

CONSTITUTION COMMITTEE

AGENDA



13 NOVEMBER 2023

At 4.00 P.M.

**Committee Room “B”,
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Cowie, Dodds, Hall, Harrison, Howson, Lindridge, Little, Moore and Young

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 26 June 2023
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Periodic Review of the Council's Constitution (*Monitoring Officer/ Director of Legal, Governance and Human Resources*)
- 5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

26 June 2023

The meeting commenced at 4.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillors Cowie, Dodds, Hall, Harrison, Howson, Lindridge, Little and Young

Also invited Planning Committee – the following Planning Committee members were in attendance:-

Councillors Boddy, Brown, Oliver, V Nicholson.

Officers: Kieran Bostock, Assistant Director, Neighbourhood Services
Hayley Martin, Director of Legal, Governance and Human Resources
Denise McGuckin, Managing Director
Amanda Whitaker, Democratic Services Team.

1. Appointment Of Chair And Vice Chair

The Committee agreed that Councillor Young chair this meeting of the Committee.

Councillor Young in the Chair.

2. Apologies for Absence

Councillor Moore

An apology was also received from Planning Committee member, Councillor Andrew Martin –Wells.

3. Declarations of interest by Members

None

4. Minutes

The minutes of the meeting held on 14 March 2023 were confirmed.

The Director of Legal, Governance and Human Resources agreed to a request from an elected member to be updated, following the meeting, on issues arising from the previous meeting of the Committee.

5. Periodic Review of the Council's Constitution

(Monitoring Officer/Director of Legal, Governance and Human Resources)

The report addressed Officer and elected member suggestions for review which had arisen since the March meeting of the Committee and proposed changes to the Constitution to reflect the Peer Review recommendation to *“Review existing governance arrangements including Committee delegations and frequency.”* As the Committee were to consider the updated Planning Code of Practice and changes to Planning Delegations set out in part 3 of the Constitution, members of the Planning Committee had been invited to the Committee meeting to convey their views on the proposed changes.

Part 5 – Planning Code of Practice which included a General update on legislation/guidance, Updated references to HBC Code of Conduct (s4), Updated Committee process to reflect current arrangements (s19), Inappropriate Comments update, section (s28) and the removal of Appendix 4 ‘Delegation Scheme’. A copy of the updated Planning Code was appended to the report.

Recommendation - The Committee agreed unanimously the changes to the Code for referral to Full Council.

Part 3 - Responsibility for Functions (Delegation Scheme) - The delegation scheme was last reviewed in March 2019. A further comprehensive review has been undertaken. The updated document, based on the 2022/23 Constitution, expressly states the functions of Full Council and its Committees and the various powers delegated to officers and how they can be exercised. The revised format has also reduced the duplication which is currently included in the document and reflects the new senior Officer structure. Subject to the approval of Full Council to the proposals, the document will be further updated to reflect consequent changes to numbering/references.

Recommendation - The Committee agreed unanimously the proposed changes for referral to Full Council.

Part 4 – Council Procedure Rules - Questions from the Public - At the meeting of Full Council on 23 March 2023, a Member had raised concerns that the constitution prevented public questions and answers from being debated and requested this committee consider amending Rule 9.1 to allow public questions to be debated.

Recommendation – That the Council Procedure Rules be amended to incorporate the following:-

“That following the response, the Chair will ask the member of the public if they consider that their question has been answered, if so there will be no debate. If the member of the public states that their question has not been answered, the Chair will allow up to 10 minutes for debate and the Rules of Debate will apply.

Part 4 – Council Procedure Rules - Time and Place of Meetings - At the Annual Council meeting, on 16th May, it was proposed that the commencement time of meetings of Full Council be changed to 7.00 p.m.

Recommendation - The Committee unanimously agreed to recommend to Full Council that the time of meetings of Full Council be changed to 7.00 p.m.

Part 4 – Budget and Policy Framework – The Committee was advised that Paragraph 7 of the Budget and Policy Framework includes that “no virement of revenue budget transfer between ‘Directorates’ is permitted without approval of Full Council.”

Recommendation - The Committee agreed unanimously a proposal that instead of seeking the approval of Full Council, it would be appropriate instead to seek the approval of the Finance and Policy Committee.

Decision

That full Council consider the recommendations made by the Committee, as set out above.

The meeting concluded at 5.15 p.m.

CHAIR

CONSTITUTION COMMITTEE

13 NOVEMBER 2023



Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution prior to consideration of the changes by Council on 30 November 2023.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 This report sets out details of issues which have been referred to the Committee for consideration since the last meeting of the Committee.

3. PROPOSALS

3.1 Appointment of Ceremonial Mayor

Currently, the Ceremonial Mayor is appointed following nominations from any Member at the Annual Meeting of Council. A request has been received for the appointment to be the 'longest serving elected member' (excluding any breaks in service).

Appointment and Removal of Leader and Deputy Leader

The Leader/Deputy Leader position is appointed at the Annual Meeting of Council following nominations from any Member. The appointment is made for

the ‘municipal year’ with no current provision for their removal other than where they resign from the position of their own accord or where they have become ‘disqualified’ from being an elected member.

A request has been received for Members to consider the inclusion of a provision to enable the Council to remove the Leader/Deputy Leader by resolution within the Municipal year.

Member’s views are sought on the proposed wording:

Appointment and Removal of Leader and Deputy Leader

The Council shall at its Annual Meeting appoint a Leader and a Deputy Leader for a period of one year. If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting.

The Leader, and/or the Deputy Leader may be removed from office by resolution of the Council.

Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Ceremonial Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

Budget and Policy Framework Rules

The virement rules in regard capital set out at section 7 within the Budget and Policy Framework Procedure Rules require full council approval over certain limits of any resources. This is considered restrictive within grant regimes where small schemes may require virement, including from unallocated contingency to maximise use of grant. It is also out of step with the Revenue virement approvals, whereby a higher virement is allowed, but with the safeguard built in that cross Directorate virements require Finance and Policy Committee approval.

It is therefore proposed to amend the virement rules to make them consistent with the Revenue rules as follows:-

Capital budget – The Managing Director and Directors may approve virement of capital budget up to £100,000 (cumulatively up to £200,000 over the financial year) per scheme and proposed virement of any resources in excess of that limit will require the approval of Full Council. Any virement that has an increased borrowing implication will require the approval of Full Council.

No virement of capital budget transfer between ‘Directorates’ is permitted without approval of the Finance and Policy Committee.

Addition of Names on War Memorials

The Constitution is currently silent on the delegation to approve a request for a name to be added to a War Memorial. Members are asked to consider the inclusion of this function under the delegation of the Executive Director of Adult and Community Based Services.

Proportionality

Currently where an Elected Member is part of a political group and resigns from a seat on a Committee, the group are unable to replace the Member until Full Council has approved the appointment. Members are asked to consider the inclusion of a delegation for the allocation of seats in accordance with wishes of a political group as follows:-

“That any in-year informal, ad hoc vacancies on Committees, Partnerships or Boards normally appointed by Council be delegated to the Director of Legal, Governance and Human Resources in accordance with the agreed proportionality for the committee/body and Group wishes.”

4. RECOMMENDATIONS

- 4.1 That the Committee consider the report and subject to the views of Members, the Committee formulates its recommendations for submission to Full Council

5. REASONS FOR RECOMMENDATIONS

- 5.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

6. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution

7. CONTACT OFFICERS

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