

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on 19 January 2018.

PRESENT: Councillors Bloundele, (Chair), Brady, J Hobson, C M Rooney, Sharrocks and Storey

OFFICERS: S Bonner, D Johnson, S Lightwing, B Roberts

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Hubbard and Mawston.

DECLARATIONS OF INTERESTS

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

17/1 **MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 22 FEBRUARY 2017**

The minutes of the Constitution and Members' Development Committee meeting held on 22 February 2017 were submitted and approved as a correct record.

17/2 **OVERVIEW AND SCRUTINY PROCEDURE RULES**

The Head of Legal Services presented a report to consider a review of the Overview and Scrutiny Procedure Rules which formed part of the Council's Constitution and Call-In Guidance for Councillors, contained within the Members' Handbook.

The Overview and Scrutiny Procedure Rules had not been reviewed since 2002 and it was considered timely to undertake a review. The concept of overview and scrutiny was originally introduced to local authorities by the Local Government Act 2000 and consolidated in Schedule 2 of the Localism Act 2011. The legislation allowed every Council to establish a mechanism for Executive decisions made, but not yet implemented, to be 'called-in' for consideration by Scrutiny. This included decisions taken by the Executive (collective or individual) or key decisions delegated to Chief Officers.

All Call-In by its nature acted as a delaying mechanism and should be used only in exceptional circumstances for decisions believed to be contrary to the Authority's decision making principles. A Call-In should be constructive, and not merely there either always to oppose the Executive, or to rubber-stamp the Executive's decisions.

In order to ensure that the process was fair and robust it was vital that Members of the Overview and Scrutiny Board and the decision maker(s) had enough information prior to any Call-In meeting to: enable them to form the basis of a debate; pose appropriate questions; to provide an explanation of the decision; have adequate information in relation to the concerns, procedural issues or alternative proposals to enable them to consider and determine their recommendations.

Middlesbrough Council's Call-In process was set out in the Overview and Scrutiny Rules contained within the Constitution. However, following on from recent Call-Ins it had become evident that more detailed direction, clarity and guidance was needed within the Constitution and the Members' Handbook to inform Members on the use of Call-Ins; to clarify the role of Members and Officers; to modify the criteria for assessing the validity of a Call-In; and to update the Call-In procedures at the Overview and Scrutiny Board.

It was recommended that a separate Call-In protocol was established. A copy of the revised protocol for inclusion in the Constitution was attached at Appendix 1 to the submitted report for consideration.

Following consultation with the Chair of the Overview and Scrutiny Board, the Committee was asked to consider the changes to the Constitution and agree the revised protocol which would be submitted to the Council for ratification. Further detailed guidance on Call-In would also be

included within the Members' Handbook. A copy was attached at Appendix 2 to the submitted report.

The Head of Legal and Democratic Services highlighted that in order for a Call-In to be valid, Members must:

- Use the prescribed Call-In Form (attached at Appendix A to the submitted report), which must be completed and returned to Democratic Services by 4 pm on the fifth working day following publication of the decision.
- Explain why they believed the decision was contrary to the principles of good decision making.
- Describe any perceived defects in the decision-making process.
- Describe any adverse effects which were likely to arise from the decision being implemented.
- Provide any evidence to support their reasoning.
- Identify an alternative course of action or recommendation that they wished to propose.

It was noted that currently, if, following an objection to a decision, the Overview and Scrutiny Board did not meet within 17 working days of the decision, or did meet but did not refer the matter back to the decision making person or body, the decision would take effect on the date of the Overview and Scrutiny Board meeting, or the expiry of that 17 working day period, whichever was earlier.

Following discussion, it was agreed that the Call-In protocol was amended to include that: if the Overview and Scrutiny Board meeting was adjourned, then the decision would be held in abeyance until the Board had reached a decision.

Members also discussed the protocol with regard to urgent decisions. Under the Constitution's current Overview and Scrutiny Procedure Rules, urgent decisions could be agreed by the Chair of Overview and Scrutiny Board (or the Chair or Vice Chair of Council in their absence), where any delay likely to be caused by the Call-In process would seriously prejudice the interests of Council or the public. It was highlighted that this did not prevent any Member who had an interest in the decision from having an input, such as discussing it with the relevant Executive Member or Mayor. Urgent decisions were reported to Council on a quarterly basis.

An issue was raised in relation to the draft Scrutiny Call-In Request Form which included a section for the signatories to the Call-In to indicate whether or not they wished to speak at Committee. It was agreed that since it would be the Proposer who would speak at Committee, anyone else who wished to speak should complete the section of the Form which related to witnesses. It was therefore agreed that this section should be removed from the Form.

Members' queries in relation to Declarations of Interest and tabling of evidence at Call-Ins were addressed by the Head of Legal and Democratic Services.

RECOMMENDED that the following were presented to Council for approval:

1. The new separate protocol for Call-Ins within the Constitution, as amended at the meeting.
2. Scrutiny Call-In Request Form, as amended at the meeting.
3. Revised procedure to be followed at Call-In meetings of the Overview and Scrutiny Board.
4. Revised Call-In Guidance for inclusion within the Members' Handbook.

17/3

MEMBER DEVELOPMENT SKILLS FRAMEWORK

The Head of Legal Services presented a report the purpose of which was for Members to consider adopting a Members Development Skills Framework for all Elected Members which would support the previously agreed Member Development Policy for 2017/2018.

At a previous meeting of the Committee, it was agreed that a Skills Framework for Members was introduced which would help identify individual development needs around the following

competencies:

- Local leadership.
- Partnership working.
- Communication skills.
- Political understanding.
- Scrutiny challenge.
- Regulating and monitoring.

The competencies formed part of the Local Government Association's (LGA) Political Skills Framework which set out the key knowledge and skills needed to support new and experienced Councillors in their efforts to develop the knowledge and skills to be effective in their role.

Much of the framework would be delivered internally and Members would be supported by Officers within Democratic Services. One key element in delivering the framework would be through self-reflective learning undertaken by the Councillors themselves; for example, through e-learning, work shadowing and coaching. This could also be supported by attendance at some external events such as the LGA Leadership Academy or events arranged locally, collaborating with other local authorities to minimise cost. Members would need to meet certain criteria before attendance at external events was approved - for example shown that the event is relevant to their portfolio or role and have undertaken a personal development plan.

A Member Development Programme had been designed to support the Member Development Skills Framework and was a live working document. The Programme would identify which element of the Skills Framework the event supported.

The current budget allocation for Members' training and development was £20,000 to cover the costs of additional training required through the proposed Member Development Skills Framework.

AGREED as follows:

1. The Member Development Skills Framework and the Member Development Programme were approved.
2. Members' Personal Development Plans, with associated feedback, would be implemented from May 2018.

17/4

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

Constitution and Members' Development Committee Meetings

It was proposed that a further meeting of the Constitution and Members' Development Committee was held in advance of the Annual Council Meeting in May 2018. In addition, four meetings would be added to the Council Diary for the forthcoming Municipal Year 2018-2019.

Extraordinary Council Meetings

A Member queried whether Council Procedure Rules in relation to the requirements for calling an Extraordinary Council Meeting could be reviewed. The Head of Legal Services clarified that the legislation in relation to calling such meetings effectively prevented their restriction. It was suggested that the Constitution and Members' Development Committee could still discuss the issue and make recommendations to the Government if appropriate.

AGREED as follows that:

1. A meeting of the Constitution and Members' Development Committee would be convened

prior to the Annual Council Meeting in May 2018.

2. Four meetings of the Constitution and Members' Development Committee would be convened for the Municipal Year 2018-2019.

3. An item would be added to the agenda for the next Constitution and Members' Development Committee meeting in relation to Extraordinary Council meetings.