

CORPORATE AFFAIRS COMMITTEE

A meeting of the Corporate Affairs Committee was held on 19 November 2008.

PRESENT: Councillor Clark (Chair), Councillors Brunton, C Hobson (as substitute for Councillor Mrs H Pearson), Elder, McPartland and Purvis.

OFFICIALS: C Davies, S Harker, R Long and R Painter.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Mrs H Pearson and Rehman.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

MINUTES

The minutes of the meetings held on 24 September and 6 October 2008 were taken as read and approved.

RULES OF PROCEDURE – AMENDMENTS

A report of the Director of Legal and Democratic Services was presented by the Members' Office Manager in respect of proposed amendments to the Rules of Procedure as contained in Part 4 of the Constitution.

Part 4 of the Constitution set out the Rules of Procedure for meetings of the Council and its Committees. These Rules of Procedure were amended at the Annual Meeting in May 2008 when certain new procedures were introduced.

The amendments were intended to free up debate in Council, and to assist in the effective management of Council Meetings. However, it had been noted that there were a small number of minor amendments that could be made to ensure that the original aims and objectives were realised.

At present, the Constitution allowed 30 minutes for the consideration of Executive Matters, in addition to consideration of any report and/or statement by the Mayor. It was proposed that the Chair should have the discretion to extend this to 45 minutes where:

- (a) the extension was warranted because of the number of questions or comments that had been notified to the Chair in advance of the meeting; and
- (b) the extension would not restrict consideration of the remainder of the Agenda.

In order to ensure that the maximum number of Members were given the opportunity to participate in that part of the Council meeting that was allocated to Consideration of Executive Matters, it was proposed that no Member would be invited by the Chair to ask a second question, or make further comment, until all who wished to participate in this part of the Council business had had the chance to do so.

In order to ensure that Members were fully able to explore matters being addressed under Consideration of Executive Matters, it was proposed that the Chair should have the discretion to allow up to two supplementary questions following an Executive Member's answer to an initial question.

In order to ensure consistency and equity, during Consideration of Executive Matters, Members would be called to speak in such a manner that reflected the political composition of the Council.

All proposed amendments were agreed by the Constitution Committee on 28 October 2008 and referred to Corporate Affairs Committee for incorporation into the Council's Constitution.

The Members' Office Manager added that if the amendments were approved at this meeting they would be operational immediately and apply to the next Council meeting.

With reference to paragraph 6 of the proposed amendments relating to supplementary questions in regard to questions on Executive Matters, it was suggested that it should be clarified that up to two supplementary questions could be asked by any Member and not only the Member asking the initial question.

Discussion took place regarding the Chair's discretion to extend the 30 minutes allowed for consideration of Executive Matters to 45 minutes. It was clarified that all Members had the opportunity to submit questions prior to the Council meeting or make statements at the meeting in relation to each Executive Member's area of responsibility. Further discussion took place as to whether or not there was sufficient opportunity for debate during the Council meeting and Members were reminded of the provision to submit motions prior to the Council meeting.

It was agreed that the wording "by any Member or Members" be inserted into paragraph 6 of the submitted report to read as follows:-

"In order to ensure that Members are fully able to explore matters being addressed under Consideration of Executive Matters, it is proposed that the Chair should have the discretion to allow up to two supplementary questions, by any Member or Members, following an Executive Member's answer to an initial question".

ORDERED as follows: -

- (i) That the proposed amendments to Section 15 of the Council Procedure Rules, as referred to above and as set out in paragraphs 4, 5 and 7 of the submitted report, be approved and incorporated into the Constitution.
- (ii) That the proposed amendments to Section 15 of the Council Procedure Rules, as referred to above and as set out in paragraph 6 of the submitted report, as amended at the meeting, be approved and incorporated into the Constitution.

INFORMATION PROTOCOL

A report of the Director of Legal and Democratic Services was presented regarding an Information Protocol in relation to requests for information by elected Members. Members were requested to give approval to the Information Protocol.

The Information Protocol had been considered and approved by Standards Committee on 9 September 2008 and Constitution Committee on 28 October 2008.

There were three main reasons for proposing the Information Protocol, which were as follows:

- Whilst recognising the rights of elected Members to information necessary to their role, it protected the Council where requests were not reasonable and did not relate directly to their particular Councillor role.
- It ensured that the reasons for refusal were clear and transparent and equally applied to all Members.
- It protected staff against personal conflict with Members and from pressure and coercion from Members, where information had to be refused.

All Councillors could reasonably expect to be provided with information that was sufficient to fully and properly undertake their various duties and responsibilities as elected Members. Members regularly requested information in relation to their roles as Members and it was acknowledged that the Members' Office provided an excellent service in this respect.

Most requests for information were reasonable and much of the information provided was "off the shelf" information, already available in the Members' Library. However, on occasion requests for

information were received that had significant resource implications and there had been some instances recently where Members had requested information that had taken substantial amounts of staff time to produce. It was highlighted that information could also be sourced from other areas rather than an individual piece of work having to be undertaken in order to produce the requested information.

Members were entitled to information under the provisions of the Freedom of Information Act (FOI) although they were not required to submit a written request for information under the terms of the Act. When a request was received from a member of the public under the FOI Act, and the Council assessed that the cost of providing that information would exceed the 'appropriate limit' (currently £450, or 18 hours of staff time), the Council could choose not to provide the information or to charge for the provision of the information.

The Information Protocol, a copy of which was attached to the submitted report, recognised that elected Members had a particular right to information required in connection with their role as a Councillor. However, where a Member submitted a request for information that could not be seen as a requirement of their role as a Councillor, then the Protocol would treat them, in effect, in the same way as any other person requesting the information.

The Protocol also reminded Members that certain types of information was treated as confidential or exempt or was otherwise unavailable to Members.

ORDERED as follows: -

That the Information Protocol be approved and incorporated into the Constitution.

SCHOOL GOVERNING BODIES – APPOINTMENT OF LOCAL AUTHORITY SCHOOL GOVERNORS

A report of the Head of Commissioning and Resources was presented regarding vacancies for Local Authority appointed School Governors which had arisen as a result of resignations, the expiry of terms of office or the removal of Governors due to non-attendance.

The nominations received for such vacancies were outlined in Appendix 1 of the report submitted.

ORDERED as follows:-

That consideration of the appointment of Local Authority appointed School Governors be deferred in respect of the following, pending further clarification of the current situation and/or the receipt of any subsequent nominations:-

Captain Cook Primary.
Linthorpe Primary.
Marton Manor Primary.
Rose Wood Primary.
Thorntree Primary.
The Newlands FJC.