

Minutes of the Meeting of the Constitution Working Group held on 25 January 2018 at 7.00 pm

Present:	Councillors Tony Fish, Tunde Ojetola, Joycelyn Redsell, Graham Snell and Luke Spillman
Apologies:	Councillor Martin Kerin
In attendance:	Karen Wheeler, Director of Strategy, Communications and Customer Service David Lawson, Assistant Director of Law & Governance Matthew Boulter, Democratic Services Manager and Deputy Monitoring Officer Wendy Le, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

10. Apologies for Absence

There were apologies from Councillor Kerin.

11. Items of Urgent Business

There were no items of urgent business.

12. Declarations of Interest

There were no declarations of interest.

13. Update on Action Points from 31 October 2017 Meeting

The briefing note provided an update to Members' recommendations recorded from the last Constitution Working Group meeting on 31 October 2017. This note gave an outline on what actions would be taken on the following:

- The timeframe for repeat questions;
- Deadline for question submissions;
- Accessibility of the Council's website;
- Providing a public leaflet to outline rules and procedures in Council meetings;
- Widening public participation through social media;
- Assigning seats at Full Council meetings;
- Questions at Planning Committee; and
- Three minutes to speak on any topic at the beginning of a Full Council meeting.

Most of the action points would proceed ahead and some would require more procedural development from Officers.

The Vice-Chair noticed that the deadline for the submission of questions would remain the same and felt it would go against what the group was trying to achieve. He asked how the public would be made aware of the deadline. The Deputy Monitoring Officer (DMO) replied that the deadlines in place allowed officers to liaise with residents over questions to ensure as many were accepted as possible; likewise it allowed all questions to be publically accessible alongside all other committee documentation. He went on to say that the Communications Team could improve access to deadlines for residents through the use of social media. The Chair reminded the group that not all people had access to the internet or even knew how to use a computer. Some were not aware of how the Council ran either. The public needed access via community forums and libraries as well.

Councillor Fish pointed out that some of the criteria for urgent questions were subjective and leaving it as Mayor's discretion should be the final decision. This was already known and did not need to be explained in the Constitution.

Councillor Spillman questioned why public questions had to be printed in the agenda. Using the Mayor's discretion for urgent questions could cause conflict with residents so a longer deadline would be a better solution. The Monitoring Officer (MO) said that the questions were printed in the agenda to enable transparency so the public and press had knowledge of them and could see what could potentially be a significant question. Extending the deadline would result in less time to speak with the questioner for clarity of their question and would not ensure quality of the answer.

Councillor Ojetola suggested informing the public of the reports due at Council to enable them to ask questions based around the reports. The MO answered that there was the Forward Plan for Council which did not require the same 28 days' notice as Cabinet's Forward Plan required. The challenge was that this Forward Plan was not as obvious as it could be on the current website.

The DMO referred back to the Chair's earlier point in regards to accessibility for the public and said the Democratic Services Team were creating video presentations to help the public understand the Council better in terms of asking questions in meetings.

Councillor Spillman mentioned the order of Full Council meetings and felt there was not enough time to discuss certain items on the agenda such as Motions. He asked if there was a way to structure the running order so the public could hear what they came for as they did not always come to hear Portfolio Holder reports. Agreeing with this, the DMO replied that this order had been agreed many years ago by Members and that Motions had not always come last on the agenda. The order could be changed but would need to go through the relevant governing body and wider Council as it was set out in the Constitution.

Members and Officers further discussed the time given to Portfolio Holder reports during Full Council meetings. Some Members felt the presentation of reports were too long or did not need presenting as it was already available in detail on the agenda. Officers would take the Members' comments into consideration and to the relevant governing body.

Councillor Ojetola asked for clarity on the remit of the Constitution Working Group as he thought it was where changes to the Constitution would take place. Officers explained that the current incarnation of the group had been convened following a desire by General Services Committee to have a review of public accessibility to committees. The original intention had been for this review to be an Overview and Scrutiny one to look at the wider activities of communications, community engagement and other factors. However, when considered by Corporate Overview and Scrutiny it was decided to establish the Constitution Working Group. It was clarified that the Constitution Working Group could make its recommendations to Full Council, unless the constitutional changes fell within the specific powers subscribed to General Services or Standards and Audit Committee.

Councillor Fish referred back to point about the Mayor's discretion in accepting urgent questions and said that if a member of the public's speech was not relevant, it should not be allowed. The Chair agreed but felt the public would need to feel included.

The group discussed the possibility of moving Portfolio Holder reports to a dedicated Overview and Scrutiny Committee instead to enable Full Council meetings to enable more time for debates to be held within Full Council. Some Members felt this could lead to debates going on too long and by moving Portfolio Holder reports to an Overview and Scrutiny Committee would mean there would be no powers to compel Portfolio Holders to attend. It would also mean back benchers would have less awareness of situations without the reports. Councillor Fish felt that Portfolio Holder reports should be longer as Portfolio Holders needed to be held to account. Councillor Spillman suggested hearing all reports in one Council meeting but the DMO stated that this did not allow for the reports to be scheduled when they were most relevant, for example, when a major piece of policy was due to be implemented.

Referring to paragraph 1.8, the Vice-Chair thought it was a good idea for the Council and public. He queried whether it would be just a statement given. The DMO referred to appendix two and explained that no-one could ask questions of the speech given. The procedure around this would need to be looked at in more detail to ensure rules were followed and that abuse was prevented. The Vice-Chair went on to ask if this would coincide with the Forward Plan to which the DMO replied that it would. The DMO further explained that a six day deadline was needed to check what someone would want to talk about at a Full Council meeting. Councillor Fish pointed out that some people may want a response to their statement as well.

Relating back to the earlier points about the order of a Full Council meeting, Councillor Spillman felt it would be better to discuss controversial items on the agenda first. This would ensure the public got what they came for instead sitting through the entire meeting waiting for the item. Councillor Ojetola pointed out that the Chair had the power to move the items on the agenda but the public would still get what they came for despite the order of the agenda.

In relation to paragraph 1.8, Councillor Ojetola asked what the overall objective was. He felt some of the statements given could be politically motivated and questioned if a response would be given or required. The DMO answered that it would just be for the public to speak and that there was no expectation or legal requirement for the Council to respond. The Chair sought clarification on what the public could speak about as she had thought it would be about items on the agenda. Anything else would leave the Council open to abuse as the public could speak about anything they wanted to. The Vice-Chair felt the Council should be as open to the public as possible and that this should be made as the forum for it. He said that some questions from the public could be politically motivated already and access had to be given to the public as much as possible to ensure they were involved.

Members further voiced their concerns on the implications of allowing the three minute statement from members of the public at Full Council meetings. A member of the public could go off script and talk about something other than what was submitted. If this happened, the Mayor could close the meeting but some form of censorship needed to be in place to ensure protection from abuse. Officers would take Members' comments into consideration and look into drafting the procedure and rules in more detail.

Members sought clarification on where the actions of the Briefing Note would go. Officers confirmed that any constitutional based recommendations would go to Full Council (unless within the narrow remit of General services Committee) and other recommendations outside of the Constitution would also be included in a report to Council. Members would be updated.

In regards to the changes to be made to the Council's website, the Director of Strategy, Communications and Customer Service (DSCCS) said this could be changed by the Communications Team who would ensure notices would be placed in community forums and hubs to make the public aware. She would also look at the placement of the Forward Plan on the website and ensure it would be made more accessible.

The meeting finished at 8.30 pm

Approved as a true and correct record

CHAIR

DATE

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Democratic Services at Direct.Democracy@thurrock.gov.uk**