

CONSTITUTION COMMITTEE

Minutes of a meeting of the Constitution Committee held in the Hobhouse Room, County Hall, Taunton on Tuesday 8 November 2016 at 10.00am.

PRESENT

Cllr N Woolcombe-Adams (Chairman)
Cllr A Gloak
Cllr J Parham
Cllr A Wedderkopp
Cllr J Denbee

Officers:

J Gale
H Clarke

Apologies for absence: none

1. **MINUTES OF THE MEETING HELD ON 27 OCTOBER 2015** - agenda item 2

The minutes of the meeting of the Committee held on 27 October 2015 were approved as a correct record.

2. **DECLARATIONS OF INTEREST** - agenda item 3

None.

3. **PUBLIC QUESTION TIME** - agenda item 4

None.

4. **STATUTORY PROTECTION PROVISIONS FOR STATUTORY CHIEF OFFICERS** – agenda item 5

The Committee considered the report of the Deputy Monitoring Officer, which recommended changes to the statutory protection arrangements to be applied where the Council proposed to dismiss one of its statutory officers (the Chief Executive, Section 151 Officer or Monitoring Officer). This would bring the Council's constitutional provisions into line with recent legislation.

The report also included associated amendments required or considered appropriate to the wider constitutional provisions relating to disciplinary action with regard to SLT Officers and including the Monitoring Officer.

The Committee acknowledged that the Council would have to change its processes in order to comply with the Regulations and that the decision to

do so had been deferred several times to obtain legal guidance.

The Committee was assured that the current constitutional provisions for a Special Members Panel would remain although with a more limited remit; this Panel would consider proposed dismissals in the first instance and would still retain powers to deal with all disciplinary issues, except the final stages of proposed dismissals. The Independent Persons Panel would only be able to make recommendations in relation to the proposed dismissal of a Chief Executive, Section 151 Officer or a Monitoring Officer and the final decision would remain with members at full Council.

Following further discussion, the Committee **RESOLVED** to:

Recommend Council to approve:

1. The revised statutory protection proposals set out in para 1.1.8 of the Deputy Monitoring Officer's report, to be applied where the Council proposes the dismissal of a post-holder holding the position of Chief Executive, Section 151 Officer or Monitoring Officer.
2. The associated amendments proposed to the wider constitutional provisions and arrangements relating to disciplinary action with regard to SLT officers and including the Monitoring Officer.
3. Amendments required to the Constitution as a result of the approval of 1 and 2 (as set out in Appendix A of the report).

Note: 3 above to include additional content for the Constitution to make it clear that any disciplinary / dismissal process in respect of a SLT Officer and the Monitoring Officer shall be subject to the Access to Information rules contained in the Constitution (wording to be approved by the Committee electronically in advance of the November Council meeting)

5. REVIEW OF THE CONSTITUTION – agenda item 6

The Monitoring Officer presented a report which covered the annual review of the Constitution (2015/16) and progress with the fundamental review of the Constitution.

Annual Review: The Council was required to reaffirm its Constitution annually at May Council meeting but had deferred this until November pending anticipated changes to the Corporate Parenting Board arrangements. As these changes had now been actioned, consequent amendments to the functions of the Scrutiny for Policies, Children & Families Committee (set out in Appendix A to the report) were proposed. Other changes agreed by this Committee over the course of the year, together with the recommended new arrangements regarding statutory protection for statutory officers, would be incorporated in the revised version of the Constitution, to be approved at Council on 30 November.

Fundamental Review of Elements of the Constitution

In addition to the retrospective annual review of the Constitution, the Committee was asked to consider recommendations for a forward-looking fundamental review, dealing with issues arising as a result of the County elections. This would inform decisions to be taken by the new Council regarding democratic arrangements and would be considered at the Council's AGM in May 2017.

Issues currently under review included the HR Policy Committee; the Officer Appeals Committee and the Appointments Panel and Appointments Committee. The Committee would also be asked to review Access to Information Rules and scrutiny arrangements in the spring.

The Committee asked for a further item to be included in the review to cover arrangements for bodies which report direct to Council but were not formal committees, such as the Police & Crime Panel. The intention behind this was to ensure that these bodies have a direct line of accountability and report to Full Council.

At this meeting, the Committee focussed on proposals for future standards arrangements. The Standards Committee had discussed the officer recommendations at its meeting on 28 October and had supported the option proposing that the Standards and Constitution Committees should be amalgamated to form a single Constitution & Governance Committee. Both current committees had reducing workloads due to changes in procedures and standards legislation; this option would result in a committee with a robust workload in which the Council's co-opted members could continue to play a meaningful role.

Members unanimously agreed to support this option in principle, subject to amendments (listed in (c) below) for recommendation to the new Council in May 2017.

The Committee **RESOLVED** to:

- a) Agree the changes to the list of functions of the Scrutiny for Policies, Children & Families Committee as set out in Appendix A of the agenda report.
- b) To note the progress with and plans for the fundamental review of key elements of the Constitution; including the amalgamation of the Standards and Constitution Committees, and to add the following item to the review:
 - include a separate section to cover bodies which report to Council but are not formal committees (eg the Corporate Parenting Board; Police & Crime Panel), and include a requirement for annual reports from these bodies to be made to Council if other mechanisms are not in place.

- c) To approve, in principle, the proposed amalgamation of the Standards and Constitution Committees to form a single Constitution and Governance Committee for recommendation to the new Council in May 2017. Principles to be applied to the proposed amalgamation were:
- Strict political balance was not required to applied to the elected membership of the Committee but that an appropriate level of representation should be given to the political groups according to their size whilst keeping the overall membership manageable
 - Membership of the new committee should include the current co-opted members of the Standards Committee as non-voting members,
 - The Chairman of the new committee should be appointed by the Committee itself.

6. **ANY OTHER BUSINESS**

None.

The meeting ended at 10.55am

Chairman