

## **Constitution Review Working Party**

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held at Ryedale House, Malton  
on Monday 24 September 2007

### **Present**

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Councillors Wainwright (in the Chair), Clark, Keal, Knaggs and Ms Warriner

### **In attendance**

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Mrs L Carter, Miss J Waggott and A Winship

Mr C Langley

### **Minutes**

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#### **CRWP.1 Urgent Business**

There were no items that the Chairman considered should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

#### **CRWP.2 Declarations of Interest**

No declarations of interest were received.

#### **CRWP.3 Review of the Council's Constitution**

Members were reminded that at the meeting of the Policy & Resources Committee on 2 August 2007, it had been agreed that the Council Constitution was in need of review. It had been suggested that a time limited Working Party be established to progress the review. In addition, the Chief Executive reported that an independent member of the Standards Committee, with previous experience in this respect, had offered to assist in the process. The Chairman accordingly welcomed Mr Colin Langley to the meeting.

The Chief Executive submitted a report (previously circulated), which sought agreement to a work programme for the review of the Constitution, together with a discussion paper.

The Constitution in its current format was first adopted in 2001, to reflect the legislation relating to Alternative Arrangements brought in by the Local Government Act 2000. It had subsequently been amended to reflect changes such as those resulting from the introduction of the Licensing Act 2004, but there had been no major re-structuring or re-writing.

The review of the Constitution was an important part of the Council's commitment to continuous improvement and to ensure that such constitutional arrangements were, and continued to be, fit for purpose.

The Constitution set out how the Council operates, how decisions are made and the procedures to be followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes were required by law, while others were a matter for the Council to choose and its choice was as set out in the current Constitution.

The report recommended that the review be undertaken in four manageable stages, as follows:

### **Stage 1**

Member Briefing and Consultation about a review of the Articles of the Constitution (Part 2), Responsibility for Functions - Term of Reference for Committees (Part 3) and the Council Procedure Rules (Part 4) - Part 1 Meetings and Proceedings of Council

### **Stage 2**

Working Party proposes changes to Part 2 (Articles), Part 3 (Terms of Reference for Committees) and Part 4 (Part 1 - Meetings and Proceedings of Council and Part 2 Access to Information Procedure Rules) having regard to consultation responses arising from the Members Briefing and from Members and Officers individually

### **Stage 3**

Working Party proposes changes to Part 3 (Scheme of Delegation to Officers) and Part 4 (Part 2 Access to Information Procedure Rules, Part 3 Budget Policy Framework Procedure Rules, Part 4 Overview & Scrutiny Panel Procedure Rules; Procedure Rules for Committees and Sub Committees

### **Stage 4**

Working Party proposes changes to Part 4 (Part 5 Financial Procedure Rules, Part 6 Contract Procedure Rules and Part 7 Employment Procedure Rules).

The Chief Executive reported that it was important to assess the critical success factors in ensuring that the Council as a public body operated in a professional and efficient manner. There were various factors, which would help the Council to achieve this and an examination of the broad principles was suggested. For example, Committee reports should clearly state the required outcome and seek authority for officers to act. It was suggested that it was more appropriate for a full debate to take place at Committee rather than full Council. It was not necessary to include all Committee minutes on the Council agenda, for example those for the Planning and Licensing Committees did not need to go to Council.

An examination of the Officer delegation schemes and the Terms of Reference for Committees together with mechanisms for non-Committee Members to participate in debate could all enhance the existing procedures. The Terms of Reference for the Policy & Resources Committee were currently much wider than those for the Community Services & Licensing Committee and it was suggested that this position should be rationalised.

For example, there should not be a need for the inclusion of information items on agendas and it was suggested that agendas should make clear which items related to policy, and therefore required approval by full Council, and those items, which did not.

Members agreed in principle with the comments made and commented that the widening of Committee delegation would enhance the role of Overview & Scrutiny. The opinion was also expressed that any new system should not limit the ability of Councillors to raise issues at Council meetings. Concern was also expressed that planning policy issues were submitted to Policy & Resources and the opinion was expressed that the Planning Committee should consider these items prior to Policy & Resources.

It was further reported that any changes should be effectively communicated, supplementary documents should be produced as individual publications and not as appendices to the Constitution, and the new Constitution must be presented in a user-friendly format.

A Member Briefing was to be held on Wednesday 3 October 2007 when all Members of the Council would have the opportunity to put forward their views.

### **Resolved**

- (a) That the proposed work programme as outlined above be agreed
- (b) That the Discussion Paper as submitted with the report be used as a basis for discussion at a Member Briefing on 3 October 2007
- (c) That the Council be recommended to consider reviewing:
  - (i) The Planning Code of Practice
  - (ii) The Member/Officer Protocol
  - (iii) Guidance on Information and Councillors