

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Review of the Constitution – Report of the Working Group

**Meeting/Date:** Corporate Governance Panel – 14th May 2014

**Executive Portfolio:** Councillor T D Sanderson – Executive Councillor for Strategic Economic Development and Legal

**Report by:** Head of Legal and Democratic Services

**Wards affected:** All

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**Executive Summary:**

Members may recall that the Panel, at its last meeting, undertook its regular review of the Constitution. Part of the review related to the operation of the Council meeting and, in particular, the features introduced in 2009 to increase interest, enliven the proceedings and encourage greater participation by Members and the public.

As it was the view of the Panel that these matters required more detailed consideration, it was

“RESOLVED

that a Working Group comprising the Executive Leader or Deputy Executive Leader, the Chairman of the Council and Councillors M G Baker, E R Butler, K J Churchill and G J Harlock be established to consider the headline debate, Green Paper, frequency of meetings, Annual State of the District Address, the format and responsibilities of the Council Programme Meeting, Reports of the Cabinet, Panels and Committees and procurement thresholds.”

As the Deputy Executive Leader had indicated his intention to review, with his Cabinet colleagues, the procurement thresholds referred to in paragraph 5.6 of the Code of Procurement, it also was agreed that the views of the Cabinet be forwarded to the Working Group for consideration.

The Working Group met on 22nd April 2014 and the outcome of their discussions and recommendations are reflected in this report. To provide the necessary background, an extract from the original Panel report relating to these matters only is appended hereto.

**Recommendation:**

**that the Panel consider the recommendations of the Working Group contained in the report and recommend to Council accordingly.**

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## 1. WHAT IS THIS REPORT ABOUT/PURPOSE?

1.1 At its last meeting, the Panel deferred consideration of proposed changes to the operation of the Council meeting and procurement thresholds to a Working Group.

1.2 The Working Group met on 22nd April 2014 and the following Members were present:-

Councillor E R Butler (Chairman), Councillors M G Baker, Mrs B E Boddington and G J Harlock.

Apologies for absence from the meeting were submitted on behalf of Councillors K J Churchill and N J Guyatt.

The Head of Legal and Democratic Services and Audit and Democratic Services Managers also were in attendance.

## 2. OPTIONS TO BE CONSIDERED/ANALYSIS

2.1 The Working Group proceeded to discuss the matters referred to it by the Panel and detailed in the Appendix to this report.

### Role of the Council

#### (a) **Headline Debate**

The Working Group concurred with the suggestion that the concept of single issue debates on matters of topical relevance should be retained with external speakers/organisations invited to brief Members on issues of relevant significance. However, it was their view that debates should occur only as and when such topics arise or can be identified by the Council Programme Group. Given the pressures on meeting time, the Working Group considered that debates should last for up to 60 minutes only and no longer.

Given the opportunities for the Opposition Groups and Independent Members to fully contribute their views or suggestions of topics for debate at the Council Programme Group, the Working Group considered that it was no longer necessary to nominate one meeting per annum at which the opposition would be invited to propose the subject for debate.

### Recommendations:

- (i) **that the opportunity for single issue debates at Council meetings be continued but only where a specific need arose and that the length of such debates be strictly restricted for up to 60 minutes duration only;**
- (ii) **that topics for debate continue to be identified by the Council Programme Group; and**
- (iii) **that it no longer be necessary to reserve one Council meeting per annum at which the Opposition Groups and Independent Members would be entitled to select the topic for debate.**

(b) **Green Paper Feature**

The Working Group supported the proposal that the Senior Managers' Group should become more actively engaged in identifying emerging policies for presentation to Council on a regular basis. However, Members were of the view that this item should only be placed on the agenda as and when new policy initiatives were available for presentation and that the Council Programme Group should be involved in the decision on their inclusion or otherwise.

**Recommendation:**

**that Green Paper items be retained on the Council Agenda as required and 10 minutes set aside for the purpose.**

(c) **Ten minute address by Councillors**

The suggestion by the Deputy Executive Leader that provision be made for Members to address the Council for up to 10 minutes on a subject of their choice was discussed at length. The Working Group expressed some concern at the potential implications and practicalities of this suggestion, but were of the view that were this proposal to progress, strict constraints should be placed on the scope of the address, such that these were relevant to matters of major significance in relation to the Council's powers or duties or one of major general concern affecting the District, its Council Tax or NNDR payers. It was also suggested that, if implemented, Members wishing to use this mechanism should be required to register their interest with the Council Programme Group and give advance notice of the subject on which they wished to speak. The Council Programme Group would reserve the right to decide who should address the Council and on what subject. As Members were concerned at the impact this initiative might have on the duration of Council meetings, the Working Group wished to draw the Panel's attention to the existing opportunity for a Member to raise an item at a relevant Overview and Scrutiny Panel in accordance with the Councillor Call For Action Procedure (CCFA) suggesting that this might remain the better option.

**Recommendation:**

**that the views of the Panel be invited on the Working Group's conclusions.**

(d) **Frequency and timing of meetings**

Having regard to their conclusions in paragraph (a) ante, the Working Group concurred with the suggestion that the November Council meeting be deleted from the calendar. However, Members were of the opinion that Council meetings should continue to commence at 7pm with the exception of the Annual Council Meeting which should start at 6pm.

**Recommendation:**

**that the November Council meeting be deleted from the meetings calendar.**

(e) **Annual State of the District Address**

The Working Group raised no objection to the scheduling of the Annual State of the District address having endorsed the view that this would be better delivered at the first meeting in each municipal year either in June or July.

**Recommendation:**

**that the word “Autumn” in paragraph 12.1 of the Council Procedure Rules be deleted and be replaced by the word “Summer”**

(f) **Oral Questions**

Although supportive of the proposed initiative which would give increased opportunities to hold the Cabinet to account, but mindful of the impact on Council meeting time, the Working Group considered that two Executive Councillors should be invited to present on relevant issues within their portfolio (rather than all Members of the Cabinet) at each meeting. It was the view that a written report from the relevant Executive Councillor should be included in the Council Book in support of the presentation which should last for a maximum of 10 minutes only. Members were of the opinion that the Council should then be given the opportunity to ask questions of presenting Councillors. Because of some misgivings at how these arrangements might operate in practice, the Working Group suggested that, were they considered to be acceptable by the Panel, they should proceed on a trial basis commencing at the July 2014 meeting and be subject to review by the full Panel next March 2015. Presentations by specific Executive Councillors would not preclude Councillors from asking questions of other Portfolio holders and it was suggested that a period for these questions could be programmed on the Agenda for this purpose. Where Councillors wish to submit questions to Cabinet Members which require a detailed and lengthy reply, the Working Group re-affirmed the suggestion that these should be submitted to the Head of Legal and Democratic Services by noon at least 8 clear working days in advance of the meeting to enable a draft response to be prepared in advance.

As described in the Appendix, this practice would mean that the 30 minute period for questions would discontinue and with the exception of paragraph 4, that the guidelines for oral questions would remain unchanged.

Under this new approach, it is envisaged that provision for questions to the Chairmen of a Committee or Panel will continue at that point on the Agenda when reports of meetings are presented.

**Recommendations:**

**that the Panel be requested to support the proposals for:-**

- ◆ ten minute presentations by two Executive Councillors per meeting with the opportunity for questions to follow;
- ◆ a 10 minute period for questions to the remainder of the Cabinet;
- ◆ the submission of questions in advance where the subject matter demands that answers require to be technical and be comprehensive; and
- ◆ the discontinuation of the separate 30 minute session for oral questions.

**(g) Council Programme Meetings**

In terms of the future role and Chairmanship of the Council Programme Meeting, the Working Group was strongly of the view that this meeting should continue to operate in a non-political way and whilst the Deputy Executive Leader might take the lead at meetings, that the meeting should continue to be chaired by the Chairman of the Council. Members were of the opinion that the meeting itself should decide whether it wished to extend its role (by having regular sight of agenda planning documents) and whether to review its own terms of reference.

**Recommendation:**

**that the Council Programme Meeting be chaired by the Chairman of the Council and for it to consider its future role and terms of reference.**

**(i) Non-constitutional matters relating to Council Meetings**

**(i) Layout of civic suite**

The Working Group looked forward to the trial of a new seating arrangement at the Council meeting in July and endorsed the suggestion that the alternative layout proposed would enhance communication between the Chairman, the Cabinet and the body of the meeting.

**Recommendation:**

**that arrangements for a new seating layout at Council Meetings be supported.**

**(ii) Reports of the Cabinet, Panels and Committee**

The Working Group was strongly of the view that reports of all Committees and Panels should continue to be presented to Council. As a fair compromise between efficiency and democracy, it was proposed that those reports containing recommendations should be presented to the Council by their respective Chairmen from their place in the body of the meeting. Other reports should be presented, purely for information, by the Chairman of the Council who shall invite questions to the Chairmen (or Panels) in a general sense. These reports should be enclosed as an information pack to the rear of the Council Book.

**Recommendation:**

**that the proposed new arrangements for presenting the reports of Committees and Panels to the Council be commended to the Panel.**

**3. CODE OF PROCUREMENT**

- 3.1 Following a review of the procurement thresholds at paragraph 5.6 the following revised thresholds are proposed:

Value of Procurement	Requirement
Up to £5,000	At least 1 written quote
£5,000 up to £15,000	At least 3 informal quotes sought
£15,000 to £50,000	At least 3 formal quotations sought

**Recommendation:**

**that the proposed new thresholds be recommended by the Panel.**

**4. TIMETABLE FOR IMPLEMENTATION**

- 4.1 The recommendations of the Panel following the March meeting were endorsed by the Council on 30th April for implementation from the date of the Annual Meeting – 4th June 2014.

Should the Panel be minded to support the recommendations of the Working Group contained in this report, it may be conducive to submit any recommendations to the Annual Meeting so that changes to the Constitution and organisation of the Council meetings be implemented with effect from commencement of the new Council year.

**BACKGROUND PAPERS**

Huntingdonshire District Council Constitution.

**CONTACT OFFICER**

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