

STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Tuesday, 13 February 2018

Present:

Councillor M McLaughlin (Chair)

Councillors RL Abbey P Gilchrist
C Blakeley P Stuart
D Elderton (In place of G Ellis) Jones

Ind. RS Jones JR McCosh
Members G Kerr AC Wilson
AL Prince

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Ellis who sent a deputy in his place, and from P McCourt (Monitoring Officer).

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 DISCUSSION ON THE TIMELY HANDLING OF CABINET MEMBER QUESTIONS AT COUNCIL

The Chair reflected on the expressed dissatisfaction at the consideration of questions to Cabinet Members at meetings of the Council, noting that several approaches had been tried but none had adequately resolved the issue. The Deputy Monitoring Officer acknowledged the difficulties in addressing the issue, noting options including limiting the number of questions and reconsidering the time limit.

Members acknowledged the discretion of the Mayor in managing the process and referred to the maximum limit of five questions to each Cabinet Member and a possibility of returning back to a 45 minute question time.

With regard to rule that questions should relate only to the content of the Cabinet Members' reports, comment was made that the reports made reference to Pledges and to recent media reports, and not what the Cabinet Members had actually done in the preceding months which, it was suggested, had been the initial intended purpose of the reports. The Chair noted that the

Cabinet Members might be reminded of the intended purpose of their reports to Council.

RESOLVED:

That the Working Group recommend that the Council meeting Cabinet Member question time be extended to 45 minutes.

12 **CONSTITUTIONAL REVIEW**

The Deputy Monitoring Officer advised that work to review the Council Constitution was underway to address technical issues, ensure consistency and confirm that all more recent legislative and organisational changes were reflected. Presentation of the Constitution was being considered in light of the transparency objective of the Local Government Act 2000 that had introduced the current form of the Constitution. Members asked that track changed versions be provided when proposed redrafts were submitted to this Group.

A Member noted that an 'any other business' item was not allowed on Committee agenda and queried that while a Chair of a meeting had the ability to accept urgent business onto an agenda, why the specific agenda item had been removed from recent agenda. The Chair noted that this action had not been raised with this Group or the Committee, and that the agenda provision should be put back until raised with this Group.

RESOLVED:

That the above matters be noted.

13 **STANDARDS ARRANGEMENTS**

The Deputy Monitoring Officer advised that a response was awaited in respect of the Department for Communities and Local Government (DCLG) consultation exercise proposing to update the criteria that barred individuals from becoming a local councillor or directly elected mayor (Minutes 27 of the meeting of the Standards and Constitutional Oversight Committee held on 20th November 2017 refers).

The Working Group was further advised that the Committee on Standards in Public Life had commenced a consultation running to 18 May 2018 to inform their a review of local government ethical standards, the terms of reference of which were to -

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct

- declaring interests and managing conflicts of interest
- whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

RESOLVED:

That the Committee on Standards in Public Life consultation be referred for consideration to the meeting of the Standards and Constitutional Oversight Committee to be held on 27 February 2018.

14 TIMESCALE FOR REQUISITIONING AND DELIVERY OF EXTRAORDINARY COUNCIL MEETINGS

A Member, representing a political group that requisitions extraordinary meetings of the Council, commented that at one time the Mayor would set a specific and timely date for an extraordinary meeting in response to such requisitions. However, recent practice tended towards holding extraordinary meetings immediately prior to the following ordinary meeting of Council which might be some months off. This was considered unsatisfactory as such requisitions were submitted for a genuine reason and the current scheduling resulted in a restricted debate at the extraordinary meeting.

The Deputy Monitoring Officer confirmed that the Mayor had to set a date within seven days of receipt of a requisition; if the Mayor did not respond, the Members submitting the requisition could set the date. However, there was no specification as to how soon the meeting should be held and, while a 'reasonable time' might be expected, a consideration as to the efficient use of resources needed to be given also.

Members further commented on the potential for vexatious requisitions and for repeated considerations of previous Council decisions. It was noted that authority in regard of this item lay with the Mayor, and that the role of the Committee was to propose any possible constitutional change.

RESOLVED:

That this matter be considered further within the Constitution Review.

15 FILMING OF PUBLIC MEETINGS - PROTOCOL

The Working Group was advised that implementation of webcasting of all public Council meetings would occur in the coming months and there was a

need to agree a relevant protocol prior to commencement of webcasting. A draft Protocol for the Filming of Public Meetings was submitted for consideration by the Working Group.

Considerations of the Working Group included –

- There should be a designated area identified for members of the public who wished to film meetings and this should be located so as not to inconvenience other members of the public who may be in attendance. The Chair should also be permitted to ask members of the public filming meetings to cease or to leave the meeting if their actions caused disruption;
- With regard to storage of webcast material, the Working Group was advised that a long term storage facility was being investigated;
- With regard to queries about confidential material, the Working Group was advised that the broadcast would be stopped by the attending Officer as the meeting moved into closed session and that there was a short delay in transmission to prevent broadcasting of exempt or confidential business inadvertently raised in open session;
- With regard to filming of the public, the Working Group was advised that the public gallery would not be filmed and those members of the public participating in meetings, for example making representations at Planning Committee or contributing to an Overview and Scrutiny Committee, would have the opportunity to opt out and the visual broadcast would focus on the Chair of the meeting at such times.

RESOLVED:

That the draft protocol for the Filming of Public Meetings, subject to an amendment indicating that public filming would be required to be undertaken from a designated area, be recommended to the Standards and Constitutional Oversight Committee at the meeting to be held on 27 February 2018.

16 **DISCLOSURE AND BARRING SERVICE - COUNCILLORS**

Further to Minute 27 of the meeting of the Working Group held on 29 June 2017, the Working Group were advised of a response from the Disclosure and Barring Service that local government elected members would not automatically be eligible for a DBS check as there did not appear to be any eligibility for DBS checks as they were not specifically listed in the Exceptions Order to the Rehabilitation of Offenders Act. For positions not eligible for Standard or Enhanced DBS checks, individuals could obtain a Basic Disclosure which would show any relevant 'unspent' criminal record information.

Members expressed concern at the response, considering that elected members did find themselves in positions that should require a DBS check

and that to undertake such checks would indicate due diligence on the part of the Council. It was suggested that the Council should have a protocol indicating at least a minimum group of elected members, for example particular Portfolio Holders and Overview and Scrutiny Committee memberships, that should be required to have a DBS check.

RESOLVED:

That members of the Working Group provide further information relating to the roles of elected members which are considered most likely to require a DBS check in order for Officers to give consideration as to the most appropriate of these against the DBS eligibility criteria, and the matter be considered further by this Working Group.

17 **SOCIAL MEDIA POLICY**

The Working Group was invited to consider and review the Council's current Social Media Policy.

RESOLVED:

That the Standards and Constitutional Oversight Committee be recommended to re-affirm the Council's Social Media Policy subject to –

- **amendment to Section 2 to indicate that the listings of online forums and sharing websites are examples only and not comprehensive;**
- **amendment to the last sentence of Section 7 such that "Employees must [*delete 'should'*] not...."; and**
- **amendment to Section 10 to indicate adherence to the Policy is required by all groups identified in that Section.**

18 **DATE OF NEXT MEETING**

The Chair expressed appreciation of the attendance by the Independent Members at this meeting, but in discussion it was suggested that the Independent Members consider future attendance at the Working Group on the basis of one permanent member, with others taking turn at attendance.

RESOLVED:

That the next meeting of the Working Group be held on Wednesday 14 March 2018 at 10am to consider the Member/Officer Protocol.