

**CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE**

A meeting of the Constitution and Members' Development Committee was held on 27 April 2018.

**PRESENT:** Councillors Bloundele, (Chair), Storey, G Purvis (As Substitute for N J Walker) and Rostron (As Substitute for C Rooney)

**OFFICERS:** D Johnson, S Lightwing, S Reynolds, B Roberts

**APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors J Hobson, Hubbard, C M Rooney, N J Walker

**DECLARATIONS OF INTERESTS**

There were no Declarations of Interest at this point in the meeting.

**18/1 MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 19 JANUARY 2018**

The minutes of the Constitution and Members' Development Committee meeting held on 19 January 2018 were submitted and approved as a correct record.

**18/2 STANDARDS COMPLAINTS - ARRANGEMENTS FOR DEALING WITH MEMBERS' CODE OF CONDUCT COMPLAINTS AND GUIDANCE ON HOW TO MAKE A COMPLAINT.**

A report of the Strategic Director, Finance Governance and Support was presented to seek approval of the suggested arrangements for dealing with Members' Code of Conduct complaints, guidance on how to make a complaint, and for the revised arrangements to be incorporated into the Council's Constitution.

The report detailed the process for dealing with complaints that an Elected Member, Co-opted Member or Parish Councillor had failed to comply with the Member's Code of Conduct.

A revised Appendix A was tabled at the meeting and set out the arrangements for dealing with Members' Code of Conduct complaints, including a copy of the Complaint Form (which required updating), timescale and a flowchart of the process.

Appendix B to the submitted report included guidance for Members and members of the public as to how to complete the Complaint Form, examples of what would/would not be considered as a complaint, the process, and possible outcomes where a complaint was upheld.

All future complaint hearings would be dealt with by the Standards Committee.

The Members and Statutory Services Manager suggested that some more descriptive information in relation to witnesses should be added to the guidance and explained she was in the process of seeking advice from Human Resources and Legal Services.

**AGREED that:**

1. The Members and Statutory Services Manager would circulate to all Members of the Committee, suggested information in relation to witnesses for inclusion in the guidance, for approval.
2. Following inclusion of the additional information in relation to witnesses, the final arrangements and guidance for Members' Code of Conduct Complaints was recommended to Council for approval.

**18/3 MEMBER/OFFICER PROTOCOL**

A report of the Strategic Director, Finance Governance and Support was presented which proposed amendments to the Member/Officer Protocol to ensure clarity in relation to breaches

of the Protocol, and in relation to the role and management of Political Assistants.

At a Standards (Hearings) Sub Committee held in 2017, it was agreed that the issue of breaches of the Member/Officer Protocol would be referred to the Constitution and Members' Development Committee for a review of the current arrangements.

A revised version of the Member/Officer Protocol had been drafted and a copy was attached at Appendix 1 to the submitted report. It was highlighted that a new Section 20 had been added to the Protocol to provide clarity in relation to breaches.

The report clarified that breaches of the Member/Officer protocol by Members, if found, would constitute a breach of the Members' Code of Conduct.

It was clarified that an alleged breach by officers in general would be dealt with through the Council's disciplinary proceedings and breaches of the Member/Officer Protocol by senior officers (statutory) would be dealt with by the Chief Officer's Appointments Committee. Members discussed the appeals process for senior officers and it was agreed that this would be via the Staff Appeals Committee.

**AGREED** that:

1. The appeals process for senior officers would be via the Staff Appeals Committee.
2. The revised Member/Officer Protocol was recommended to Council for approval.

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#### **EXTRAORDINARY COUNCIL MEETINGS**

A report of the Strategic Director, Finance Governance and Support was presented to consider amendments to the Council Procedure Rules in respect of Extraordinary Council Meetings.

Following a number of Extraordinary Council Meetings in 2017, it was considered expedient to revise the Council Procedure Rules to provide additional clarity for Members.

During the 2017/2018 Municipal Year the Council had received a number of requests for Extraordinary Council Meetings, however the timescale for hosting such meetings had never been considered. It was therefore proposed that a new paragraph be added to the Constitution to specify that unless the matter to be discussed was so time-sensitive as to require an earlier meeting, all Extraordinary Council Meetings requested would be convened for the rise of the next scheduled Ordinary Council meeting.

The Chair informed the Committee that he had received a request from a Member who was unable to be present at the meeting, for consideration to be given to the inclusion of the following sentence in the revised Council Procedure Rules:

'In the event of an Extraordinary meeting taking place, all Members who are signatories to call for the meeting should be allowed to speak on the issue/topic raised, before any Member can ask for a vote to bring the meeting to an end.'

Following discussion, Members voted not to include the proposed amendment.

**AGREED** that the proposed changes to the Council Procedure rules in relation to Extraordinary Council Meetings were endorsed and recommended to Council for approval.

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#### **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED**

##### Financial Procedure Rules

The Monitoring Officer informed Members that according to the Constitution's current Financial Procedure Rules, the threshold for Key Decisions was £150,000 whereas the threshold for Capital Decisions was £100,000. The Monitoring Officer proposed raising the threshold for Capital Decisions to £150,000.

**AGREED** that the proposed change to the Financial Procedure Rules in relation to the threshold for Capital Decisions was endorsed and recommended to Council for approval.

Amendments to the Constitution

The Monitoring Officer informed the Committee that a single report would be submitted to the Annual Council meeting to encompass the amendments recommended at today's meeting.