

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of an Extraordinary meeting of the Council held on  
Friday, 2 February 2007 at 2.00 p.m.

PRESENT: Councillor Mrs CAED Murfitt – Chairman  
Councillor JH Stewart – Vice-Chairman

Councillors: Dr DR Bard, RE Barrett, JD Batchelor, Mrs PM Bear, RF Bryant, EW Bullman, BR Burling, NN Cathcart, JP Chatfield, Mrs PS Corney, SM Edwards, Mrs SM Ellington, Mrs A Elsby, Mrs VG Ford, Mrs JM Guest, R Hall, Mrs SA Hatton, Mrs EM Heazell, JA Hockney, MP Howell, Mrs CA Hunt, PT Johnson, Mrs HF Kember, RMA Manning, RB Martlew, MJ Mason, RM Matthews, DC McCraith, DH Morgan, CR Nightingale, A Riley, Mrs DP Roberts, NJ Scarr, Mrs HM Smith, Mrs DSK Spink MBE, RT Summerfield, RJ Turner, Dr SEK van de Ven, Mrs BE Waters, JF Williams, TJ Wotherspoon and NIC Wright

Officers:	Steve Hampson	Executive Director
	Greg Harlock	Chief Executive
	Richard May	Democratic Services Manager
	Fiona McMillan	Assistant Solicitor

Apologies for absence were received from Councillors AN Berent, NCF Bolitho, TD Bygott, NS Davies, Dr SA Harangozo, SGM Kindersley, Mrs JE Lockwood, AG Orgee and JA Quinlan.

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2. CHANGES TO THE CONSTITUTION**

Council considered a report setting out further proposals to revise the Constitution in order to achieve the following:

- a) The delegation of authority to make appointments to Cabinet and to allocate executive responsibilities to the Leader of the Council.
- b) To allow the Leader to appoint a minimum of two and a maximum of 9 Members to the Cabinet.
- c) To allow the Leader to appoint the Deputy Leader.
- d) To remove the requirement for Cabinet to be politically balanced.
- e) To allow for the removal of the Leader, a member of the Cabinet or the entire Cabinet if two-thirds of the Council agree, following a vote of no confidence.
- f) To allow for the removal of a councillor from a Council Committee or Sub-Committee.

The Chief Executive drew Members' attention to a number of changes to the report since its publication, apologising that these had become necessary due to the short timescale in which the report had been produced. The changes were as follows:

### **ADDITIONAL RECOMMENDATION**

“That authority be delegated to the Chief Executive to make any further minor amendments to the Constitution arising from the recommendations, any amendments to be notified to the next meeting of the Constitution Review Working Party.”

(In accordance with paragraph 2).

### **Paragraph 8 Appointments to Cabinet**

Re-word as follows:

**“The executive will consist of the executive Leader together with a Cabinet of at least 2, but not more than 9, councillors APPOINTED TO THE EXECUTIVE BY THE EXECUTIVE LEADER. The Chairman and Vice-Chairman of Council may not be appointed to the Executive.”**

### **Paragraph 1(b) Revise wording for clarification:**

**“To allow the Leader to appoint a minimum of two and a maximum of 9 Members to the Cabinet.”**

### **Paragraph 5(iii) b**

Reference should be to Part III of the Local Government Act 2000, not 111.

### **Paragraph 5(iii)e**

“under” not “until” in line 4.

### **Paragraph 5(iv) Last paragraph**

“Cabinet members who are removed from office under **(d) to (f)** above will not be eligible for re-appointment to the Cabinet until the next Annual Meeting of Council.”

### **Paragraph 11**

“Written notice of motion signed by 5 councillors must be delivered to the proper officer not later than 7 **working** days **before** the date of the council meeting.”

### **Paragraph 13(i)**

“Delete Standing Orders 1.1viii and 2v...”

Councillor MJ Mason raised objection to Council’s consideration of the proposed changes on the basis that the Access to Information Procedure Rules had not been complied with insofar as Members had not received five clear days notice of the report.

Councillor RMA Manning moved and Councillor DSK Spink MBE seconded a Motion that, in accordance with Standing Order 22.1, Council Standing Orders be suspended for the duration of the meeting.

The Motion, on being put, was declared carried with the necessary two thirds majority of Members present and voting.

Council **RESOLVED** that, in accordance with Standing Order 22.1, Council Standing Orders be suspended for the duration of the meeting.

Councillor MJ Mason moved and Councillor Mrs SJO Doggett seconded a Motion that the proposals in the report be referred to the Constitution Review Working Party without

further debate. The Motion, on being put, was declared lost.

Council considered each of the proposed amendments to the Constitution. It was considered that delegating authority to the Leader of the Council to appoint and remove Cabinet members would enable strong leadership and greater flexibility than was currently the case.

In respect of the recommendation in paragraph 8 of the report, Councillor A Riley proposed the following amended form of wording for clarification:

“The executive will consist of the executive Leader with a Cabinet of at least 2, but not more than 9, **other Members** appointed to the Executive by the Executive Leader. The Chairman and Vice-Chairman of Council may not be appointed to the Executive.”

Council supported the amended wording.

In respect of the recommendation in paragraph 11 of the report, Members felt that reasons should be given for removing a Member from a committee or sub-committee, and that the notice should be signed by five Members of the relevant parent committee, rather than any five Members of the Council as proposed.

Councillor NJ Scarr moved and Councillor TJ Wotherspoon seconded the following amended form of wording:

“The Council reserves the right to remove any councillor from a Council Committee or Sub-Committee if it considers that it is no longer in the best interests of the Council for that member to remain. Written notice of motion, **giving reasons**, signed by five **members of the relevant parent committee** must be delivered to the proper officer not later than **7 working** days from the date of the council meeting. Any such motion shall be carried only if at least two thirds of the members present at the meeting are in favour.”

Council supported this amendment.

Council **RESOLVED**

(1) That Article 7.02 be amended as follows:

“The executive will consist of the executive Leader with a Cabinet of at least 2, but not more than 9, other Members appointed to the executive by the executive Leader. The Chairman and Vice-Chairman of Council may not be appointed to the Executive.”

(2) That a new Article 7.03(ii) be added to the Constitution as follows:

“The Leader shall be responsible for aggregating and allocating service responsibilities as he/she thinks fit, grouping those responsibilities into portfolios and allocating them to an appropriate portfolio holder. Any such allocations can be adjusted by the Leader as and when he/she thinks necessary.”

(3) That the current Article 7.03(ii) be amended to a new Article 7.03(iii) as follows:

“The Leader shall appoint one member of the Cabinet to be the Deputy Leader.”

(4) That the current Article 7.03(iii) be amended to a new Article 7.03(iv) as follows:

“The Leader shall hold office until:

- (a) he/she resigns from office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of that period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council in accordance with the procedure set out in Section 12.1 (b) of Council Standing Orders.
- (e) the annual meeting of the Council following his/her appointment unless previously removed by resolution of the Council in accordance with the Rules. He/she shall be eligible for re-election annually, unless removed from office under (d) above. In these circumstances a period of at least 12 months from the date of the council resolution must have passed before he/she can be nominated for re-election.”

- (5) That Article 7.04 be amended as follows:

“Other Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors; or
- (c) they are no longer councillors; or
- (d) *they are removed from office by the leader who must give written notice of any removal to the proper officer (the removal will take effect two working days after receipt of the notice by the proper officer); or.*
- (e) *they are removed from office following a vote of no confidence by Full Council following the procedure set out in Section 12.1 (b) of Council Standing Orders (as amended – see below); or*
- (f) they are removed from office en bloc by resolution of the Council in accordance with the Rules.

Cabinet members who are removed from office under (d) to (f) above will not be eligible for re-appointment to the Cabinet until the next Annual Meeting of Council.”

- (6) That the Principles of Proportionality be amended to remove the requirement for Cabinet to be politically balanced.
- (7) That the following paragraph be incorporated into the Constitution as Council Standing Order 2.2:

“The Council reserves the right to remove any councillor from a Council Committee or Sub-Committee if it considers that it is no longer in the best interests of the Council for that member to remain. Written notice of motion, giving reasons, signed by five members of the relevant parent committee must be delivered to the proper officer not later than 7 working days from the date of the council meeting. Any such motion shall be carried only if at least two thirds of the members present at the meeting are in favour.”

- (8) That the following paragraph be incorporated into the Constitution as Article 12.08(f):

“The Chief Executive is authorised to cancel, postpone or alter the date or time of a committee meeting but, before doing so, shall consult all members of the committee about the need for the change and about convenient alternative dates and times. If reasonably practicable, the Chief Officer will consult all members of a committee before

setting a date and time for a special meeting of that committee.”

(9) That Council Standing Order 12.1(b) be amended as follows:

“In the case of any motion for the removal of the Leader from office as Leader, *the removal of any individual member of the executive or* the removal of the members of the executive from office collectively, written notice signed by at least one quarter of the councillors must be delivered to the proper officer not later than 10 days before the date of the meeting. Any such motion shall be carried only if at least two-thirds of the members present at the meeting are in favour.”

(10) That the provision in Article 4 for Council to determine matters relating to the size of the Cabinet, the allocation of portfolio responsibilities and appointment of Members be deleted.

(11) That Council Standing Orders 1.1viii and 2v be deleted.

(12) That authority be delegated to the Chief Executive to make any further minor amendments to the Constitution arising from the recommendations, any amendments to be notified to the next meeting of the Constitution Review Working Party.

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**The Meeting ended at 3.42 p.m.**

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