

CONSTITUTION WORKING PARTY

29 MAY 2014

Present: Councillor K Hastrick (Chair)
Councillors N Bell, S Johnson, M Mills and G Saffery

Officers: Head of Democracy and Governance
Democratic Services Manager

1 APOLOGIES FOR ABSENCE

Councillor Bell replaced Councillor Turmaine for this meeting.
Apologies were received from Councillor Sharpe

2 DISCLOSURE OF INTEREST (IF ANY)

There were no disclosures of interest.

3 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 13 March 2013 were submitted and signed.

4 SUGGESTED AMENDMENTS TO THE CONSTITUTION

A number of suggestions had been put forward by councillors and officers.

Amendments to the Petitions Scheme

- a) Councillor Sharpe had suggested that, where a petition was received in respect of an issue (e.g. a parking scheme) which was either currently or was going to be the subject of consultation or where the request being made in the petition was being recommended at the meeting anyway, the petition was not submitted to Cabinet or Council but noted or included in the consultation responses as appropriate.
- b) The Scheme also needed to make it clear that the 30 signatures should be from residents of the Borough.
- c) It also needed to make clear that, for a petition to be considered at a particular meeting, it must be received in time to be included in the agenda for that meeting.

Councillor Bell said that he did not support suggestion a) and considered that if people had gone to the trouble of putting a petition together they should be given the chance to present it. The details of the petition were also included in the minutes. The Council did not receive many petitions and lead petitioners were only allowed 5 minutes speaking time so they did not take up a lot of time.

The other members of the Working Party concurred with Councillor Bell's views.

The Working Party therefore OPPOSED suggestion a) and AGREED to suggestions b) and c).

Mayor's Report at Budget Council

The Working Party had considered this issue at its previous meeting and was asked to consider again whether it was appropriate to have a Mayor's Report at Budget Council.

Councillor Johnson commented that there had been very few questions on the Mayor's Report at the last Budget Council and considered that the arrangement should not be changed. He considered it important that the Mayor was seen to be accountable.

Councillor Bell agreed and added that there were only five Council meetings in a year and there may be issues relating to matters other than the budget which councillors may wish to raise at the Budget meeting. The Chair concurred with these views.

The Working Party AGREED that the Mayor's Report at the Budget Council meeting should be retained.

Recording of votes at Budget Council

New Regulations requiring the recording of votes at budget council meetings came into effect last month. The Working Party was asked to note that the Constitution had been amended to take account of the new legal requirements.

Budget & Policy Procedure Rules.

The Head of Democracy & Governance proposed an amendment to Budget & Procedure Rule 2 (h) to clarify voting procedures where the Mayor objected to the decision of Council.

The Working Party AGREED the amendment.

Budget Panel, Outsourced Services Scrutiny Panel and Community Safety Partnership Task Group

The Working Party was asked to consider whether a more consistent approach to these scrutiny groups was required. The Head of Democracy & Governance also reported a further suggestion from Councillor Iain Sharpe that the Chair of

the Outsourced Services Scrutiny Panel be remunerated at the same level as the Chair of Budget Panel.

Councillor Johnson commented on the importance of the Outsourced Services Scrutiny Panel. He considered that its membership should be increased from five to seven and the number of meetings increased from four to six per year. He did not, however, consider that Community Safety Partnership Task Group justified the same status.

The Head of Democracy & Governance explained that the Council had a legal obligation to scrutinise community safety and that the Community Safety Partnership Task Group was a standing task group and not a “task and finish” group. The Working Party could, if it was so minded, recommend a pro rata Special Responsibility Allowance for the Chair.

Councillor Bell agreed with Councillor Johnson that the Outsourced Services Scrutiny Committee was increasing in significance and responsibility. He considered, however, that the Community Safety Partnership Task Group worked well as it was and that it would not benefit from being politically balanced. All Members could attend the meetings if they wished.

The Working Party AGREED that there should be no change to the current arrangements regarding the Community Safety Partnership Task Group.

The Working Party AGREED that the Outsourced Services Scrutiny Committee should be brought into line with Budget Panel; that the Chair should be remunerated at band 2 a); that the membership be increased from five to seven and the number of meetings be increased from four to six per year.

Audit Committee

The Working Party AGREED that the exclusion of members of the Executive should be specifically included in the Constitution.

Mayor not counted for political balance

The Working Party noted the position with regard to the Mayor being removed from the political balance calculation and therefore not able to be on any Appointment Panel. The Head of Democracy & Governance advised, however, that the Mayor did still have the power to veto any appointment.

Changing the name of the Development Control Committee

The Working Party was asked to consider a suggestion from Councillor Martins that the name of the Development Control Committee be changed to “Development Management Committee”.

Councillor Bell commented that most people referred to it as the “planning committee” anyway and that this would be a more relevant title.

Councillor Johnson made the point that considering the broader implications of any development, including the long term aspirations for the town, would require more in depth reports from officers and was actually quite a radical change. As, however, only planning considerations could be taken into account when making planning decisions these wider issues could not be taken into account anyway.

The Working Party therefore AGREED not to change the name of the Development Control Committee.

Officer Code of Conduct

The Working Party was asked to consider a recommendation from the Council's Internal Auditors to include a requirement in the Officer Code of Conduct to notify any dealings with friends as well as relatives on the conflict of interest form.

RESOLVED

That the Working Party makes the following recommendations to Council:

1. that the Council's Petition Scheme be amended to make it clear that the 30 signatures be required before a petition can be presented to either Cabinet or Council be from residents of the Borough of Watford and that the deadline for receipt of any petition to be considered at a meeting of Cabinet or Council be seven clear days before the date of the meeting
2. that the new Regulations requiring the recording of votes at Budget Council meetings be noted and that the Constitution had been amended to take account of the new legal requirements.
3. that Rule 2 (h) of the Budget and Policy Procedure Rules be amended to read as follows:

The Council shall, at that meeting, make its final decision on the matter on the basis of a two-thirds majority. If the Council does not agree its original decision or any amendment thereto by a two-thirds majority the motion originally proposed by the Mayor at the original meeting will be deemed to be carried. The decision shall be made public in accordance with Article 4 and shall be implemented immediately.

4. that membership of the Outsourced Services Scrutiny Panel be agreed at Annual Council and that the Chair of the Panel also be appointed at Annual Council
5. that the Outsourced Services Scrutiny Panel's membership be increased from five members to seven and that it meet at least 6 times per year.
6. that the Chair of the Outsourced Services Scrutiny Panel be remunerated at the same level as the Chair of Budget Panel, namely Band 2a
7. that it be specified in the Constitution that members of the Cabinet are excluded from membership of Audit Committee
8. that it be noted that the Elected Mayor is not counted for the purpose of the political balance calculation and is therefore precluded from appointment to any politically balanced committee

9. that a new paragraph be added to the Officer Code of Conduct in the Constitution as follows;

Conflicts of Interest

Members of staff, their close family and friends may apply for any of the services offered by the Council in the same way as other members of the public.

If you work in a service that receives applications from the public and either you personally or you become aware that a member of your family or a friend of yours makes an application for the service that you would normally process you must immediately notify your line manager and you must not have any further involvement in dealing with the application without the express authorisation from your Head of Service. You must also complete the notification of potential conflict of interest form available from the intranet. If you are aware that either you, a member of your family or a friend of yours is on a waiting list to receive a service you must renew your form on an annual basis as long as that person remains on the list.

If you are the person with the delegated authority to make a decision regarding the matter you must not exercise that delegation and the matter must be dealt with either by your line manager or the relevant council committee or cabinet.

You must also fill in the conflict of interest form if either you, a member of your family or a friend supply the Council with goods or services either directly or through a company or sit on the management board or are a trustee of a body that receives money from the Council (unless the Council has nominated you or that person to sit on that body as a Council representative).

Chair

The Meeting started at 6.00 pm
and finished at 6.30 pm