

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 5 December 2016

Present: Councillor D Roberts (Chair)

Councillors	M McLaughlin	P Gilchrist
	RL Abbey	B Kenny
	C Blakeley	Cummings
	D Elderton	C Meaden (In place of P Stuart)
	G Ellis	

In attendance: Independent Member Mr B Cummings

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Paul Stuart and Independent Member Mr Chris Jones.

21 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

22 MINUTES

It was noted that the minute of the working group meeting held 19 September listed Mr B Cummings as OBE, he had been in fact awarded the MBE for services to education in the Queen's birthday honours list 2012. It was further noted that Councillor G Ellis had incorrectly been marked as absent at the same meeting.

Subject to the above corrections:

Resolved - That

- 1) the Minutes of the special meeting of the Standards and Constitutional Oversight Committee held on 4 October 2016 be confirmed as a correct record; and

- 2) the Minutes of the meetings of the Standards and Constitutional Oversight Working Group held on 19 September, 10 & 26 October and 16 November 2016 be confirmed as a correct record.

23 **RECRUITMENT EXERCISE FOR ADDITIONAL INDEPENDENT PERSON(S)**

The Assistant Director: Law and Governance introduced the item, and informed that the Committee was requested to consider the recommendations of the Standards and Constitutional Oversight Working Group, 19 September 2016 (Minute 41 refers):

“That the Standards and Constitutional Oversight Committee be recommended:

- (1) to agree the commencement of a further recruitment exercise with a view to appointing at least two more Independent Persons, to be conducted in a similar manner to the previous one held in June/July 2012;
- (2) to agree that, in accordance with the Members’ Allowances Scheme, Independent Persons will continue to receive a payment of £25 for each meeting they attend, along with a mileage allowance of 45p per mile for the mileage incurred when attending meetings or alternatively be reimbursed at the prevailing public transport rates; and
- (3) the recruitment process, advertisement, job description etc. be approved by the Chair in consultation with the Political Group Spokespersons.”

A Member questioned the rulings regarding non-attendance of Independent Members at meetings and the ‘triggers’ that applied. The Assistant Director: Law and Governance informed that the same rules applied for all Members and that he would circulate information on the subject in advance of the next Committee meeting.

Resolved – That

- (1) the commencement of a further recruitment exercise with a view to appointing at least two more Independent Persons be agreed (to be conducted in a similar manner to the previous one held in June/July 2012);**
- (2) in accordance with the Members’ Allowances Scheme, Independent Persons will continue to receive a payment of £25 for each meeting they attend, along with a mileage allowance of 45p per mile for the mileage incurred when attending meetings or**

alternatively be reimbursed at the prevailing public transport rates, be agreed; and

(3) the recruitment process, advertisement, job description etc. be approved by the Chair in consultation with the group spokespersons.

24 **DRAFT MEMBERS' ICT POLICY**

The Assistant Director: Law and Governance introduced the item, and informed that the Committee was requested to consider the recommendations of the Standards and Constitutional Oversight Working Group, 10 October 2016 (Minute 47 refers):

“That subject to the minor revisions identified, the Members' ICT Policy be endorsed for consideration by the Standards and Constitutional Oversight Committee.”

Members were informed that the revisions included updates to the draft removing references to the disestablished Standards Board for England, and updates to the document in line with other sections of the Council Constitution to reflect the changes to officer titles as a result of the Council's New Operating Model.

A copy of the Council's current Social Media Policy was also appended to the agenda papers for information.

Resolved –

That COUNCIL BE RECOMMENDED to agree the Members' ICT Policy.

25 **DRAFT MAYOR'S CHARITY COMMITTEE TERMS OF REFERENCE**

The Assistant Director: Law and Governance introduced the item, and informed that the Committee was requested to consider the recommendations of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 64 refers):

“That the Standards and Constitutional Oversight Committee be recommended to agree the Mayor's Charity Committee Draft Terms of Reference.”

The Assistant Director: Law and Governance informed that the document, based upon a suggested model from the Charity Commission, formed part of a wider review of governance arrangements for the Civic Office, and that additional documents, including an updated Trust Deed (the original dating from 1986), would be referred for consideration by the Standards and Constitutional Oversight Working Group and Committee in due course.

Resolved –

That COUNCIL BE RECOMMENDED to agree the Mayor’s Charity Committee Draft Terms of Reference.

26 **STATUTORY SCRUTINY OFFICER**

The Assistant Director: Law and Governance introduced the item, and informed that the Committee was requested to consider the recommendation of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 65 refers):

“That the Standards and Constitutional Oversight Committee (and subsequently Council) be recommended to agree the appointment of the Head of Intelligence as the Council’s Statutory Scrutiny Officer, in place of the Managing Director for Delivery.”

Members noted that Section 9FB of the Localism Act 2011 placed a duty on County and Unitary Councils to designate an Officer to act as the Council’s Statutory Scrutiny Officer to undertake the following statutory functions:

- Promote the role of the Council’s Overview and Scrutiny Committees;
- Provide support to the Council’s Overview and Scrutiny Committees and the members of those bodies;
- Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees.

Members further noted that the Statutory Scrutiny Officer could not be the Council’s Head of Paid Service (Chief Executive), Chief Finance Officer or Monitoring Officer.

Resolved –

That COUNCIL BE RECOMMENDED to agree the appointment of the Head of Intelligence as the Council’s Statutory Scrutiny Officer, in place of the Managing Director for Delivery.

27 **COUNCIL PROCEDURE RULES - NOTICES OF MOTION**

The Assistant Director: Law and Governance introduced the item, and informed that the Committee was requested to consider the recommendation of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 67 refers):

“That the Standards and Constitutional Oversight Committee be recommended to agree that a minimum of three Notices of Motion be debated at meetings of the Council.”

A Member stated that he believed that the existing arrangements for dealing with Notices of Motion should be retained i.e. if the Mayor did not consider it convenient or conducive to the dispatch of business or the majority of Councillors present did not agree to consider the motion at the meeting at which it was introduced, it should be referred without discussion to the Leader or such a Committee as the Mayor may determine for consideration.

It was moved by Councillor Chris Blakeley and seconded by Councillor Phil Gilchrist, that -

“The recommendation from the Working Group to agree that a minimum of three Notices of Motion be debated at meetings of the Council”.

The motion was put and lost 4:5 (no abstentions).

(Councillors Blakeley, Elderton, Ellis and Gilchrist requested that the Conservative and Liberal Democrat Members’ votes in support of the motion, for a minimum of three Notices of Motion to be debated at Council, be recorded).

Resolved – That the existing Council Procedure Rules with regard to Notices of Motion be retained.

28 **COUNCIL PROCEDURE RULES - STANDING ORDERS AND SCRUTINY PROCEDURE RULES**

The Assistant Director: Law and Governance introduced the item, and informed that the Committee was requested to consider the recommendation of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 68 refers):

“That the Standards and Constitutional Oversight Committee (and subsequently the Council) be recommended to agree:

- 1) the proposed changes to Council Standing Orders 26(2), 35(8) and 35(9); and
- 2) proposed changes to the wording within the Scrutiny Procedure Rules, Paragraph 4 in respect of the calling of Special Meeting(s) of Overview and Scrutiny Committee(s).”

The Assistant Director: Law and Governance informed that the proposed changes as agreed by the Working Group would provide a more consistent

approach to the arrangements for the management of Council meetings and Special Meetings of Overview and Scrutiny Committees with regard to the calling of, and arrangements for the organisation of the meetings.

Resolved –

That COUNCIL BE RECOMMENDED that

- 1) the proposed changes to Council Standing Orders 26(2), 35(8) and 35(9) be agreed; and**
- 2) the proposed changes to the wording within the Scrutiny Procedure Rules, Paragraph 4 in respect of the calling of Special Meeting(s) of Overview and Scrutiny Committee(s) be agreed.**