

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 8 December, 2009 at 6.15 p.m. in the Civic Offices, Telford

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.K. Austin, A.J. Eade, G.M. Green and J.M. Seymour

CCC-06 MINUTES

RESOLVED – that the minutes of the Council Constitution Committee held on 3 September, 2009 be confirmed and signed by the Chairman.

CCC-07 APOLOGY FOR ABSENCE

Councillor D.R.W. White

CCC-08 DECLARATIONS OF INTEREST

None.

CCC-09 PRESENTATION BY PUBLIC –i OF ITS E-PETITIONS FACILITY

Matthew Jennings, Senior Relationship Manager, together with Sarah Gusterson, Account Manager, outlined the operation and benefits of their public-i software system. The benefits were summarised as:

- A simple and fast instrument of engagement with the public
- A requirement of the Local Democracy, Economic Development and Construction Act
- Designed to comply fully with DCLG guidance on petitioning
- Simple to use and understand
- A fully realised product that could be launched very quickly
- Available on an open-source basis or could be fully hosted and supported by public-i

The Government supported the use of e-petitions as an easy way to engage with the community on-line.

A detailed discussion took place on the operation of this system, such as the validation processes and the level of control that would be available to the Council in terms of accepting valid petitions and deciding whether or not to restrict the scheme to people living, working or studying with the Borough.

CCC-10 REVISION OF THE COUNCIL'S CONSTITUTION

The report of the Head of Legal Services presented the report setting out proposed changes to the Council's Constitution and requesting the Committee to recommend their approval to full Council.

At the Council meeting held on 30 September, 2009 it was resolved that the proposed Scheme for Public Speaking at Plans Board and the proposed Scheme for Dealing with Petitions be referred back to this Committee for further consideration and the report provided Members with an update on progress on these two Schemes.

Public Speaking at Plans Board

The Committee was informed that before the finalised scheme was brought back for approval further consultation would need to take place with:-

- The Head of Planning & Transport in order ensure that any proposed scheme could work effectively and efficiently – (December 2009 – January 2010).
- Members of Plans Board (January – February 2010)
- Parish Councils (February 2010)

It was estimated that the final scheme would then come back to this Committee in March 2010 for approval and then go on to Full Council in April 2010 for final approval.

Members raised a number of questions, which officers agreed to address in finalising the Scheme. In particular, the need to allow the Chairman of the Board discretion in who he allowed to speak and for how long was agreed. As the Committee was aware, members of the Plans Board received appropriate training on the need to speak only on planning related matters when determining applications, and it was agreed that other members should receive training prior to the introduction of the final Scheme.

Local Petitions

Following the presentation at the start of the meeting and, subject to a decision being made on whether or not to proceed with electronic petitions, a draft Petitions process would be completed and further consultation would take place with Members and Customer Services. It was anticipated that the final scheme would come back to this Committee in March 2010 for approval and then go on to Full Council in April 2010 for final approval.

The Democratic Services Manager agreed to provide a flow chart setting out the operation of the proposed Scheme for Dealing with Petitions.

It was agreed that the Democratic Services Manager should continue to explore appropriate software systems and bring a preferred option back to a future meeting of the Committee for its consideration.

Standards Committee - Creation of a Dispensations Sub-Committee

At its meeting on 17 September 2009 the Standards Committee had considered new legislation, which had changed the criteria for obtaining

dispensations, and had resolved to make a recommendation to this Committee to establish a Dispensations Sub-Committee to hear dispensation applications. The provision of a such a sub-committee was allowed for under Section 54A (1) of the Local Government Act 2000. The benefits of using a sub-committee would be the ability to consider quickly applications which were sometimes made at relatively short notice and would fit in with the structure already established to assess Code of Conduct complaints.

The proposed structure for the sub-committee recognised the statutory requirement for an independent chairman, the need for an elected member to be present and for a parish councillor representative to also be a member of the sub-committee if the application was made by a parish councillor. The Terms of Reference for the sub-committee, as required to be included in the Constitution, were set out in the report.

Elected members could apply to the Standards Committee for a dispensation to allow them to take part in a council meeting when they would otherwise be prevented from doing so due to a personal and prejudicial interest in the business being discussed.

With regard to the first Term of Reference, the Chairman suggested that the wording be amended to include parish councillors. It was, therefore, agreed that the words ' and members of other relevant authorities' should be inserted following the words 'members of the authority'.

Terms of Reference for the Health Monitoring Committee

At the Council meeting held on 26 November, 2009 the Leader had announced, with Members' full support, the establishment of a Health Monitoring Committee. An appropriate amendment was, therefore, agreed to the Motion on the agenda relating to health provision in Telford and the Motion was carried. Proposed Terms of Reference for this new Committee were set out for Members' approval in the report.

For the purposes of clarification the Head of Legal Services sought approval for the first and third Terms of Reference, as set out in his report, to be amended to read:

1. To gather information and consider the implications of any local health reviews that affect the Borough and the implications for people in Telford & Wrekin.
3. To consider and co-ordinate the Councils response to proposals from the PCT for any changes in health service provision in the Borough and to report findings and make recommendations to Cabinet.

He further informed the Board that, subsequent to the publication of the report, some concerns had been raised with respect to the wording of the second Term of Reference, which read:

“To work with the Health Monitoring Scrutiny Group and the Joint Health Scrutiny Committee in relation to formal consultations on significant changes to health services in the Borough.”

In order to maintain the individual key roles of these groups, it was suggested that this wording be deleted.

With regard to the proposed Membership of the Health Monitoring Committee, Councillor J.M. Seymour suggested that the Cabinet Member with responsibility for issues relating to the NHS and the Telford & Wrekin Primary Care Trust should be included.

RESOLVED:

- (a) **That, following consultations with the Head of Planning & Transport, Members of the Plans Board, and Parish & Town Councils, in line with the timetable set out in the report, and in line with the comments made at the meeting, a final Scheme for Speaking at Plans Board be submitted to the Committee at its meeting in March 2010;**
- (b) **That further software options be investigated and a final Scheme for Dealing with Petitions be submitted to the Committee at its meeting in March 2010;**

RECOMMENDED – THAT COUNCIL APPROVES

- (a) **The proposed changes to the Constitution to create a Dispensations Sub-Committee, and the addition of the Terms of Reference for the sub-committee, as set out in paragraph 7 of the report, to Part 2, Article 9 of the Constitution subject to the first Term of Reference being amended by the insertion of the words ‘and members of other relevant authorities’ after the words ‘members of the authority’;**
- (b) **The proposed changes to the Constitution to establish a Health Monitoring Committee and the addition of Terms of Reference for the Committee, as set out in paragraph 8 of the report, subject to:**
 - (i) **The first Term of Reference being amended to read:
“To gather information and consider the implications of any local health reviews that affect the Borough and the implications for people in Telford & Wrekin”;**
 - (ii) **The second Term of Reference, as set out in the report, being deleted;**
 - (iii) **The third Term of Reference being amended to read “...to report findings and *make* recommendations to Cabinet”;**
 - (iv) **That the Membership of the Committee be amended to include the Cabinet Member with responsibility for issues**

relating to the NHS and the Telford & Wrekin Primary Care Trust.

The meeting ended at 7.05 p.m.

Chairman:

Date:

DRAFT