

CONSTITUTION WORKING PARTY

BRIEFING NOTE FOR TRANSFORMATION & RESOURCES - NOVEMBER 2012

BACKGROUND

- On 11th July this year Council adopted a revised Constitution, which incorporated all of the amendments recommended by the Working Party. In addition it was agreed that the Working Party carried out a continued review of the Constitution. It was also agreed that 'Constitutional Review' forms part of the ongoing responsibilities of the Transformation and Resources Scrutiny Committee.
- At that meeting of Full Council elected members were encouraged to become more involved with the review and to provide feedback to the Working Party on existing elements of the Constitution and to also identify areas for future review. Over the summer months several councillors submitted feedback and this formed the basis for the most recent meeting of the Working Party, which was held on 7th November.
- The following sections of this report outline areas reviewed at that meeting, however they are not presented as comprehensive minutes.

Appendix 10 – Procedure Rules for Scrutiny Committees

- Sect 12 (12.1/12.2) – This deals with 'members and officers giving account' and their attendance at scrutiny meetings to explain matters within their remit. It has become custom and practise, in this council, for Chairs of Scrutiny Committees to have to issue formal invitations to Cabinet Members in advance of each and every meeting where their attendance is required. The Working Party has been asked to look at revised wording in this section to simplify the process. This would not alter the nature of the attendances, or the need for such members and officers to be there to purely answer questions and not take part in any debate.

Part 4 – Procedure Rules

- A flowchart has recently been designed and distributed to all members, to assist with disclosable pecuniary interests. The Working Party welcomed the introduction of the document and requested that the 'Declaring Interests Flowchart' be added to the Constitution as a more permanent aide memoir.
- The Working Party also discussed whether there should be a requirement to hold a register of trade union memberships, and this will be considered further at their next meeting.

Part 2 – Section 4 – The Full Council

Various suggested amendments, questions and confirmations had been received regarding this particular section.

- 4.4 (vi) – It was confirmed that Full Council agrees the appointments to Outside Bodies however it was recommended that the list should be reviewed.

- 4.4 (xi) – Clarification will be added to the term ‘local choice functions’
- 12.7 – An amendment was suggested to record the provision that the returning officer has power to appoint a deputy who may act in their absence.

Appendix 7 – Procedure Rules for Council Meetings

- 11.2 – This section refers to questions having to be put in writing with at least 24 hours notice. This will be amended to add ‘or on a matter within other agenda items’.
- 11.4 and 12.1 – Some minor typographical errors have been amended.
- 15.4 – An additional line will be added at the end of the section, which reads: ‘Note – this rule is required by law’.
- Call-In Flow Chart – Some revisions will be made to clarify the stages in the process, particularly with regard to time limits.

Full Council Meetings – Prayers

- Representations had been received by the Working Party regarding the saying of prayers at Full Council. This was not only in the light of the High Court ruling regarding Bideford Council, but also personal concerns raised by individual councillors.
- Current practise is for prayers not to be agendised and the meeting is only declared open after prayers have concluded. It was recognised that many members view the start of the meeting as being the procession into the Council Chamber by the Mayoral party. It was also noted that currently each Mayor makes the decision about saying of prayers when they take office.
- The Working Party reminded themselves that an additional element is for members to have due regard to officers, who currently have no choice about whether to remove themselves from prayers and as such could be being placed in a discriminatory position.
- It was recognised that this is a very sensitive issue and not one about which the Working Party could simply make a recommendation after one meeting. It was agreed to look at best practice in neighbouring authorities; consult with both the Mayor and the Chief Executive; and to also seek views from all elected members.

BACKGROUND PAPERS

Full Council Agenda and Minutes 11 July 2012

Full Council Agenda and Minutes 16 May 2012

Transformation and Resources Agenda and Minutes 13 February 2012

Transformation and Resources Agenda and Minutes 23 April 2012

Transformation and Resources Agenda and Minutes 12 June 2012

Cllr Elizabeth Shenton
Chair, Transformation & Resources Scrutiny Committee