

**CONSTITUTION WORKING GROUP held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 6.00pm on 21 JULY 2016**

Present: Councillor V Ranger (Chairman)
Councillors R Chambers, A Dean, B Light, E Oliver and J Parry

Officers present: D French (Chief Executive), M Perry (Assistant Chief Executive - Legal) and P Snow (Democratic and Electoral Services Manager)

CWG1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Councillor S Harris.

CWG2 MINUTES

The Minutes of the meeting held on 23 June 2015 were approved and signed by the Chairman as a correct record.

CWG3 MATTERS ARISING – CWG4 – Criteria for the Nomination of Honorary Aldermen

Councillor Dean expressed disappointment it had taken so long to tackle the process for nominating and appointing honorary aldermen with the result he had been unable to make nominations at the annual meeting.

CWG4 ALTERNATIVE ARRANGEMENTS TO REPLACE AREA FORUMS

The Chairman said that calendar difficulties had prevented an earlier meeting to consider engagement with the public following the decision to scrap area forums. He had circulated a paper in April but had not received much response from members. He referred to the community engagement toolkit already circulated by the Democratic and Electoral Services Manager.

Building on that earlier work the paper prepared by the Chairman proposed two forums to be held annually for each of the north and south areas. One meeting would consider a single topic and the second would be in the nature of a question and answer session. One of the aims of his proposal was to reduce the need for officer input so that meetings would only be attended by those officers directly connected to the discussion topic and the length of meetings would be limited to two hours duration.

Members discussed the benefits and drawbacks of holding forum style meetings. One obvious and immediate problem was that very few members of the public attended unless one of the topics was associated with a matter of acute public concern such as the local plan. There was general agreement that forums had in the past attempted to cover too many topics and there had been insufficient time for in-depth analysis or discussion.

Councillor Dean said it was not the function of area forums to substitute the role of direct member engagement with parish councils at ward level.

Councillor Chambers agreed that too many topics had been attempted at the same meeting and said the tendency was for the same few people to attend each time. One topic per meeting was a preferable approach.

Councillor Light wanted the Council to adopt a less top down approach to engagement to enable channels of communication to be widened.

Councillor Parry said that Newport Parish Council had been successful in inviting people to ask questions and this idea could be extended to district engagement with the public. She felt that three forums would work more successfully as for the local plan process and this would enable an even division of 13 members per area.

Councillor Oliver said the experience at Clavering was for fewer and fewer people to attend parish meetings. Village life had changed a great deal in recent years with the result that there was now a less community based approach.

The Chief Executive was asked to comment and agreed with many of the points made by members about the diminishing role and popularity of public meetings. She said that the needs of both young and elderly people needed to be considered but finding the right answer was complex and difficult. One question that members should ask themselves was to define the purpose of public engagement in terms of what was the objective and desired outcome.

The Chairman commented it would be beneficial to invite the Police Commissioner and the Chief Constable to attend a meeting. Councillor Chambers said in his previous role on the Police authority visits were often made to local parishes but the manpower no longer existed for that approach to work.

Another suggestion made was to utilise whatever methods of communication existed to engage with the public. This could include, for example, disseminating information via social media or Uttlesford Life, holding meetings or surgeries at local shops, or arranging market stalls.

In summarising the discussion, the Chairman proposed to resurrect the cross-party member task group previously established to find a means of engaging with the public to replace the role of the now defunct area forums.

Members agreed with this suggestion and approved the following action:

AGREED to appoint Councillors Chambers, Dean, Light and Parry to serve on a member public engagement task group to report back to the Constitution Working Group with a first draft of proposals by 1 November 2016. Councillor Davies would be invited to chair the group but, in the event of him not accepting that offer, Councillor Ranger would chair it instead.

The intention would be to produce a final report by no later than the middle of March 2017 and report to Council on 4 April. Whatever was then agreed

could come into effect for 2017/18 from the Annual Council meeting on 16 May.

It was agreed that the informal task group would be member driven but that officer advice and support would be obtained where needed. In the meantime, members were asked to feed back any ideas to the Chairman.

CWG5

DELETION OF MATTERS ARISING FROM AGENDAS

The Chief Executive reported that she had raised with Mr Perry the presence on committee agenda of the item "matters arising". Her concern arose from a wish to avoid the item being used for extensive debate.

The Assistant Chief Executive – Legal confirmed that recent research had demonstrated that no other councils in Essex included a matters arising item on the grounds that it could prove disruptive to the consideration of scheduled business. He said that NALC had advised its parish members that inclusion of matters arising was unlawful. Although he did not agree with this advice he nevertheless considered it bad practice.

The Democratic and Electoral Services Manager said that good practice advice was not to include matters arising on committee agenda.

Members generally supported the advice they had been given but Councillor Dean asked for it to be recorded that he had objected on the grounds of informality of practice in the absence of a written report.

A vote was taken (while Councillor Parry was temporarily absent from the room) and the proposal was approved by three votes to two.

RECOMMENDED to Council that Procedure Rules 1.1.4 and 2.3 be deleted from the Constitution.

CWG6

POWER FOR LEAD OFFICERS TO REARRANGE COMMITTEE DATES IN CONSULTATION WITH THE CHAIRMAN

The Chief Executive explained the process followed in agreeing a programme of committee meetings which was generally done at or prior to the annual meeting of the Council. She said this sometimes led to difficulties when meeting dates had to be changed for sound business reasons. Because the timetable was approved by Council it was not presently possible for individual committee dates to be altered with the consent of the relevant chairman.

She proposed a simple change to allow the relevant lead officer to change scheduled dates with the chairman's consent. The revised meeting date would then be changed on the website and all members notified in the usual way.

Members were generally agreeable to making this change but felt it should be linked to a particular business reason and not done just for convenience.

The Chairman proposed adding the words “under exceptional circumstances”.

RECOMMENDED to Council that the lead officer be given the power to rearrange committee meetings in consultation with the relevant chairman under exceptional circumstances.

CWG7

PROCEDURE FOR CANCELLING SCRUTINY CALL-INS

At the invitation of the Chief Executive, members discussed the procedure for call-ins in circumstances where the Leader or relevant executive member agrees to take a Cabinet decision back for re-consideration. The present procedure did not allow for call-in meetings to be cancelled in these circumstances.

Councillor Parry confirmed that the recent call-in relating to street naming policy had required the Scrutiny Committee to go ahead in spite of the fact that the executive member had agreed to take the matter back for reconsideration.

Councillor Dean commented the meeting had to proceed as a member of the public had attended to listen to the discussion about street naming.

The Assistant Chief Executive – Legal said the aim of the agenda item brought to members was to avoid the need for an unnecessary meeting if the executive member had already agreed to the item being reconsidered and the Scrutiny Committee Chairman agreed to cancel the meeting.

The Chairman considered the matter to be straightforward on the basis of complete agreement that the matter the subject of the call-in process would be reconsidered by the Cabinet.

Councillor Chambers said he was concerned there could be room for misinterpretation of a private conversation and there might be a consequent need for an officer witness to any such conversation.

Councillor Dean then said there was no proper process to take decisions of the Scrutiny Committee to Cabinet. For example, the Committee’s decision to recommend the Building Control Partnership should not proceed had not been formally reported back to the Cabinet. If there was nothing in writing to explain the reasons for the proposal on the agenda he could not support it

The Democratic and Electoral Services Manager said that there was a procedure for reporting back to the Cabinet the findings of the Scrutiny Committee. He also confirmed that the call-in procedure remained available to the Scrutiny Committee in the normal way following the reconsideration of a matter by the Cabinet.

The Chief Executive gave reassurance to members that the change to the call-in procedure was not intended to undermine the role of the Scrutiny Committee as a counterbalance to the role of the Executive. There was

presently no procedure in place for cancelling meetings and she considered this amounted to an inappropriate use of resources. There was a danger of the Council being brought into disrepute in these circumstances.

Councillor Dean proposed a discussion on the call-in procedure with the Chairman and Vice-Chairman of the Scrutiny Committee before any decisions were taken.

The Chairman then put the proposal on the agenda to the vote and it was approved by four votes to two.

RECOMMENDED to Council that wording (to be drafted) be added to the Call-in procedure part of the Overview and Scrutiny Procedure Rules to enable Scrutiny Committee meetings to be cancelled, with the agreement of the lead officer and Chairman of the Scrutiny Committee, when the Executive had agreed to take a decision back for reconsideration.

The meeting ended 7.55pm