

CONSTITUTION & STANDARDS COMMITTEE

Minutes of a meeting of the Constitution and Standards Committee held in the Luttrell Room, County Hall, Taunton on Friday 7 July 2017 at 11.00am.

Present: Cllr N Taylor (Chair), Cllr S Coles, Cllr H Davies and Cllr L Redman (Substitute).

Co-opted Members: Mrs V Chapman and Mr W Wooding.

1 APOLOGIES FOR ABSENCE - agenda item 1

Cllr M Dimery and Cllr D Loveridge.
Mrs J Middleton, Mr R Horton, and Dr T Ward.

2 DECLARATIONS OF INTEREST – agenda items 2

Cllr S Coles, Cllr H Davies, Cllr L Redman and Cllr N Taylor all declared a personal interest as a District and/or City/Town, Parish Councillor.

3 PUBLIC QUESTION TIME - agenda item 3

None.

4 CONSTITUTION AND STANDARDS COMMITTEE – TERMS OF REFERENCE – agenda item 4

4.0 The Committee considered a report by the Council's Monitoring Officer that set out the Committee's terms of reference and operating arrangements, as agreed by the Council on 24 May 2017 when it amalgamated the Constitution and Standards Committees to form a Constitution and Standards Committee.

4.1 It was reported that, in summary, the Committee's main responsibilities related to updating the Council's Constitution and the policies and procedures in relation to standards of conduct. It was noted that political proportionality had been waived in relation to the elected membership of the Committee with one member of each political group being appointed. Also the co-opted members of the former Standards Committee had been appointed to the Committee as non-voting members and with a renewed term of office.

4.2 Members also heard that the functions of the Constitution and Standards Committees had been brought together in the new Committee and included the functions of the Council in respect of Council elections and boundary reviews. There was a brief discussion around the determination of complaints against members as these were now subject to separate arrangements under the Constitution. It was suggested that the wording in the Constitution reflects this more clearly as the Committee had no involvement in the Hearing Panel process.

4.3 The report was discussed and there was a brief discussion on the subject of a Code of Conduct for Officers and the Monitoring Officer noted that he was working on such a code and the he would present it to a future meeting. It was envisaged that a Code of Conduct for Officers would be applicable to all staff irrespective of their grade or responsibility and would also apply to staff of varying contractual arrangements such as consultants.

4.4 The Committee agreed to accept the report including its terms of reference noting the suggested amendment to clarify the Committee would have no role in considering or determining member complaints.

5 APPOINTMENT OF HONORARY ALDERMEN/ALDERWOMEN – agenda item 5

5.0 The Committee considered this report from the Council's Monitoring that asked the Committee to recommend to Council the approval of arrangements for the appointment of Honorary Aldermen/Alderwomen. This would be a way of honouring former Councillors who had given long and/or distinguished service to Somerset and its residents.

5.1 It was explained that before the elections last May a proposal was made for a requisitioned item to be brought to the Council to propose the adoption of Honorary Aldermen/Alderwomen. Given the proximity of the elections and the retirement of a number of councillors it was decided to bring the proposal forward after the elections and to the relevant committee for consideration.

5.2 There was a discussion of the report and it was explained that the proposals could only be agreed at a specially convened meeting of the Council and any such appointments would be entirely honorary positions, bringing no special rights, but were intended to reflect the esteem of the wider community.

5.3 It was suggested that the wording of the report be clarified to explain that the position of Honorary Aldermen/Women would not just be open to former Councillors who had been Chairmen of the Council but to all former Councillors. It was noted that the report had suggested nominees had served a minimum period of 12 years past service as a Councillor of the Council.

5.4 The Committee **RESOLVED** to:

- a) **RECOMMEND** the Council to:
to approve the arrangements for the appointment of Honorary Aldermen/Alderwomen as set out in section 3.4 of the report and to include those arrangements as an appendix to the Constitution.

6 ANNUAL REVIEW OF THE CONSTITUTION – agenda item 6

- 6.1 The Committee considered this report that set out changes made to the Council's democratic structure at the 24 May 2017 Annual General meeting. In May the Council revised its committee arrangements by establishing the Constitution and Standards Committee and including within its responsibilities the requirement to recommend an amended Constitution to the Council for approval.
- 6.2 The Council's Monitoring Officer introduced the report and explained that the main changes proposed to the Constitution resulted from the amendments agreed at the Council meeting last May to the Council's democratic arrangements and the Council's executive arrangements by the Leader.

- 6.3 Attention turned to Part 1 of the Constitution, attached to the report as Appendix A, and the Chairman invited comments from Committee Members and in the ensuing discussion the following points were made, issues raised and/or questions asked/answered including:

Section 2.1 delete 2017 and replace with 2012;

Section 2.3, Appointments – replace references (throughout the Constitution) to Chairman/Chairmen with Chair;

Section 4.2.1 (u) to include the words 'or any other relevant partnership as requested by the Constitution and Standards Committee';

Section 5.6.1 Junior Cabinet Members (e) there was a discussion about the word deputise and adding some text about this explaining it did not mean taking decisions;

Section 6.8.1 Functions of Constitution and Standards Committee – to amend the single sentence after the lettered bullet points a-f, with words to the effect of, The Committee has no role in considering or determining member complaints. The Constitution includes separate arrangements for Code of Conduct Hearing Panels to deal with member complaints;

Section 6.11.3 Final bullet point – to read along the lines of – 1 other member from the opposition groups nominated by their group leader with the agreement of the other opposition group leaders;

Section 6.11.7 To read along the lines of – The Panel will be Chaired by the Administration's appointed representative from within the membership shown at 6.11.3.

- 6.4 The Committee agreed:
To recommend the Council to approve the revised Constitution – Part 1 - attached as the Appendix A to the report and:

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To approve the amended procedure for dealing with complaints against members attached as Appendix B to the report.

- 6.5 It was noted that other aspects of the Constitution would be reviewed in the coming months and this will be reflected in the Committee's work programme for future meetings.

7 DATES OF FUTURE MEETINGS – agenda item 7

- 7.1 The Committee considered a tabled report that set out future meeting dates in 2017 and 2018.
- 7.2 It was agreed the Committee would meet on Fridays with meetings to start at 10am on the following dates:
6 October 2017, 9 February 2018, 27 April 2018 and 12 October 2018.
- 7.3 Elected members were reminded that they are able to nominate substitutes in the event that they are unable to attend a meeting.

The meeting ended at 13.00

**Cllr Nigel Taylor
Chair
Constitution and Standards Committee**