

Report of the Monitoring Officer

Committee Chairman: Cllr N Taylor (for Constitution & Standards Committee business)

Division and Local Member: N/A

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1. Summary

- 1.1 This report makes recommendations in relation to:
- (a) Proposed arrangements for the appointment of Honorary Aldermen/Alderwomen;
 - (b) A revised Constitution for the Council.

It also confirms the filling of a vacancy on the Scrutiny for Policies, Children and Family Committee.

2. Recommendations

2.1 Council is asked to agree:

- 1 The proposed arrangements for the appointment of Honorary Aldermen/Alderwomen set out in this report and to include them as an appendix in Part 2 the Constitution;**
- 2 A revised Constitution for the Council as proposed in the Appendix to this report.**

3. Background

3.1 Appointment of Honorary Aldermen/Alderwomen

- 3.1.1 The Committee considered a proposal brought forward with the support of the main political groups of the pre May 2017 Council, for the appointment of Honorary Aldermen/Alderwomen. It was considered more appropriate given the timing for this proposal to be brought forward now and after proper consideration by the Constitution and Standards Committee.
- 3.1.2 The Local Government Act 1972 makes provision for such appointments [Section 249(1)] on the condition that they are made, by a resolution at a special full council meeting convened specifically for the purpose, and passed by not less than two thirds of the members present and voting in favour. The legislation allows for the title of honorary alderman/alderwoman to be given to 'persons who have, in the opinion of the Council, rendered Eminent Services to the Council as past members of that Council but who are not then members of the Council.'
- 3.1.3 The appointment of Honorary Alderman/Alderwoman is an entirely honorary position, bringing no special rights, but is intended to reflect the esteem of the

wider community. There is no statutory guidance or definition of “eminent services” although it is recommended that each Council should have its own criteria for the appointment.

3.1.4 Proposed criteria and procedure for the appointment of Honorary Aldermen/Alderwomen.

The Committee recommends the following criteria for conferring the title of honorary alderman/alderwomen:

- (a) The title would be conferred on any past elected member who has, in the opinion of the Council, rendered eminent service to the Council and the local community but who is no longer a serving councillor or is politically active.
- (b) Nominations for Honorary Aldermen/Alderwoman made in accordance with these arrangements at a Special meeting of the Council convened for the purpose on the rise of the November Full Council meeting.
- (c) Nominations may be received by the Chairman of the Council from any member of the Council with the support of their Group Leader and must be received in time to be brought before the Special Council meeting in the form of a requisitioned item in accordance with the Council’s procedural rules. The Leader of the Council shall move the requisitioned item which shall be seconded where possible by the leader of the main opposition group. The nomination to appoint an Honorary Alderman/Alderwoman shall be formally agreed if supported by not less than two thirds of the Members present.
- (d) Nominees must have a minimum period of 12 years past service as a Councillor of the County Council.
- (e) There shall be no more than twelve County Council Honorary Alderman/Alderwoman appointments at any one time.

3.1.5 Rights of Honorary Aldermen/Alderwomen

Honorary Aldermen/Alderwomen have no ‘legal or social precedence’ but it is custom and practice that they are invited to all appropriate Civic ceremonial events. This would include the Annual Council meeting, the Chairman’s Civic Reception, and other events such as any future appointment of Honorary Aldermen/Alderwomen. Honorary Aldermen are entitled to wear the badge of ‘Honorary Alderman/Alderwoman’ at Civic events within the County. The badge of Honorary Alderman/Alderwoman can only be worn at Civic events outside the County with the prior agreement of the organisers of the event. Those elected to the Roll of Honorary Alderman/Alderwoman are entitled to use the title of ‘Honorary Alderman/Honorary Alderwoman of the County of Somerset. The Aldermen/Alderwomen have no right to receive any allowances or payments to which serving councillors are entitled.

3.1.6 Precedence in Civic processions:

Honorary Aldermen/Alderwomen shall take precedence immediately after the Chairman and Vice-Chairman of the Council. Precedence shall be according to number of years’ service as a Member of Somerset County Council.

3.1.7 Presentation Ceremony

The award of Honorary Alderman/Alderwoman shall take place during a meeting of the Council. Those awarded the title will be presented with: 1) A ‘Certificate of Conferral of the Status of Honorary Alderman/Alderwoman’ which will carry the

Council's Coat of Arms and the Common Seal of the Council, witnessed by the Chairman and the Chief Executive. The certificate will be framed for presentation. ii) A Silver Badge of Office similar to the past Chairman's badge, incorporating the Coat of Arms on a ribbon. The lettering on the title will say 'Honorary Alderman/Alderwoman (as appropriate)'. The badge will be presented in an official presentation box. Following the presentation, those appointed Honorary Alderman/Alderwoman will be asked to sign the 'Roll of Honorary Aldermen/Alderwomen'

- 3.1.8 The Roll of Honorary Aldermen/Alderwomen shall be held and maintained by the Community Governance team. Included in the Roll of Honorary Aldermen/Alderwomen shall be the individual's name and title, and date of election to the Roll. A plaque listing these appointments shall be displayed in a prominent position on the Council premises, eg, in the Council's main reception area.
- 3.1.9 Following notification of the death of an Honorary Alderman/Alderwoman, the County flag will be flown at half-mast over County Hall from the date of notification of death until the funeral has taken place.

3.1 Annual Review of the Constitution

- 3.1.1 The Constitution requires the Council to reaffirm the Constitution on an annual basis. The last revision was agreed by Council in November 2016. When the Council created the Constitution and Standards Committee in May it gave the Committee delegated authority to recommend an amended Constitution to Council for approval on an annual basis. Accordingly this report recommends a revised and updated Constitution to the Council for approval.
- 3.1.2 The Committee noted that the Council in advance of May had agreed revisions to the Officer Employment rules set out in Part 1 of the Constitution and revised Contract Standing Orders. Therefore the only substantive changes proposed to the current Constitution result from the amendments agreed in May 2017 to the Council's democratic arrangements by the Council and to the Council's executive arrangements by the Leader. The changes proposed in this report only impact on Part 1 of the Constitution – Constitutional Arrangements. It is only Part 1 that is attached for consideration as no changes are proposed at this stage to Part 2 of the Constitution which contains the supporting 'Rules, Codes and Protocols'.
- 3.1.3 All of the changes agreed by the Council and the Leader in May 2017 impact on Part 1 of the Constitution – Constitutional Arrangements. New / revised content is highlighted in red text in Appendix A.

In summary:

General:

- throughout the document references to 'Chairman' and 'Chairmen' have been simplified to 'Chair' and 'Chairs'.

Section 4 – Full Council - Arrangements

- minor changes made to the contents to reflect the establishment of the Constitution & Standards Committee – see pages 31 and 32.

- an amendment has been included on page 32 to make provision for the Council to receive annual reports from two of our key local partnerships – the Heart of the South West Local Enterprise Partnership and the Avon and Somerset Police and Crime Panel. This is to give a line of accountability back into the Council for these key local partnerships. The Committee will consider in due course whether any further partnerships should be added.

Section 5 – Leader and Cabinet Arrangements - in summary:

- minor changes to the text of para 5.1.2 to reflect the reduction in the size of the Cabinet – see page 41
- new para 5.1.3 – summarising the appointment of Junior Cabinet Members – (for details of the role see section 5.6) – see page 41
- section para 5.5 – Cabinet Member titles updated - see page 46
- new section 5.6 – Detail of the Junior Cabinet Member roles – see pages 46 - 47. This replaces out of date text relating to the defunct role of Cabinet Support Members.

Section 6A – Scrutiny Committees

- para 6.2.1 – Functions – updated Cabinet Member title under the Children and Families heading – see page 52

Section 6B – Decision-making Committees

- existing content in relation to the Standards Committee and Constitution Committee has been replaced in its entirety with new section 6.8 setting out the Constitution and Standards Committee arrangements as agreed by the Council – see pages 62 to 64.

New Section 6D – Part 1 of the Constitution – Code of Conduct Hearing Panel Arrangements

- This new section reflects the decision by the Council in May to separate the Code of Conduct Hearing Panel arrangements (required to determine complaints against members) from the Constitution and Standards Committee which has been established to deal with policy and process matters – see pages 68 to 70. This also requires minor amendments to the procedure for dealing with complaints against members – see Appendix B attached. Amendments to the procedure are highlighted in red text. The blue text set out notes of explanation for the Committee's benefit.

Section 8 – Decision Making

- Para 8.5.9 - includes reference to the requirement to consult Junior Cabinet Members, where appropriate, when officers are using their delegated powers to make a decision – see page 95.
- Para 8.6.14 - includes reference to the requirement to consult Junior Cabinet Members as part of the key and non-key decision processes – see page 98.

4. Appointments

- 4.1 This is to confirm that Cllr Nigel Taylor has been appointed to fill the Conservative vacancy on the Scrutiny for Policies, Children and Families Committee.

4. Implications

4.1 Legal & Risk:

Appointment of Honorary Aldermen/Alderwomen: None

Review of the Constitution: The Council's Constitution sets out the key legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant. All of the proposed amendments to the Constitution are in accord with the legislative requirements which give considerable scope for the Council to agree its own constitutional arrangements.

4.2 Equalities, sustainability and community safety implications:

Appointment of Honorary Aldermen/Alderwomen & Review of the Constitution:

There are no direct equalities implications arising from any of the proposals in this report. There are also no sustainability or community safety implications. The Independent Persons currently receive a co-opted members' allowance of £535 pa.

4.3 Financial Implications:

Appointment of Honorary Aldermen/Alderwomen:

The only direct costs involved in this proposal will be the costs of a commemorative badge and certificate. The cost of this policy is estimated at a maximum of £1000.00 in the first year of its operation and then no more than £100.00 per year in future years.

It is expected that these costs can be contained within the existing members' budget.

Review of the Constitution: None

HR: Not applicable

5. Background papers

- 5.1 None