

DONCASTER METROPOLITAN BOROUGH COUNCIL

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

4TH NOVEMBER, 2008

A MEETING of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE was held at the MANSION HOUSE, DONCASTER on TUESDAY 4TH NOVEMBER, 2008 at 10.00 a.m.

PRESENT:

Chair – Councillor Moira Hood
Vice-Chair – Councillor Ken Knight

Councillors Kevin Abell, Paul Bissett, Stuart Exelby, Marylin Green, Beryl Harrison, David Hughes, J.P., Ray Mullis, Mark Thompson and Yvonne Woodcock.

APOLOGIES

Apologies for absence were received from Councillors Norah Troops, Martin Williams and Jonathan Wood.

10. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTEREST

There were no declarations made at the meeting.

11. MINUTES OF THE ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE MEETINGS HELD ON 8TH JULY AND 5TH SEPTEMBER, 2008

In referring to minute number 4 – Elections 1st May 2008 – Evaluation Report from the EDSC meeting held on 8th July, 2008, Councillor Paul Bissett sought an explanation as to why the proposed informal meeting of EDSC to explore the options available for the Mayoral and European Elections during May/June 2009 and whether or not these should be combined, and to consider a response to the Government's consultation exercise, had not taken place.

In response, the Interim Director of Resources explained that the very tight timescale for submitting a response on this matter to the Government had only allowed time for a meeting to be held between the Managing Director and the Chair and Vice-Chair of this Committee to formulate a response. This had resulted in a letter being agreed, copies of which had been tabled at the EDSC Workshop held on 21st October 2008 for Members' information. However, he added that, with hindsight, the letter could have been drafted differently to be more representative of the views of the Committee. He also advised that further information outlining Members' concerns had been sent to the Government following the original letter of response. In addition, Members were advised that these issues had also been discussed in

telephone conversations with representatives of the Department for Communities and Local Government. The Interim Director of Resources undertook to ensure that all Members received a copy of the formal letter of response, together with a copy of follow-up email correspondence following this meeting.

RESOLVED that the Minutes of the Elections and Democratic Structures Committee meetings held on 8th July and 5th September, 2008 be approved as a correct record and signed by the Chair.

12. REVIEW OF PARISH COUNCILS

Members considered a report which sought the Committee's views as to whether the existing partial review of Parish Council boundaries should be continued, or if it should be deferred in favour of conducting a Community Governance Review under new provisions introduced by the Local Government and Public Involvement in Health Act 2007.

During discussion, Members generally agreed that the review should be deferred in order to undertake a Community Governance Review instead, which would have a wider remit than issues solely related to boundaries of parishes and could take into account potential changes to the role of parishes within a Community Strategy, such as devolving functions and budgets to parishes.

RESOLVED that the existing review of Parish Councils be revisited at a future time under the more extensive provisions for Community Governance Reviews contained in the Local Government and Public Involvement in Health Act 2007 to allow, if appropriate, issues affecting Parish Councils within the Community Strategy to be considered as part of the review process.

13. PROPOSED REVISIONS TO THE COUNCIL'S CONSTITUTION – PART 3, SECTION VII: FULL COUNCIL FUNCTIONS – SCHEME OF DELEGATIONS

Members considered a report which outlined proposed revisions to the Council Scheme of Delegation (Part 3, Section VII of the Council's Constitution) to reflect the new post designations resulting from the recent senior management restructure carried out within DMBC by the Managing Director.

After the Interim Director of Resources had confirmed, in answer to a Member's query concerning the recent senior management restructure, that this had been conducted by the Managing Director under his remit of having overall management responsibility for all staff, and that the Terms of Reference for the Chief Officers' Appointments and Conditions of Service Committee included responsibility for discharging the functions relating to the terms and conditions in respect of those appointed on JNC Conditions of Service for Chief Officers, it was

RESOLVED that, subject to the views of the Standards Committee, the Full Council be recommended to approve the proposed revisions to the Council Scheme of Delegations, as set out in Appendix 1 to the report.

14. MOTIONS REFERRED BY COUNCIL: 16/5/08 – APPLICATION OF POLITICAL PROPORTIONALITY TO CHAIR AND VICE-CHAIR POSITIONS ON COUNCIL COMMITTEES AND SUB-COMMITTEES AND 8/9/08 – SUBSTITUTE ARRANGEMENTS ON EMPLOYEE RELATIONS SUB-COMMITTEES

The Committee considered a report which sought Members' consideration of two motions referred to this Committee by Full Council and, in particular, whether provisions relating to these matters should be included within the Council's Constitution by way of revisions to the Council Procedure Rules.

(a) 16th May 2008 'Application of Political Proportionality to Chair and Vice-Chair Positions on Council Committees and Sub-Committees'

During discussion on the practical issues identified in the report arising from the above motion, a Member referred to the fact that the 4 Independent Members currently on the Council who were not affiliated to any particular political group were excluded from entitlement to a Chair or Vice-Chair position due to them not being members of a political group to which a proportional entitlement had been calculated, and felt that this issue should be looked into further. In response, the Interim Director of Resources explained that the 4 Independent Members were excluded because the motion had specifically stated that the Chairs and Vice-Chairs should be appointed on the basis of being subject to the same proportional allocation that each Group are entitled to in relation to the number of seats each Group holds, on the Council as a whole. He stressed, however, that this aspect of the proposals could be changed if Members so wished. The Interim Director of Resources added that if the provisions of this motion were implemented, it would be very difficult for Officers to provide clear rules to follow at the Annual Council Meeting in terms of its practical application, although there would be scope for Members to determine the rules in which each Group's entitlement were to be allocated in reality. He also highlighted a potential difficulty which might arise in the future if a Group had majority rule as opposed to operating as a hung Council, whereby the Chairs of Committees who were from the minority Groups could find it very hard to carry business at meetings if a majority of seats on the Committee were held by one political group.

After several Members had expressed the opinion that this proposal would be overly complex and very difficult to implement on a practical level, as well as being overly restrictive, with 5 Members voting for provision not to be included within the Constitution and 1 for its inclusion, it was

RESOLVED not to recommend any revisions to the Council Procedure Rules in respect of the above motion, on the basis that existing arrangements are considered to be operating satisfactorily.

(b) 8th September 2008 'Substitute Arrangements on Employee Relations Sub-Committees'

After Members had given their support for the motion from the Council Meeting held on 8 September 2008 to allow named substitute Members to be appointed on to the Employee Relations Appeals Against Dismissal and Disputes Resolution Sub-Committees, it was

RESOLVED that, subject to the views of the Standards Committee, the Full Council be recommended that, to facilitate the provisions of the above motion, a revision be made to Council Procedure Rule 6.1 to now read as follows:-

"6.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members to attend the Employee Relations Committee (*including the Appeals Against Dismissal and Disputes Resolution Sub-Committees*), the Chief Officers' Appointments and Conditions of Service Committee and the JNC Chief Officers' Appeals Committee. No other arrangements for substitute Members shall be made."