

CONSTITUTION COMMITTEE

MINUTES of the meeting of the Constitution Committee held on Monday, 11 June 2012 at 3pm.

PRESENT

Cllr Mark Hawthorne	Cllr Steve McHale
Cllr Tony Hicks	Cllr Ray Theodoulou
Cllr Jeremy Hilton	Cllr Will Windsor-Clive
Cllr Ceri Jones	

Christine Wray, Assistant Director of Law and Administration
Simon Harper, Democratic Services

Apologies: Cllr Phil Awford and Cllr Antonia Noble

8. MINUTES

The minutes of the meeting held on 12 March 2012 were confirmed and signed as a correct record subject to noting the following amendment to minute 5 regarding police and crime panels:

In response to a member's question, Christine Wray confirmed that there was no potential conflict of interest for members in discussing the panel arrangements as the recommendation they would be making to council was about setting up a future committee with as yet no membership.

9. CHAIRMAN

Cllrs Jeremy Hilton and Mark Hawthorne were proposed and seconded for the position of chairman of the committee.

On being put to the vote, Cllr Hawthorne was elected as chairman of the committee for the remainder of the 2012-13 civic year.

10. PUBLIC QUESTIONS

No public questions had been received.

11. MEMBERS' QUESTIONS

No questions from members had been received.

12. PROPOSAL TO CHANGE THE CALL-IN PROCEDURE RULES

Cllr Hilton presented a report requesting that one of the six signatories to a call-in be given the right to speak in support of the call-in at the Overview and Scrutiny Management Committee. He believed that in the interests of democracy, the six signatories should be given an opportunity to nominate a spokesperson to present the call-in for no more than five minutes. This would allow the spokesperson to explain the reasons why a cabinet decision had been called in. He believed that if this was introduced it would not hinder the process and would help the members of the committee in understanding the grounds for the call-in.

He noted that the Chairman of the Overview and Scrutiny Management Committee always reminded members of the committee that their role was to consider the merits of the call-in and they should not act as an advocate for the call-in. He felt that in the current climate where decisions could be subject to judicial review it was important that the council had a fair process in place which allowed members to express their view.

In response to a request from the chairman, the Assistant Director of Law and Administration advised that the way that the call-in process operated was not prescribed in legislation. She said that local provisions for call-in were set out in the council's constitution.

A member stated that the constitution provided for a cabinet member to address the committee and he believed that, in the interests of a balanced process, one of the signatories to the call-in should have an opportunity to present their case. He felt that the change proposed would enrich the process and make it more democratic. He noted that the chairman of the committee could always stop someone talking if they spoke for too long or were raising irrelevant matters.

Another member believed that the change proposed would strengthen the call-in process. He said that it was inappropriate for a signatory to the call-in to be substituted onto the Overview and Management Committee to allow them to participate in the discussion.

The chairman stated that the call-in notice should set out clear reasons for the call-in. He noted that the call-in notice was included in the report presented to the Overview and Scrutiny Management Committee along with a response from the relevant cabinet member. He noted that the purpose of the call-in was to challenge the process followed in making a decision and not to look again at the merits or otherwise of a particular decision.

Minutes subject to their acceptance as a correct record at the next meeting

Other members noted that the call-in process was all about checking that a decision had been made in a proper manner. They were concerned that giving a signatory to the call-in an opportunity to speak would simply open up the debate again on whether a particular decision should have been made in the first place. They said that the time to consider the merits of a particular decision was before it was taken and not afterwards.

On being put to the vote, the proposal for a signatory to a call-in to be given five minutes to speak in support of the call-in at the Overview and Scrutiny Management Committee, was not supported.

13. PROPOSAL TO EXTEND THE TIME LIMIT FOR COUNCIL MOTIONS

Cllr Jones presented a report requesting that the 30 minute rule for debating motions from each political group be extended by 30 minutes to a maximum of 60 minutes. He said that democracy was about giving everyone an opportunity to have their say and not about controlling the length of meetings. A survey of other top tier local authorities had been undertaken and none had such stringent limits on the time for debating motions. He noted that South Gloucestershire Council and Cumbria County Council had no time limits for motions. This was also the position at Gloucester City Council.

Cllr Jones said that there were just seven full council meetings each year and he felt that it was essential that members had an opportunity to represent the views of their local communities. With the current 30 minute time limit, only six of the 63 members could speak if each member spoke for five minutes. He believed that it was time to give power back to the chairman who could stop the debate if irrelevant issues were being raised.

The chairman stated that the debate was not curtailed on important issues such as the council budget each year. He felt that the problem lay with too many motions being put forward by the political groups. He said that too often motions were presented after decisions had been made and they added nothing to the formal decision making process. He believed that it was important that meetings were held in a timely manner and considered issues that mattered to the council.

A member said that the current time limits made it difficult for cross-party motions to be put forward or for members from a particular area of the county to raise a particular issue. He believed that members should have an opportunity to debate issues of interest to the people of Gloucestershire that did not relate directly to the business of the council.

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Some other members felt that the political groups had a responsibility to organise key speakers on particular topics. They said that the time limits for motions allowed meetings to be managed effectively. They could recall very few occasions when members who had wanted to speak had not been able to have their say. The chairman noted that, in any event, the Chairman of Council had discretion to extend the time limit during the meeting to allow members to make a contribution.

A member said that there were opportunities during full council meetings outside the time set aside for motions for members to examine issues relating to the council.

In summing up, Cllr Jones stated that democracy was about effective meetings and these were not necessarily concise meetings. He believed that the current arrangements which limited contributions to a small number of members were a denial of democracy.

On being put to the vote, the proposal to extend the time limit to 60 minutes for debating motions from each political group at full council, was not supported.

CHAIRPERSON

The meeting ended at 4pm