

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 24 October 2012 at 10.00 am in Chairman's Office, 1st Floor, Council Offices.

Present: Mr Robin Hills (Chairman); Councillors Hayton, Nicholson, Watkins and Wright

35. APOLOGIES FOR ABSENCE

An apology for absence was received from Mrs Linda Frampton.

36. DECLARATIONS OF INTEREST

There were no declarations of interest.

37. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Working Party held on 25 June 2012 were approved and signed as a correct record.

38. USE OF MOBILE TELEPHONES DURING PUBLIC MEETINGS

During discussion, the following points were raised:

- a) a distinction should be made between committee members, accredited journalists and members of the public;
- b) in all cases, mobile phones should be on silent and not used for recording purposes;
- c) it was extremely difficult to determine when mobile communications devices were being used for recording or for note-taking or other purposes, and, hence, to enforce a requirement not to record proceedings.

On the proposal of Councillor Nicholson, seconded by Councillor Watkins, it was **AGREED TO RECOMMEND** to Standards Committee:

1. that Committee Members and accredited journalists must ensure that their mobile communications devices are set to silent mode during all public meetings;
2. that recording of meeting proceedings by attendees is prohibited;
3. that members of the public must switch off their mobile communications devices during all public meetings.

39. THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

A further list of suggested amendments to Annex 4 to the Report (Amended Access to Information Rules) to take account of recommendations (vii), (viii), (x) and (xii) at Para 22.1 of the report (since published on the internet as part of this meeting's details) were circulated at the meeting.

During discussion, it was noted:

- a) that the Department for Communities and Local Government (DCLG) had recently advised that officers' executive decisions, as referred to within the new regulations, were to be interpreted as decisions taken by officers in relation to functions delegated within the Scheme of Delegations to Officers;
- b) that officers' executive decisions would be published on the Council's website and all Members could be notified by means of a modern.gov email alert of each such decision immediately after publication (as what currently happens with Cabinet decisions).

On the proposal of Councillor Hayton, seconded by Councillor Watkins, it was **AGREED TO RECOMMEND** to Standards Committee that with the exception of recommendation (xi) of the report, the recommendations as contained at Para 22.1 of the report be adopted, namely:

1. that the Council publishes a document as outlined at paragraph 3.1 of the report;
2. that the document will show future key decisions for a one-year period;
3. that the document will be published exactly 28 clear days in advance of scheduled Cabinet meetings;
4. that the document will contain non-key as well as key decisions;
5. that the document will be entitled, "The Forward Plan and Exempt Cabinet Report List";
6. that the Leader delegates power to the Monitoring Officer, in consultation with the Leader, to decide on a response to any representations received based on the information as captured in the report pro forma;
7. that the timescales for allowing representations as outlined in paragraph 5.6 are agreed;
8. that the Council amends its new exemption and special urgency procedures as outlined in Section 6 of the report and that Council remains updated on the number of decisions made under the special urgency provisions on a quarterly basis;
9. that when a refusal to a request for a document from a member of the Overview and Scrutiny Panel takes place, the Cabinet Leader in consultation with the Monitoring Officer will write to all of the members of the Overview and Scrutiny Panel;
10. that the Head of Paid Service grants dispensations to Executive Members in consultation with the Council's Monitoring officer;

- 11.that the Council's constitution is amended to give the overview and Scrutiny Panel the power to require the Cabinet to submit a report to Council when a non-key decision has been taken that the Panel feels should have been a key decision;
- 12.that the Council's constitution be amended as at Annex 4 including the list of further suggested amendments which was circulated at the meeting (now published on the website).

Meeting concluded : 11.15 am