

Addendum to review of the Constitution

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1. Summary

- 1.1. The Constitution and Standards Committee met on 10 May to consider the proposed changes in relation to the council's meetings. Specific recommendations, which are included in the Monitoring Officer report to Full Council, related to the recommended deletion of audio recordings after minutes of meeting have been agreed and where a member of the public is not able to attend a meeting that the committee will be referred to their submitted statement rather than having it read out by an officer.
- 1.2. The Committee understood the reasons for the proposed changes and through debate the Committee agreed the following amendments to propose to Full Council to consider. The amendments are as follows:
 - Following agreement to the minutes of a meeting, audio recording to remain on the council's website for two years, then after that period the recording to be deleted from the website and council's records
 - The retention of the current arrangements for an officer to read out a question or statement that has been submitted by the deadline for a meeting but where a member of the public or their substitute cannot attend
 - For the deadline for submission of public questions, statements or petitions to be changed from 3 clear days before a meeting to 2 clear days before a meeting

The main reason underpinning all of these proposed amendments is to improve transparency and accessibility for the public.

2. Recommendations

- 2.1. **The Constitution & Standards Committee recommends that the Council approve the proposals set out in sections 3.3, 3.4 and 3.5 of this report.**

3. Background

- 3.1 The Constitution & Standards Committee met on 10 May to consider proposed changes to the Council's Constitution in relation to meeting procedures and audio recordings.
- 3.2 Following debate the majority of the Committee agreed three amendments and requested that Full Council consider these at its meeting on 15 May. The three amendments are set out below.

3.3 Audio recordings of meetings

Audio recordings of Council meetings (8.6.8 of Part 1): In May 2018, the Council revised its policy to clarify its procedures and reasons for making the recordings and which meetings it would record. The intention of the council's audio recordings has always been to assist with the production of the minutes of a meeting which are the legal record. This is consistent with what other councils do.

The policy is not explicit for how long the audio recordings are retained on the council's servers. Some councils retain the audio recordings for up to six months after a meeting has been held and some councils delete the audio recording immediately when the minutes have been agreed.

The Constitution & Standards Committee considered the proposal from the Monitoring Officer that in order to protect the status of the minutes as the legal record it is recommended that the audio recording is deleted when the minutes have been agreed.

Whilst the Committee understood the reasons for this, the Committee felt that audio recordings provided an opportunity to improve the public's access to what had transpired at a meeting which they had not been able to attend. The Committee agreed an amendment which seeks to ensure that audio recordings for main decision meetings are published on the website for two years after a meeting has been held. After the two years the Committee agreed that audio recording should then be deleted from the Council's website and systems.

The Committee therefore recommended that 8.6.8 of the Constitution is amended as follows:

8.6.38 The Council makes audio recordings of its main decision making meetings – Full Council, Cabinet and Regulation Committee – available to access on the website immediately following meetings. These recordings will be available on the website for two years and then deleted from the website and the council's electronic filing systems. Audio recordings are also made separately available to members via private access arrangements for the same period. Other formal meetings may be recorded on an ad-hoc basis depending on the circumstances and those attending will be informed where this is the case in advance of the start of the meeting.

3.4 Part 1, Section 4 - Public question time rules

One of the amendments made to the public question time rules in 2018 was a new provision which allowed for statements or questions to be read out by the Chair of the meeting or the Monitoring Officer if someone was unable to attend a meeting (see 4.10.5 of the Constitution).

There have been a number of occasions when this provision has been used and in some cases there have been several instances at the some meetings when people have submitted and not attended. The intention of the provision was for the rare occasions when people cannot attend rather than as a mechanism for remote submission of questions.

The Committee considered the proposal that since the Council publishes details of questions and statements received then it is proposed to amend this provision so that the Chair, Monitoring Officer or Democratic Services Manager present refer

instead to what has been published and issued to the committee members and not to read these out to the meeting. The relevant Cabinet Member or Officer will still provide a response to the committee.

Whilst the Committee understood the reasons for this, the Committee felt that the current provision was satisfactory and did not support the proposed amendment. The Committee agreed to recommend to Full Council to retain the current provision 4.10.5 as follows :

4.10.5 Members of the public have up to 3 minutes to introduce and present their representations. If a member of the public is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf. If no person is able to put the question to the meeting then either the Chair or the Monitoring Officer shall present their question to the meeting.

3.5 Deadline for submission of public questions, petitions or statements

Following debate, the Committee considered a proposal from a member of the Committee for the deadline for public questions, statements or petitions to be revised from the current 3 clear working days before a meeting to 2 clear working days before a meeting.

The Committee understood the reasons for the current deadline but felt that more time should be given to the public to submit their questions following the publication of the agenda and papers. The Committee therefore agreed to revise 4.10.1 as follows:

4.10.1 - Public representations (questions, statements or a petition) must be received in writing by the Monitoring Officer by 5pm on the Friday prior to the meeting (for Wednesday Council meetings) to be considered at that meeting. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions by 5pm two clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

4 Implications

4.1 Legal & Risk:

The Council's Constitution sets out the legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant. All of the proposed amendments to the Constitution above are in accord with the legislative requirements which give considerable scope for the Council to agree its own constitutional arrangements.

4.2 Impact Assessment:

There are no direct equalities implications arising from any of the proposals in this

report. There are also no sustainability or community safety implications.

4.3 Financial: The retention of audio recordings on the council's network drives for two years rather than deleting them after a meeting will have a marginal cost for storage.

4.4 HR: Not applicable.

5. Background papers

5.1. Council's Constitution

Reports to Constitution and Standards Committee in June 2018 regarding Public Question Time procedures

Report to Constitution and Standards Committee on 10 May 2019

Note: For sight of individual background papers please view these on the Council's website or alternatively contact the report author.