implement an e-petition scheme, the Department for Communities and Local Government had deferred the implementation of this until 15 December 2010.

A discussion ensued on the vetting of petitions received and the Legal Services Manager confirmed that the Monitoring Officer would determine whether a petition fell within the exceptions, for example planning, licensing or a request for a mayoral referendum. However, the Working Group felt that Members should have an involvement in determining whether a petition was vexatious or malicious.

In response to Members' questions, the Scrutiny Manager confirmed that there were multiple options for dealing with petitions including the involvement of overview and scrutiny. Members had some concerns that usual Council business may become overtaken by trivial matters if submitted as a petition and referred to the need for checks and balances to be in place to ensure this did not happen. The Legal Services Manager confirmed that the Council would have to provide a response to every petition received and any refusal to accept a petition would need to have justifiable reasons for refusal.

Members were supportive of the submission of the Petition Scheme to Council for adoption subject to further review on the detailed operation of the scheme as noted above.

RECOMMENDATION

- (i) That the draft Petition Scheme as appended to the report be submitted to Constitution Committee and thereafter Extraordinary Council on 10 June 2010 for adoption and implementation on 15 June 2010.
- (ii) That the Scheme be submitted to the Constitution Working Group for further review of the detailed operation of the scheme, including Member involvement in the vetting of received petitions.

The meeting concluded at 10.35 am

CHAIR

CONSTITUTION WORKING GROUP

4 June 2010

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Richardson (In the Chair)

Councillors Aiken, C Akers-Belcher, Cook, Griffin and Simmons

In accordance with Council Procedure Rule 4.2 (ii), Councillor Wells was in attendance as substitute for Councillor Morris

Officers: Hayley Martin, Constitutional and Administrative Solicitor
Amanda Whitaker, Democratic Services Team Manager

1. WELCOME AND INTRODUCTIONS

The Chairman welcomed Members to the first meeting of the Working Group of the Municipal Year.

2. APOLOGIES FOR ABSENCE

Councillors Gibbon, Morris and Preece

3. DECLARATIONS OF INTEREST BY MEMBERS

None

4. MINUTES

The minutes of the meeting held on 21 May 2010 were confirmed

5. CONSTITUTION WORKING GROUP/CONSTITUTION COMMITTEE WORK PROGRAMME 2010-2011 – *Chief Solicitor*

The Chief Solicitor had submitted a report which sought approval to the Working Programme for the Constitution Working Group and Constitution Committee for 2010-2011.

At the first meeting on the Constitution Committee in the 2009/10 Municipal Year, a work programme for the coming year had been considered. The

report set out the topics which had been agreed by the Committee, the priority order and provided an update on progress as follows:-

Approved Work Topic	Current position and last meeting considered
(1) Crime and Disorder Committee	Complete – Council approval 15.04.10
(2) Review of Delegated Authority Scheme	Ongoing – Constitution Working Group – 12.11.09.
(3) Council Procedure Rules	Not yet commenced.
Webcasting of Council Committees	Not yet commenced.
(4) Local Strategic Partnership	Not yet commenced.
Member questions at Council	Complete – Council approval 30.07.09.
Reporting Mechanisms – (i) General Purposes; (ii) Standards Committees	(i) Ongoing – Constitution Working Group – 12.03.10 (ii) Complete – Council approval 15.04.10

It was noted that during the course of the municipal year, the roll out of ICT provision to Members had been discussed, as well as allowances in relation to the provision of email/broadband supply to Members. It was requested that the issues and concerns raised by Members be added to the Work Programme for the Constitution Working Group as part of the review of the Members' Allowance Scheme. In addition it was requested that as part of those considerations, background reports be provided to the Working Group in relation to Members' ICT provision.

Members discussed which topics were to be progressed as part of the 2010-2011 Work Programme for the Constitution Working Group and Constitution Committee. Consideration was given also to the priority order for the items within the work programme. Members were requested also to suggest any additional topics they wished the Constitution Working Group to examine as part of its Work Programme for 2010-2011.

Members were advised at the meeting that the Chief Solicitor intended to submit a report to a future meeting of the Working Group on the Decentralisation and Localism Bill, included in the Queen's Speech, which would be introduced 'to devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions'. Members recognised the importance of the Bill in terms of the implications for the council and agreed that consideration of the Bill should be given high priority by the working group.

It was noted also that the Chief Solicitor had agreed to submit further reports to the Working Group on the implementation of the Council's Petition Scheme.

RECOMMENDATION – That the following work topics be submitted to the Constitution Committee to be agreed for inclusion within the Constitution Working Group Work Programme for 2010/11 in the following order of priority:-

Priority One – Review of Delegated Authority Scheme (Members were advised that the Chief Solicitor would be submitting a report, on the review, to the next meeting of the Working Group)

Priority Two – Local Strategic Partnership

Priority Three – Petition Scheme

ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS IS URGENT

6. PLANNING COMMITTEE

The Working Group agreed with a suggestion made by the Chairman that the membership of the Planning Committee be increased from 16 to 18 Members.

RECOMMENDATION – That the Constitution Committee agree to recommend to Council an increase in the membership of the Planning Committee from 16 Members to 18 Members.

The meeting concluded at 2.15 p.m.

CHAIR

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

21 May 2010

The meeting commenced at 10.35 am in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Rob W Cook, Bob Flintoff, Arthur Preece and Chris Simmons

Officers: Alison Mawson, Assistant Director (Community Safety and Protection)
Alison Caman, Legal Services Manager
Amanda Whitaker, Democratic Services Team Manager
Joan Nominton, Scrutiny Manager
Angela Hunter, Principal Democratic Services Officer

95. Apologies for Absence

Apologies for absence were received from The Mayor, Stuart Drummond, Christopher Akers-Belcher, Pauline Laffey, Alison Lilley and Geoff Lilley.

96. Declarations of interest by Members

None.

97. Confirmation of the following minutes

- (i) Constitution Working Group – 12 March 2010 – confirmed.
- (ii) Constitution Working Group – 26 March 2010 – confirmed.
- (iii) Constitution Committee – 26 March 2010 – confirmed.

98. North East Strategic Migration Partnership *(Assistant Director, Community Safety and Protection)*

The Assistant Director (Community Safety and Protection) presented a report which outlined the role of the North East Strategic Migration Partnership (NESMP) and sought approval to include this organisation on the Council's official list of outside body appointments.

Members were supportive of the inclusion of this organisation on the Council's list of outside body annual appointments.

Decision

That the North East Strategic Migration Partnership be submitted to Council for inclusion on the Council's list of outside body annual appointments with immediate effect.

99. Local Democracy, Economic Development and Construction Act 2009 – Petition Scheme (*Chief Solicitor*)

The Legal Services Manager presented a report which provided the background to the obligation of the local authority to operate a petition scheme from 15 June 2010. The report set out the legal requirements for the Council under the provisions of the Act and appended a draft petition scheme. Members were asked to note that due to the recognition of the processes and procedures required to implement an e-petition scheme, the Department for Communities and Local Government had deferred the implementation of this until 15 December 2010. The report had been considered by the Constitution Working Group immediately prior to the Committee.

It was noted that the Working Group had discussed the vetting of petitions received and the Legal Services Manager confirmed that the Monitoring Officer would determine whether a petition fell within the exceptions, for example planning, licensing or a request for a mayoral referendum. However, the Working Group felt that Members should have an involvement in determining whether a petition was vexatious or malicious.

In addition, at the Constitution Working Group the Scrutiny Manager confirmed that there were multiple options for dealing with petitions including the involvement of overview and scrutiny. Members had some concerns that usual Council business may become overtaken by trivial matters if submitted as a petition and referred to the need for checks and balances to be in place to ensure this did not happen. The Legal Services Manager confirmed that the Council would have to provide a response to every petition received and any refusal to accept a petition would need to have justifiable reasons for refusal.

Members were supportive of the submission of the Petition Scheme to Council for adoption subject to further review on the detailed operation of the scheme as noted above.

Decision

- (i) That the draft Petition Scheme as appended to the report be submitted to Extraordinary Council on 10 June 2010 for adoption and implementation on 15 June 2010.
- (ii) That the Scheme be submitted to the Constitution Working Group for further review of the detailed operation of the scheme.

The meeting concluded at 10.40 am

CHAIR

CONSTITUTION COMMITTEE

11 June 2010



Report of: Chief Solicitor

Subject: CONSTITUTION WORKING GROUP/COMMITTEE –
WORK PROGRAMME 2010-2011

1. PURPOSE OF REPORT

To agree the Working Programme for the Constitution Working Group and Constitution Committee for 2010-2011.

2. ISSUES TO BE CONSIDERED

At the first meeting on the Constitution Committee in the 2009/10 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 in the priority order also agreed.

Approved Work Topic	Current position and last meeting considered
(1) Crime and Disorder Committee	Complete – Council approval 15.04.10
(2) Review of Delegated Authority Scheme	Ongoing – Constitution Working Group – 12.11.09.
(3) Council Procedure Rules	Not yet commenced.
Webcasting of Council Committees	Not yet commenced.
(4) Local Strategic Partnership	Not yet commenced.
Member questions at Council	Complete – Council approval 30.07.09.
Reporting Mechanisms – (i) General Purposes;	(i) Ongoing – Constitution Working Group – 12.03.10

(ii) Standards Committees	(ii) Complete – Council approval 15.04.10

During the course of the municipal year, the roll out of ICT provision to Members was discussed, as well as allowances in relation to the provision of email/broad supply to Members. It was requested that the issues and concerns raised by Members be added to the Work Programme for the Constitution Working Group as part of the review of the Members' Allowance Scheme. In addition it was requested that as part of those considerations, background reports be provided to the Working Group in relation to Members' ICT provision.

This report would be considered at the Constitution Working Group on 4 June 2010 with feedback to the Committee to be reported verbally.

3. RECOMMENDATION

- (i) Members consider which topics are to be progressed as part of the 2010-2011 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 2010-2011.