

Minutes of the Meeting of the Constitution Working Group held on 9 July 2024 at 7.00 pm

Present: Councillors Tony Fish, John Kent, Lee Watson and Lynn Worrall
(Chair)

Apologies: Councillor George Coxshall

In attendance:
Matthew Boulter, Head of Democratic, Scrutiny and Member
Services
Daniel Fenwick, Executive Director Corporate
Services/Monitoring Officer
Rhiannon Whiteley, Senior 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.

11. Nomination of Chair

Councillor Watson nominated Councillor Worrall as Chair. This was agreed by all members present. The nomination of Vice Chair will be dealt with at the next meeting.

12. Apologies for Absence

Councillor G Coxshall

13. Minutes

The minutes of the meeting held on 26 March 2024 were approved as a correct record.

14. Items of Urgent Business

There were no items of urgent business.

15. Declarations of Interest

No interests were declared.

16. Chapter 4 - Overview and Scrutiny

The Head of Democratic, Scrutiny and Member Services introduced the amended Overview and Scrutiny chapter of the Constitution. The Chapter had been drafted by CIPFA and signed off by the CfGS. The chapter also reinforces the Protocol drafted by CfGS which had received member input. The Head of Democratic, Scrutiny and Member Services highlighted that there were some small amendments that he had identified as follows: -

- Paragraph 2.5 there are 11 members in the Overview and Scrutiny Committees this year to reflect political balance as agreed at Annual Council. The meeting agreed amended wording that membership would normally be 10 members but this was to be agreed at Annual Council every year.
- The rules state that meetings will be every month and this should be changed to every 6 weeks.
- Paragraph 10.1 should be amended for consistency to state that the duration of the meetings should be 2.5 hours and not 2 hours in line with other Committee meetings.

The meeting discussed the use of Sub-Committees and Task and Finish groups. The Head of Democratic, Scrutiny and Member Services outlined that the current team could support a maximum of two Task and Finish groups per Overview and Scrutiny Committee at any one time. This requires practical management, prioritising and considering whether the work can be completed via another means than a Task and Finish Group.

At paragraph 14 Councillor Worrall queried the power to require members and officers to attend to answer questions at an Overview and Scrutiny meeting and how much notice would be given. The Executive Director of Corporate Services and Monitoring Officer recommended that five days' notice or earlier if agreed by the Member or Officer.

Councillor Fish queried the wording at 5.1 (a) and the meaning of 'extraordinary circumstances'. The Executive Director of Corporate Services and Monitoring Officer stated that he would need to have a look at the wording of that paragraph.

Councillor Fish queried paragraph 10.2 as it was contradictory. The meeting agreed paragraph b is to be removed and paragraph c will become b.

In relation to paragraph 10.3, Councillor Fish queried how long members would be allowed to speak. The Head of Democratic, Scrutiny and Member Services responded that this would be at the Chair's prerogative and a time did not need to be stipulated but normally 3 -5 minutes would be considered reasonable.

Paragraph 23.3, Rule 28 needs to be cross referenced in the constitution. The Executive Director of Corporate Services and Monitoring Officer advised that this could be changed to state the Access to Information rules to safeguard against further changes to the constitution meaning Rule 28 is no longer Rule 28.

The meeting discussed how a Chair could be removed as Chair from an Overview and Scrutiny Committee. The Executive Director of Corporate Services and Monitoring Officer confirmed this would need to be by Full Council.

Councillor Worrall queried why the Chair of a Committee can no longer make a Call-in. The Head of Democratic, Scrutiny and Member Services confirmed that CIPFA had modelled this on what other Local Authorities do.

Councillor Kent expressed concern that residents couldn't use the Call-in mechanism anymore under the new rules. The Executive Director of Corporate Services and Monitoring Officer confirmed that it was very unusual that residents could use the Call-in procedure and it is not something he had seen before. Residents had democratically elected councillors to represent them and therefore could approach their Councillor to take a Call-in forward on their behalf. There is a risk it could stifle decision making otherwise. Councillor J Kent responded that it was about balancing removing rights from residents and tidying up parts of the Constitution that are seldom used. Councillor J Kent could recall one occasion where it had been used previously by residents.

Councillor Fish queried on Page 19 whether the Chief Executive could be requested to provide written reasons for refusing a Call-in request. Councillor J Kent requested that any Call-ins rejected should be published and the reason for the objection provided. The Executive Director of Corporate Services and Monitoring Officer agreed written reasons for the objection can be provided upon request and published.

Members queried the length of the Call-in form. The Executive Director of Corporate Services and Monitoring Officer stated this will be looked at.

Any other business

The Executive Director of Corporate Services and Monitoring Officer confirmed he had been asked by the Commissioners to complete a review and he will be reporting to them in the next few weeks.

The Executive Director of Corporate Services and Monitoring Officer will complete a work plan with an order or priority for the constitution chapters to be reviewed.

The Executive Director of Corporate Services and Monitoring Officer explained that certain parts of the Constitution are much more discretionary and will require more member input such as Full Council. Every Council conducts Full Council differently and Members need to decide what they and residents want it to be for.

Members discussed the frequency of Full Council meetings. Officers were requested to put together an estimated cost for each Full Council meeting. The Executive Director of Corporate Services and Monitoring Officer highlighted that currently the Constitution Review process is very long with

chapters going to CWG, GSC and then Full Council for consideration. The Executive Director of Corporate Services and Monitoring Officer is considering removing one of these steps and requested that an informal discussion with representative groups should take place to consider this.

The meeting finished at 7.58 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**