

CONSTITUTION & STANDARDS COMMITTEE

Minutes of a meeting of the Constitution and Standards Committee held in the Luttrell Room, County Hall, Taunton on Friday 6 October 2017 at 10.00am.

Present

Councillors: Cllr N Taylor (Chair), Cllr S Coles, Cllr H Davies and Cllr D Loveridge.

Co-opted Members: Mrs V Chapman, Mrs J Middleton, Dr T Ward and Mr W Wooding.

8 APOLOGIES FOR ABSENCE - agenda item 1

Cllr M Dimery and Mr R Horton.

9 DECLARATIONS OF INTEREST – agenda items 2

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

Cllr S Coles declared a personal interest as a member of the Council's Pensions Committee in respect of agenda item 5.

10 MINUTES FROM THE PREVIOUS MEETING – agenda item 3

The minutes of the meeting of the Committee held on 7 July 2017 were approved as correct record and the Chairman signed them. There was a brief discussion about how voting would be recorded and it was noted that Members could request their voting be recorded in the minutes if they so wished.

11 PUBLIC QUESTION TIME - agenda item 4

11.0 The Committee heard from Mr Nigel Behan, of the UNITE trade union, who asked a number of questions about agenda item 5. The Strategic Manager (People and Place) in Commercial and Procurement responded and undertook to provide a written answer that would be circulated to the Committee.

12 CHANGES TO THE CONTRACT PROCEDURE RULES AND STANDING ORDERS – agenda item 5

12.0 The Committee considered a report introduced by the Strategic Manager (People and Place) in Commercial and Procurement that set out a proposed change to section 28 of the Contract Procedure Rules and Standing Orders to ensure the Council obtained better value for money.

12.1 It was reported that all Officers involved in procurement were committed to focusing on achieving good value for money however the current

constraints on resources were focusing attention on reducing the budget gaps and the proposed change was driven by the Council's financial position. In response to a question it was noted that there was no known precedent for a Council to include such a provision within its rules to draw comparison with for the purposes of judging against best practice.

- 12.2 There was a discussion of the first proposed change relating to the tender evaluation criteria ratio transitioning from 60:40 to 70:30 weighted in favour of price over quality considerations. During the discussion Members expressed concerns about the long terms effects of awarding contracts to the cheapest bidder for a short term gain of saving money. In response the Officer explained that a range of factors would be taken in to account when deciding the successful tender including understanding the need and consulting properly on the appropriate service delivery model.
- 12.3 The Committee considered the second proposed change and it was noted that this was to reinstate a previous provision that afforded the Pensions Committee the opportunity of exempting its activities from the Rules to take account of the different constitutional set up and operating structure of the Pensions Fund. In response to a question it was noted that this had previously been the case but had inadvertently been omitted when the Rules were last changed.
- 12.4 The Committee **RESOLVED** by majority; :
- To endorse the proposed changes; the first of which has been set out with the purpose of ensuring better value for money through commissioning and procurement activities; and the second of which provided an additional exemption from the scope of the Rules for Contracts relating to the Pension Fund;
 - That those amended Rules be formally adopted in to the Council's Constitution.

Cllr Davies wished it to be recorded that he voted against both the proposed changes.

13 NEW RULES TO STRENGTHEN STANDARDS FOR COUNCILLORS – agenda item 6

- 13.0 The Committee considered this report by the Monitoring Officer that highlighted plans announced by the Government to strengthen rules to prevent anyone found guilty of serious crimes from serving on local councils. The drive to strengthen the rules was welcome, as they were fairly minimal currently, and it would help to ensure high standards for those in elected office and public life.
- 13.1 It was explained that the Government had produced a consultation document and had invited comments by 8 December. It was explained that the changes were proposed to reflect modern day sentencing. There was a brief discussion of the report and some of the terminology mentioned and the definition of some sections.

- 13.2 It was suggested and agreed that the County Solicitor would provide a definition of some of the terminology and phrases used in the report. It was also suggested and agreed that the Committee, when in possession of that additional information hold another meeting, before the Government consultation closed, to consider the Council's response to the Government's consultation.
- 13.3 The Monitoring Officer then reflected that a part of the debate on the subject of ensuring appropriate standards for elected members included Disclosure and Barring Services (DBS) checks. The Committee was reminded that this was last considered, by the former Standards Committee in 2015, when it was agreed to recommend that the Council encourage all elected Members to undertake a DBS check on a voluntary basis. The Monitoring Officer thought it an appropriate time to review these arrangements.
- 13.4 It was explained that safeguarding was a key priority issue for the Council and work had been undertaken to assess how the Council's existing policy compared with other County and Unitary Councils. Although the approach varied amongst other Councils it seemed the majority had a blanket approach to requiring elected Members to have a DBS check. In Somerset currently only elected Members directly involved in safeguarding activity were required to have DBS checks.
- 13.5 The Monitoring Officer explained that he would like to include a section on DBS checks for elected Members in a report to the November Council meeting and invited views from the Committee. There was a discussion and every member of the Committee supported the suggestion of a review and that it be a requirement for every elected Member to undertake a DBS check.
- 13.6 The Committee RESOLVED to agree:
- It was an appropriate time for the Monitoring Officer to review the Council's DBS policy for elected Members;
 - To ask the Monitoring Officer to submit a report to the November meeting of Council reviewing the policy in the light of the practice of our peer councils with appropriate recommendations;
 - Unanimously that all elected Members should be required by the Council to undertake a DBS check to be renewed on at least a quadrennial basis be reflected in the report;
 - To ask the Monitoring Officer to include in his report that a change of policy requiring all elected Members to undertake a DBS check, would mean that should a member then refuse to have a DBS check, this would be a potential breach of the Code of Conduct for failure to comply with Council policy and the elected Member could then be subject to sanction under the Council's complaint handling provisions.

14 ACCESS TO INFORMATION AND THE CONSTITUTIONAL PROVISIONS – agenda item 7

- 14.0 The Committee considered this update report from the Monitoring Officer about his on-going work to review the contents of the Constitution in relation to Members and the rules around access to information. It was noted that the relevant provisions were currently set out in Part 1: Section 8 of the Council's Constitution and Part 2: Appendix F and the intention was to have one set of rules within Part 1 of the Constitution to give greater clarity to Members, officers and the public.
- 14.1 It was reported that the current arrangements met all the requirements of the legislation and in some respects, regarding Members' access to confidential and exempt information, went beyond the legal requirement. Attention was drawn to paragraphs 3.6.1 to 3.6.5 of the report that highlighted the specific areas being reviewed.
- 14.2 There was a discussion of the specific issues being considered and these included: the need to know principle; use of council information by members; request for information; passing on confidential information; members' access to confidential or exempt papers. There was a question about members passing on confidential information and if this would represent a breach of the code of conduct and it was explained that an investigation would be undertaken, however it was noted that such matters were usually quite complex and difficult to determine.
- 14.3 Members expressed their support for the review and the areas being considered and the Chairman reiterated the Committee's support and noted the revised single set of provisions would be compiled in a report for the February 2018 meeting.

15 CHANGING THE NAMES OF ELECTORAL DIVISIONS – agenda item 8

- 15.0 The Committee considered this report that explained the process for the Council to consider changing the names of electoral divisions to better reflect their geographies and communities. It was noted that the Council had a full scale Local Government Boundary Commission review in 2011/2012 resulting in a reduced total of 55 Members representing 54 electoral divisions.
- 15.1 It was reported that such reviews are usually undertaken every 10 years in order to reflect demographic changes over that time. There had been a request about the process for changing the name of an electoral division and advice from the Boundary Commission indicated that such changes could be undertaken by the Council after December 2017, and would not need the Commission's approval or be subject to a Parliamentary process.

15.2 There was a brief discussion and the proposal met with approval of those present and it was suggested that an article be included in a future edition of the Your Somerset newsletter to aid public understanding. The suggested consultation process was noted and the outcomes of the consultation would be reported to a future meeting of the Committee. The Committee would then make a recommendation to Council at a special meeting for any amendments to the names of electoral divisions.

15.3 RESOLVED to agree the proposed process set out in the report leading to the Council's consideration of requests from members for changes to the names of electoral divisions

16 ANY OTHER URGENT ITEMS OF BUSINESS – agenda item 9

There were no other urgent items of business and the Chairman thanked all those present for attending and closed the meeting.

The meeting ended at 11.51

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