

Public Document Pack

Constitution Working Party

Held at Ryedale House, Malton, North Yorkshire YO17 7HH
on Thursday 12 March 2020

Present

Councillors Clark, Arnold, Burr MBE, Cleary and Duncan (Chairman)

In Attendance

Ellen Walker and Simon Copley

Minutes

22 **Apologies for absence**

Apologies for absence were received from Cllr Keal.

23 **Minutes of the Meeting of the Constitution Working Party on 12 February 2020**

Cllr Burr advised that she was not in agreement with the minutes of the previous meeting.

It was requested by members that the minutes be amended to reflect that the working party had discussed the motion without making any recommendations. Additional appendices were also requested to clearly denote the specific revisions to the motion as it is now presented.

24 **Urgent Business**

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

25 **Declarations of Interest**

No interests were declared.

26 **Motion on Council Governance Arrangements**

Members discussed each section of the suggested revised motion relating to the Leader and Deputy Leader, as presented by the Chair, and further revisions were considered. A proposal was put forward that the Lead Members be appointed by the Policy and Resources Committee. It was agreed that this proposal would be discussed at the next meeting of the working party.

It was requested that the suggested revisions be provided as tracked from the original motion and that details of the changes required to the constitution should the motion pass be provided to the working party.

A further meeting of the Constitution Working Party will be convened in order to consider the further suggested revisions, amendments required to the constitution if the motion is passed, and to refer the motion back to Full Council.

The original motion is attached as appendix 1 of the minutes. The suggested revisions to date are indicated in appendix 2. Appendix 3 shows the revised motion as it currently stands, should the revisions be accepted.

27 **Any other business that the Chairman decides is urgent.**

There being no other business, the meeting closed at 8:15pm.

APPENDIX 1 – Original motion

Proposed by Councillor Duncan and seconded by Councillor Arnold:

“This council tasks the Head of Paid Service to update and amend the constitution to reflect the following:

Leader

- *The Annual Council Meeting will appoint a Councillor to be the Leader of the Council for the Municipal Year*
- *The Annual Council Meeting will also appoint the Leader to be a member of the Policy & Resources Committee and to act as its Chairman*
- *The Leader will:*
 - *be the Chairman of the Policy & Resources Committee;*
 - *provide overall strategic vision and direction to the council;*
 - *coordinate the work of the council’s committees;*
 - *work closely with the Head of Paid Service to ensure member priorities are delivered;*
 - *act externally as the council’s main political representative;*
 - *and be the council’s main spokesman in the media*

Deputy Leader

- *The Annual Council Meeting will appoint a Councillor to be the Deputy Leader of the Council*
- *The Annual Council Meeting will also appoint the Deputy Leader to be a member of the Policy & Resources Committee and to act as its Vice Chairman*
- *The Deputy Leader will:*
 - *be Vice Chairman of the Policy & Resources Committee;*
 - *work closely with and support the Leader;*
 - *act and speak on the Leader’s behalf at meetings and in the media when required to do so*

Lead Members

- *The Leader and Deputy Leader will serve as Lead Members, each with a Lead Portfolio*
- *The Annual Council Meeting will appoint up to three other Lead Members, each with a Lead Portfolio relating to areas of council policy, for the Municipal Year*
- *The Annual Council Meeting will agree the portfolio areas for each Lead Member and appoint the Lead Members to be members of the Policy & Resources Committee*
- *Lead Members will:*
 - *provide political oversight and leadership of their portfolio area;*
 - *provide collective oversight and leadership of the authority;*
 - *act as a public spokesman for their portfolio area;*
 - *present relevant reports, as required, to the Policy & Resources Committee and Council;*
 - *and be answerable to the Policy & Resources Committee and Council for service performance in their portfolio areas*

- *The “Administration” of the Council, therefore, comprises the Leader, Deputy Leader and Lead Members, who are drawn from all, or part of, the controlling group’s or controlling coalition’s membership of the Policy & Resources Committee*

Member Champions

- *Subject to the ongoing review into Member Champions, the Annual Council Meeting may appoint Member Champions responsible for promoting general themes in a non-partisan manner.*

Committees

The council will continue to operate under non-executive arrangements i.e. ‘the committee system’, with no individual member wielding executive power.

It will have the following committees:

- **Policy & Resources Committee** with power to establish an Appeals Sub-Committee and an Appointments Sub-Committee
- **Overview & Scrutiny Committee**
- **Planning Committee**
- **Licensing Committee** with power to establish a Licensing Sub-Committee
- **Audit, Governance & Standards Committee** to carry out the Audit Committee and Corporate Governance Standards Committee functions currently exercised by the Overview & Scrutiny Committee

The size of committees shall be determined each year by Annual Council.

Members may be appointed to the membership of on one or more committees of the council, except members of Policy & Resources Committee cannot sit on Overview & Scrutiny Committee, and vice versa.

Accountability

- *The Leader will continue to present a written report to each Full Council*
- *In addition to questions on notice to the Chairman, Leader and Committee Chairmen currently allowed, members may also ask a question on notice to a Lead Member on an issue relating to their Lead Portfolio*

The changes should come into effect as of the Annual Meeting of Council 2020, when council will appoint a Chairman, Vice Chairman, Leader, Deputy Leader, Lead Members, Committee Chairmen, Committee Vice Chairmen and (if required) Member Champions, and allocate members to committees in accordance with political proportionality.”

APPENDIX 2 – Suggested revisions

Considered at the Constitution Working Party Meeting held on 12 March 2020

Following discussion and suggested revision by the Constitution Working Party of the motion ~~Proposed~~ by Councillor Duncan and seconded by Councillor Arnold, the proposed motion now reads:

“This council tasks the Head of Paid Service to update and amend the constitution to reflect the following:

Leader

- The Annual Council Meeting will ~~appoint~~ elect a Councillor to be the Leader of the Council for the Municipal Year, who shall:
- ~~The Annual Council Meeting will also appoint the Leader to be a member of the Policy & Resources Committee and to act as its Chairman~~
- ~~The Leader will:~~
 - be the Chairman of the Policy & Resources Committee;
 - provide overall political leadership and strategic vision ~~and direction~~ to the council;
 - ~~coordinate the work of the council's committees;~~
 - work closely with the Head of Paid Service to work to ensure member council priorities are delivered;
 - promote cross-party communication, collective decision-making and the flow of information to members;
 - act externally as the council's main political representative;
 - and be the council's main spokesman in the media public spokesperson;
 - be answerable to council, presenting a written statement to each meeting and taking questions on that statement

Deputy Leader

- The Annual Council Meeting will ~~appoint~~ elect a Councillor to be the Deputy Leader of the Council for the Municipal Year, who shall:
- ~~The Annual Council Meeting will also appoint the Deputy Leader to be a member of the Policy & Resources Committee and to act as its Vice Chairman~~
- ~~The Deputy Leader will:~~
 - be Vice Chairman of the Policy & Resources Committee;
 - work closely with, and support the Leader, to provide overall political leadership and strategic vision to the council;
 - work closely with, and support the Leader, to ensure council priorities are delivered;
 - promote cross-party communication, collective decision-making and the flow of information to members;
 - ~~act and speak on the Leader's behalf at meetings and in the media deputise for the Leader~~ when required to do so

To be considered at the next Constitution Working Party Meeting

Lead Members

- ~~• The Leader and Deputy Leader will serve as Lead Members, each with a Lead Portfolio~~
- ~~The Annual Council Meeting~~first Policy & Resources meeting of the municipal year will appoint up to three other elect Lead Members, each with a Lead Portfolio relating to ~~areas of council policy~~ key priorities within the Council Plan, for the Municipal Year who shall:
- ~~• The Annual Council Meeting will agree the portfolio areas for each Lead Member and appoint the Lead Members to be members of the Policy & Resources Committee~~
- ~~• Lead Members will:~~
 - ~~be members of the Policy and Resources Committee;~~
 - ~~provide political oversight and leadership and strategic vision of to their portfolio area;~~
 - ~~provide collective oversight and leadership of the authority;~~
 - ~~work closely with, and support, the Leader to ensure council priorities, relevant to their portfolio area, are delivered;~~
 - ~~promote cross-party communication, collective decision-making and the flow of information to members;~~
 - ~~act as a public spokesman/spokesperson for their portfolio area;~~
 - ~~• present relevant reports, as required, to the Policy & Resources Committee and Council;~~
 - ~~• and be answerable to the Policy & Resources Committee and Council for service performance in their portfolio areas~~
- ~~• The "Administration" of the Council, therefore, comprises the Leader, Deputy Leader and Lead Members, who are drawn from all, or part of, the controlling group's or controlling coalition's membership of the Policy & Resources Committee~~

Member Champions

- ~~• Subject to the ongoing review into Member Champions, the Annual Council Meeting may appoint Member Champions responsible for promoting general themes in a non-partisan manner.~~

~~Committees~~

~~The council will continue to operate under non-executive arrangements i.e. "the committee system", with no individual member wielding executive power.~~

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~~It will have the following committees:~~

- ~~• **Policy & Resources Committee** with power to establish an Appeals Sub-Committee and an Appointments Sub-Committee~~
- ~~• **Overview & Scrutiny Committee**~~
- ~~• **Planning Committee**~~
- ~~• **Licensing Committee** with power to establish a Licensing Sub-Committee~~
- ~~• **Audit, Governance & Standards Committee** to carry out the Audit Committee and Corporate Governance Standards Committee functions currently exercised by the Overview & Scrutiny Committee~~

~~The size of committees shall be determined each year by Annual Council.~~

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~~Members may be appointed to the membership of on one or more committees of the council, except members of Policy & Resources Committee cannot sit on Overview & Scrutiny Committee, and vice-versa.~~

~~Accountability~~

- ~~• The Leader will continue to present a written report to each Full Council~~

~~In addition to questions on notice to the Chairman, Leader and Committee Chairmen currently allowed, members may also ask a question on notice to a Lead Member on an issue relating to their Lead Portfolio~~

~~**Note:** The council operates under non-executive arrangements, with no individual member wielding decision-making powers~~

~~The changes should come into effect as of the Annual Meeting of Council 2020, when council will appoint a Chairman, Vice Chairman, Leader, Deputy Leader, Lead Members, Committee Chairmen, Committee Vice Chairmen and (if required) Member Champions, and allocate members to committees in accordance with political proportionality.”~~

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APPENDIX 3 – Suggested revised motion

Considered at the Constitution Working Party Meeting held on 12 March 2020

Following discussion and suggested revision by the Constitution Working Party of the motion proposed by Councillor Duncan and seconded by Councillor Arnold, the proposed motion now reads:

“This council tasks the Head of Paid Service to update and amend the constitution to reflect the following:

Leader

- *The Annual Council Meeting will elect a Councillor to be the Leader of the Council for the Municipal Year, who shall:*
 - *be the Chairman of the Policy & Resources Committee;*
 - *provide overall political leadership and strategic vision to the council;*
 - *work to ensure council priorities are delivered;*
 - *promote cross-party communication, collective decision-making and the flow of information to members;*
 - *act externally as the council's main political representative;*
 - *be the council's main public spokesperson;*
 - *be answerable to council, presenting a written statement to each meeting and taking questions on that statement*

Deputy Leader

- *The Annual Council Meeting will elect a Councillor to be the Deputy Leader of the Council for the Municipal Year, who shall:*
 - *be Vice Chairman of the Policy & Resources Committee;*
 - *work closely with, and support the Leader, to provide overall political leadership and strategic vision to the council;*
 - *work closely with, and support the Leader, to ensure council priorities are delivered;*
 - *promote cross-party communication, collective decision-making and the flow of information to members;*
 - *deputise for the Leader when required to do so*

To be considered at the next Constitution Working Party Meeting

Lead Members

- *The first Policy & Resources meeting of the municipal year will elect Lead Members, each with a Lead Portfolio relating to key priorities within the Council Plan, who shall:*
 - *be members of the Policy and Resources Committee;*
 - *provide political leadership and strategic vision to their portfolio area;*
 - *work closely with, and support, the Leader to ensure council priorities, relevant to their portfolio area, are delivered;*
 - *promote cross-party communication, collective decision-making and the flow of information to members;*
 - *act as a public spokesperson for their portfolio area;*

Note: *The council operates under non-executive arrangements, with no individual member wielding decision-making powers*