

## **HARBOROUGH DISTRICT COUNCIL**

### **MINUTES OF A MEETING OF THE CONSTITUTIONAL REVIEW COMMITTEE**

Held: In the Harborough Innovation Centre, Wellington Way, Airfield  
Business Park, Market Harborough, LE16 7WB

On: 26 April 2023 commencing at 18:30.

Present: Councillors Bateman, Champion, Dann, Johnson, King (Chair) and  
Modha

Officers: S. Hamilton, C. Pattinson

#### **1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Cllr Robinson provided her apologies and was substituted for by Cllr Bateman.

#### **2. MOTION WITHOUT NOTICE**

Cllr Mrs Johnson moved that the meeting is unconstitutional and should not take place because consideration of the matter should be undertaken by the new administration. This was seconded by Cllr Simpson.

Cllr King stated his belief that it is important that the meeting proceed with the constitution and

The motion was put to the vote and was lost.

Cllrs Johnson, Modha and Simpson left the meeting.

The Chair confirmed that the meeting remained quorate, and the Committee then discussed whether it was appropriate to continue to consider the draft constitution at the meeting. The Committee discussed:

- a. whether it is appropriate to present to the Annual Council given that there may be new members and or a new administration in control;
- b. whether the draft and report are fit for purpose and can be presented to the Council at all;
- c. how information can be presented in an accessible way for members who are not on the committee;
- d. induction and appointment arrangements post election

and agreed to proceed with the meeting and review what next step to take once that has been done.

### **3. DECLARATIONS OF MEMBERS' INTERESTS**

There were none.

### **4. DRAFT MINUTES CONSTITUTIONAL REVIEW COMMITTEE ON 30 MARCH 2023**

The Committee reviewed the minutes of the last meeting and

**RESOLVED that the Minutes of the Meeting of the Constitutional Review Committee held on 30 March 2023 be accepted and signed by the Chair as a true record.**

## **5. UPDATE ON THE REVIEW OF THE CONSTITUTION**

The Director of Governance and Law introduced the report on the update of the constitution. She presented each Part of the constitution in turn to the committee, explaining that yellow highlights were cross references to be completed, blue highlights indicated a hyperlink to be included, and purple connotes a choice to be made by the Committee or Council.

### **Part 1 – Summary and Explanation**

The committee noted that the summary and explanation was a required component. It agreed that the glossary was useful for members, officers and the public. Further, it was sensible to hyperlink and cross reference information within the document. The proposed constitution reflects the removal of the Scrutiny Commission and a reduction of Cabinet meetings to every 6 weeks instead of every 4 weeks.

### **Part 2 – Articles**

The changes proposed to the articles of the constitution reflect the proposals in the roadmap document, reflecting what needs to be included by law, and making them more coherent. Accordingly the changes are presentational rather than making any fundamental changes. Cross references are proposed to be included – for example Article 4 will link to the Council Procedure Rules in Part 3 of the constitution. The new administration will need to review the articles in any event.

The Committee spent time discussing whether numbers on committees should be changed, particularly in relation to the scrutiny function and the proposal to remove the Scrutiny Commission. The Committee agreed to recommend that the scrutiny panels should be increased to a number between 7 and 13 – it agreed that increasing to 9 would be appropriate.

It was discussed that the article on outside bodies should include joint arrangements, thus including the shared committees and other styles of service delivery should be included in the constitution

The Committee considered the inclusion of a section on group whips and determined that this was not necessary.

### **Part 3 – Responsibility for Functions**

This part of the constitution will need to be reviewed following the Annual Council meetings – it will be for the new administration to determine which part of the organisation will discharge what duties.

### **Part 4 – Procedure Rules**

Many of the procedure rules will be determined by the arrangements put in place elsewhere in the constitution. Suggestions are made for re-naming some sections and ensure that duplication is removed.

### **Part 5 – Codes and Protocols**

No proposals were made in respect of changes to the Member Code of Conduct, however it was proposed that the 'Arrangements' for consideration of standards complaints be removed from the constitution as this included a replication of the Code of Conduct and was not required to be published in the constitution.

Proposals were made to improve the cohesiveness and readability of the rest of the Codes and Protocols, with the exception of the Employee Code of Conduct, as this would need to be done in consultation with the trade unions.

### **Part 6 – Members Allowances Scheme**

The Members Allowance Scheme payment arrangements can only be changed by Council once there has been a report by the Independent Remuneration Panel. However, proposals were made to more accurately reflect the extent of the scheme. Members noted that the special responsibility allowances were incorrect and needed uprating, as did the sums in payment to members and the date of payment. Neither the Chair or the Vice-Chair's allowance is reflected in the scheme.

### **Part 7 – Management Structure**

The current structure in the published document needs to be updated to reflect the management arrangements in place – the inclusion of information on management structure is required by law.

The Committee agreed that it was not appropriate for it to make recommendations on the constitution at this point. It was suggested therefor that the right way forward would be to do an update report to Council and seek nominations to the existing committees at Annual Council. Thereafter, the administration can form a view as to what, if any, changes are appropriate for the constitution.

## **6. ANY URGENT BUSINESS**

There was none.

The Meeting ended at 21.10