

CONSTITUTION & STANDARDS COMMITTEE

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

Present: Cllr W Wallace (Chair), Cllr T Munt and Cllr H Davies

Co-opted Members: Mrs V Chapman, Mr R Horton and Mrs J Middleton.

30 APOLOGIES FOR ABSENCE - agenda item 1

Mr T Ayre, Mr M Vacher, Dr T Ward, Mr W Wooding, Cllr D Loveridge, Cllr Mike Best (sub Cllr Tessa Munt) and Cllr M Dimery.

31 DECLARATIONS OF INTEREST – agenda items 2

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

Cllr H Davies	West Somerset District Council
---------------	--------------------------------

Cllr W Wallace	South Somerset District Council
----------------	---------------------------------

32 PUBLIC QUESTION TIME - agenda item 3

No public questions received.

33 ELECTORAL DIVISIONS PROPOSED NAME CHANGES – agenda item 5

33.0 The report summarised the outcomes of the public consultation process on proposed changes to the names of 4 electoral divisions as agreed by the Committee at its meeting on 9th February 2018. The Committee had previously agreed the process for considering changes at its meeting on 6th October 2017. The report asked members to consider and decide on the way forward for the proposals.

33.1 Julian Gale, Strategic Manager - Partnership Governance introduced the report by outlining the following key points:

- The name changes were set out for public consultation.
- The number of responses was limited.

33.2 The following points were raised during discussion:

- Cllr Munt asked if the Wellington and Rockwell Green proposal (as it had been supported by Wellington Town Council) could have further consultation to establish wider public support for the name change before this is considered at a special meeting of Council.
- The Committee supported the proposal for further consultation to take place for the Wellington and Rockwell Green proposal and supported the proposal that the 3 other electoral division names will remain unchanged.

33.3 The Committee recommended:

1. that the Wellington and Rockwell Green proposed name change undertakes further public consultation and for proposals to be reported back to the Committee in the Autumn.
2. That currently no changes are taken forward for the other 3 proposals.

34 **UPDATE ON DISCLOSURE AND BARRING SERVICE (DBS) CHECKS FOR ELECTED MEMBERS – Agenda Item 6**

34.1 The Disclosure and Barring Service (DBS) helps prevent unsuitable people from working with vulnerable groups, including children.

34.2 Scott Wooldridge, Monitoring Officer, introduced the report by outlining the following key points:

- Item 3.5 outlined the number of County Councillors that had completed the relevant checks and the number of outstanding checks still to be completed.
- A plan to complete the outstanding checks had been developed and it is intended to then report back to the October meeting.

34.3 During discussion members highlighted the importance of the necessary checks being completed by all members in accordance with council policy and if necessary the Committee would escalate this matter.

Following debate, the Committee:

(a) noted the current position regarding County Councillor DBS checks as detailed in paragraph 3.5 of the report.

(b) Requested officers to provide a further update to the committees meeting in October 2018 and consider any further actions to ensure compliance with the Councils policies on DBS checks.

35 **EMPOWERMENT OF INTERIM DIRECTOR OF FINANCE – agenda Item 7**

35.1 The report recommended a way forward to ensure that the statutory Chief Finance Officer (Section 151 Officer) role is fulfilled by the new Interim Director of Finance, who is an interim agency placement filling this key post within the Senior Leadership Team following the departure of the Director of Finance, Legal and Governance on 11 July 2018. It also proposed that the Interim Director is empowered to take decisions under the Council and Cabinet Schemes of Delegation and therefore be held fully accountable in the role that they are undertaking on a contractual basis.

35.2 Scott Wooldridge, advised that the purpose of the report was to seek Council's agreement to empower the interim director is given delegated powers to undertake the statutory role of the 151 officer.

35.3 The following points were raised during discussion:

- Cllr Munt asked about the legal position regarding the empowerment of a contracted individual to undertake the statutory role. The County Solicitor referred to the position outlined in the report.
- Questions were raised about the context for the council employing an external person to undertaken the interim director role.

35.4 The Committee resolved to:

1. Recommend that the County Council allocate the statutory Chief Finance Officer (Section 151 Officer) role to the Interim Director of Finance with effect from the 18 July 2018 pending the recruitment of a permanent employee to the role of Corporate Director for Resources.
2. Agree, subject to the agreement of the Council to (1) above to amend the Constitution and Council Scheme of Delegation to recognise and empower the Interim Director of Finance to undertake all of the statutory functions of a Chief Finance Officer (Section 151 officer), the functions of the Director of Finance, Legal and Governance and take all decisions related to the role;
3. Delegate authority to the Monitoring Officer to make any changes necessary to the Constitution as a result of the decisions of the Council and the Committee.
4. Recommend the Leader to make complementary changes to those outlined in 2.1 (2) above to the Cabinet Scheme of Delegation.

36 **MEETING PROCEDURE RULES, SCRUTINY CALL-IN PROCEDURE AND PUBLIC QUESTION TIME RULES – Item 8**

36.1 The report set out proposals for the Committee to consider regarding revisions to the Full Council meeting procedure rules, the scrutiny committees' call-in procedure rules and the public question time rules within the Constitution.

The proposals responded to recommendations from the recent Corporate Peer Challenge, attempted to equalise across the Council's committee meetings the public question time rules relating to deadlines for submitting statements and the time allocated to speakers, and clarify the existing public question time provisions to ensure that the time reserved for public statements and questions is maximised and not limited by repeated questions or statements that have been raised at the council's committee meetings in the past six months.

36.2 Scott Wooldridge, introduced the report by outlining the following key points:

- The Council remains committed to public participation in its committee meetings.
- Members are given appropriate time to engage and debate and to ask questions.
- Committee meetings are not the sole body for public consultation and there are a number of ways that the public can engage before it is taken to committees.
- Looked at other Councils and examples included
 - Devon County Council allow public speakers to submit just 1 question and these have to be registered 4 days in advance.
 - Sedgemoor District Council allow 1 question and 15 minutes of public question time.
- There are different rules for different Council committees, therefore there is a lack of consistency throughout.
- There are occasions where late papers have to be generated - item 3.4 talks about how this can be adhered to democratically.
- Item 3.8 asks that only one question is asked by individuals – this does not mean that questions will not be asked but it shows speaking allocation and how this will be managed at individual meetings.

36.3 Nigel Behan, Unite Branch Secretary asked questions and made statements regarding:

- Whether the Committee felt the proposals were too restrictive
- Limiting questions to one per speaker could result in less questioning of the Council. Complex services and budget papers contain much information to be analysed which is very difficult to do in one question which could lead to less transparency and possibly more Freedom of Information requests.

- whether consideration had been given to questions submitted on behalf of organisations
- previous some questions have been grouped by the Chair to facilitate particular areas of interest without unnecessary duplication
- whether the proposals could be deferred to allow the public to have a greater say on the proposed changes

36.4 The questions were answered by Scott Wooldridge:

- The proposals have taken into view what other councils do.
- The council needs to strike an appropriate balance between public and member participation at committee meetings.
- Committee is being consulted on the proposals prior to these being presented to the July council meeting.

36.5 The following points were raised during discussion:

- 3.1 33 – Cllr Munt stated that the current provision in the Constitution of 20 minutes for public question time is not appropriate especially for Regulation Committee. It was clarified that the Chair has discretion to extend the time.
- 3.2.2 – late questions – it was requested whether another member of the public or officer could read out a question if the person asking it is absent.
- With late questions – unless there is a good reason why they are late the Chair will reject them.
- In response to the Peer Review recommendations the report includes a proposal to delete the Vice-Chair from the need to agree a scrutiny call-in request.
- Cllr Munt highlighted that Scrutiny Place now has a chair and vice chair that are both conservative members rather than the previous practice of being from opposition parties. It was clarified that this is still allowed legally and is a matter for Full Council to decide.
- It was suggested that co-opted members should be considered for all Scrutiny committees.

36.6 The committee resolved to:

1) Accept the proposals regarding the proposed amendments to the Full Council meeting procedure rules and Public Question Time provisions within the Constitution as set out in paragraph 3.1-3.12 of the report, ahead of the Monitoring Officer reporting these for consideration and approval by Full Council on 18 July 2018 with the following amendments:

- (i) The time allocation for Public Question Time should be 20 minutes or at the discretion of the chair of the committee.
- (ii) If the person is absent and therefore unable to ask a question the relevant democratic service manager can do so on his/her behalf.

2) Accept the proposals regarding the proposed amendment to the scrutiny call-in procedure as set out in paragraph 3.16, ahead of the Monitoring Officer reporting this for consideration and approval by Full

Council on 18 July 2018.

3) Noted the work to be undertaken investigating options to improve the effectiveness of scrutiny.

37.0 AUDIO RECORDINGS OF COMMITTEE MEETINGS – Item 9

37.1 The Monitoring Officer referred the Committee to the copy of the extract from the Constitution (as agreed in May 2018) regarding the provisions relating to the council's audio recording of its main decision making meetings

37.2 The following points were raised during discussion:

- The Audio recording procedures are now in place.
- Request for the recording protocol to be reviewed by the Committee as part of the annual review of the Constitution.
- Audio recordings are put on the website for a number of meetings but then are withdrawn after a point when the minutes have been signed as they are the accurate record of the meeting.

The Committee noted the update and requested a further update in the Autumn regarding the operation of the policy.

38.0 FORWARD WORK PROGRAMME – Item 10

38.1 The Monitoring Officer reported on the proposed future work programme and that this will be a standing item for each meeting:

12th October
Whistle Blowing Report
Wellington and Rockwell Green

1st February 2019 – Officer code of conduct.

39.0 ANY OTHER BUSINESS OF URGENCY – agenda item 11

39.1 The Chairman advised 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 12th October 2018.

The meeting ended at 12.05

**Cllr William Wallace
Chair of
Constitution and Standards Committee**