

# CONSTITUTION COMMITTEE

## AGENDA



**Monday 27 January 2025**

**at 2.00 pm**

**Committee Room “A”,  
Civic Centre, Hartlepool**

### CONSTITUTION COMMITTEE:

Councillors Bailey-Fleet, Boddy, Buchan, Dodds, Harrison, Little, Male, Nelson and Thompson.

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 17 September 2024

### 4. **ITEMS REQUIRING DECISION**

4.1 Appointment of Vice Chair

4.2 Constitution Review – *Monitoring Officer/Director of Legal, Governance and Human Resources*

### 5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**FOR INFORMATION**

Date of next meeting – to be confirmed.

### 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

17 SEPTEMBER 2024

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

### Present:

Councillors: Boddy, Harrison, Little and Male

Officers: Hayley Martin, Director of Legal, Governance and Human Resources  
Rachel Clark, Head of Human Resources  
Denise Wimpenny, Principal Democratic Services Officer

## 19. Apologies for Absence

Councillors Bailey-Fleet, Buchan, Dodds, Thompson and Denise McGuckin.

## 20. Declarations of interest by Members

None .

## 21. Minutes

The minutes of the meeting of the Committee, held on 8 July 2024, were confirmed subject to the following additions as highlighted in bold and be amended to read as follows:-

- (i) **That the Local Joint Consultative Committee be regularised and diarised** and authority be granted to the Managing Director, in consultation with the **Chair of Finance and Policy Committee, Chair of LJCC** and Trade Union Representative to determine the remit, frequency and membership of the Local Joint Consultative Committee.

## **22. Periodic Review of the Council's Constitution – Update** *(Monitoring Officer/Director of Legal, Governance and Human Resources)*

Further to consideration at the last meeting of this Committee and consideration by Full Council on 10 July 2024, the Committee's approval was sought in relation to the updated terms of reference of the Local Joint Consultative Committee (LJCC), attached at Appendix 4, which had been agreed with the Trade Unions. Members were referred to the changes, as set out in a tracked change document, a copy of which was tabled at the meeting.

The Chair highlighted that the terms of reference included the LJCC's purpose to improve employee relations across the Council.

In relation to representation, the Monitoring Officer highlighted the Managing Director's preference that the Council's three statutory officers form part of the membership. Members were of the view that whilst they felt statutory officers did not need to be named as part of the membership in the terms of reference, it was a matter for the Managing Director to determine which officers should attend meetings.

In response to queries raised in relation to the proposed quorum and frequency of meetings, clarification was provided that the proposed quorum was 3 and that meetings would be scheduled quarterly. Members supported these proposals and suggested that the quorum of the Committee should include one representative from each side and indicated that additional meetings could be scheduled as required.

Members views were also sought in relation to the following, details of which were set out in the report:-

### **Personnel Sub Committee**

Further to discussions at Full Council on 10 July that the Personnel Sub-Committee be renamed Appeals Committee and that further work be undertaken in relation to the appointment of an 'independent' member to the Committee. It was proposed that the Personnel Sub Committee be renamed Appeals Committee and the membership be increased to 6 (5 Elected Members plus a non-statutory co-opted independent member). A draft specification in relation to the appointment of a non-statutory co-opted independent member was attached at Appendix 5 for Members' consideration.

Members supported the proposals and commented on the importance of the specification including the need to attend relevant training events. Clarification was provided in response to issues raised in relation to voting arrangements, eligibility criteria as well as the advertising arrangements. Emphasis was placed upon the importance

of undertaking criminal records checks to which the Monitoring Officer agreed to explore the eligibility criteria. Views were expressed in relation to the benefits of utilising the voluntary and community sector as well as the proposed social media platforms to advertise the position.

### **Re-instatement of Public Questions**

It had been proposed at the last meeting of Council on 10 July that public questions at Council meetings be reinstated. An extract from the Council's constitution which detailed the current provision for public questions at Council was appended to the report and further information in relation to Rule 9 (Questions from the Public extract) was tabled at the meeting. The Monitoring Officer clarified the current arrangements and sought Members' views in terms of what changes were required given that there was already provision for public questions as well as supplementary questions at Council meetings as detailed in Rule 9 of the constitution.

In response to concerns raised by a member of the public in attendance in relation to the lack of provision for the public to speak at Council meetings, the Monitoring Officer outlined the options to speak which included Council meetings and Policy Committees, details of which were provided. Further concerns were raised by a member of the public that the removal of Neighbourhood Forums and questions being at the discretion of the Chair had removed the public's right to engagement and provided examples of instances when speaking had not been permitted. Members reiterated the provision for public speaking and emphasised the need to highlight their wish to speak with the relevant Chair prior to commencement of the meeting.

Members agreed that no changes were required to the current public questions arrangements given there was already provision in the current constitution.

### **Duty to Consult – Street Tree Felling**

Members were referred to a new duty to consult under section 96A of the Highways Act 1980 on the felling of street trees where no exemptions apply. The constitution was currently silent on this issue and it was proposed that the delegation scheme be updated to include the following:-

*Executive Director of Development, Regeneration and Neighbourhoods:*

*In consultation with the Chair of Neighbourhood Services, the power to make decisions on the felling of street trees following the duty to consult under the provisions of section 96A of the Highways Act 1980 (as amended by 115 of the Environment Act 2021).*

*In cases where the removal of a street tree is outside the scope of the duty to consult or is subject to an exemption within the legislation or guidance, the decision on whether to fell a street tree will be made by the Council's arboriculturalist.*

In the lengthy discussion that followed the Committee debated issues arising from the report. The Monitoring Officer provided clarification in response to queries raised in relation to the legislative requirements. In response to a query raised regarding the arrangements to deter individuals from felling trees without permission, the Monitoring Officer agreed to explore this issue and provide clarification following the meeting.

### **Decision**

The Committee recommended the following:-

- (i) Local Joint Consultative Committee –
  - (a) That the revised terms of reference as outlined in the report be agreed and the quorum of the Committee should include one representative from each side.
  - (b) That meetings be held quarterly with the option to schedule additional meetings as required.
- (ii) Personnel Sub-Committee:-
  - (a) That the Personnel Sub-Committee be renamed 'Appeals Committee' and membership of the meeting be increased to 6 (5 Elected Members plus a non-statutory co-opted independent member)
  - (b) That the specification in relation to the appointment of a non-statutory co-opted independent member be agreed to include utilising the voluntary and community sector to advertise the position.
  - (c) That the Monitoring Officer explore the eligibility criteria in relation to the requirements around undertaking criminal records checks for the appointment to the position of non-statutory co-opted independent members.
- (iii) Re-instatement of Public Questions

That no changes be made to the current public question arrangements at Council meetings.
- (iv) Felling of Trees:-

That the delegation scheme be updated to include the following:-

*Executive Director of Development, Regeneration and Neighbourhoods:*

*In consultation with the Chair of Neighbourhood Services, the power to make decisions on the felling of street trees following the duty to consult under the provisions of section 96A of the Highways Act 1980 (as amended by 115 of the Environment Act 2021).*

*In cases where the removal of a street tree is outside the scope of the duty to consult or is subject to an exemption within the legislation or guidance, the decision on whether to fell a street tree will be made by the Council's arboriculturalist.*

## **23. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

## **24. Format of Constitution**

A Member commented on the difficulties navigating the constitution and finding relevant information particularly for members of the public, examples of which were provided. The benefits of a cross referencing system were suggested and it was agreed that this be explored.

## **25. Request for Background Information**

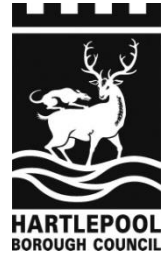
On a matter unrelated to the agenda, a member of the public requested outstanding background information from 18 June 2024 which the Monitoring Officer agreed to follow up following the meeting.

The meeting concluded at 2.40 pm.

CHAIR

# CONSTITUTION COMMITTEE

27 January 2025



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

**Subject:** CONSTITUTION REVIEW

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## 1. PURPOSE OF REPORT

- 1.1 To review and consider changes to the Constitution prior to consideration of the changes by Council.

## 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."

This report sets out details of issues which have been referred to the Committee for consideration since the last meeting of the Committee.

## 3. PART 3 - DELEGATION SCHEME

- 3.1 Committee Delegations – Members have questioned the remit of the Finance and Policy Committee. It has been suggested that changes are made to the current arrangements as follows:
- Rename Finance and Policy Committee 'Finance and Corporate Affairs Committee' and change its functions/service areas as follows:
    - a) Remove all Public Health and housing related services and establish a new 'Public Health and Housing Committee' where these service areas would report to
    - b) Move Facilities Management (Catering and Cleaning) to within the remit of Neighbourhood Services Committee
    - c) Move Safer Hartlepool Partnership to within the remit of Neighbourhood Services Committee

Members are also asked to consider:

- 3.2 Planning Delegations – Government have recently released a Working Paper which includes their policy for reform of planning. This includes a proposal to have a national scheme of delegation. Members are asked to consider whether to propose any changes to the current arrangements at this time or wait to see which of the Working Paper proposals are taken forward.
- 3.3 Other changes – Members are asked to consider whether any other changes are to be considered to Part 3?

#### **4. EXTRAORDINARY MEETINGS OF FULL COUNCIL**

- 4.1 Members are asked to consider the inclusion of the following to the Council Procedure Rules at Part 4 of the Constitution:

*Any request or requisition for an Extraordinary Meeting of the Council shall specify the reason for the calling of the meeting and give notice of a motion/motions to be debated (unless the purpose is to receive reports or adoption of recommendations of Committees or Officers or any resolutions following from them).*

*The purpose of an Extraordinary Meeting is to enable business to be transacted, or a matter to be debated, that is urgent and cannot wait until the next ordinary Full Council meeting.*

#### **5. RECOMMENDATIONS**

- 5.1 That the Committee consider the report and formulates its recommendations for submission to Full Council

#### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 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.

#### **7. BACKGROUND PAPERS**

Hartlepool Borough Council's Constitution  
[Planning Reform Working Paper: Planning Committees](https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees) -  
<https://www.gov.uk/government/publications/planning-reform-working-paper-planning-committees/planning-reform-working-paper-planning-committees>



## 8. CONTACT OFFICERS

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