

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

A meeting of the Constitution and Members' Development Committee was held on Friday 10 December 2021.

PRESENT: Councillors J Hobson (Chair), A Hellaoui, B Hubbard, D Rooney, M Saunders, M Storey and J Thompson

OFFICERS: C Benjamin, S Reynolds, A Glover and J McNally

APOLOGIES FOR ABSENCE: Councillor A Bell

10 **MINUTES CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 8 OCTOBER 2021**

The minutes of the Constitution and Members' Development Committee held on 8 October 2021 were approved as an accurate record.

11 **DECLARATIONS OF INTEREST**

There were no declarations made at this point in the meeting.

12 **CONSTITUTION UPDATE**

The Director of Legal and Democratic Services presented the report and advised the Committee and Members of the public watching the broadcast that the Constitution was a live document that was continually updated.

The Committee were advised that occasionally amendments were needed to reflect changes in policy and legislation whilst others dealt with inconsistencies and presentational issues that had no effect on the agreed procedural rules. Other minor amendments were required to deal with the results of new legislation and did not require a change in Council processes.

Members heard that the changes to the Constitution fell within three broad areas, which are described as follows:-

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

The following amendments were proposed under paragraph (c)

a) **Council Procedure Rules**

Change of the word **must** to **should** in paragraph 76 of Council Procedure Rules

An amendment to an ordinary motion ~~must~~ **should** be submitted, in writing, 2 clear working days before the meeting and must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words,

as long as the effect of (b) to (d) is not to negate the motion, or introduce a new proposal.

b) Officer Employment Procedure Rules

Change of wording for the Appointment of Head of Paid Service to provide for the appointment to be made by Full Council or by recommendation from the Chief Officer Appointments Committee.

Appointment of Head of Paid Service

(a) The appointment of the Head of Paid Service will be **made directly by Full Council, or by an Appointment Committee. The Appointment Committee will be made up of 7** members nominated annually by the Council and will include the Elected Mayor, Deputy Mayor and the relevant portfolio holder. The appointment of the Head of Paid Service will be approved by the full Council following the recommendations of the Appointment Committee.

(b) The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been received from any member of the Executive, within three days of notification of the recommended candidate.

c) Councillor Calls for Action

Insert Procedure and Guidance for Councillor Calls for Action into the Constitution.

Following the last meeting of the Constitution and Members' Development Committee at which the next set of priorities were agreed the Director of Legal and Governance Services sought agreement on the timetable for each of the priorities to be reviewed.

It was proposed that additional meetings of the Constitution and Members' Development Committee were scheduled to ensure that each of the priorities could be reviewed in a timely manner.

AGREED as follows:-

- a) That the change of the word **must** to **should** in paragraph 76 of Council Procedure Rules be approved and referred to full Council
- b) That the change of wording for the Appointment of Head of Paid Service to provide for the appointment to be made by Full Council or by recommendation from the Chief Officer Appointments Committee be approved and referred to full Council
- c) That the Procedure and Guidance for Councillor Calls for Action is inserted into the Constitution be approved and referred to full Council.
- d) The timetable for each of the priorities to be reviewed was agreed

- e) Additional meetings would be scheduled to ensure that each of the priorities could be reviewed in a timely manner

13 **POLITICAL BALANCE**

The Director of Legal and Governance Services presented the report to the Committee. The report proposed the inclusion of the Political Balance Procedure Rules within Part 6 – Rules and Procedures, of the Council’s Constitution.

AGREED as follows:-

The Constitution and Members’ Development Committee considered and endorsed the proposed Political Balance Procedure Rules, for submission to and approval by Full Council, for inclusion within the Council’s Constitution.

14 **SOCIAL MEDIA FRAMEWORK: POLICY AND GUIDELINES FOR ELECTED MEMBERS**

The Director of Legal and Governance Services presented the report to the Committee. The report proposed the introduction of a new Social Media Framework (Policy and Guidelines) for Elected Members, for inclusion within the Members’ Handbook.

The Committee heard that following concerns raised by some Members, an Ad Hoc Scrutiny Panel was convened to discuss how Members utilised social media as part of their communication activities.

The panel found that:

- a) there were inconsistencies between how Members utilised social media, and
- b) there was no overarching framework to provide guidance on how to utilise social media effectively and equitably.

Following the Ad Hoc Scrutiny Panel’s investigation, the recommendations submitted to and endorsed by Executive on 7 September 2021 were as follows:

1. *That a communications plan be implemented that aligns with the refreshed Strategic Plan 2021-2024 to ensure consistency and direction of council communications.*
2. *To ensure Members are well versed on social media etiquette; a training package be delivered to Members on the appropriate use of social media. Training should be carried out as a mandatory requirement on an annual basis (minimum).*
3. *That the principles of proper behaviour on social media be reflected in the revised Member Code of Conduct; and*
4. *As a corollary of recommendations one and two; a framework be developed to provide clarity to all Members on the appropriate use of social media.*

In response to recommendation 4, the social media framework (incorporating policy and guidelines for Elected Members) had been produced.

Members were advised that the key risk to the Council of not embracing the proposed framework was reputational damage as a consequence of inappropriate communications being transmitted.

It was also advised that the Members’ Code of Conduct may require amendment as a result of the introduction of the Social Media Framework.

It was proposed that Members would require a briefing on the requirements and implications of the Social Media Framework.

AGREED as follows:-

Members approved the proposed Social Media Framework: Policy and Guidelines for Elected Members, for inclusion in the Members' Handbook with the following change:

1. *To ensure Members are well versed on social media etiquette; a training package be delivered to Members on the appropriate use of social media. Training should be carried out as a mandatory requirement upon election.*

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GDPR FOR ELECTED MEMBERS

The Head of Democratic Services informed the Committee that e-learning GDPR training for Elected Members had been developed. The Head of Democratic Services stated that GDPR training was not currently mandatory for Elected Members. The Committee was asked to agree to the training becoming mandatory and the Member Development Framework be updated to reflect this change.

The Head of Democratic Services asked the Committee to consider how it was reported or what sanction would be imposed if an elected member did not undertake the training. Members were asked to consider if it would become a standards issue or a breach of the code of conduct. The Head of Service suggested that a public report could be produced detailing members who have undertaken the training.

AGREED as follows:-

The GDPR e-learning training would be made mandatory for Elected Members and the Member Development Framework would be updated to reflect this.

The Committee asked that potential sanctions be investigated further and brought back to a future meeting of the Committee.

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COUNCIL PETITIONS/PRIVATE PETITIONS

It was agreed that the item on petitions would be brought to the Corporate Affairs and Audit Committee.