

MINUTES OF THE CONSTITUTION WORKING PARTY

Thursday 15 November at 6pm

PRESENT: Councillor Bonavia (Chair), Councillor Adefiranye, Councillor Mallory, Councillor Smith.

Also Present: Kath Nicholson (Head of Law), Sarah Assibey (Clerk)

Apologies: Councillor Brown and Councillor Wise.

1. Election of Chair and Vice Chair

Councillor Bonavia was nominated and elected as Chair of the Constitution Working Party.

The election of the Vice- Chair was agreed to be postponed until the next meeting where more Members would be in attendance.

2. Declarations of Interest

None were declared.

3. Minutes

The minutes of the meeting held on March 21 2016 were agreed as an accurate record.

4. Constitution Review

The Head of Law presented this report. There were some key draft amendments to the current Constitution, summarised as follows:

Under **Summary**, the Data Protection Officer has been added to the list of statutory officers to give effect to the GDPR Regulations.

The list of plans and strategies under **Articles** which make up the Policy and Statutory framework have changed over the years. It is proposed that the framework reflect these changes e.g. no requirement for Council to adopt a community statutory strategy anymore.

The law now says any considerations from community governance reviews will be a decision for full Council.

The Healthier Select Committee are to take referrals of substantial variations to health provision if there are problems with consultation via health bodies.

The lead member for Children's' Services was the Mayor. As of the Council AGM 2018, the Mayor can decide on a schedule of delegation of executive functions.

The Localism Act removed the powers of suspension of the Mayor, locally. The Deputy Mayor must now act in the place of the Mayor if the Mayor is unable to discharge his/her duties for any reason until a new Mayor is elected or the Mayor is able to act.

The Elections Committee has to refer matters to full Council for decision if there is a legal requirement. The Committee is to exercise certain powers in relation to the holding of elections and the maintenance of the electoral register and not to delegate beyond the powers of the Committee.

The **Local Choice Functions** references have been updated to reflect the current statutory references.

The **Council Procedure Rules** has been amended to reflect that an executive decision that has specific implications, will have to be referred to Mayor and Cabinet and will be taken in accordance to the Constitution before a motion can be passed by Council, effectively.

Regarding the way in which roll call vote is taken, Council can no longer use voting buttons.

Amendments to the **Budget Policy Framework** are proposed to make the timetabling consistent and realistic, the limit of responses being 10, previously 28 days.

Under **Access to Information**, where there are decisions to be made where exempt or confidential information will be disclosed, the Executive may meet in private or if the presence of the public would breach a legal obligation to third parties to keep information confidential or, lawful power is used to exclude the public because of disorder.

The **Contract Procedure Rules** have been amended to be clearer and shift provisions about the limits of delegation into the Mayoral Scheme of Delegation.

Under **Ethics**, the Member Code of Conduct contains an error that members must take account of the views of others including political groups, but must reach their own conclusions. The law states that it is not mandatory for councillors to take account of the views of political groups and any instance where this would override the duty to exercise independent judgement. The wording is nuanced more closely to reflect the legal position.

The protocol on the acceptable use of ICT has had a new paragraph added which would require Members to comply with any Member Social Media Policy in place.

The **Members' Allowances Scheme** will be updated to reflect the new scheme, agreed at Council, October 2018.

A structure chart will be inserted under Part VII-**Structure Chart**.

There are no proposals for change under the **Schemes of Delegation** for the delegation of non-executive matters. Some changes are proposed to be made to the

Mayoral Scheme of Delegation in accordance to the changes proposed in the Constitution Review. For the avoidance of doubt, the proposed changes save to allow the Head of Law to settle administrative proceedings which do not currently fall within the definition of legal proceedings which the Head of Law can already settle under delegated authority. Proposed changes will be subject to Mayoral agreement.

There was a Select Committee on the role of Overview and Scrutiny which made proposals. The government has responded to those this year. There were 4 responses that the guidance is going to reflect; that the involvement of the Executive and Scrutiny meetings- that they do not have any involvement in Council decision making that complies with the Constitution; officers advising Scrutiny should be able to offer impartial advice but it is for each Council to decide how it resources Scrutiny committees; Scrutiny committees should encourage public participation; Scrutiny committees should report to full Council. This is yet to be put in guidance.

RESOLVED that Members of the Constitution Working Party agree the proposed changes and that the Council be asked to approve the draft Constitution in the appendix of the report.

The meeting closed at 6.50pm