

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 23 November 2015

Present:

Councillor	WJ Davies (Chair)	
Councillors	M McLaughlin RL Abbey D Roberts J Salter	C Blakeley G Ellis D Elderton (In place of J Hale) A Brighthouse (In place of P Gilchrist)

Also Present:

	Prof RS Jones Mr B Cummings Mr C Jones
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7 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P Gilchrist and J Hale.

8 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.

The Ethical Framework requires that complaints be dealt with confidentiality and Councillor McLaughlin indicated that should discussion take place on the handling of complaints in 'general terms' she would remain in the room, but if circumstances be such that a complaint become identifiable, indicated that she would leave the meeting whilst the matter was under discussion.

9 MINUTES

At the request of the Committee the Strategic Director of Transformation and Resources attended the meeting to clarify the reasons for delays in the handling of a complaint referred for investigation. Minute No. 5(3) refers.

A Member questioned the Strategic Director of Transformation and Resources as to the reason for the delay in concluding his investigation.

At this point Councillor McLaughlin indicated that she would leave the meeting whilst the matter was under discussion.

The Strategic Director presented his apologies to the Committee and those individuals involved, admitting that there had been a summary failure in respect of the handling of the matter, stating that delays had been compounded by a series of events that included cancellation of planned meetings, staff sickness, and the departure of the Council's Chief Executive. He indicated that case investigations would be dealt with better in the future and fully noted the Committees concerns.

Members pointed out the need for continued monitoring of procedures and adherence to existing protocols.

The Head of Legal and Member Services and Monitoring Officer advised that actions were underway to address the issue of resources, and commented that in overall terms the Committee shouldn't lose sight of successes in terms of the promotion of good conduct and overall improvement of behaviour – a testament to the work of both Officers and Members.

Resolved:

That the Minutes of the meeting of the Standards and Constitutional Oversight Committee held on 1 July 2015 be confirmed as a correct record.

10 **AMENDMENT TO SCHEME OF DELEGATION - OBJECTIONS TO HIGHWAY PROPOSALS**

The Head of Environment and Regulation introduced his report that set out proposed changes to the existing Scheme of Delegation in respect of unresolved objections to traffic management measures, including traffic regulation orders. The report recommended that delegated powers to decide on such objections be devolved to the Head of Service (in consultation with the Portfolio Holder) in cases where unresolved objections were below a set threshold. Members were informed that the views of both the Regeneration & Environment Policy & Performance and Standards and Constitutional Oversight Committee were being sought in advance of seeking approval for the change to the Constitution at Council in December.

The Head of Environment and Regulation informed of the procedures as operated under the current Scheme of Delegation, whereby detailed reports regarding objections are put to the Highways & Traffic Representation Panel, which considers the officer's report and invites representations from objectors. He further informed of the actions undertaken following consideration by the Panel.

The Head of Environment and Regulation explained that the proposed amendment to the procedures recommended that the Scheme of Delegation in relation to unresolved objections to traffic management measures be altered such that it operates in a similar manner to the Scheme of Delegation for objections to planning applications

It was proposed to alter the Scheme of Delegation so that the Head of Service for Environment and Regulation, in consultation with the Cabinet Member for Highways and Transport, would have delegated authority to reach a decision on those proposals which have attracted objections, except those which have attracted a petition of objection containing 25 or more signatories from individual households or alternatively where there are 15 (or more) individual objections in writing.

Members noted that although effective, the current scheme was over bureaucratic when it came to highway and traffic proposals where in some instances highways officers, the majority of residents and Ward Members were in agreement i.e. supportive of a proposal, but a single objection had triggered delay placing proposals at risk of non-delivery, jeopardising any associated funding and the identified highway benefits.

A Member commented on the current procedures for notifying Ward Councillors of planning applications, and questioned how Members would be alerted of local highways matters under the new procedures. The Member also proposed that the words 'traffic management' be removed from para 3.3. of the proposal to allow a broader, more practical, approach to supporting objections. A further amendment to para 3.2 was proposed, namely the removal of the words 'from individual households'. The Head of Environment and Regulation confirmed that the amendments would be incorporated into the new procedures.

Resolved: That

- (1) the proposed changes to the Council's Constitution as outlined in the report be endorsed; and**
- (2) Council be recommended to approve the changes to the Council Constitution in respect of Part 3, Schedule 5, Scheme of Delegation - Objections to Highway Proposals.**

11 SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

The Head of Legal and Member Services and Monitoring Officer introduced his report that set out details of the constitutional review undertaken by the Standards and Constitutional Oversight Working Group during this municipal year.

The Head of Legal and Member Services and Monitoring Officer reported that Working Group had considered the following matters and recommendations for consideration by the Committee as summarised in the Report Appendix included:

- Council Procedure Rules
- Call-in arrangements
- Employment and Appointment Committee's Terms of Reference
- Scheme of Delegation to Officers – technical updates
- Procedure for Dealing with Referred Notices of Motions

Following a discussion by Members on the subject matter, procedures and reasoning behind the proposals i.e. to better reflect the working of Council, focus on the opportunity for debate at Council, streamlining of ordinary business and revised procedures to incorporate what worked well, and address those issues requiring improvement, a Member moved acceptance of the report.

The Committee agreed that in the interests of ensuring that a true reflection of the Committees views be recorded, a separate vote be put on each Amendment. As follows:

Amendment No. 1 – Change of Ordinary Council Meeting Times (Start 6.00pm and Finish 9.15pm).

Agreed unanimously.

Amendment No. 2 – Commencement time for Matters Requiring Approval and Debates (NOMs).

Agreed unanimously.

Amendment No. 3 - Only Proposer and Seconder required to sign Notice of Motion.

Agreed unanimously.

Amendment No. 4 - Change of Order for dealing with Notices of Motion.

Agreed unanimously.

Amendment No. 5 – Submission of Amendments to Notices of Motion.

Agreed unanimously.

Amendment No. 6 – Procedure for Dealing with Referred Notices of Motion.

A Member re-iterated an early comment that such referrals also resulted in a two tier system for the handling of Notices of Motion (NoM) in so far as NoMs debated at Council would not take evidence from witnesses.

Agreed by majority vote.

Amendment No. 7 – Public and Member Question Time (Reduce allocation of time and change how questions are asked).

Agreed unanimously.

Amendment No. 8 – Order of Business (Council Meetings).

Agreed unanimously.

Amendment No. 9 – Speeches, restrictions and time limits.

Agreed unanimously.

Amendment No. 10 – Call In.

Given disagreement between political groups on the proposed amendment, a vote was requested.

For the Amendment 5: Against: 4.

Agreed by majority vote.

Amendment No. 11 – Employment and Appointments Committee (Terms of Reference).

Agreed unanimously.

Amendment No. 12 - Technical amendments.

Agreed unanimously.

Resolved: That

- 1) the work of the Working Group to date and the planned work to be undertaken be noted;**

- 2) **RECOMMENDATION TO COUNCIL – that the proposed changes to the Council’s Constitution set out at Appendix 1 to this report be agreed;**
- 3) **RECOMMENDATION TO COUNCIL - that the Head of Legal and Member Services be authorised to make the necessary changes to the Constitution to give effect to the proposed changes set out at Appendix 1 to this report; and**
- 4) **Subject to Council approving the proposed amendments to the Constitution at (2) above, the Procedure for Dealing with Referred Notices of Motion as set out in Appendix 2 to this report be approved and shall take effect as from 15 December 2015 onwards.**