

MINUTES OF THE CONSTITUTION WORKING PARTY

Wednesday, 16 February 2022 at 6.00 pm

PRESENT: Councillors Leo Gibbons, James Rathbone and Susan Wise (Chair)

ALSO JOINING THE MEETING VIRTUALLY: Councillors Kevin Bonavia and James Walsh.

NB: Those Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decisions taken, or to satisfy the requirements of s85 Local Government Act 1972.

1. **Declarations of Interest**

No interests were declared.

2. **Minutes**

RESOLVED that the minutes of the meeting held on September 19 2021 be confirmed and signed as a correct record.

3. **Constitutional Provision for the Awards of Honorary Aldermanic titles**

The Director of Law, Governance and Elections presented this item. He outlined some fundamental points of the report as follows:

He stated that there were statutory provisions relating to the awards of Aldermanic titles- the Council needs to have a protocol and scheme adopted. The key consideration is if the scheme is agreed, the Party would be forwarding the recommendation to full Council for formal adoption.

He also pointed out that in the protocol, outlined in the appendix of the report, the award will not be conferred automatically upon retirement which means there will need to be specific decisions made in relation to specific Councillors. He continued that the law requires a resolution of two-thirds of those present and entitled to vote at a special meeting of the Council, for the award to take effect and that the nomination would initially be considered by the Standards Committee. It was highlighted that the award of Aldermanic recognition cannot be done at a normal meeting of the Council- but it must be done at a special meeting to consider any such award. The rules that apply to the award of the title, also apply to the removal of the title.

Members commended the award of Alder as being inclusive and progressive in giving former Councillors the choice of Alderman, Alderwoman or Alder. Councillor Bonavia also highlighted the importance of ensuring the title is

awarded to those who have not only met the standard of being a Councillor but also those who may have gone above their role. He commended the role of the Standards Committee in this decision making.

In the course of discussion, the meeting was interrupted by a fire alarm and members reassembled at the designated fire assembly point for the Council Chamber outside the Civic Suite.

Members further considered the proposal in the Protocol that Honorary Aldermen, Alderwomen or Alders must have served 8 years in total on the Council and concluded that a further clause in the Protocol allowing awards for lesser service in exceptional circumstances gave the Council sufficient flexibility to grant awards if required.

The Working Party then unanimously agreed the following recommendations:

RESOLVED that

(1) the Protocol shown at Appendix 1 be recommended to Council for approval; and

(2) The Council be asked to amend the Constitution to include the proposed revision at Appendix 2.

4. Scrutiny-Executive Protocol

The constitutional update item was presented by the Director of Law, Governance & Elections who confirmed that an addition agreed by the Overview & Scrutiny Business Panel appeared in the final Protocol to be considered by the Working Party.

Statutory guidance on overview and scrutiny had been published in May 2019, which local authorities must have regard to when exercising their functions, and this recommended developing a scrutiny-executive protocol. Members reviewed the Protocol and unanimously agreed that it be recommended to the Council.

The Working Party was further informed the Monitoring Officer had exercised his duty to keep the Constitution in lawful effect by removing reference in Council Procedure Rules to the time limited Regulations that had made provision for remote meetings until May 2021.

The Working Party then unanimously resolved to adopt the following recommendations:

RESOLVED that:

(1) Council be asked to append the Scrutiny-Executive Protocol to the Constitution; and

(2) the actions taken by the Council's Monitoring Officer to give the

Constitution legal effect be noted.

5. Constitutional Update - verbal update from the Monitoring Officer

The Working Party received a verbal update from the Monitoring Officer who indicated his intention to undertake a review of the Constitution some time after the Borough Council elections in May. He expressed a view that the current constitution was lawful but was unwieldy and required modernisation.

RESOLVED that the update given by the Monitoring Officer be noted.

The meeting closed at 7.41pm