
CONSTITUTION SUB- COMMITTEE

Draft MINUTES

Of a virtual/remote meeting held on Tuesday 29 September 2020 from 7pm to 9pm.

Members of the Constitution Sub-Committee:

Councillors

Sarah Nelmes (Chair)

Andrew Scarth for Cllr Stephen Giles-
Medhurst

Chris Lloyd

Phil Williams

Matthew Bedford

Alex Hayward

Stephen Cox

Paula Hiscocks

Also in attendance: Councillor Sara Bedford.

Officers:

Joanne Wagstaffe, Chief Executive

Anne Morgan, Solicitor to the Council

Sarah Haythorpe, Principal Committee Manager

CSC07/20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Stephen Giles-Medhurst with the substitute Member being Councillor Andrew Scarth.

CSC08/20 MINUTES

To sub-committee confirmed as a correct record the minutes of the Constitution sub-committee meeting held on 9 September 2020 and would be signed by the Chair of the meeting.

CSC09/20 NOTICE OF OTHER BUSINESS

The Chair of the meeting ruled that the following items of business had not been available 5 clear working days before the meeting but were of sufficient urgency for the following reasons:

Item 5 – Review of Rule 14 – Reports from and Questions to the Leader of the Council/Lead Members and Chairs of Committees

Item 6 – Review of Rule 11 Notices of Motions

Item 7 – Review of Rule 18 Petitions

To enable changes to the Council Constitution to be considered by the Policy and Resources Committee for recommendation to Council on 20 October 2020.

CSC10/20 DECLARATIONS OF INTEREST

There was none.

CSC11/20 REVIEW OF RULE 14 – REPORTS FROM AND QUESTIONS TO THE LEADER OF THE COUNCIL/LEAD MEMBERS AND CHAIRS OF COMMITTEES

The sub-committee was asked to consider the revised wording of Rule 14 based on the proposals recommended by the sub-committee at its meeting on 9 September 2020.

A Member thanked Officers for the standard of the reports provided to the sub-committee and for including all the changes put forward by Members and for included those changes in the appendices this was really helpful.

Members considered the report and made the following comments:

- Agreed written questions and written answers to be included in published summons and then recorded in the minutes. In exceptional circumstances the answer may be given on the night. If complex within 5 working days
- Written questions to be submitted 8 working days before the summons is published

POST MEETING NOTE:

An example of when the submission of written questions would be required for the December Council meeting would be as follows:

Summons to be published on 30 November 2020

Written questions to be submitted by midday on 18 November 2020

- 1 supplementary on the written answer allowed at the meeting itself with time limits to ask and answer
- Questions not dealt with not carried over as such. Included in the minutes and with written answer. But questioner would have a supplementary on that written answer at the next meeting
- Only urgent questions permitted on the night CE to rule on this –caveats about what is urgent –matters in public domain or already known to person asking question would be ruled out
- Reports from Leader/Lead Members/Chairs of Committees will now be written reports .They will be published with the summons. However they can chose to give an oral report too. Time limit of 5 minutes AND
- The Leader/Lead Members/Chairs of Committees can give an oral update at the meeting if anything happens within their portfolio after the summons and their written report is published which he/she believes the Council should be made aware of.
- Oral questions on the written report and the oral update are permitted and at the Chair of Council's discretion one supplementary question can be asked on any oral answer.
- If in the meeting a written answer is to be provided this should be done within 5 working days.

The points made by Members on being put to the sub-committee were declared CARRIED by the Chair of the meeting having been agreed by general assent.

RECOMMEND:

1. Agreed written questions and written answers to be included in published summons and then recorded in the minutes. In exceptional circumstances the answer may be given on the night. If complex within 5 working days
2. Written questions to be submitted 8 working days before the summons is published
3. 1 supplementary on the written answer allowed at the meeting itself with time limits to ask and answer
4. Questions not dealt with not carried over as such. Included in the minutes and with written answer. But questioner would have a supplementary on that written answer at the next meeting
5. Only urgent questions permitted on the night CE to rule on this –caveats about what is urgent –matters in public domain or already known to person asking question would be ruled out
6. Reports from Leader/Lead Members/Chairs of Committees will now be written reports .They will be published with the summons. However they can chose to give an oral report too. Time limit of 5 minutes AND
7. The Leader/Lead Members/Chairs of Committees can give an oral update at the meeting if anything happens within their portfolio after the summons and their written report is published which he/she believes the Council should be made aware of.
8. Oral questions on the written report and the oral update are permitted and at the Chair of Council's discretion one supplementary question can be asked on any oral answer.
9. If in the meeting a written answer is to be provided this should be done within 5 working days.

CSC12/20 REVIEW OF RULE 11 – NOTICES OF MOTIONS

The sub-committee considered any revisions to Rule 11 based on the ideas discussed by the sub-committee at its meeting on the 9 September 2020.

Members considered the report and made the following comments:

- If a motion includes a proposal for the Council to take any substantive action or incur any expenditure in excess of £10k it shall only be considered in principle to the extent that either the matter is noted by the Council or is referred to the relevant Committee or sub-Committee for consideration.
- If a motion for Council is in not in excess of the £10k threshold it can be debated and resolved at the Full Council meeting.

On being put to the sub-committee the £10k threshold was declared CARRIED by the Chair of the meeting the voting being 5 For, 1 Against and 2 Abstentions.

- It was proposed that all the Group Leaders be consulted on the motions submitted be included in the summons for debate. It was felt that there should be some Member involvement in the process. It was agreed that the Chair of Council should continue to be consulted on the submission of any motions received to the Chief Executive and Solicitor to the Council.

On being put to the sub-committee the Chair of Council be consulted on the motions received to be included in the summons was declared CARRIED by the Chair of the meeting the voting being 5 For, 1 Against and 2 Abstentions.

- Proposed that there should be a proposer and seconder for all motions as this would be good practice.

On being put to the sub-committee the proposal that there be a proposer and seconder for all motions was declared CARRIED by the Chair of the meeting the voting being 6 For, 1 Against and 1 Abstention.

- Agreed that if a motion received had financial implications above the £10k threshold it would only be considered in principle to the extent that either the matter is noted by the Council or is referred to the relevant Committee or sub-Committee for consideration. The motion shall not be debated. No decision will be made by Council without a further report on budget and financial implications.
- When the financial and budget implications are considered other details such as legal, risks, equality, environmental etc. implications would be considered as formed part of the Committee report template.
- Members can put in place the proposed changes and see how it works and could review again if necessary.
- Members agreed that any changes to the Rules of Debate (Rule 16) which arise as a result of any amendments to Rule 11 be delegated to the Chief Executive in consultation with the Group Leaders and be reported direct to Council.
- Members were in agreement that the deadline for the receipt of motions be in line with the deadline for questions that being 8 working days before the publication of the Council summons.

POST MEETING NOTE:

An example of when the submission of motions would be required for the December Council meeting would be as follows:

Summons to be published on 30 November 2020

Motions to be submitted by midday on 18 November 2020

RECOMMEND:

- i. If a motion for Council is in not in excess of the £10k threshold it can be debated and resolved at the Full Council meeting.
- ii. Agreed that the Chair of Council should continue to be consulted on the submission of any motions received to the Chief Executive and Solicitor to the Council.
- iii. Proposed that there should be a proposer and seconder for all motions as this would be good practice.
- iv. Agreed that if a motion received had financial implications above the £10k threshold it would only be considered in principle to the extent that

either the matter is noted by the Council or is referred to the relevant Committee or sub-Committee for consideration. The motion shall not be debated. No decision will be made by Council without a further report on budget and financial implications.

- v. That any changes to the Rules of Debate (Rule 16) which arise as a result of any amendments to Rule 11 be delegated to the Chief Executive in consultation with the Group Leaders and be reported direct to Council
- vi. Agreed that the deadline for the receipt of motions be in line with the deadline for questions that being 8 working days before the publication of the Council summons.

CSC13/20 REVIEW OF RULE 18 - PETITIONS

The sub-committee considered the comments made at the last meeting on Rule 18.

Councillor Sarah Nelmes proposed, seconded by Councillor Alex Hayward that there be no changes to Rule 18.

On being put to the sub-committee this motion was agreed by general assent.

RECOMMEND:

That there be no changes to Rule 18 Petitions.

CSC14/20 GENERAL DISCUSSION

Council Constitution

A Member suggested to the sub-committee the replacement of the pronouns him/her/she/he in the Council Constitution to be inclusive and change to they/their/them.

Sub-committees

Noted that in the past the P&R Committee as the Parent Committee sets up the sub-committees with its membership taken from the P&R Committee although any Member of the Council is able to substitute on the sub-committee. Legal advice had been checked and it would be possible to appoint other Members of the Council onto the sub-committees but it would be subject to Political Proportionality Rules. This would be for the P&R Committee to consider as the Parent Committee.

Working Parties

The Constitution sub-committee considered the impact of the Motion passed by Council in December 2018 with regard to Working Parties (details provided below). The recommendation from the sub-committee is that Council consider the use of Working Parties/Task and Finish Groups in appropriate

circumstances ensuring where possible that meetings are held in the public domain.

Minute CL67/18 - MOTIONS UNDER PROCEDURE RULE 11

RESOLVED:

This Council notes that Councillors have been elected to take decisions for the benefit of local residents and that presently there are a growing number of areas where significant powers have been delegated.

This Council agrees that the decision making process and the decisions themselves should be open to public scrutiny. This can only be done by having public meetings with fully published agendas and public access. Accordingly working parties will no longer be used; all significant decisions will go to an appropriate public committee for deliberation and decision.

On being put to the sub-committee the 3 proposals were declared CARRIED by the Chair of the Committee the voting being agreed by general assent.

RECOMMEND:

1. The replacement of the pronouns him/her/she/he in the Council Constitution to be inclusive and change to they/their/them.
2. That Council consider the use of Working Parties/Task and Finish Groups in appropriate circumstances ensuring where possible that meetings are held in the public domain.
3. That P&R Committee be able to appoint Members outside of the P&R Committee onto any of the sub-committees but that it be subject to Political Proportionality Rules.

CHAIR