

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

27 July 2006

AUTHOR/S: Chief Executive / Democratic Services Manager

SUBSTANTIVE REVISIONS TO THE CONSTITUTION

Recommendations

1. To agree the following recommendations of the Constitution Review Working Party:

(a) That amendments be made to the Constitution to:

(i) ensure acceptance of group nominations for appointments (except for the Standards Committee)

Suggested wording is:

Principles of Proportionality (page N-1)

Amend the First Principle to read:

“Appointments to all constituent bodies of the Council (except the Standards Committee) shall be in the same proportion as the numbers in each recognised political group are to the overall membership of the Council, members independent of the main political parties being recognised as a single group for this purpose. The nominations of the groups shall be accepted by Council (other than in the case of the Standards Committee).”

Delete the second principle

Amend the first sentence of the Third Principle to:

“If any political group or party withdraws from **any constituent body of the Council...**”

Amend the first sentence of the Fourth Principle to:

“If any member of **a constituent body of the Council** resigns.....”

(ii) determine a mechanism for removing a group nomination where the nominee loses the confidence of the group or changes group allegiance during the year

Further consideration is required of what this mechanism should be

(iii) ensure that it does not obstruct the Cabinet holding informal meetings

(iv) permit the Chief Executive or an officer nominated by him/her to preside at the election of a chairman

Suggested wording is:

Council Standing Orders

Add sub-paragraph (a) to SO7, Chairman of Meeting

“The Chief Executive or an officer nominated by him or her may preside at the election of the Chairman.”

- (b) That Councillor Batchelor, with his group, prepare a paper setting out the reasons why the Council should formally recognise the existence of an opposition, and the areas of the Constitution which would be affected.
- (c) That:
 - (i) the Constitution not provide for substitutes for committee meetings;
 - (ii) no formula be required for achieving “best fit” in the sizes of committees;
 - (iii) deciding between group nominations on outside bodies when representatives and 1 substitute are required be left to the groups;
 - (iv) no amendment to the Constitution be required to permit councillors who are not members of the relevant body to remain in a meeting when the public have been excluded, but that the chairman at the time invite members to remain where this is appropriate;
 - (v) the appropriate forum for raising concerns of a confidential or individual nature be left to the discretion of individual Members;
 - (vi) no further measures be required to encourage the public to ask questions;
 - (vii) consideration of further amendments to executive delegated powers be deferred to a later date;
 - (viii) portfolio holder meetings not be open to the public;
 - (ix) specific functions not be delegated to the Leader other than the existing overall responsibility for travellers issues;
 - (x) there be no requirement to make provision for a state of the area debate;
 - (xi) no decision be made on the size of the Development and Conservation Control Committee and that the ability to attend site visits not be mandatory for membership;
 - (xii) the Development and Conservation Control Committee should be renamed the Planning Committee;
 - (xiii) the Development and Conservation Control / Planning Committee not be divided into two; and
 - (xiv) consideration of the number of portfolios be deferred pending finalisation of the officer structure.

Background Papers: the following background papers were used in the preparation of this report:

SCDC Constitution

Contact Officer: Susan May – Democratic Services Manager
Telephone: (01954) 713016