

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

24 February 2014

13 MEMBERS SURVEY RESULTS

A report by the Strategic Director – Transformation and Resources reminded the Committee that the Council’s Constitution was a ‘living document’ which needed to be kept under review to reflect changes in the Council and changes in the way the Council delivered services and did business. It was noted that regular reviews helped to:

- ensure the Constitution remained relevant and effective;
- identified changes required to ensure clarity and consistency; and
- provided an opportunity for continuous improvement of the Council’s constitutional arrangements.

Members noted that 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. However, any changes made should be made in order to better achieve the purposes set out in Article 1 – The Constitution of the Council’s Constitution.

To assist the Committee discharge its role and responsibilities, the two following Members’ Surveys had been agreed at its meeting on 6 January 2014:

- Proposed Amendments to Council’s Constitution; and
- Member Perceptions and Experiences of the Governance Arrangements.

These Surveys had been, subsequently, launched on 13 January 2014 and had ran until 31 January 2014. The report included the responses received in relation to them.

The Committee had initially considered proposals to amend the Council’s Constitution at its meeting on 26 November 2013. It had then made recommendations to the Council.

However, 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.”

The Committee had established a Standards Working Group and it 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 Member behaviour could be achieved and maintained.

The Standards Working Group had considered it appropriate that the Committee, when it next considered the proposed Member Surveys, should also consider 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’ Surveys had been to:

- ascertain and canvass the views of all Members on the effectiveness of the current governance arrangements (and afford Members to comment on what he/she considers could/should be improved);
- consider the proposed amendments to the Council’s Constitution and make comment upon the same; and
- ascertain and canvass the views of all Members on the Ethical Framework.

A brief overview of the responses received in relation to both Members’ Surveys was set out at Appendix 1 to the report.

Appendix 2 to the report provided details of the responses received in relation to the Members’ Survey on the proposed amendments to Council’s Constitution.

Appendix 3 to the report provided details of the responses received in relation to the Members' Survey on Members' Perceptions and Experiences of the Governance Arrangements.

The Standards Working Group had met on 17 February 2014 to consider, along with other matters, the responses to both Members' Surveys. It was noted that there had been an overwhelming response from Members to support the amendments. The Working Group had gone through the findings of the Survey of the Proposed Amendments to the Council's Constitution in detail but had recognised that more analysis and evaluation had been received of the responses to the Members' Survey on Perceptions of the new Governance Arrangements Survey. It had agreed to take the time to look at this in more detail and make further recommendations to the Committee on the Council's governance arrangements and Ethical Framework in due course.

Accordingly, it had **recommended:**

"That the Standards and Constitutional Oversight Committee:

- (1) thank all Members who have participated in both Members' Surveys; and
- (2) recommends to the Council approval of the Standards Working Group's recommended amendments to the Council's Constitution as set out in the appendix."

The Committee gave detailed consideration to the Working Group's recommendations and comments which were presented to it in table form and agreed that good progress had been made overall. Members went through the Survey results on the Proposed Amendments to the Council's Constitution in detail, raising queries and questions which were clarified and responded to by the Head of Legal and Member Services. Of particular note to the Committee was that, every Member but one who had completed the Survey had been concerned about Members' behaviour at Council meetings. The Committee agreed to concentrate on this and what it could do to assist at a future meeting. A Member sought particular clarification on a number of points and the Head of Legal and Member Services responded as appropriately.

RESOLVED: That

- (1) **those Members who have participated in both Members' Surveys be thanked for their contributions; and**
- (2) **the recommendations of the Standards Working Group, as set out in the appendix to these Minutes, be approved.**