

# STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Thursday, 10 September 2020

Present: Councillor T Cox (Chair)

Councillors C Cooke P Stuart  
P Gilchrist J Williamson (In place of P Hackett)  
P Hayes G Wood  
M McLaughlin

In attendance: Independent Person J McCosh

## 29 CHAIR'S INTRODUCTION

Councillor Tony Cox welcomed Councillors and members of the public viewing online to the special meeting of the Standards and Constitutional Oversight Committee. He informed Members of the reason for urgency and provided a brief overview of the business under consideration i.e. to formally review the draft version of the Council Constitution prior to the meeting of Annual Council to be held on 28 September 2020.

## 30 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Pat Hackett. Councillor Janette Williamson attended as deputy.

No declarations of interest were received.

## 31 MINUTES

**Resolved – That the minutes of the Standards and Constitutional Oversight Committee meeting held on 25 February 2020 be confirmed as a correct record.**

## 32 COMMITTEE SYSTEM WORKPLAN UPDATE

The Director of Law and Governance introduced his report that detailed the wider work that had been undertaken to support the significant change in governance from Leader and Cabinet system of governance to a committee system. This work had been managed through a project team to ensure the appropriate member and officer preparations have taken place in readiness

for the adoption of the new governance arrangements at Annual Council on 28 September 2020.

The report of the Director of Law and Governance informed that at Annual Council 14 May 2019, it was agreed that Standards and Constitutional Oversight Committee conduct a review of the governance arrangements of the Council, with the objective to produce a report on the options available and a preferred way forward. The Standards Committee established a Governance Member Working Group (GMWG) to take forward the review. A report was presented to full Council 14 October 2019, at which it was agreed to move to a Committee System in the following municipal year on the basis that it provides a governance model which will best serve the Council and the borough.

The report further informed that the GMWG continued to meet, acting as a reference group alongside an officer Project Team working under direction of the Director of Law and Governance. The project was initiated in October 2019 and continued into the New Year towards the scheduled AGM at the start of the municipal year. The Covid-19 emergency led to the cancellation of local elections and normal Council business as emergency management arrangements were introduced to manage business through the lockdown period. As a result of this, the project timeline was reviewed and reconfigured to meet the revised Annual Meeting date of 28 September.

The Director of Law and Governance provided the SCOC with further explanation regarding the extensive work undertaken by Members and Officers in support of the changes to governance arrangements, creation of procedural documentation, targeted support to report authors, information held centrally on a newly created website and briefings to Committee Chairs. He added that these specific measures provided a comprehensive package ensuring full support was provided to Departmental Management Teams and Councillors in respect of new committee process.

The Standards and Constitutional Oversight Committee (SCOC) was asked to note and consider the steps taken to prepare the Authority's Members and officers for the change in Constitutional arrangements from Annual Council on 28 September 2020.

Members of the SCOC thanked the Director of Law and Governance and echoed his comments regarding the extensive work that had been undertaken.

The Chair expressed thanks to the officers involved highlighting that the new arrangements would help to clearly identify and align the work of Council directorates with committees in a much more transparent way. The Chair added that he was proud of the collaborative approach to the work

undertaken over the past 16 months where Members from all political groups and Officers had worked on the project.

The Chair asked that the SCOC express its support of the recommendation contained within the report. Voting unanimously by assent it was:

**Resolved – That the report be noted.**

### 33 **NEW DRAFT COUNCIL CONSTITUTION**

Philip McCourt, Director of Law and Governance introduced his report that informed that the Council had adopted a committee system of governance from the beginning of the 2020/21 municipal year. The forthcoming change to its governance arrangements necessitated a revised Constitution to be in place for the Annual Meeting in September 2020.

The report informed that a Governance Member Working Group, appointed by the Standards and Constitutional Oversight Committee (SCOC), had overseen the process of drafting the revised Constitution. The SCOC noted that Full Council originally requested that this be ready for adoption for its next meeting of 16 March 2020, following consideration of the draft by a meeting of this Committee in February 2020. With the outbreak of the Covid-19 pandemic, and subsequent disruption to the Council calendar of meetings, the Annual Meeting of Council was moved from 19 May 2020 to 28 September 2020, and ratification of the revised Constitution was rescheduled accordingly.

The report further informed that as a result, the Governance Member Working Group (GMWG) also felt it advisable to delay adoption to allow for a further period of consultation and for training. The elements of the attached draft revised Constitution underwent a further review by the Governance Member Working Group on 30 July and 24 August 2020.

The Director of Law and Governance took the opportunity to thank the SCOC and GMWG for their collaboration and work, and informed that in addition to the officers known to the Committee, due to the complexities involved in the project, invaluable assistance had also been provided by the Council's Programme Management Office Manager, Mike Callon. The Director of Law and Governance apprised the SCOC that the primary objective, considered to best meet the objectives set in Council's decision to adopt a committee system form of governance arrangements, were:

- Accountability – responsibilities and accountability should be clear, within the Council and to residents;
- Credibility – governance should assist good decision making, which involve proper and early scrutiny;
- Transparency – the decision-making process should be open and transparent to Members and to the public;

- Collaboration - decision making should be collaborative across parties and less combative; and
- Timeliness – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

Members expressed their appreciation to the Officer in respect of his report and work in relation to the Constitution and the earlier agenda item in respect of the Committee System redesign.

A number of points were debated in respect of clarity of oversight for committee responsibilities, the flexibility for referrals between committees (when required) ensuring that every effort was taken to ensure issues did not 'fall through the cracks'. Members were pleased to report on the consensus working involved in preparation of the new Constitution and provided examples of how this continued with close working between Chairs and Spokespersons on various Boards and Committees.

The Director of Law and Governance informed that subsequent to circulation of the draft Constitution before the SCOC, further work would be required in the future by the successor committee and any errors, omissions or minor corrections could be undertaken in advance, with the SCOC's consent, and minor alteration to the recommendation as contained in the report, an amendment was tabled.

#### Amendment

Proposed by the Chair, Councillor Tony Cox  
Seconded by Councillor M McLaughlin

"That the Committee recommend to Council for adoption the draft revised Constitution (attached as Appendix A) at the Annual Meeting of Council to be held on the 28th September 2020, subject to:

(1) The amendment of Part 3(B) of the draft revised Constitution by the monitoring officer

(a) to clarify:

- (i) that standing sub-committee numbers are a minimum expectation and not set;
- (ii) that the Local Plan Steering Sub-Committee is time-limited and will be dissolved on the adoption of the Local Plan currently in development (*para 4.2(a)*);
- (iii) that the Environment, Climate Emergency and Transport Committee is responsible for air quality issues (*para 5.2(a)*);

- (iv) that the Housing Committee is responsible for the Authority's relationship with Registered Providers of housing (*para 6.2(a)*);
  - (b) to include that the Adult Social Care and Public Health Committee's responsibility for "*preventative services*" also covers responsive services and includes those services concerning domestic violence (*para 2.2(e)(viii)*); and
  - (c) to include the terms of reference for the Joint Governance Committee of the Northern Local Government Pension Scheme Investment Pool (*para 15*); and
- (2) The inclusion of any further amendments, prior to its adoption by Council, that the monitoring officer considers will correct errors and omissions or (on notice to the Governance Member Working Group) will otherwise aid in the draft Constitution's future operation."

Given the importance on the subject under consideration the Chair stated that, in respect of the voting on this matter, each Member be requested to formally state their support or objection to the recommendation (as amended).

**Resolved (8:0) no abstentions**

**That the Committee recommend to Council for adoption the draft revised Constitution (attached as Appendix A) at the Annual Meeting of Council to be held on the 28th September 2020, subject to:**

- (1) **The amendment of Part 3(B) of the draft revised Constitution by the monitoring officer**

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- (b) to include that the Adult Social Care and Public Health Committee’s responsibility for “preventative services” also covers responsive services and includes those services concerning domestic violence (*para 2.2(e)(viii)*); and**
- (c) to include the terms of reference for the Joint Governance Committee of the Northern Local Government Pension Scheme Investment Pool (*para 15*); and**

**The inclusion of any further amendments, prior to its adoption by Council, that the monitoring officer considers will correct errors and omissions or (on notice to the Governance Member Working Group) will otherwise aid in the draft Constitution’s future operation.**