

MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE

THURSDAY 27 APRIL 2023

Link to Live Stream: <https://youtu.be/GHeNZ7SWR5g>

Councillors Present: Deputy Mayor Cllr Anntoinette Bramble in the Chair

Cllr Alastair Binnie-Lubbock
Cllr Margaret Gordon
Cllr Lynne Troughton

Apologies: Councillor Ian Rathbone

Officers in Attendance: Dawn Carter-McDonald (Director of Legal, Democratic and Electoral Services), Mark Agnew (Governance Officer), Natalie Kokayi (Governance Officer), Tessa Mitchell (Governance Team Leader-virtual), Natalie Williams (Senior Governance Officer – virtual)

The Chair welcomed Members to the meeting.

1 Apologies For Absence

1.1 Apologies were received from Cllr Rathbone.

1.2. Apologies were received from Cllr Gordon for late arrival.

2 Declarations of Interest - Members to declare as appropriate

2.1 There were no declarations of interest.

3 Consideration Of The Minutes Of The Previous Meeting

3.1 Councillors considered the previous minutes of the meeting held on 29 March 2023.

RESOLVED: That the minutes of the meeting held on 29 March 2023 be agreed as a true and accurate record of proceedings subject to:

ACTION 4 at 4.6, Appendix 4 (Standing Orders Relating to the Holding of Office) - officers to review provisions as discussed: This action remains outstanding and officers will update members via email.

ACTION 5 at 4.7, Appendix 5 (Rights to Access Information) - Officers to confirm via email to the committee that Member Services recirculated the link to Members about their role as Data Controllers.

4 Constitution Review – Introduction and Engagement

4.1 The Director of Legal and Democratic Services introduced the report and noted that officers continued to work on the remaining sections of the Constitution. The primary focus of the Constitution Officer Working Group (COWG) were those sections being presented to the Committee today. COWG also worked on comments and suggested amendments made at the last meeting. Officers were working to ensure the redrafted Constitution met the timetable for adoption at the July 2023 Full Council.

4.2 Officers had worked with the Consultation and Engagement Team and had shared the committee's feedback and comments from the last committee meeting. Members provided observations to feed into the consultation engagement as follows:

- Consideration of focus groups for people already engaged with the council, such as petitioners, in relation to the Constitution
- Consider inviting representative bodies for tenants and residents
- Consider ward forums as one route for recruitment to focus groups

4.3 The Director of Legal and Democratic Services introduced updates for the Appendices as outlined below.

Appendix 1 - Constitution Draft Index

4.4 Councillors made the following comments and observations for consideration:

Points to note

- It was proposed that links to the glossary are included the first time/always when an acronym is used
- To consider not using acronyms in the Constitution
- It was noted that any changes in-year to the Constitution are managed through a tracker which is maintained by the Director of Legal and Democratic Services.

ACTION 1: Officers to consider the points of note relating to the Draft Index raised by the committee.

ACTION 2: Officers to schedule a meeting of the Chair, Vice-chair, Head of Legal and Democratic Services and ICT to review the approach to accessibility, acronyms, and plain English requirements.

Appendix 2 - Budget and Policy Framework Rules

4.5 The Director of Legal and Democratic Services noted that amendments to the Rules were made to ensure the Council's decision-making was compliant with legislation and were not something that the committee may, as a matter of principle, seek to amend.

Points of note

- to consider including hyperlinks to the underlying legislation
- To note the impartiality and independent function of Scrutiny Commissions and ensure this was clearly articulated.
- Include links to the glossary that explain the Scrutiny functions, the Scrutiny Commissions, financial terms, and 'in principle decisions'

Appendix 3 - Financial Procedure Rules

- 4.6 The Rules were reviewed by Finance and minor amendments made to ensure they remained appropriate and consistent with the Council's Practice. It was proposed a link is provided to Section 114 of the Local Government Finance Act 1988.

Appendix 4 - Contract Standing Orders

- 4.7 The rules have been reviewed by officers from Procurement to ensure they remain appropriate and consistent with council practices. References to EU legislation were removed. It was noted that Standing Orders will be reviewed again once the Procurement Bill is enacted and brought into force to ensure that the council standing orders are compliant. It was noted that hyperlinks to the glossary be considered for all sections of the Constitution as it may be the first point of contact for readers. Officers were to consider Member training when new Procurement rules came into force.

ACTION 3: Officers in the Procurement Team to provide a briefing note for Members about the proposed changes in the Procurement Bill with a timetable for its passage to enactment.

Appendix 5 Proper Officer Roles and Functions

- 4.8 A proper officer function was outlined as an officer appointed by the Council to carry out certain administrative functions as required by statute and this section listed such functions and identified the officer responsible. The Supplementary Papers outlined the proposed layout which combined the function with the officer who exercised that function and the underlying statutory provisions. It was noted that there was no statutory requirement to provide Proper Officer Functions within the Constitution, however, it was recognised as good practice. Comments considered by the Committee were:

- Under Co-optee it was proposed to take out the example.
- The definition of Group Leader required further explanation.

Appendix 6 Officer Employment Rules

- 4.9 It was noted that the Procedure Rules gave effect to the legislative provisions of the Local Government and Housing Act 1989 and other statutory regulations relating to the employment, discipline and dismissal of Council employees. It was noted that as the Rules are reflective of legislative requirements they were not something the committee could

amend. The following points were raised by the Committee:

- Clarification was sought at 8.1 relating to the procedure if there was a well-founded objection.
- Clarification sought regarding if Members other than the Elected Mayor can be notified of an appointment, in order to be able to raise an objection.
- To consider the Appointments Sub-Committee membership which were made up from the majority Group and 1 opposition Member, currently from the Conservative Group.
- At 9.3 clarification was sought regarding opposition Groups eligibility for Political Assistants.
- Clarification was sought to the term 'relevant Officer' at 10.6.

ACTION 4: The Director of Legal and Democratic Services to review the clarifications sought and update the committee.

Appendix 7 Protocol for Elected Mayor & Councillor/Officer Relations

4.10 The existing protocol was the subject of review to provide greater clarity and understanding not only for elected Members and officers, but also for those who wished to know how the relationship operated. Members suggested changes to simplify and make the language more accessible for the reader.

Appendix 8 Protocol on the Governance of Council Interests in Companies

4.10 It was proposed that in addition to the internal documentation that existed relating to the establishment of alternative delivery vehicles the Council adopted a protocol that detailed the high level governance arrangements. The Protocol was drafted in consultation with the S151 Officer, who acts as the Council's Intelligent Shareholder for any companies that were established by the Council. Points noted by the Committee:

- The role of the S151 Officer in setting up companies was reflected in the Protocol and the wording used at 6.3 to be reviewed.
- Officers to consider a diagrammatic representation and to list the functions of the Council's Intelligent Shareholder.
- Officers to review providing a link to companies that were set up on the council website.
- The terminology used for Member Services was to be reviewed as part of the proposed Member Services Review.

ACTION 5: The Director of Legal and Democratic Services to review and consider the points noted at Appendix 8 by the Committee.

Appendix 9 Terms of Reference of Council Committees

4.11 The Constitution Officer Working Group (COWG) developed a revised format for the terms of reference of Council Committees, Boards, Panels etc that has provided a standard approach. The document at Appendix 9 was an example of the proposed format. The Committee was reminded that amendments to the actual remit of committees etc was

not within the authority of the Constitution Committee. The following points were noted:

- The Terms of Reference (ToR) did not include Scrutiny Commissions
- The 'Review' section to include who would review the ToR
- The Constitution Committee had a role in the next municipal year to consider any legislative changes that had to be implemented or changes related to Article 15, or where reference to the Constitution Committee was required.

ACTION 6: COWG to review points noted at Appendix 9.

Appendix 10: Consultation and Engagement Plan

4.12 The COWG worked with colleagues from the Consultation and Engagement Team to devise an engagement plan. Points of note were:

- It was proposed that the focus groups are chaired by the Director of Legal and Democratic Services and Head of Legal and Governance Services in conjunction with the Consultation and Engagement Team.
- Members were invited to attend the focus groups to listen and contribute to the discussions.
- Dates of the proposed focus group events were to be circulated to Members via email as soon as practicable.
- It was proposed to undertake engagement events with officers to ensure the proposed Constitution was accessible to staff.
- Further focus groups were to be considered following the implementation of the revised Constitution as part of the Constitution review process.

RESOLVED: To consider and provide comments/observations on the documents accompanying this report in Appendices 2 to 10 and that these comments/observations be considered by the Constitution Officer Working Group.

5 Any Other Business Which In The Opinion Of The Chair Is Urgent

5.1 The Director of Legal and Democratic Services noted that she proposes to write to Members of the Committee about a change in the Constitution relating to legislative changes relating to the Appointments Committee. The Director will write to the Committee Members once the Elected Mayor, Deputy Mayor Bramble and Deputy Mayor Nicholson have confirmed they are content for the Director to progress this workstream.

Duration of the meeting: 10:01 - 11.19am