

DONCASTER METROPOLITAN BOROUGH COUNCIL

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

20TH JANUARY, 2009

A MEETING of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE was held at the MANSION HOUSE, DONCASTER on TUESDAY 20TH JANUARY, 2009 at 10.00 a.m.

PRESENT:

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

Councillors Kevin Abell, Paul Bissett, Marylin Green, Beryl Harrison, David Hughes, J.P., Ray Mullis, Mark Thompson, Norah Troops and Jonathan Wood.

ALSO IN ATTENDANCE:

Councillor Paul Coddington.

APOLOGIES

Apologies for absence were received from Councillors Stuart Exelby, Martin Williams and Yvonne Woodcock.

15. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTEREST

There were no declarations made at the meeting.

16. MINUTES OF THE ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE MEETING HELD ON 4TH NOVEMBER, 2008

RESOLVED that the Minutes of the Elections and Democratic Structures Committee meeting held on 4th November, 2008 be approved as a correct record and signed by the Chair.

17. MAYORAL AND EUROPEAN PARLIAMENTARY ELECTIONS – 4TH JUNE, 2009: PROGRESS REPORT

Members considered a report which outlined the progress made to date in the initial preparations for the Mayoral and European Elections to be held on 4th June, 2009. It was reported that discussions were still taking place on the Returning Officers Fees and Charges Order, which set the funding for which Regional and Local Returning Officers were able to claim for the cost of running the Election on behalf of the Government. It was noted that this would be a key factor in how the Council planned to implement the Elections process. The Electoral and Democratic Renewal Consultant explained that consideration was also needed as to how the verification and counts for both Elections would be undertaken. Members noted that it was intended that the verification of both

the European and Mayoral ballot papers would be undertaken on the morning of Friday 5 June, 2009 following which the counting of the Mayoral ballot papers would commence, with the counting of the European ballot papers not commencing until the evening of Sunday 7th June, 2009 as this had to be delayed to enable the declaration of the result to be made immediately after 9.00 p.m. that evening, following the close of poll in all European member states.

General discussion followed, during which Councillor Paul Bissett pointed out that this Committee had not approved the proposed date of the European and Mayoral Elections and requested that this be recorded in the minutes. In response, the officers explained that this was not a matter that could be decided by the Committee but was a decision for the Government to make. They stressed, however, that the Committee's views had been reflected in the Council's responses to the Government's consultation.

The Acting Director of Resources advised that a combined election could raise some difficulties in terms of the process being confusing to the public and, with this in mind, it was intended that two separate postal ballot packs would be issued to help minimise any confusion. In response to questions, the officers confirmed that the European and Mayoral ballot papers would be significantly different in size and would be printed on different coloured paper.

With regard to the timing of the verification and counting of Mayoral ballot papers, the Acting Director of Resources acknowledged that it would have been preferable in some ways to conduct the count for the Mayoral Election on the evening of Thursday 4th June, but this was simply not practical given that the verification of ballot papers alone was likely to take until 12 midnight/1.00 a.m. on the night. With regard to the verification process, it was noted that this was likely to commence at around 8.00 a.m. on Friday. In response to a request by a Member, the Electoral and Democratic Renewal Consultant undertook to provide all Members of the Committee with a copy of the proposed timetable for the Elections process.

After the officers had answered questions on a number of other issues including the high proportion of postal votes used in Doncaster, and the procedures followed in checking the validity of postal votes, it was

RESOLVED to note the contents of the report.

18. REVIEW OF THE PROTOCOL ON THE DIFFERING FUNCTIONS OF THE ELECTED MAYOR AND CIVIC MAYOR AND CONSULTATIONS ON ACCEPTING ENGAGEMENTS

Members considered a report which sought the Committee's views on the Council's existing protocol for the use of the title 'Civic Mayor' as a result of a recent motion referred to this Committee by the Council in respect of the differing functions of the Elected Mayor and Civic Mayor. The report also outlined the views of Mayor Winter, the Civic Mayor/Chair of Council and other recent Civic Mayors on the existing protocol following consultation. The report also included, at Appendix B, a list of recurring annual engagements attended by the Chair of Council/Civic Mayor which it was suggested by the Chair and

former Chairs of Council ought to be recommended to Council for endorsement en-bloc as Civic Mayor/Chair of Council engagements to be attended by him/her on an ongoing basis without the necessity for consultation with the Elected Mayor's office on who should attend as Borough representative. Members noted that the consultation mechanism between the Civic and Executive offices for determining who should attend other ad hoc events had also recently been strengthened by revising the consultation record form, included at Appendix C of the report, which was completed whenever an invitation was received by the Civic Office for the Chair of Council to attend or host a function or event.

During discussion, several Members expressed their dismay that agreement had not been reached on this matter by the individuals concerned and felt it was a shame that the Committee was now having to consider the protocol as a result.

The Chair, Councillor Moira Hood, then invited Councillor Paul Coddington as current Chair of Council to give his views on this matter. Councillor Coddington explained that he was trying to be as professional as possible in performing his role. He explained that there had been some occasions when he had been invited to attend events as Chair of Council but advised by the Executive Office not to wear the Chains of Office. He stated that in those instances he had felt that he should be permitted to wear the Chains if he was attending the events in his capacity as Chair of Council. Councillor Coddington added that it was hoped that the recently introduced consultation form would help to clarify the approvals process when invitations to engagements were received.

After Members had commented that they felt the existing protocol for the use of the title 'Civic Mayor' was straightforward and did not need strengthening, and the Civic Office Manager had confirmed that the new consultation arrangements between the Civic and Executive Offices seemed to be working smoothly, it was

RESOLVED to recommend the Council:

- (a) to note the Council's existing protocol for the use of the title 'Civic Mayor' as set out in Appendix A of the report;
- (b) that a list of engagements, functions and charitable events that occur on a year on year basis, as set out in Appendix B of the report, which are clearly a civic related matter be endorsed en-bloc and readily accepted as Civic Mayor/Chair of Council engagements to be attended by him/her on an ongoing basis without the necessity for consultation with the Elected Mayor's office on whether and who should attend as Borough representative;
- (c) that ad-hoc or non-recurring invitations received by the Civic office should continue to be subject to consultation with the Elected Mayor's office on whether to accept the engagement and who should attend as Borough representative;

- (d) that with regard to the proposed list of recurring engagements detailed in Appendix B of the report, and following consultation with the Executive office on non-recurring engagements, where the Civic Mayor/Chair of Council's attendance is agreed, the Civic Mayor should at his/her discretion decide whether or not to wear the chains of office in the circumstances dependent upon the nature and custom/practice of the individual engagement.

19. REVIEW OF THE CONSTITUTIONAL PROVISIONS REGARDING RESPONSIBILITIES FOR APPOINTMENTS TO OUTSIDE BODIES

Members considered a report which set out the current Constitutional provisions in respect of responsibilities for making appointments to Outside Bodies and sought the Committee's views on whether it wished to make recommendations to the Council, after seeking the Standards Committee's views, on a schedule of Bodies that should be Executive appointments in the future and those which should be Full Council appointments, as set out in Appendices A and B of the report. The Committee was asked to consider this in the light of the Overview and Scrutiny Management Committee's review of the Outside Bodies appointments process during 2007 and its recommendations to the Mayor.

In outlining the background to this issue, the Acting Director of Resources explained that whilst the majority of appointments to outside bodies were clearly related to either Executive functions or Council functions, problems had arisen in the past in determining where responsibility should rest in making appointments to the Joint Authorities. However, it was noted that following its review of appointments to outside bodies, the Overview and Scrutiny Management Committee had recommended that Full Council should make appointments to Joint Authorities. The Acting Director of Resources advised that if this Committee was minded to recommend to Full Council via the Standards Committee that future appointments to Outside Bodies be split between the Executive and Full Council on the basis set out in the report, it was suggested that authority be given for an annual review of the list of bodies within each category to be undertaken by Officers to allow new bodies that the Council was invited to be represented on, or bodies that were no longer in existence or that the Authority no longer wished to be represented on, to be added or deleted from the respective schedule. The updated lists of each category would then be reported annually to Full Council for review prior to the commencement of the new municipal year in which the appointments were to be made. If the Committee supported this approach, it would necessitate a further recommendation to Council that appropriate amendments be made to the Constitution to clarify the responsibility for making appointments.

During subsequent discussion, a Member expressed the view that this exercise had highlighted the fact that this Council made appointments to a large number of outside organisations, and he felt that it would be useful if the Overview and Scrutiny Management Committee could be requested to conduct a further review in the future of the effectiveness/value of having representation on these bodies, taking into account factors such as the frequency in which they meet.

After Members had supported the recommendations of the Overview and Scrutiny Management Committee on the division of appointments to be made between the Executive and Full Council, it was

RESOLVED that, subject to the views of the Standards Committee, the Full Council be recommended that:-

- (a) future appointments to Outside Bodies be split between the Executive and the Full Council on the basis set out within Appendices A and B of the report;
- (b) Officers be requested to draft appropriate revisions to the local choice functions within Sections III and IV of the Constitution, for Council's consideration; and
- (c) an updated list of each category of appointments to Outside Bodies be reported annually to the Council for review prior to the commencement of the new municipal year in which the appointments are to be made.

20. REVISIONS TO THE COUNCIL'S CONSTITUTION (PART 3 – RESPONSIBILITY FOR FUNCTIONS) ARISING FROM FUNCTIONS AND RESPONSIBILITIES ORDER NO. 2787 (NOVEMBER 2008)

The Committee considered a report which drew Members' attention to minor revisions made to the Council's Constitution which had arisen due to the need to update specific information arising from recent legislation set out in a recent Functions and Responsibilities Order. These were presented for information purposes in accordance with the Council's delegated authority given to the Managing Director/Monitoring Officer (Minute No. 68 – 7th November, 2005) to carry out such revisions to the Constitution. In addition, the report sought agreement to recommend to Full Council proposed delegations to committees and/or to officers relating to new functions in respect of the registration of common land and town or village greens, the designation of localities as alcohol disorder zones and other miscellaneous functions relating to the Commons Act 2006.

Discussion followed, during which the Democratic Services and Member Support Manager explained, in response to a question, that the reason why no delegation to officers was proposed in respect of the power to make or revoke an order designating a locality as an alcohol disorder zone was to maintain consistency with that previously agreed for the similar power relating to making Designated Public Place Orders.

After Members had discussed the extent of delegations to Officers and the importance of Officers consulting with the relevant Chairs of Committees, where appropriate, in taking decisions, it was

RESOLVED that, subject to the views of the Standards Committee, the Full Council be recommended to:-

- (a) note the revisions made by the Managing Director/Monitoring Officer under delegated authority as described in paragraph 8 of the report; and
- (b) agree the delegations to officers listed in paragraph 9 of the report relating to the additional functions in respect of the registration of common land and town or village greens, the designation of localities as alcohol disorder zones and other miscellaneous functions relating to the Commons Act 2006.