

CONSTITUTION & STANDARDS COMMITTEE

Minutes of a meeting of the Constitution and Standards Committee held in the Wyndham Room, County Hall, Taunton on Friday 4th May at 10.00am.

Present: Cllr N Taylor (Chair), Cllr M Dimery, Cllr Tessa Munt 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. Mr M Vacher, Cll Hugh Davies, Cllr Simon Coles (sub Cllr Tessa Munt) and Cllr Dimery

23 DECLARATIONS OF INTEREST – agenda items 2

Members of the Cabinet declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr S Cole	Taunton Deane District Council
Cllr H Davies	West Somerset District Council
Cllr D Loveridge	Sedgemoor District Council
Cllr N Taylor	Mendip District Council

24 PUBLIC QUESTION TIME - agenda item 3

None.

25 ACCESS TO INFORMATION AND THE CONSTITUTIONAL PROVISIONS – agenda item 4

25.0 The report set out revised Access to Information rules for the Constitution. It followed the reports considered by the Committee in October 2017 and February 2018 which introduced the intention to review and revise the rules.

25.1 Scott Wooldridge, Monitoring Officer for Somerset County Council introduced the report by outlining the following key points:

- The report addressed the queries which had arisen from the February meeting.
- Page 13, 8.6.2 wording has been changed especially relating to the role of the Monitoring Officer – this text is highlighted in the report.
- Audio Recording – Previous practice was to provide CD's which was

resource intensive so going forward the report outlines the use of the website in order to capture the recordings and make them more accessible to Members and the Public.

25.2 The following points were raised during discussion:

- Julian Gale the previous Monitoring Officer for Somerset County Council said that during the previous meeting on 27th February 2018, Cllr Coles raised issues relating to the non – disclosure agreements and his wish for every councillor to sign them. This cannot be agreed due to the legality of it and that even signing the non-disclosure agreement does not automatically give members full access to the information due to the status of some information.
- Cllr Munt wanted clarification on the fact that there is a difference between commercial and private – commercial may be made available to the public but private is not?
- Honor Clarke, County Solicitor said that this is largely correct – but should be taken on a case by case basis. Personal information relating to staff would not usually be disclosed.
- Cllr Loveridge said that if members are given information they should not be disclosing this information according to the code of conduct.
- Cllr Munt asked whether special panels minutes have to be disclosed or published?
- Mr Gale responded by saying that normally at the end of the meeting the panel would agree a delegate the chairman in consultation with the committee to sign the minutes off quickly.
- Cllr Munt asked if something is written in the Constitution outlining this.
- Mr Wooldridge agreed that this could be investigated and guidance could be added to the Constitution.
- Cllr Munt said that she is unhappy with audio recordings being deleted after the minutes have been agreed by the chair.
- Mr Wooldridge said that the majority of questions are summarised and answered within the minutes, the audio was to assist with the minutes and once signed then they become the accurate record and take precedence over the audio recording.
- Cllr Munt responded by saying that she felt that some committee minutes only summarised main points.
- The Monitoring Officer undertook to look at this.

The Committee **RESOLVED** to:

Agree the revised Access to Information rules attached as Appendix A to the report for inclusion in the Constitution and to replace the existing contents of Part 1 – section 8 (relevant paragraphs) and Part 2 – Appendix F Protocol on Members Access to Information and other Confidential Issues.

Authorise the Monitoring Officer to complete these proposed changes to the Constitution ahead of these being reported to County Council in May 2018.

- 25.3 Request that the Monitoring Officer present a further report to the next meeting of the Committee regarding the management and publication of the Council's audio recordings of committee meetings on the Council's website.

26.0 **REVIEW OF ETHICAL STANDARDS IN LOCAL GOVERNMENT –**
Agenda Item 6

At an informal discussion with members of the Committee, at around the time of the last formal committee meeting, the Monitoring Officer informed of a consultation being undertaken by the Committee for Standards in Public Life on behalf of the Government to review ethical standards in local government (see Appendix A). The Monitoring Officer undertook to bring a full report to this meeting of the Committee for consideration following:

Advice to be prepared and submitted by the Somerset Monitoring Officers Group on the questions in the consultation document

An invitation to all SCC members to comment on the questions in the consultation document.

The Committee was asked to agree a response to the consultation document on behalf of the Council in order to meet the deadline in the consultation paper of 18th May 2018.

- 26.1 Scott Wooldridge, Monitoring Officer for Somerset County Council introduced the report by outlining that to ensure consistency across Somerset's council he and Julian Gale attended a meeting with the district Monitoring Officers to compose a collective response for Somerset councils.

The following points were raised during discussion:

- 26.2
- Mr Ward began by saying that in the final paragraph – councillors personal conduct – the wording is very neutral, is this deliberate? Is there a personal conduct obligation.
 - Mr Wooldridge said that we would welcome clarity on the matter from Government.
 - Mr Ward added that County Councillors should be subject to scrutiny in their public and private lives where the expectation of standards are high.
 - Mr Gale said that it would be difficult to regulate and monitor breaches of conduct in private life.
 - Mr Ward felt that perhaps expanding the rules so individuals with convictions cannot stand for election.

- Mr Horton added that the role of Co-opted Standards Members also needed to be addressed and highlighted the better arrangements under the previous legislation.
- Mr Gale said that we are trying to persuade the government that the former agreements worked well.

26.3 The Committee commented on the draft consultation response set out at Appendix B and **RESOLVED** to:

1. authorise the Monitoring Officer to incorporate the comments made and then circulate the draft consultation response to all political group leaders within the council for final comments
2. delegate powers to the Chair of the Committee, in consultation with the Monitoring Officer, to approve any final changes to the response and for the final response to be submitted by the Monitoring Officer to the Committee for Standards in Public Life by the deadline of 18 May 2018.

27.0 **ANNUAL REVIEW OF THE CONSTITUTION** – agenda Item 7

The Council's Constitution requires the Council to review its Constitution on an annual basis. This is typically done at the Council's AGM in May of each year although the last revision was agreed at the Council meeting in July 2017.

In May 2017, 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.

Accordingly, this report recommended a revised and updated Constitution to the Council for approval. The Constitution also required that the Committee provides an annual report to the County Council setting out its work over the previous year.

27.1 Scott Wooldridge, Monitoring Officer for Somerset County Council introduced the report by outlining the specific amendments set out in the current report and appendices.

27.2 The following points were raised during discussion:

- Mr Horton pointed out various typographical mistakes which Mr Wooldridge noted and said that he would update.
- Mr Horton also added that the treatment of Audio Recordings needs more clarity.
- Mr Horton also raised whether deadlines for some public meetings should be earlier.
- Mr Gale said that there is no direct link with the questions and the proposed recommendations.

27.3 The Committee **RESOLVED** to:

1. note the revisions endorsed since May 2017 (as summarised in the report and Appendix A) and recommended the Council to approve the revised Constitution – Part 1 – attached as Appendix B to the report.
2. authorise the Monitoring Officer to make various technical and grammatical amendments to Appendix B that had been proposed by the Committee at the meeting.

28.0 **Draft Annual Report of the Constitution and Standards Committee 2017/18 – Item 8**

The Constitution and Standards Committee is required by the Constitution to make an annual report to the County Council regarding its work since May 2017.

The Constitution and Standards Committee was formed following the May 2017 elections and its functions include responsibility to maintain an effective, up to date and legally compliant Constitution; considering proposals from Council committees for changes to the constitutional arrangements of the Council; take all required decisions in respect of the County Council elections; promoting high standards of conduct by Members, Co-opted Members and Officers; monitoring the operation of the Members' Code of Conduct and the Council's Whistleblowing Policy

28.1 The following point was raised during discussion:

- Cllr Munt asked in reference to Page 130 – is the annual review ongoing and in progress?
- Mr Wooldridge said that a paragraph can be added explaining about the forward work programme of the committee.
- Cllr Munt asked the Monitoring Officer if DBS – an update on checks would be brought forward to the committee.
- Mr Gale said that the key posts have already completed DBS checks and basic checks are still a recommendation for councillors. There is currently no request for co-opted members to complete checks.
- The County Council would to agree a policy amendment and extend DBS checks to co-opted members.

28.2 The Committee commented upon the draft Annual Report to the County Council meeting on 16th May 2018 and **RESOLVED** to:

1. delegate authority to the Monitoring Officer to finalise it following consultation with the chair of the committee and to incorporate reference to an update regarding DBS checks for all members.

2. request that the Monitoring Officer provide an update on the completion of DBS checks for all members to the next meeting of the Committee

29 ANY OTHER BUSINESS OF URGENCY – agenda item 9

29.1 The Chair informed the Constitution and Standards committee that this would be his last committee meeting. The Committee thanked Cllr Nigel Taylor for his dedication to the committee and wished him well for the future.

The meeting ended at 11.41

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