
CONSTITUTION SUB- COMMITTEE

MINUTES

Of a virtual/remote meeting held on Thursday 6 January 2022 from 7pm to 9.20pm

Members of the Constitution Sub-Committee:

Councillors

Sarah Nelmes (Chair)

Chris Lloyd

Stephen Cox

Andrew Scarth

Raj Khuroya (for Cllr M Bedford)

Stephen Giles-Medhurst

Ciaran Reed (for Cllr A Hayward)

Debbie Morris

Martin Trevett

Also in attendance: Councillors Sara Bedford, Paula Hiscocks and Reena Ranger

Officers:

James Baldwin, Solicitor to the Council

Sarah Haythorpe, Principal Committee Manager

Lorna Attwood, Committee Manager

**CSC01/21 APPOINTMENT OF CHAIR OF THE SUB-COMMITTEE FOR THE
LOCAL GOVERNMENT YEAR 2021/22**

Councillor Chris Lloyd moved, duly seconded, that Councillor Sarah Nelmes be nominated as Chair of the Constitution sub-committee.

RESOLVED:

That Councillor Sarah Nelmes be appointed Chair of the sub-committee for the Local Government Year 2021/22.

COUNCILLOR SARAH NELMES IN THE CHAIR

**CSC02/21 APPOINTMENT OF VICE-CHAIR OF THE SUB-COMMITTEE FOR THE
LOCAL GOVERNMENT YEAR 2021/22**

Councillor Sarah Nelmes moved, duly seconded, that Councillor Stephen Giles-Medhurst be nominated as Vice-Chair of the Constitution sub-committee.

RESOLVED:

That Councillor Stephen Giles-Medhurst be appointed Vice-Chair of the sub-committee for the Local Government Year 2021/22.

CSC03/21 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Matthew Bedford and Alex Hayward with the substitute Members being Councillors Raj Khiroya and Ciaran Reed.

CSC04/21 MINUTES

To sub-committee confirmed as a correct record the minutes of the Constitution sub-committee meeting held on 29 September 2020 and the minutes would be signed by the Chair of the meeting.

CSC05/21 NOTICE OF OTHER BUSINESS

The Chair ruled that item 7 on the agenda was of sufficient urgency to be taken at the meeting so that any suggestions which the sub-committee wished to recommend on the Constitution could be reported to the Policy and Resources Committee on 24 January for consideration and approval at Council on 22 February.

With regard to the report at item 8 (Recording of meetings) the Chair had ruled this was of sufficient urgency following the decision of Council in December to livestream our meetings and to ensure the Council could put a policy in place on recording of meetings following this decision.

CSC06/21 DECLARATIONS OF INTERESTS

None received.

CSC07/21 COUNCIL CONSTITUTION AND URGENT DECISIONS

The report presented to the sub-committee was to consider suggestions for amendments to Rules 11, 14, 15, 18 and 37 of the Council Constitution and decide if any suggestions were to go forward to the P&R Committee on 24 January or if the Rule(s) remain unchanged.

The report also asked the sub-committee to consider suggested amendments to the Member Officer protocol and to consider the provisions for urgent decisions which are available to the Chief Executive under Paragraph 8 of Part 3 of the Council Constitution.

These were all suggestions only for discussion by the sub-committee and were not proposals.

Review of Rule 11 – Notices of Motions

The sub-committee was asked to consider a suggestion to limit the number of motions a single Councillor could propose or second – with the suggestion being one per meeting.

Members were opposed to this suggestion as it would limit Councillors ability to put forward motions to implement policy change at the Council although they did agree it would be helpful if Members used diplomacy to limit the number of motions submitted.

It was suggested that motions could be referred to an appropriate Committee for debate instead of debate at Full Council.

It was requested that Members be provided with details of how many times a Councillor had proposed and seconded a motion in the last year.

Councillor	Proposed	seconded
Andrew Scarth	1	1
Alex Michaels	2 (*)	
Joanna Clemens		2
Paula Hiscocks	1	
Alison Wall		2
Alex Hayward	1	1
Ciaran Reed	2	1
Jon Tankard		1
Matthew Bedford	2	
Stephen Giles-Medhurst	1	2
Phil Williams	2	1
Sara Bedford	1	1
Sarah Nelmes		1
Reena Ranger	1	1
Joan King	1	
Stephen Cox		1

- One motion was withdrawn

The Monitoring Officer advised that Rule 11(5) provided the opportunity for a motion to be referred to a Committee. Rule 11(6) stated that any motion which would exceed £10k in expenditure had to be referred to a Committee in the first instance for debate before coming back for debate at Full Council.

It was agreed that officers would revisit the wording for Rule 11 (5) and (6) and make any necessary amendments for the P&R Committee to consider at their meeting on 24 January 2022. Members were keen to see more use of the referral of a motion to a Committee.

RECOMMEND:

That there be no changes to Rule 11 on motions.

That officers revisit the wording of Rule 11(5) on the referral of a motion to a Committee and provide any suggested amendments to the P&R Committee.

REVIEW OF RULE 14 – QUESTIONS FROM MEMBERS

The sub-committee considered the submission of questions to the Leader/Lead Members and Chairs of Committee.

It was agreed that some questions could be unnecessary due to the information already being in the public domain and any factual questions could be answered by Officers.

Members noted that there had been a high number of both written questions and supplementary questions recently. The sub-committee agreed that it would be useful for the Member who asked the original written question to consider if a supplementary question was necessary and to exercise some discretion in this matter.

The sub-committee considered that at this time there should be no change to the Rule.

RECOMMEND:

That there be no changes to Rule 14.

REVIEW OF RULE 15 – QUESTIONS FROM THE PUBLIC

The sub-committee discussed the number of questions that members of the public can submit which was currently 8 and which could all be submitted just by one person.

A Member expressed concerns that 8 questions had previously been asked by just one member of the public which would not have allowed another member of the public to ask a question.

The sub-committee wanted to continue to encourage the public to submit questions but felt that the number that could be submitted should be changed to 5 for each Full Council meeting and that only one question to be allowed to be submitted by each member of the public.

It was also considered that that the questions should be submitted in line with the request for questions under Rule 14 (8 working days before the summons is published) and that a written response or responses to the questions be published in the summons. The provision of a supplementary question at the discretion of the Chair would remain within the rule.

RECOMMEND:

- Members of the public questions to be submitted 8 working days prior to meeting;
- Written response to the public questions to be published in summons;
- A maximum of 5 questions to be allowed for each Full Council meeting (excluding Annual Council) and to be limited to one question per member of the public.

RULE 18 PETITIONS

The sub-committee considered possible suggested amendments to this rule.

There were concerns made by the sub-committee about lowering the number of signatures needed to bring forward a petition which was currently 25. Members stated that in small villages and Hamlets it may not be possible to obtain over 25 signatures.

The point was also raised that persons who have an interest in signing a petition but do not live in the District would not be allowed to sign a petition.

It was agreed that persons who live, work or own a business in Three Rivers should be able to sign a petition. A Member felt that the rule on signing a petition should be the same as the rules which apply to parties interested in being a Councillor.

It was agreed that a petition pro-forma would be provided for members of the public providing details on the information which was required for a paper petition with the following headings:

Reason for petition – what the petitioners are signing up to

Lead petition name, addresss, email

Headings for people signing the petition to include:

Name

Address (business, work or home)

Email addresss

Signature

Members agreed that they did not wish to stop e-petitions being created on other portals but that the Council should encourage the use of the Council's portal as it provided more mechanisms to check the petition signatures.

Members asked if the URL addresses for the e-petitions created using the Council's e-petition portal could be shortened to make it easier to send out the links.

RECOMMEND:

- Shorten the URL for e-petitions on the Council's e-petition portal;
- Encourage e-petitions to be created via the Council's e-petition portal;
- Any e-petition not submitted via the portal must contain sufficient information to allow officers to verify the identity and address of the person who has signed the form;
- To continue to allow paper petitions to be submitted but to provide a pro-forma to use with details of the information that the Council requires for the paper petition;
- That the signatures needed to bring forward a petition to remain at 25
- To review the e-petition guidance and come back to the sub-committee with a revised guidance at a future meeting.

RULE 37 APPLICATION TO COMMITTEES AND SUB COMMITTEES

The sub-committee were asked to consider adding Rule 11 (motions) to the list of Rules that apply to Committees and sub-committees (Rule 37)

Members were all in agreement to add Rule 11 to Rule 37.

RECOMMEND:

To add Rule 11 to the list of Rules under Rule 37.

MEMBER/OFFICER PROTOCOL

Members had put forward the following suggested amendments to the Member/Officer protocol:

- To remove point 21.1(d).
- To omit any Member contact details on all press releases

Members agreed that Member contact details on all press releases should not be included but that the communications team contact details remain and the protocol be amended accordingly.

RECOMMEND:

That Member contact details be removed from all published press releases but retain the communications team contact details.

That the Member/Officer protocol be amended accordingly.

URGENT DECISIONS

Under Part 3, Section 8 of the Council Constitution the Chief Executive is able to take Urgent Action in consultation with Group Leaders or Deputy Group Leaders. The wording in the constitution is provided below:

To take such urgent action which is in the best interests of the Council where there is not time to convene the appropriate committee. Such action will be taken in consultation with the Group Leaders or Deputy Group Leaders.

Minor Changes to the Council Constitution - to be delegated to the Chief Executive

Some Group Leaders have raised the question of when a decision is urgent and when a report could come forward to Committee to be determined without the need for an urgent decision to be agreed. Members will recall that all Urgent decisions when made are published in the Members' Information Bulletin and have been since April 2020. Members are reminded that changes to the Constitution are frequently required to be made on an urgent basis when new government regulations under the Coronavirus Act are made, as these can either add or remove powers in relation to enforcement or other council functions.

The Monitoring Officer explained to the sub-committee how urgent decisions had been used during the pandemic, and explained that when a urgent decision was made it was because there was not time to take the matter to a Committee.

Following the recent concerns raised by some Group Leaders on the reason why the decision was so urgent it could not go through the Committee process it was agreed that a new section would be added to the urgent decision form with Group Leaders asking for officers to clarify "Why is the urgent decision not able to go through the Committee process"

With regard to the delegation to the Chief Executive to make minor amendments to the Council Constitution it was advised that an annual report is provided to Council of all the minor amendments that the Chief Executive makes. A Member asked if the delegation could be amended so that any minor changes the Chief Executive needs to make are notified to the Group Leaders 24 hours in advance of the minor change being made.

RECOMMEND:

- Group leaders to be informed 24 hours prior to any minor changes being made to the Council Constitution by the Chief Executive;
- That the urgent decision form with the Group Leaders be amended to include a section asking “Why is the urgent decision not able to go through the Committee process.”
- That Part 3, Section 8 be amended accordingly.

CSC08/21 RECORDINGS OF MEETINGS

This report was being presented to the sub-committee with suggestions on the retention of audio meeting recordings and livestreaming recordings both past and in the future and follows Council’s approval to livestream Part I business at Council/Committees and sub-committees at the meeting on 14 December 2021 subject to the installation of the required equipment.

The options put forward were suggestions only for discussion by the sub-committee and were not proposals.

There was a discussion by the sub-committee regarding how long to keep the recordings for with suggestions put forward of 1 year, 6 years and 10 years.

It was agreed that all the suggested retention periods be put forward to P&R Committee for consideration (1, 6 and 10 years) but that the Monitoring Officer be asked to check GDPR guidance and requirements on the retention of recordings and how long the recordings should be retained. It was suggested that the guidance advised 1 year.

One Member felt that the recordings should not be retained longer than the guidance, another Member felt they should be retained for the duration of the term of office for a Councillor but another Member felt they should be retained for 5 years due to the extension of the term of office which occurred due to the pandemic.

RECOMMEND:

That the Monitoring Officer review the GDPR guidance on the retention of recordings and include the details in the recommendation to the Policy and Resources Committee

That the P&R Committee be asked to consider a retention period of 1, 4, 5, 6 or 10 years.

CHAIR