

Extract of Council Minutes – 24 April 2013

CO97. REVIEW OF THE COUNCIL'S CONSTITUTION 2012/13

The Monitoring Officer's report (copies of which had previously been circulated to Members) was presented which requested the Council to approve the Governance Committee's recommendations for amendments to the Constitution as well as note changes to the Constitution approved by the Council since the last review.

The Chair of the Governance Committee, Councillor Graham, proposed the recommendations in the report with an addition of two items at 2.7 and 2.8 as follows :-

2.7 The Waterfield Leisure Pool Working Group be discontinued and any related matters be dealt with by the Community and Social Affairs Committee.

2.8 The politically balanced Melton Local Development Framework Working Group be increased in size from 7 to 9 Members.

Councillor Douglas seconded the motion.

Councillor O'Callaghan asked the Chair of the Committee if he could raise some individual matters within the report and the Chair signified his agreement to this approach.

Councillor O'Callaghan proposed the following three items for deferral to allow the Governance Committee to reconsider the wording of these items for the reasons given below under each sub-heading :-

A1 – New Officer Delegation to the Head of Communities and Neighbourhoods -

'To consider and make all decisions relating to Neighbourhood Plans in consultation with the Chair of the relevant Committee.'

Councillor O'Callaghan's concerns related to delegating this important function to an officer as these plans could make significant changes and have a high impact on the community they serve. He understood they were currently defined for parishes and there were no details yet for these in the town. He recognised that the delegation was in consultation with the Chair of the relevant Committee but did not consider this appropriate as the Council did not operate an executive model. He felt that it would be a better way forward that they be reported to the Rural, Economic and Environmental Affairs Committee for approval.

A6 – Timing for speeches

Councillor O'Callaghan's concerns related to major speeches and debates and he considered that 10 minutes should be allowed not just for the Leader and the Leader of the Opposition but for proposers of the main motion and

amendments as in these circumstances Councillors needed the extra time to set out their reasons for their proposals.

It was noted that the Mayor had discretion to allow a change in timing of speeches as needed.

#### A9 – Role of Leader of the Opposition

Councillor O’Callaghan referred to the wording of this item and considered that it did not show commitment to the role but indicated that the Council ‘may appoint’ a Leader of the Opposition. He felt that it should be more definite as to the Council’s intentions and state something along the lines of ‘The Leader of the largest opposition group, will be the Leader of the Opposition’.

Councillor Moncrieff seconded deferral in each of the three cases above.

Councillor Graham was in agreement that these matters be reconsidered by the Committee and stated that he wanted the Council to be satisfied that its own Constitution was right and suited their requirements. He further stated that on the Officer Delegation he had requested that this be in consultation with the Chair of the relevant Committee and on the role of Leader of the Opposition, he also felt there needed to some provision for opposition parties of the same size.

Councillor Moncrieff stated that he had concerns on certain elements within A12 which related to a series of proposed changes within Part 5 of the Constitution.

Councillor Holmes made a comment that the report should be deferred apart from changing Development to Planning Committee.

Councillor Graham stated that the Council should move forward and agree individual items that it accepted and he was happy to take any questions on the report defer any matters that the Council was not satisfied with at this meeting. He reiterated that he was happy to take back those individual items already mentioned.

The Mayor summarised the amendment being that items A1, A6, A9 and A12 be deferred and the remainder be accepted. Councillor O’Callaghan also requested that the amendment not include approval of the new recommendation at 2.8 on the Order Paper as he wished to discuss this. The seconder agreed this change as did the Chair of the Committee.

#### **Vote on amendment**

On the amendment being put to the vote that the recommendations 2.1 to 2.7 be approved apart from items A1, A6, A9, A12 which were to be deferred, the majority were in favour and there were none against. Therefore the amendment was carried.

Councillor Holmes withdrew her previous comment.

With regard to recommendation 2.8 Councillor O'Callaghan considered that it was not the right time to set up a revised structure of the Melton Local Development Framework (MLDF) Working Group until the review was completed. Also he questioned the way the working group operated and whether being politically balanced was appropriate and considered that it may need to be balanced in other ways. He proposed that this working group not be changed now but await the outcome of the review which would provide guidance on the way forward.

Councillor Moncrieff seconded the amendment and stated that the MLDF was a task group and not a working group. He recalled that at the Extraordinary Council Meeting held on 15 April 2013, the Council agreed to encourage people from outside the Council to be part of the group and this would be allowed in the task group format.

The Mayor advised that there were going to be reference groups for external bodies and that the MLDF had been in the working group format for some time. He explained that the reference groups would work in consultation with the working group. The Mayor advised that the Council wanted to involve all interested parties in the process and he would make sure this happened.

The Leader reminded Councillor Moncrieff that at the Extraordinary Council Meeting he had voted for a working group and that the Council had decided the way forward at that meeting and this was not being changed at this meeting. He explained that a working group was needed to support the decisions made by the Council in the previous week.

#### **Vote on amendment**

On the approved motion with the amendment to defer recommendation 2.8 being put to the vote, there were 9 in favour, 16 against and no abstentions therefore the amendment was lost.

#### **Vote on substantive motion**

On the substantive motion being put to the vote including recommendation 2.8, there were 17 in favour, none against and 8 abstentions therefore the substantive motion was carried.

#### **RESOLVED that**

(1) the actions set out at Appendix A and listed below in the number order that they appear be approved as follows :-

- A2 Change to Deputy Proper Officer Provisions
- A3 Rename Development Committee to Planning Committee
- A4 Deletion of delegated function (3) of Appeals Committee
- A5 Procedure Rule 12.1(p) - Motions without Notice - Correction
- A7 Procedure Rule 10.6(e) – Correction
- A8 Revised Contract Procedure Rules
- A10 Revised Equalities & Diversity Statement
- A11 Code of Conduct – clarification on paragraph 7(2) by LCC

(2) the amendments as detailed in paragraph 3.3 of the report and set out at Appendices B1 and B2 be approved as follows :-

- B1 Procedure Rule 22.2 : Public Speaking at the Development Committee
- B2 Consultation Arrangements for Planning Applications

(3) It be noted that there had been four items approved for inclusion in the Constitution at Council Meetings in this Civic Year which are set out at Appendix C and are summarised as follows :-

- C1 Amendment to the Members' Remuneration Scheme
- C2 Amendment to the Petitions Scheme and removal of the E-Petitions facility
- C3 Transfer of Equalities and associated delegations to the Governance Committee
- C4 Police and Crime Panel – Overview and Scrutiny Arrangements – to lie with the Community and Social Affairs Committee and associated documents be added to the Constitution

(4) the Calendar of Meetings for 2013/14 be approved (Appendix D);

(5) due to the Constitution being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will be referred to the Governance Committee as required;

(6) any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Governance Committee, and subsequently the Council, as soon as practicable thereafter;

(7) the Waterfield Leisure Pool Working Group be discontinued and any related matters be dealt with by the Community and Social Affairs Committee;

(8) the politically balanced Melton Local Development Framework Working Group be increased in size from 7 to 9 Members;

(9) the selected actions set out at Appendix A and listed below be deferred and referred back to the Governance Committee for reconsideration :-

- A1 New Officer Delegation to Head of Communities & Neighbourhoods
- A6 Procedure Rule 13.4 – Timing for Speeches
- A9 Role of Leader of the Opposition
- A12 Part 5 - Consequential Name Changes and current practical arrangements including updated Code of Conduct, Task Group

Protocol, Minutes Procedure, Member Roles and Responsibilities, ICT  
Protocol for Members