

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on 4 February 2020.

PRESENT: Councillors Councillors J Hobson (Chair), L Garvey (Vice Chair), D P Coupe, A Hellaoui, B A Hubbard, J Rathmell, D Rooney and M Storey and C Wright

OFFICERS: Caroline Breheny - Democratic Services Officer
Sylvia Reynolds - Head of Democratic Services

1 WELCOME AND EVACUATION PROCEDURE

The Chair welcomed everyone to the meeting and advised on the Council's fire evacuation procedures.

2 MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 15 JULY 2019

The minutes of the Constitution and Members' Development Committee meeting held on 15 July were submitted and approved as a correct record.

3 UPDATE - COUNCIL CONSTITUTION

The Head of Democratic Services presented proposals to update the Constitution. A number of key areas had been identified as being of priority and these included an update on the Members Code of Conduct, Guidance on the use of Filming, Photography, Audio Recording and Social Media at all Council meetings, the Roles and Responsibilities of the Group Leaders and the Financial and Contract Procedure Rules (Standing Orders).

An indication of the types of changes that were proposed or had been made by the Monitoring Officer acting under delegated powers were listed as follows:-

Changes to incorporate Council / Executive Decisions:-

- Updated Executive Scheme of Delegation has already been incorporated into the Constitution.

Changes required as a result of legislative changes:-

- No changes had been proposed under this heading.

Changes to Improve the Working of the Council or Remove Ambiguities and Correct Typographic or Drafting Errors:

The following were listed:-

- Revised Members Code of Conduct to reflect the recommendations on best practice resulting from the Local Government Ethical Standards Committee Review in relation to Standards in Public Life. A copy of the revised Members Code of Conduct is attached at Appendix A. A copy of the recommendations on best practice is attached at Appendix B;
- Revised Filming Protocol to reflect the Council's decision to Live-stream Council meetings. A copy of the revised Webcasting, Filming and Recording of Council Meetings Protocol is attached at Appendix C;
- Inclusion of Role Profiles for Group Leaders to provide clarity and guidance for political group leaders – attached at Appendix D.
- Revised Financial and Contract Procedure Rules (Standing Orders) – attached at Appendix E.
- Minor amendments to name of plans/revised officer titles.

The Committee was advised that changes to the Constitution usually fell within three broad

areas, which could be described as follows:-

1. Alterations made as a result of decisions of either the Council or the Executive.
2. Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
3. Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.

An indication of the types of changes that were proposed or had been made by the Monitoring Officer under delegated powers were provided.

AGREED that the proposals to update the Constitution be endorsed and to recommend:-

1. That Council approved the proposed changes to the Constitution as detailed in the report and noted that the Monitoring Officer would, under delegated powers, amend the Constitution accordingly.
2. That the Monitoring Officer, under delegated powers be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which were typographical/drafting error nature.

4 **PROPORTIONALITY AND THE ALLOCATION OF SEATS TO POLITICAL GROUPS**

The Director of Legal and Governance Services submitted a report that aimed to guide the Committee through the legal requirements in relation to proportionality and allocation of seats on Committees to Political Groups.

It was highlighted that following local elections in May 2019 the Council's political make-up had changed significantly. The Constitution and Members Development Committee had requested that the Monitoring Officer provide a report in respect of the legal framework / requirements for committee appointments and the allocation of places and the Political Balance legislation.

The Head of Democratic Services presented the report and during discussion the following points were raised:-

- Although the Council can choose to move away from proportionality, the Council has followed the principles of proportionality for appointments to the majority of Committees.
- Legislation did allow for the political balance to be reviewed upon written request, as long 28 days had past since a request was last submitted.
- The Mayor was not considered as a Councillor under the Local Government and Housing Act 1989 and was not included in the political balance allocation.
- The Authority was under a duty to review the political allocation on an annual basis.

AREED that the information in the report be noted.

5 **REVIEW OF COMMITTEES**

The Head of Democratic Services submitted a report to the Committee to consider detailing a number of proposed options for streamlining Committee structures. The Council's political make-up had changed significantly since the May local elections and it had been agreed by full Council that the Constitution and Members' Development Committee should consider a full review of the Committee structures and political balance allocation.

To assist the Committee in its review Members had requested the following information at its previous meeting on 15 July 2020:-

- The number of Committees, the allocation of seats and whether there was a requirement to have as many Members as currently is on each Committee.

- Options regarding streamlining Committee structures, including any proposals to reduce the number of Committees and the number of Members appointed to Committees.
- The Terms of Reference of the various Committees should be examined, as well as legal clarity provided on the statutory / non-statutory / regulatory nature of each Committee.
- The current structure of the Overview and Scrutiny Panels and whether it would be feasible or beneficial to merge Panels.

It was highlighted that in accordance with the requirements of the Local Government and Housing Act 1989 the Council was required to periodically review the political composition of the Council and its application and appointments to committees of the Council. The Committee was informed that whilst the full Council considered allocations to existing Committees on an annual basis the last major review of committee structures, and their terms of reference, had taken place in 2005.

It was therefore proposed that this review would focus on those Committees that were covered by political balance. It was recommended that a further review of other committees, such as the Executive and Joint Committees, be undertaken at future date.

The Head of Democratic Services advised that once the Constitution and Members' Development Committee had considered the proposals detailed in the report, further work would be undertaken to review the full Terms of Reference of any new/ merged Committees which would again be submitted to Constitution and Members' Development Committee for consideration before approval was sought from full Council.

It was proposed that any changes/recommendations accepted by the Committee and agreed by Council should be implemented for the new municipal year in May 2021 following the completion of the Democratic Support Review that would take place from September 2020. This would ensure that any agreed changes could still be supported along with a better understanding of any implications they may bring.

The Head of Democratic Services presented the proposals, as contained in Appendix 1 of the report, and during discussion the following points were raised:-

- There was no objection to merging Constitution / Members Development and Standards Committee
- Chief Officer / Staff Appeals could be undertaken on a rotational basis and renamed the Appointments and Dispute Resolution Committee, reference was made to potential conflicts of interest and the need for these to be clarified / included in any terms of reference.
- Licensing Committee could consist of two subcommittees, with a broad enough membership (7).
- Members were of the view that the Ad-Hoc Scrutiny Committee should not be merged with the Overview and Scrutiny Board.
- The Health Scrutiny Panel should remain remain as a separate function and not be merged with the Adult Social Care and Services Scrutiny Panel.
- The views of the Chairs of the Children and Young People's Learning Scrutiny Panel and Children and Young People's Social Care Services Panel would need to be sought in advance of any changes and the preference was for these to remain separate.
- The view of the Chair of the Economic Development , Environment and Infrastructure Committee would need to be sought in respect of any proposed changes.
- Consultation would need to take place with the unions in respect of the proposals regarding Works Council and the Corporate Health and Safety Committee.

AGREED that a revised Petitions Scheme be considered at the next meeting of the Committee following the repeal of legislation relating to the requirement for local authorities to have a statutory scheme.