

# MINUTES OF THE CONSTITUTION WORKING PARTY

Wednesday, 3 September 2014 at 7.30 pm

PRESENT: Councillors John Coughlin, Liam Curran, Alan Hall, Stella Jeffrey, James-J Walsh and Susan Wise.

ALSO PRESENT: Councillor Kevin Bonavia.

## 22. Election of Chair and Vice Chair

RESOLVED that Councillor Alan Hall be elected as Chair and Councillor Susan Wise be elected as Vice-Chair for the municipal year 2014-15.

## 23. Declaration of interests

There were none.

## 24. Minutes

Members observed that there were often long gaps between meetings and requested that draft minutes be circulated as soon as practicable after meetings.

RESOLVED that the minutes of the meeting held on March 14 2013 be confirmed and signed as a correct record.

## 25. Referral from OS Business Panel

The Working Party considered two issues raised by the Overview & Scrutiny Business Panel.

On the issue of the size of the Business Panel, the Chair observed that it had a notional membership of 11, but as the sole Green Party representative on the Council had declined an offer of membership, the appointed membership was actually 10. Amending the Constitution, as shown in the recommendation, would serve to make legal provision for the currently prevailing situation.

In terms of the second suggestion that responsibility for the overview and scrutiny of library services becomes the responsibility of the Safer Stronger Communities Select Committee, members attached weight to the views of the Chair of the Healthier Communities Select Committee who wished to relinquish responsibility owing to workload issues. The Working Party also noted the valuable discussions that had previously taken place on library services at the Healthier Communities Select Committee and recognised the role a vibrant library service could have in promoting the totality of public health.

In moving the recommendation, the Chair noted that there would be a review

of all Select Committee Terms of Reference in due course and he observed that the Local Area Agreement themes on which they had been based had subsequently been abolished.

RESOLVED that the Council be recommended to agree that:-

(a) the number of elected members on the Overview and Scrutiny Business Panel be amended to be as follows:-

- The Chair and Vice Chair of Overview and Scrutiny Committee
- The Chairs of the Select Committees appointed by the Overview and Scrutiny Committee; and
- 2, or the smallest number higher of councillors necessary to reflect the political composition of the Council

(b) the elected membership of the Overview and Scrutiny Education Business Panel be the same as the Business Panel; and

(c) responsibility for the overview and scrutiny of library services pass to the Safer Stronger Communities Select Committee.

## **26. Constitutional changes**

The report was introduced by the Head of Law and the Working Party considered each of the recommended changes as follows:

Paragraph 6.2 – scrutiny lead on equalities – the Working Party agreed to amend this drafting error

Paragraph 6.3 – Children & Families Act 2014 - the Working Party agreed to transfer responsibility for the scrutiny of Special Educational Needs services for persons up to the age of 25 years to the Children & Young People Select Committee.

Paragraph 6.4 – Health & Well Being Board - the Working Party agreed an update reflecting the creation of the Board.

Paragraph 6.6 – Housing Scrutiny - the Working Party agreed to delete responsibility from the Sustainable Development Select Committee.

Paragraph 6.9 – Overview & Scrutiny Terms of Reference – In answer to a query from the Chair, the Head of Law advised that as a general legal principle the Overview & scrutiny Committee possessed the power to exercise any of the powers delegated to Select Committees, but that this was not explicitly expressed in the Constitution. After debate, the Working Party agreed to ask the Head of Law to formulate an explicit provision in the report to be considered at Council.

Strategic Planning Committee – the Working Party agreed to strike down the prescription that Strategic Planning Committee members had to serve on one of the three ordinary committees. The Chair asked that an Appointments report in respect of the ordinary Planning Committees be raised at the next

meeting of the Council.

Constitution Working Party – the Working Party debated options for its own size and concluded that it should remain unchanged at seven.

Paragraph 6.1- the Working Party agreed changes to comply with the Localism Act 2011 in respect of the Mayor's qualification as a member of the Council.

Paragraph 6.5 -the Working Party agreed a slightly modified employee code of conduct.

Paragraph 6.7 - the Working Party agreed provisions for the recording of budget matters at Council meetings.

Paragraph 6.8 - the Working Party agreed the constitutional amendments necessary to allow the recording of council meetings and adopted a protocol as an appendix. The Working Party asked to review implementation and further consider the operation of Council meeting recording in other local authorities as part of that review process. In the interim, the Head of Law would provide a copy of the relevant Regulations to Working Party members.

Paragraph 6.10 - the Working Party agreed to modify the budget and policy framework rules in accordance with the Localism Act 2011

Paragraph 6.11 - the Working Party agreed changes adding transparency to the making of officer decisions.

Paragraph 6.12 - the Working Party agreed to give effect to the requirement to prepare an annual pay policy statement as required by Section 38 of the Localism Act 2011.

Paragraph 6.13 - the Working Party agreed changes to Financial Regulations to reflect changes in the law and job titles.

Paragraph 6.14 - the Working Party agreed changes to the guidance Code for Members on Outside Bodies which is attached to the Member Code of Conduct that reflected current legislation. The Working Party agreed a suggestion from the Chair that given the scale of change introduced by the Charities Act 2011, all Members should be briefed on their responsibilities as members of outside bodies by the Head of Law.

Paragraph 6.15 - the Working Party agreed to note that an Independent report on Member Allowances would be considered at the September meeting of the Council and this could require amendments to the Scheme shown in the Constitution.

Paragraph 6.16 - the Working Party agreed the new chart of the Council's management structure.

Paragraph 6.17 - the Working Party noted changes made by the Mayor to his Scheme of Delegation.

Paragraph 6.18 the Working Party agreed changes to the non executive scheme of delegation that reflected current law and transfer of functions across directorates.

Paragraph 6.19 - the Working Party agreed to remove out of date statutory references and replace them where superceded.

Planning Committees – the Chair questioned the rights of Councillors under the current Scheme of Delegation and suggested all members should have the right to refer applications to Planning Committees A, B & C. The Working Party agreed that the Head of Planning be asked to review the entire scheme and report back to the Working Party.

Public Questions – the Working Party debated the operation of Public question time at Council meetings and suggested various possible modifications. The Working Party concluded that officers be asked to review the scheme and report back to the next meeting. The Chair also asked that the Mayor be asked to consider the introduction of a Mayor’s question time which might operate outside of ordinary Council meetings.

RESOLVED that the amendments as detailed in Appendix 1 of the report be recommended for approval by the Council and Officers be asked to action the points agreed in respect of paragraphs 6.8, 6.9, 6.10, 6.14 and on the Planning Committees and Public Questions paragraphs.

The meeting closed at 9.22pm