

DONCASTER METROPOLITAN BOROUGH COUNCIL

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

21ST JULY, 2009

A MEETING of the ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE was held at the MANSION HOUSE, DONCASTER on TUESDAY 21ST JULY, 2009 at 10.00 a.m.

PRESENT:

Chair – Councillor Moira Hood
Vice-Chair – Councillor Bob Ford

Councillor Kevin Abell, Councillor Paul Bissett, Peter Davies, Mayor of Doncaster, Councillors Marilyn Green and Ken Knight.

APOLOGIES

Apologies for absence were received from Councillors Ken Keegan, Bill Mordue and Ray Mullis.

1. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTEREST

There were no declarations made at the meeting.

2. MINUTES OF THE ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE MEETING HELD ON 17TH MARCH, 2009

RESOLVED that the Minutes of the Elections and Democratic Structures Committee meeting held on 17th March, 2009 be approved as a correct record and signed by the Chair.

3. TERMS OF REFERENCE

The Committee received a report which outlined the Terms of Reference of the Elections and Democratic Structures Committee for the 2009/10 Municipal Year. It was reported that these had been agreed at the Annual Meeting of Full Council on 19th June 2009 and there were no changes from the previous year. The Committee was therefore asked to note the contents of the report.

RESOLVED that the Terms of Reference of the Elections and Democratic Structures Committee for 2009/10 be noted.

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

Members considered a report which provided an evaluation of the Mayoral and European Elections that had taken place on 4th June, 2009. It was reported that although the previously reported delays in the implementation of amendments to the European Parliamentary Election Regulations and the

Returning Officers Fees and Charges Order had made planning for the elections more difficult, once these documents had been finalised it was possible for the Elections Team to complete and implement planning more effectively and subsequently arrangements for the elections had progressed smoothly.

It was noted that in total approximately 66% of postal votes had been returned for the two elections, which was slightly above the anticipated return rate of 60%. Furthermore, very few problems had been reported with mail deliveries, with an estimated 99.5% of postal votes being delivered successfully. Members noted that turnout for the elections had been 35.8%. The Electoral and Democratic Renewal Consultant confirmed that the opening of postal votes and the operation of polling stations had generally operated smoothly and that checks of the personal identifiers on postal votes were undertaken in accordance with statutory requirements, with 100% checks being completed. He also reported that the Counts for the Mayoral Election held on Friday 5 June and the European Parliamentary Election held on Sunday 7 June 2009 had both operated successfully with results being declared within the anticipated timescales. Members were pleased to note that on two different occasions during the delivery of the elections, Observers from the Electoral Commission had visited and given positive feedback on the Council's operations.

General discussion followed, during which the Electoral and Democratic Renewal Consultant answered various questions from Members on issues including how the number of postal votes in the Borough compared with those in other authorities' areas, and the number of postal votes that had been re-issued. In response to a question as to whether any complaints had been made regarding the inappropriate use of postal votes, the Consultant explained that there had never been any serious problems in this respect in Doncaster. Whilst some complaints/allegations of improper use of postal votes had been received in the past, no evidence had been found, particularly of any large-scale fraudulent activity in the Borough.

In response to a comment by a Member regarding the high number of spoilt ballot papers received and the actions of a journalist in the run up to the Elections in encouraging the public to return spoiled papers through a column in a local newspaper, the Electoral and Democratic Renewal Consultant explained that one possible cause for an increased number of spoilt papers was the added complexity of the second preference voting system compared to the 'first past the post' system used at the Borough Elections. He added that it was unlikely that any formal action could be taken regarding such articles, as it was doubtful that an offence had been committed and historically the spoiling of ballot papers had been a method of registering a protest. He suggested, however, that if notified of such incidents, the Council might be able to contact the person concerned and try to deter them from encouraging others to do so. Arising from further concerns being expressed by Members regarding the high number of spoilt papers received at the Elections, and the use of the second preference voting system, the Interim Director of Resources suggested that it might be useful for the Committee to see a copy of the newspaper article in question, and also to receive a further report at its next meeting giving a breakdown of the number of ballot papers rejected and the various reasons for their rejection. He pointed out that this might provide useful evidence if the

Committee then chose to make representations to the Government and the Electoral Commission on the system of voting used for Mayoral Elections. He added that the report could also include the contents of a draft letter for the Committee's endorsement, if Members were minded to make such representations.

After the Committee had congratulated the Electoral and Democratic Renewal Consultant and his team on their efforts in ensuring the successful delivery of the 2009 Elections, it was

RESOLVED that:-

- (1) the contents of the report be noted; and
- (2) a further report be submitted to the Committee at its next meeting giving a breakdown of the number of ballot papers rejected and the various reasons for their rejection, and also incorporating a draft letter to the Government and the Electoral Commission making representations from this Council in respect of the second preference voting system used for Mayoral Elections, for the Committee's consideration/endorsement.

5. REVIEW OF COUNCIL PROCEDURE RULES (PART 4, SECTION I OF COUNCIL CONSTITUTION)

Members considered a report which sought the views of the Committee on options for making possible revisions to the Council Procedure Rules (Part 4, Section I of the Council's Constitution) for subsequent consideration by the Standards Committee on 9th September, 2009, prior to any formal recommendations being considered by the Full Council at its meeting on 19th October, 2009. In presenting the report, the Democratic Services and Member Support Manager outlined the key issues and options for Members' consideration, including:-

- The scope for introducing a facility in the Rules governing questions on notice by the public for a supplementary question to be put by a member of the public to the Mayor or other Members of the Executive, following a response being made to their original question, to bring arrangements in line with the existing mechanism for Elected Members to ask a supplementary question;
- Whether consideration should be given to a suggested improvement to clarify in Council Procedure Rule 12 that questions to the Mayor should only relate to Executive Functions for which he bears responsibility and also whether there should be a mechanism for the public to put questions on regulatory matters such as planning and licensing to the Chairs of the relevant Committee bearing responsibility for carrying out these roles;
- With regard to Council Procedure Rule 12.4 (Number of Questions), to

consider whether the current restrictions on numbers of questions to be asked per person/organisation at each Council Meeting, and the total number of questions to be submitted in any 6 month period, are reasonable and adequate, and should therefore remain unchanged, or whether the threshold limits should be revised; and

- Whether Rule 24.1 (Standing to Speak), which requires any Member who speaks at Full Council to stand and address the meeting through the Chair, should be retained on the grounds that traditional decorum should be maintained in Council Meetings, or conversely whether it should be amended to allow Members the discretion to stand or sit on the basis that it could be viewed as being an archaic rule and rather 'old hat', and especially with regard to situations due to a disability or for health reasons where a Member may be temporarily or permanently prevented from standing to speak.

The Committee then discussed the various options at length and made the following comments/recommendations:-

Questions at Council Meetings: Council Procedure Rules 12 – Questions by the Public and 14 – Questions by Members

Supplementary Questions by the Public

During discussion on the provisions of Council Procedure Rule 12 (Questions by the Public), there was an exchange of views on the merits or otherwise of allowing supplementary questions by the public. Whilst some Members felt that the public should be afforded the opportunity to ask a follow up question in Council Meetings, others took the view that such an extension to the question time rules could impinge on the overall time limit of 60 minutes allowed for the 'Question Time' session, leaving less time remaining for questions to be put by Elected Members or for other business on the agenda to be dealt with. Arising from further debate on the scope for extending the 'Question Time' slot at Council Meetings beyond the existing time limit of 60 minutes, Members agreed with a suggestion that 'Question Time' be extended to a maximum of 90 minutes in total, with the first 30 minutes being devoted to public questions, and supplementary questions by members of the public being permitted. This would be on the basis of both public and member questions on notice being taken as read at meetings to save time, and the response from the Mayor/Members of the Executive being provided to the public attendee(s) at the start of the Meeting, to enable them to prepare a supplementary question to ask, if they so wished.

Questions by the Public on Regulatory Matters

In discussing the proposed revision to Council Procedure Rule 12.1 to introduce the facility at Full Council Meetings for members of the public to put questions to the Chair of a relevant Regulatory Committee if a question concerns a regulatory matter such as Planning and Licensing, a Member expressed concern that such a mechanism could lead to inappropriate questions being asked by the public with regard to decisions taken by the Planning Committee in relation to specific planning applications. In response, the Democratic

Services and Member Support Manager referred to the provisions of Council Procedure Rule 12.5 (Scope of Questions) and stressed that as this stipulated that questions should relate to Borough wide issues, this would serve to filter out any questions relating to specific, localised issues such as individual planning applications and ensure that questions only related to general policy issues or matters affecting the whole of the Borough. The Interim Director of Resources advised that whilst the standard practice across local authorities was to exclude regulatory matters from Council Meetings because of the quasi-judicial nature of proceedings followed at Regulatory Committee meetings, it might prove to be a useful exercise to introduce a facility for public questions on regulatory matters on the basis of a one year trial period, following which the arrangements could be reviewed in the event of any specific problems arising. Members concurred with this suggestion.

Rule 12.4 – Number of Questions

In discussing the current restrictions on the numbers of questions to be asked by individuals and organisations at any one meeting of the Council, and in any 6 month period, Members generally agreed that the provisions of this Rule were satisfactory and should remain unchanged. It was agreed, however, that Council Procedure Rule 12.2 (Order and number of questions) should be revised by deleting the second sentence, i.e. “A maximum number of 6 questions from the public shall be asked at any one meeting of the Council.”

Council Procedure Rule 24 – Members’ Conduct: Rule 24.1 – Standing to Speak

During lengthy discussion on the current requirement in the Council Procedure Rules for Members to stand and address the meeting through the Chair when speaking at Full Council, there was an exchange of views as to whether this protocol should be relaxed to allow Members discretion to sit or stand depending on their personal circumstances. A majority of Members felt that the requirement that Members stand when speaking should be upheld as a mark of respect and to maintain order and decorum in the Chamber, whilst making allowances in the case of those Members who were temporarily or permanently prevented from standing to speak due to a disability or for health reasons. To this end, the Interim Director of Resources suggested that this arrangement could be implemented in practice by agreeing that any Member who for health reasons, disability or any other personal reason, believed they could not fulfil the requirement to stand should seek a dispensation from the Chair, which would be a once-only request and apply for the duration of their term of office (if required) or until such time as they were able to stand again when speaking. The Committee gave its support to this proposed approach.

During further discussion, the Democratic Services and Member Support Manager informed the Committee that a wider review of the potential for utilising sound/audio systems and display screens in the Council Chamber, together with web-casting of Council Meetings, was planned in the near future, the results of which would be reported to either this Committee or the Full Council later in the year.

It was then

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

- (1) 'Question Time' at Council Meetings be extended to a maximum of 90 minutes in total, with the first 30 minutes being devoted to public questions, and supplementary questions by members of the public being permitted. This would be on the basis of both public and member questions on notice being taken as read at meetings to save time, and the response from the Mayor and/or Members of the Executive being provided to the public attendee(s) at the start of the Meeting, to enable them to prepare a supplementary question to ask, if they so wish;
- (2) Council Procedure Rule 12.1 be revised to introduce a facility for public questions on regulatory matters to be put to the Chair of a relevant Regulatory Committee at Council Meetings on the basis of a one year trial period, following which the arrangements will be reviewed in the event of any specific problems arising;
- (3) the current restrictions on the numbers of questions to be asked by individuals and organisations at any one meeting of the Council, and in any 6 month period, as laid down in Council Procedure Rule 12.4, should remain unchanged;
- (4) Council Procedure Rule 12.2 (Order and number of questions) be revised by deleting the second sentence, i.e. "A maximum number of 6 questions from the public shall be asked at any one meeting of the Council."; and
- (5) with regard to Council Procedure Rule 24.1 (Standing to Speak), the current requirement for Members to stand and address the meeting through the Chair when speaking at Full Council should be maintained in the interests of decorum and discipline, subject to exceptions being made for any Member who for health reasons, disability or any other personal reason, believes they cannot fulfil the requirement to stand. In such circumstances the Member should seek a dispensation from the Chair, which will be a once-only request and apply for the duration of their term of office (if required) or until such time as they are able to stand again when speaking.

6. REVIEW OF MEMBERS' JOB PROFILES

Members considered a report which outlined proposed revisions to Members' Job Profiles, which formed Part 6, Section I of the Council's Constitution, as part of this Committee's remit to proposed constitutional revisions to Council, having invited the Standards Committee to comment on such proposals. It was noted that the Job Profiles for Members had not been reviewed since the inception of the current Constitution back in 2002. As a result, the Member Development Working Group had carried out a review of the job profiles and made a number of recommendations in respect of making possible revisions to

their contents to ensure that the profiles remained 'fit for purpose' and up-to-date, as identified in paragraphs 6 – 9 and set out in Appendix 1 of the report.

In supporting the proposed addition of a new paragraph to the list of duties for Ward Members reflecting the role of Members as corporate parents in supporting the Council's activities relating to the safety and welfare of children, the Committee felt that there was a need for Members to learn much more about their role in this sphere of work, as there was a significant amount of information on this subject for Members to digest. The Chair, Councillor Moira Hood, also felt that there was a need for those Members who did not sit on the Schools, Children and Young People Overview and Scrutiny Panel to be kept better informed of the Council's work in relation to Children's Services. In response, Councillor Marilyn Green, Chair of the Schools, Children and Young People Scrutiny Panel confirmed that ways of improving communications in this respect were being looked into, adding that she felt that all Members needed training on this subject.

RESOLVED that, subject to the views of the Standards Committee, the Council be recommended to approve the suggested revisions to Members' Job Profiles in the Council's Constitution put forward by the Member Development Working Group, as outlined in Appendix 1 to the report.