

## **CONSTITUTION & STANDARDS COMMITTEE**

Minutes of a meeting of the Constitution and Standards Committee held in the Luttrell Room, County Hall, Taunton on Friday 9 February 2018 at 10.00.

**Present:** Cllr N Taylor (Chair), Cllr S Coles, Cllr H Davies, Cllr M Dimery and Cllr D Loveridge.

**Co-opted Members:** Mrs V Chapman, Mr R Horton, Dr T Ward, and Mr W Wooding.

### **22 APOLOGIES FOR ABSENCE - agenda item 1**

Mrs J Middleton.

### **23 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.

### **24 MINUTES FROM THE PREVIOUS MEETING – agenda item 4**

The minutes of the meetings of the Committee held on 6 October and the 17 November 2017 were approved as a correct record.

### **25 PUBLIC QUESTION TIME - agenda item 3**

None.

### **26 ACCESS TO INFORMATION PROVISIONS – agenda item 5**

26.0 The Committee considered a report that set out revised Access to information rules for the Constitution. It follows the report considered by the Committee in October 2017 which introduced the intention to review and revise the rules.

26.1 The Monitoring Officer explained that the access to information content is in two places within the Constitution and emphasised the intention to simplify and consolidate the content within Part 1 of the Constitution.

26.2 Key points raised by committee members during the debate:

- Paragraph 8.6.2 – it was proposed that the independence of the Monitoring Officer should be highlighted in this paragraph - this was agreed.
- Paragraph 8.6.3 – it was proposed that the content in this paragraph needs to make it clear that councillors do not have an automatic right to access all information held by the Council and that in certain

circumstances access will be dependent on their legal and constitutional rights as determined by the Monitoring Officer. Cllr Coles commented that he could not agree to the content in the paragraph which confirmed that even where a member signs a confidentiality agreement then full access to confidential information may still not be allowed. He felt that in the event that such an agreement was signed the member should have full access. In response the County Solicitor confirmed that there would be cases where it would be appropriate and necessary for information to be withheld even where a member signs a confidentiality agreement, hence the wording of the paragraph which reflects the legal position. The Monitoring Officer suggested deferring the approval of the document to allow time for him and the County Solicitor to review the content of the paragraph and propose an alternative wording in the hope that all members of the Committee could support the document.

- Paragraph 8.6.38. The Monitoring Officer referred to the wording of this paragraph that proposed a change in the Council's practice of audio recording meetings. Since the introduction of audio-recording all formal meetings had been recorded. The recordings had not been published on the website but had been made available on request to members and the public via transfer to audio disc. No time limit had been applied to this access. Making the recordings available in this way was an expensive and labour intensive process. The new policy proposed limiting audio recordings to key decision making meetings and making them available via the Council's website until the formal minutes of that meeting – which form the legal record – had been approved as a correct record. It was proposed at that point that the recording would then be removed from the website but would still be available to members to access via the Members' Portal. Dr Ward asked whether the new policy was too narrow and whether there would be occasions where other meetings would need to be recorded, eg, complaint hearings. The County Solicitor confirmed that it was possible that complaint hearings would benefit from being recorded. A separate point was made that making recordings available to members after they had been withdrawn from access by the public could put members in a difficult position if they were asked for a copy of a deleted recording by a constituent after public access had been withdrawn. The County Solicitor acknowledged the potentially difficult position this could place members in. It was agreed to defer further consideration of this paragraph to the next meeting to allow time for the officers to review the proposal for retention of recordings as they remain disclosable on request as long as they are retained by the Council. This would address the access issues for both members and the public.

- 26.3 The Committee **RESOLVED** to defer this item to the next committee meeting due to be held on 27 April 2018 to allow time for the officers to review the issues raised and bring back any amendments considered necessary to address the concerns outlined above.

- 27.0 **ELECTORAL DIVISION NAME CHANGES**– agenda item 6
- 27.1 The report followed the Committee’s decision in October 2017 to agree a process for taking forward requests from members for changes to the names of electoral divisions.
- 27.2 In accordance with the procedure, the report brought forward four proposed name changes for consideration and the approval of the Committee to go out to public consultation.
- 27.3 The County Solicitor explained that Cllr Davis at the beginning of the meeting has asked if he could take part in the discussion due to the fact that he is one of the Councillors who would be affected by the change. The County Solicitor confirmed to the Committee the advice that she had given to Cllr Davis that he could take part in the discussion because the change would not affect him or benefit him personally.
- 27.4 The Monitoring Officer added that it is important to highlight that these changes only related to the names of the divisions and there would be no impact on divisional boundaries or district warding arrangements.
- 27.5 In response to a question about whether there would be another opportunity in the future to discuss changes to divisional names, the Monitoring Officer responded by saying that there is normally a 10 year cycle for boundary reviews and the next Somerset review would be in 5 years’ time when boundaries and names would be reviewed.
- 27.6 The Committee **RESOLVED** to agree the four proposals detailed in the appendix to the report for public consultation.
- 27 ANY OTHER BUSINESS OF URGENCY – agenda item 7**
- 27.1 The Chairman ascertained there were no other urgent items of business, he thanked all those present for attending the meeting and reminded everyone that the next meeting would be on 27<sup>th</sup> February 2018.

**The meeting ended at 11.40**

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