

## Minutes

### Special Audit Committee

Venue: Committee Room

Date: 12 June 2014

Present: Councillor C Pearson (Chair), Councillor Mrs C Mackman (Vice Chair); Councillor J Cattanach; Councillor J Crawford, Councillor M Dyson and Councillor J McCartney

Apologies for Absence: None

Officers Present: Jonathan Lund, Deputy Chief Executive; Gillian Marshall, Solicitor to the Council and Richard Besley, Democratic Services

#### **6. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **7. CHAIR'S ADDRESS**

The Chair thanked the Committee members present for attending the special meeting.

#### **8. A/14/02 – Review of the Constitution**

The Solicitor to Council presenting the report and referred to the need for these series of Special Meetings to consider the Constitution and to the previous meeting when the Committee had agreed to consider matters relevant to Part 4 of the Constitution – Rules of Procedure, at this meeting.

#### **Draft Openness Regulations – filming and recording of Council meetings**

Councillors discussed the requirement in the regulations and the approaches to the issue taken by various authorities.

It was suggested that the NYCC protocol and the way that this was handled on their report template would provide a good starting point. Officers were asked to look at those as examples.

Councillors considered that the appropriate approach was one of supporting the principle of openness, transparency and public participation through the mechanisms already available. However the approach should be to permit recording of filming rather than to actively encourage it. This was in recognition of the rights and freedoms of others not to be recorded and the absence of IT infrastructure to webcast the meetings as larger councils could do. Councils which already recorded and broadcast their meetings were able to control the location of recording devices and ensure the material was not edited unfairly.

It was agreed that the protocol should include information for those who did not wish to be filmed and recorded as well as those who wish to undertake such activities. Chairs of meetings should be asked to make announcements at the start of each meeting indicating that the meeting may be filmed recorded. This information should also be on meeting agendas, on the Council website and by prominent notice at the entrance to the meeting,

### **Resolved**

- (i) To instruct the Solicitor to the Council to prepare a draft Selby District Council protocol for consideration at the next meeting.**

### **Council Procedure Rules**

CPR 1.2 Selection of councillors on committees and outside bodies

Councillors discussed the committees listed and the numbers appointed in the light of the forthcoming reduction in councillor numbers.

Legal advice was received that the Licensing Committee had to consist of between 10 and 15 members and there had to be at least one Overview and Scrutiny Committee but that there were no other legal restrictions.

Councillors considered that the number of councillors on the Planning and Licensing Committees should be standardised at 10.

Councillors requested further information on how the scrutiny function might operate if the number of Overview and Scrutiny Committees were reduced to 2 by merging the Policy Review Committee and the Scrutiny Committee.

Councillors considered that the appropriate number of members of the Overview and Scrutiny Committees was best discussed in the light of the

recommendation on whether or not to reduce the total number of such committees.

**Resolved**

- (ii) To recommend a reduction in the number of Councillors appointed to Planning Committee to 10.**
- (iii) To instruct officers to bring back a draft terms of reference for a combined Policy Review and Overview and Scrutiny Committee.**

CPR 3.1(f)

Councillors considered that the number of councillors needed to sign a requisition for an extraordinary meeting should be reduced pro rata with the reduction in councillor numbers to 4.

**Resolved**

- (iv) To recommend amending Rule 3.1(f) from 5 to 4**

CPR 8

Councillors discussed the requirement for the quorum to be one quarter of the whole number of the committee and how that would operate if numbers on each committee were reduced.

The potential for decisions to be made by a small number of councillors was noted.

Rule 8 also provides for the minimum quorum to be two voting Councillors. As the chair has a casting vote this would always allow the chair's view to prevail.

Councillors therefore considered that the minimum quorum for any Committee should be set at 3 rather than 2.

**Resolved**

- (v) To recommend amending rule 8, to set the minimum quorum at 3.**

CPR 11

Councillors discussed the provisions for questions by councillors both on and without notice.

Although the power for questions on notice added little to the power already contained for questions without notice, Councillors considered

that it should be retained on the basis that a written question on notice would be added to the agenda as an item for debate and serves a different purpose to questions without notice.

Councillors considered the time limits set within rule 11. On questions without notice 10 mins is allowed to respond to each question and any related supplementary question permitted.

No time limit is set for questions on notice. One supplementary question is permitted.

Rule 11.5 permits a direct oral answer, a reference to the desired information in a publication or where the reply cannot conveniently be given orally, a written answer circulated later to all Councillors. Following advice Councillors agreed that rule 11.5 should be amended to make it clear that these options were available in response to questions with and without notice.

### **Resolved**

**(vi) To recommend an amendment to rule 11.5 to make it clear that it is applicable to questions asked under 11.1, 11.2 and 11.3.**

CPR 16

Councillors discussed the provisions relating to the State of the Area Address.

It was noted that there was no legal requirement for such an address.

Councillors considered whether the address assisted in setting out the issues and plans for the district and meeting the stated aim of ensuring the widest possible public discussion and publicity. The view of the Audit Committee was that the State of the Area Address did not achieve that aim in a manner proportionate to the resources expended. It was suggested that the views of the Leader and the Executive should be sought on whether the State of the Area Address should continue in its current form.

### **Resolved**

**(vii) To instruct officers to consult the Leader and Executive on whether to retain the State of the Area Address.**

CPR 18.1, 18.2 and 19.4

The provisions in CPR 18 require seven individual councillors to sign a motion and in CPR 19.4 for six councillors to demand a recorded vote. The Committee considered the limit should be reduced proportionately to the reduction in councillor numbers from May 2015.

## **Resolved**

- (viii) To recommend amendment to CPR 18.1, 18.2 and 19.4 to reduce the requirement to 5 councillors in all cases**

CPR 19.4

Councillors discussed the new legal requirement for a recorded vote on budget decisions and agreed the drafting put forward by officers in the report

## **Resolved**

- (ix) To recommend to Council that the constitution be amended in line with the proposed draft**

CPR 28

Councillors discussed the appointment of substitute members. Advice was given that substitutes should be appointed by the Council and that the conventional way of dealing with this was for the Council to appoint members to a pool of substitutes for each Committee or group of Committees. A Councillor unable to attend the meeting would then consult his/her group colleagues in that pool to identify a suitable substitute.

It was also clarified that a Councillor who is being substituted should inform Democratic Services prior to the meeting commencing that he/she is unable to attend and the named substitute.

Once the meeting commences the substitute takes the place of the Councillor and exercises the rights set out in CPR 28. The original Councillor may not then join the meeting part way through.

It was noted that these arrangements are in place at NYCC.

## **Resolved**

- (x) To recommend to Council that pools of substitutes should be named for each committee at the AGM and that it should be up to the group to determine how big each pool should be and the membership, provided that they noted the need for Council to appoint the substitutes and provided the names to Democratic Services in advance of the AGM.**

CPR 29

Councillors discussed the right of non-members of committees to attend meetings and speak with the Chairs consent.

It was noted that there is no corresponding provision in the Executive Procedure Rules. Officers were asked to seek the views of the Executive in relation to incorporating such a provision.

### **Resolved**

- (xi) To instruct officers to consult the Leader and Executive in relation to a rule to permit a non-member of the Executive to speak at meetings with the Chairs consent.**

### **Access to Information Procedure Rules**

Councillors noted that the requirements were set by the Local Government Act 1972 and regulations made under it. The rules constituted the scheme which the Council is required to publish in relation to public access to meetings and documents.

An alternative format of the same rules from another Council was provided to Councillors for their consideration as it was considered to be a more user-friendly example. Councillors agreed to consider that formulation for adoption by Selby District Council.

### **Resolved**

- (xii) To instruct the Solicitor to the Council to draft a revised set of Rules and to incorporate the new Protocol on filming and recording within it.**

### **Budget and Policy Framework Procedure Rules**

No amendments were proposed.

### **Executive Procedure Rules**

The Committee debated the Executive Procedure Rules and the available models for an executive structure. It was noted that the executive arrangements were for the Leader to determine. However the committee considered that it could legitimately seek the Leader's views on any proposals to amend the arrangements and report to Council on those.

It was noted that a Councillor (non-Executive member) had the right to attend Executive meetings (including items where the public were excluded) but not speak, whereas for other Committees, there was a right to speak with the permission of the Chair.

It was agreed that the views of the Leader should be sought in relation to this matter.

## **Overview and Scrutiny Procedure Rules**

The Committee discussed the possibility of merging the Policy Review and the Scrutiny committees and it was noted that these Procedure Rules might need to be revisited in the light of the decision on a recommendation for merger.

The general view was expressed that the success of overview and scrutiny functions generally in holding the officers and the Executive to account depended in part on being aware of decisions likely to be made and policies being reviewed. Councillors expressed the opinion that the Forward Plan should be more prominent.

Councillors also considered that the support to the Overview and Scrutiny committees should be reviewed to ensure that the Officers supporting the committees were not responsible for the decisions to be taken for the recommendations to the executive to ensure the correct degree of independence for the scrutiny function. Although the Committee had never been refused access to senior Officers, they felt that Officers who attended were not always of the appropriate level of seniority.

A debate took place in relation to the appointment of the chair of each Overview and Scrutiny committee. The view was expressed that the Chair should not be drawn from the ruling group if the purpose of the committee was to hold the Executive to account. However, in the light of the potential to merge Policy Review and Scrutiny a decision on the proposal was deferred to a later discussion.

Councillors then discussed the work programme and the requirement for that to be approved by the Council. It was noted that although Council did approve a work programme annually, the actual work of the committees varied considerably from the approved program as items were added to or removed from the agenda based upon current priorities.

Councillors therefore considered that the requirement to have the work programme approved was unnecessary and bureaucratic.

### **Resolved**

**(xiii) To ask that the Forward Plan be added to the beginning of each Overview and Scrutiny Committee agenda.**

**(xiv) To recommend amendment to paragraph 1 of rule 6 by removing all the words after the first sentence.**

## **Community Engagement Forum Procedure Rules**

It was agreed to defer consideration of the rules pending a review of the Community Engagement Forums

### **Resolved**

**(xv) To defer consideration of the Community Engagement Forum Procedure Rules**

## **Financial Procedure Rules**

It was agreed that, in light of the view of the s151 Officer that the financial procedure rules were fit for purpose, that no amendments will be proposed to these rules.

### **Resolved**

**(xvi) Not to propose amendments to the Financial Procedure Rules**

## **Officer Employment Procedure Rules**

There is a requirement to appoint a Designated Independent Person in respect of disciplinary action against or dismissal of the statutory officers. It was debated as to whether the power to appoint a DIP should be delegated to the Leader but in view of the importance and rarity of such circumstances it was agreed that the power should be exercised by full Council.

The requirement to appoint on merit was discussed and it was agreed that it should be moved to the beginning of the rules for greater prominence. In the light of the decision above it was agreed that rule 8(b) could be merged into rule 7

### **Resolved**

**(xvii) To recommend an amendment to the rules to give greater prominence to the requirement to appoint on merit and to incorporate rule 8(b) into rule 7**

## **Contract Procedure Rules**

In the light of proposed amendments to European regulations it was agreed not consider the Contract Procedure Rules at this time but to recommend giving a specific delegated authority to officers to amend the rules at the time that the regulations are brought into force.



## **Resolved**

**(xviii) To recommend a specific delegation to Officers to amend the Contract Procedure Rules at the time that the European regulations are brought into force in English law**

## **Petitions Procedure Rules**

Councillors discussed the removal of the legal requirement to permit petitions and the other ways in which the public could engage with the Council including correspondence to the Council, public question time and the community engagement forums. Councillors discussed whether allowing deputations as opposed to petitions would be of benefit.

On balance Councillors felt that the petitions procedures allowed a mechanism whereby a significant number of people who were interested in a particular matter could raise it with the Council and show the strength of public opinion.

Councillors therefore decided to recommend no changes to the rules regarding correspondence, public question time and petitions.

## **Resolved**

**(xix) To recommend no changes to the rules regarding correspondence, public question time and petitions.**

The meeting closed at 4:47pm