

Minutes of the Meeting of the Constitution Working Group held on 26 March 2024 at 7.00 pm

Present: Councillors Graham Snell (Chair), Lynn Worrall (Vice-Chair), Deborah Arnold, Andrew Jefferies, John Kent, Joycelyn Redsell, Neil Speight and Lee Watson

Apologies:

In attendance:

Matthew Boulter, Head of Democratic, Scrutiny and Member Services
Daniel Fenwick, Executive Director of Corporate Services, and Monitoring Officer
Madeleine Humphries – CIPFA
Rhiannon Whiteley, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting was not being recorded but minutes would be provided.

5. Apologies for Absence

None.

6. Items of Urgent Business

There were no items of urgent business.

7. Declarations of Interest

No interests were declared.

8. Constitution chapters for approval - a. Chapter 0 (Intervention) b. Chapter 6 (Scheme of Delegation) c. Chapter 9 (Finance Procedure Rules) d. Chapter 12 Part 3 (Council Owned Companies)

Members queried that there was not a second eye on some delegated authorisations

- Paragraph 2.10 says 'budget holder' but this is not defined. The Executive Director of Corporate Services, and Monitoring Officer confirmed this would be the person in the Scheme of Delegation with delegated authority and this will normally be the Head of Services or Director.

- Members queried on page 132 and 133 that there was no member oversight.
- The Executive Director of Corporate Services, and Monitoring Officer advised the Working Group that the level of oversight needed to be proportionate. There will often be other checks and balances and a property decision for example would go through legal services and finance first. Internal Audit also provide checks. If two members oversight was required that would be more than most other Local Authorities have in place. Portfolio Holders can have informal oversight through regular meetings with their Directorate.
- Members agreed they could become too bogged down if oversight was required for matters under 500k.
- Members stated that they will have to be strategic and trust officers otherwise the Cabinet Member for Finance will have to spend too much time on this.
- The Executive Director of Corporate Services, and Monitoring Officer advised that straightforward decisions will take longer.
- Members suggested that reference is made in the constitution as to where the checks and balance procedures can be found.
- The Head of Democratic, Scrutiny and Member Services requested members approval to amend the Council structure in the Scheme of Delegation as a result of staff changes since it was drafted.
- The Working Group agreed the Finance Procedure Rules

9. Constitution chapters for discussion - a. Chapter 2 (Council Procedure Rules - CPRs) b. Discussion points for MCWG on CPRs c. Definitions

- Members queried why other types of meetings such as State of the Borough had been removed. Madeleine Humphreys from CIPFA confirmed that she had been advised they had never been used. Members raised that an extraordinary meeting could always be called.
- The Executive Director of Corporate Services, and Monitoring Officer suggested they may wish to add the Budget Setting meeting here and add rules for that meeting.
- Members raised these meetings may become more relevant when the Council moves to a 4 year administration.

- Members raised the wording of petitions. It was agreed the wording should be changed – the word ‘may’ should be removed and replaced with ‘will’ and the word ‘verified’ added.
- The Executive Director of Corporate Services, and Monitoring Officer stated that Full Council is the same in most places. There is a focus on motions and Chairs of Overview and Scrutiny presenting and being held to account. It was for Members to decide what they want Full Council to do.
- The Executive Director of Corporate Services, and Monitoring Officer also raised the length of meetings and the guillotine procedure and concern that new members will not know what is going on and may be frightened to speak.
- Members raised that meetings should not exceed 3 ½ hours.
- The meeting discussed whether senior officers should speak at Full Council. The Executive Director of Corporate Services, and Monitoring Officer confirmed that Full Council is a political meeting and he wouldn’t recommend that officers speak unless an exception applied where an officer is complying with a statutory duty. For example, the Monitoring Officer could speak if legal advice is required. The Executive Director of Corporate Services, and Monitoring Officer said it could be codified when the Monitoring Officer, S151 Officer and Chief Executive can speak.
- Members raised that an amendment to a motion should be made 24 hours before the meeting. Members could still negotiate an amendment to a motion right up to the meeting.
- The meeting discussed whether all should members be made aware if a motion is going to be withdrawn. The meeting was not in agreement on this point. Some members took the view that this was the nature of politics and officers should not become involved in this. Some members felt they should be working together and trying to avoid similar motions coming forward on the agenda.
- The Executive Director of Corporate Services, and Monitoring Officer suggested a whips meeting takes place before Full Council so issues like this can be discussed. It would help all groups understand how the meeting is going to progress. A running order paper can also be provided, which is a shorter version of the agenda.
- The Working Group members agreed the Council Procedure Rules

10. Thurrock Constitution Project Plan

Madeleine Humphreys from CIPFA introduced the item and confirmed that the project plan set out what sections of the constitution are likely to be the most important to resolve and puts them in order of priority. The dates in the project plan tie in with the meeting dates next year for the Members and Officers Constitution Working Groups.

The Executive Director of Corporate Services, and Monitoring Officer explained that he will also be discussing this with the Commissioners to ensure it aligns with their expectations. The Executive Director of Corporate Services, and Monitoring Officer acknowledged the Finance Procedure Rules were tricky and now the group is getting used to the process hopefully it will pick up pace.

Members suggested that the timetable is re-started from the 1st April 2024.

The meeting finished at 8.11 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**