

HARBOROUGH DISTRICT COUNCIL

Minutes of the Meeting of the Constitutional Review Committee

Held at Harborough Innovation Centre

Wellington Way, Airfield Business Park, Market Harborough

On Monday, 29 April 2024

Commencing at 18:30

Present:

Chairman: Councillor Simon Galton

Councillors: Councillor Jo Asher, Councillor Clive Grafton-Reed, Councillor Barbara Johnson, Councillor Phil King and Councillor Michael Rickman.

Officers: Liz Elliot (Deputy Chief Executive), Sarah Hamilton (Senior Democratic Officer & Monitoring Officer)

1. Apologies for Absence

Councillor Buddy Anderson offered his apologies.

2. Declarations of Members' Interests

There were no declarations of interest.

3. DRAFT Constitutional Review Committee Minutes 5 October 2023

The meeting minutes of the meeting on 5 October 2023 were accepted as a true and accurate record and signed by the Chairman.

4. Update on the Review of the Constitution

The Deputy Chief Executive confirmed that the up-to-date revised version of the Constitution would be printed on 10th May 2024 to be taken to the next meeting of Annual Council on 20th May for approval. She gave a summary of the most recent changes to the constitution including formatting and a legislative update referencing the equalities act and changes to the Scrutiny Commission. She also confirmed that there had been no changes to the Delegations, but that this would be brought back for review in the new municipal year along with changes on procurement once the procurement rules have been clarified.

The Committee raised various points for clarification on the draft constitution provided:

Councillor Jo Asher:

- Page 50- 2.5.3- “may appoint a deputy chairman”- needs to be clear- change “may” to “shall.” Any plans to include content in the constitution on Social Media?
- LE- No plan currently as the Council has a Social Media Policy that has been circulated by Comms. Is Purdah and other information on the pre-election period contained in the constitution? LE- no it doesn't need to be in the constitution, it is just guidance and this is circulated to Members and guidance can be given from the Leader or Returning Officer.

Councillor Barbara Johnson:

- What is the status of the action point- Pg 4- minutes- Chairman would remain as Chair- otherwise all other terms would remain gender neutral. LE- confirmed that consistency on this term would be looked at. Member has been changed to Councillor. ‘Member’ remains to reflect an individual who is a member of a committee.
- Found inconsistencies in references to Chair or Chairman throughout the draft of the constitutions and small grammatical errors. LE confirmed these would be checked and corrected.
- Pg 337- Public Speaking at the Planning Committee- Reference to the Market Harborough Civic Society- an update is needed as the existence of this organisation is in peril. LE confirmed that it is simply an illustrative example of a committee.
- Pg 353- point 5.5.32.1- use of the word “Spouse”- this needs to be checked that the term is correct. LE confirmed this would be clarified and/or altered.
- Pg 355- 5.5.31- “insignia worn at funerals”- confirmed that a chairman's badge or ‘funeral pin’ is worn, this omits to refer to this. LE to take this away and consider a minor amendment to include what is appropriate for the Chair to wear at a funeral.

The Deputy Chief Executive confirmed that the Planning Code of Conduct will be looked at in the new municipal year.

Councillor King highlighted that there is nothing in the Allowance Scheme that refers to the Chairman and Vice-Chair of the Councils allowances. LE confirmed this would be updated and refreshed by the Monitoring Officer once the new pay awards are agreed.

Councillor Johnson queried the term ‘Proper Officer’ on Section 2, Article 9, paragraph 20. LE clarified the meaning of this term, the role and what this refers to.

The Deputy Chief Executive highlighted that there will not be time for another meeting of the Task & Finish Group prior to Annual Council hence the reason why Councillors Comments on this draft have been requested. She also

commented that there will be opportunities for communication and training to Members to go over the changes in the constitution, for understanding.

5. To consider any urgent items (to be decided by the Chairman)

The Chair explained that this item will be considering the recent changes to planning powers that have been introduced and the process for dealing with these.

The Deputy Chief Executive explained that on 24th April 2024 a new power came into being in that Councils can now issue Planning Enforcement Warning Notices prior to issuing Planning Enforcement Notices. This will be delegated down in the same way as the notices to officers to issue. How this is delegated needs to be considered. The Monitoring Officer can change words and make amendments to delegations, but they cannot add them in as per the constitution, therefore if this was new delegation, this would need to come from another body. The current constitution includes a delegation for Planning Enforcement Notices, and it could be considered that this new power could flow from that delegation. In Part 3, Section 3 of the constitution details on this can be found.

The Deputy Chief Executive explained that advice on this delegation and whether it could incorporate the new delegation would need to be taken on making any needed proposed amendments.

The meeting ended at 19:43