

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 6 January 2014

<u>Present:</u>	Councillor	WJ Davies (Chair)	
	Councillors	M McLaughlin RL Abbey D Roberts J Salter	L Fraser G Ellis P Kearney T Harney
<u>In attendance:</u>	Prof RS Jones	Independent Person	

10 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

11 MEMBER SURVEY ON AND PROPOSED REVISIONS TO THE COUNCIL'S CONSTITUTION

The Head of Legal and Member Services introduced a report by the Strategic Director – Transformation and Resources which informed that the Council's Constitution was a 'living document' that needed to be kept under review to reflect changes in the Council and, in the way the Council delivered its services and conducted its business. It was noted that regular review helped to:

- ensure the Constitution remained relevant and effective;
- identify changes required to ensure clarity and consistency; and
- provide an opportunity for the Council's constitutional arrangements to continuously improve.

The Committee was responsible for keeping the Council's Constitutional arrangements under review. It was able to make minor changes to the Constitution as it considered appropriate and make recommendations to the Council regarding changes. Any changes made should be made to better achieve the purposes set out in Article 1 – The Constitution of the Council's Constitution.

The Strategic Director's report had appended to it:

- a draft member Survey in relation to the Council's Constitution (Appendix 1);
- additional questions for the Member Survey relating to Member conduct/behaviour and the Members' Code of Conduct (Appendix 2); and
- proposals to amend the Council's Constitution (Appendix 3).

The proposals to the Council's Constitution had been considered by the Committee at its previous meeting held on 26 November 2013. (Minute No. 8 refers) However, various issues and representations had been made concerning this matter and although a recommendation had been made to the Council, it had not been approved.

It was noted that the Council at its meeting on 16 December 2013 had resolved

'That:

"Council considers that it is not in a position to accept the amendments suggested in Schedule 2.

The schedule of items set out on pages 45-49 of the Summons fails to clarify the concerns raised at the meeting of the Standards and Constitutional Oversight Committee held on 26 November.

Given the confusion and conflicting opinions expressed and evident at that meeting, Council believes that the matter be deferred. In order to restore confidence in the process, all Members should have full opportunity to see and consider the changes set out more clearly. There has to be ample time for further study and potential agreement.

To aid this consideration, the various issues shall be set out on these suggested lines:

- (i) The original wording, with the full paragraph;
- (ii) The wording that is the subject of suggested change;
- (iii) The revised wording in context;
- (iv) A reasoned argument setting out the background and comment explaining the proposed change.

Individual Members should be invited to comment by a date to be agreed so that their views on the issues can be considered at the next meeting of the Committee on 5 February 2014.

That the date for consulting with Members on potential changes to the Constitution as indicated in the report from the Cabinet Member for Governance is moved from 18 December 2013 to 7 January 2014 to commence 13 January 2014 and end 24 January 2014 to give Members more time to input any suggestions in revising the Constitution”.

(Minute No. 59 refers)

The Strategic Director’s report provided the Committee with information and details concerning the Members’ Survey on the Council’s Constitution, a summary of the Standards Working Group recommendation and details of proposed changes to the Constitution.

It was reported that the Group Leaders at their meeting on 13 December 2013 had agreed that, before the Survey was circulated to Members, it should be considered and approved by the Committee.

The Standards Working Group had met on 17 December 2013 to consider its responsibility to review the Members’ Code of Conduct, the Protocol for dealing with complaints against Members and how higher standards of Members’ behaviour could be achieved and maintained.

The Committee was informed that the Standards Working Group had requested benchmarking information and other reference material in order to consider the issue of Members’ conduct and behaviour fully and how high standards of conduct/behaviour could be promoted and maintained. The Standards Working Group was scheduled to meet again to consider this information and material on 28 January 2014.

The Standards Working Group had considered it appropriate that the Committee, when considering the Member Survey, should also considered the inclusion of questions relating to improving Members’ conduct/behaviour as well as questions in relation to the Members’ Code of Conduct.

The purpose of the Members’ Survey was to canvass the views of all Members on not only the effectiveness of the current Constitutional arrangements, but to obtain Members’ comments on what they considered could/should be improved. The outcome of this review together with recommendations/proposals on changes to the Council’s Constitution would be reported back to the Committee and/or the Cabinet for consideration. The Survey would help inform further amendments to the Constitution as considered appropriate. However, such amendments would require further discussion and debate.

To facilitate this, the Committee was also asked to consider broadening the remit of the Standards Working Group to include

“Consideration of matters and issues relevant to the review of the Council’s Constitution and offer such guidance as appropriate and/or make recommendations as appropriate to the Standards and Constitutional Oversight Committee.”

With regard to the amendments to the Council’s Constitution, Appendix 3 provided further information in respect of the proposals as resolved by the Council.

The Committee was asked to consider the Schedule at Appendix 3 and approve its circulation to all Members for their comments. It was hoped that Schedule 3 could be circulated at the same time as the Members’ Survey, namely, 13-24 January 2014. This would enable the Committee to consider the responses at its meeting on 5 February 2014.

A Member queried why the Members’ Survey proposal had not been the subject of a report to the Committee in the first place. It fell within the Committee’s remit and it should therefore, have been considered by it before the Leaders’ Board. The Head of Legal and Member Services conceded that this was correct and agreed to ensure that future Members’ Surveys would follow this route to ensure the Committee’s input.

The Committee had regard to Appendices 1 and 2 and offered their comments and suggestions to improve the draft Survey questionnaire. It was considered that the survey needed to afford each Member the opportunity to share their perceptions, opinions and experiences of the new constitutional arrangements, as well as suggesting how they considered improvements could be made. The feedback received would be reported to the Standards Working Group and inform the review of the Constitution over the next 2/3 months.

It was agreed that the Survey would be conducted anonymously and that this would be made clear to Members so that they did not ally themselves to the views expressed by Political Groups or their Leaders. This consultation was a genuine attempt to ascertain individual Member’s views therefore, it was important that feedback was provided freely and openly.

Members also agreed that it was important to look at what constituted “good behaviour” rather than focusing on bad behaviour. However, it was reported that the number of complaints against Members’ behaviour had drastically reduced over the last 12 months. It was agreed that to assist the review of the Council’s Ethical Framework the Survey would also canvass views on how high standards of conduct amongst Members could be promoted. This was a duty under the Localism Act 2011. It was also agreed that Members would be

encouraged to include their comments and more “free text” boxes would be included in the survey questionnaire for this purpose. The Head of Legal and Member Services agreed to include an introductory paragraph on the questionnaire in relation to this.

The Committee then turned its attention to Appendix 3 which contained Schedule 3 and proposals to amend the Council’s Constitution. It was noted that it was not the same document that the Committee had considered at its meeting in November 2013 as some changes had been made. The Head of Legal and Member Services informed that he had made some minor changes. A Member considered that he should have consulted on this by providing the Committee with a list of what he proposed should be removed. The Head of Legal and Member Services apologised to Members and informed that he would reinstate what he had taken out before Schedule 3 was consulted upon.

Particular reference was made to the Rules of Procedure – Council Procedure Standing Orders, Page 118 – 5A – Annual meetings of the Council, Standing Order 2(b) which had been removed from Schedule 3 and the Head of Legal and Member Services confirmed that this would be included in the version to be distributed to Members.

The Head of Legal and Member Services would make the changes referred to above, include clear explanations and configure Schedule 3 using ‘SurveyMonkey’ before sending out to all Members. Members would be asked if they agreed or disagreed with each proposal and include “comment boxes”.

RESOLVED: That the Committee:

- (1) agrees that the Members’ Survey as set out in Appendix 1;**
- (2) agrees that the additional questions set out in Appendix 2 be included in the Member Survey;**
- (3) agrees that the proposed amendments to the Constitution set out in Schedule 3 (Appendix 3) (once amended by the Head of Legal and Member Services as detailed above) be circulated to Members for comment; and**
- (4) the Members’ Survey and proposed changes to the Constitution be circulated to Members for completion/comments between 13-24 January 2014 and the results be reported to the Standards Working Group and the Committee for consideration.**

