

MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE TUESDAY 23 MAY 2023

Link to live stream: <https://youtu.be/jnhhRT-Zcog>

Councillors Present:	Deputy Mayor Cllr Anntoinette Bramble in the Chair Cllr Alastair Binnie-Lubbock Cllr Margaret Gordon (Vice-Chair) Cllr Ian Rathbone Cllr Lynne Troughton
Present virtually:	n/a
Apologies:	None
Officers in attendance:	Dawn Carter-McDonald (Director of Legal, Democratic and Electoral Services), Louise Humphries (Head of Legal and Governance - virtual), Natalie Kokayi (Governance Officer), Bola Roberts (Secretarial Assistant), Natalie Williams (Senior Governance Officer - virtual)

The Chair welcomed Members to the meeting.

1 Apologies For Absence

1.1 Apologies were received from Cllr Gordon for late arrival.

2 Declarations of Interest - Members to declare as appropriate

2.1 Cllr Gordon declared that she was Chair of Scrutiny Panel, under the agenda item 5 discussion about the Scrutiny Panel's appointment of Vice-Chair.

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 Constitution Committee held on 27 April 2023 were agreed as a true and accurate record of proceedings subject to:

- **ACTION 1,4, 5, and 6:** updates were provided under agenda item 5.
- **ACTION 2:** Officers to schedule a meeting with the Chair, Vie-Chair, Head of Legal and Democratic Services and ICT to review the approach to

accessibility, acronyms and plain English requirements. This action remained outstanding and officers are working to schedule the meeting at an appropriate point for the workstream.

- **Action 3: Procurement Officers to provide a briefing note for Members about the proposed changes and timetable for the Procurement Bill. Officers are finalising the draft and will circulate the briefing to Members of the Constitution and Corporate procurement and insourcing Committee (CPIC).**

4 Constitution Committee Terms of Reference

- 4.1 Councillors noted the Terms of Reference for the Constitution Committee and that the membership of the committee was confirmed at the Annual Meeting on 17 May 2023.

5 Constitution Review

- 5.1 The Chair thanked Councillors and officers for their work on the Constitution Review over the last year.
- 5.2. The Head of Legal and Governance introduced the report and thanked Councillors for their work on the Constitution Review over the last year. The report provided Members of the Committee with the opportunity to see the draft new Constitution in its entirety for final comments and observations prior to planned public engagement in June 2023. It was noted that once the Constitution was approved by Full Council officers had to add hyperlinks and bookmarks and put the document on the Council website supported with promotion and publicity.
- 5.3. The Constitution Officer Working Group (COWG) will then produce, as part of its work programme, an accompanying guide to the Constitution with some of the key principles of the Constitution. In addition it was proposed that the Committee considered the Office Scheme of Delegations. It was proposed that the committee considered reviewing how the Constitution is received and working in practice by Councillors and the public.
- 5.4. Councillors made general comments for the whole document and also made comments and observations for Parts One - Part Three for consideration:

Points to Note for the entire draft Constitution including reference to specific Parts:

- It was proposed that substitute arrangements are considered for the Licensing Sub-Committee.
- Approach to determining the Principal Opposition Group and Minority Opposition Group in the event that two parties have equal numbers were to be considered.
- Hyperlinks and inclusion in the Glossary were to be reviewed.
- There were no legal requirements regarding what opposition groups are called.
- There are specific legislative requirements regarding political balance on committees and scrutiny commissions.
- There was discussion and clarification sought about Rule 16 - Procedure regarding Motions.

- Clarification was sought relating to the rights and responsibilities specific to non-executives and opposition group leaders. (p32 and p117)
- Officers to review terminology to ensure references are defined e.g. Part Two - Articles of the Constitution, Article 12 - officers at 12.23 'the policy framework'.

ACTION 1: Part Two, Article 3 Members of the Council - 3.5 - Officers to review good practice/benchmark other LA's approach when two opposition groups have equal numbers.

ACTION 2: Part Four, Section A Procedure Rules - Officers to review Rule 16 - Procedure regarding Motions with regard to 17.6 and 17.13.

ACTION 3: Part Four, Section A Council Procedure Rules - 25.1. Officers to change text to say 'The Elected Mayor and Councillors shall stand' and a caveat for inclusivity.

ACTION 4: Part Two, Article 3 Members of the Council 3.7(e) and Part Four Procedure Rules, Section B 5.7. Officers review these sections to ensure no contradictions.

Part Four - Procedure Rules

5.5. Councillors made the following comments for Part Four

Points to Note

- It was noted that decisions are published as soon as quickly as practicable (p158)
- It was noted that email addresses, hyperlinks, and specific dates are to be added to the text.

ACTION 5: Officers to review specific dates required and insert hyperlinks and email addresses following approval at Full Council.

Part Five - Finance and Contract Rules

5.6. Councillors made the following comments and observations:

Points to Note:

- Part Five is based on legislative frameworks
- Consider the use of hyperlinks/ glossary/footnotes to explain the prescribed technical language
- Need for caution when using hyperlinks to external websites

ACTION 6: Officers to review Part Five and consider approach to use of hyperlinks and the Part Five Glossary (p177)

Part Six - Public Participation

5.7 Councillors made the following comments:

Points to Note:

- Ensure the public received the Council's Protocol Concerning Remote Attendance at public meetings

ACTION 7: Officers to review the Council's Protocol Concerning Remote Attendance at Meetings and ensure it is shared with the public who are invited to attend meetings.

Part Seven - Elected Mayor and Councillors

5.8 Councillors made the following comments and observations:

Point to Note:

- Clarification was sought about the definition of Councillor for the purposes of the Councillor Code of Conduct.
- It was noted that there is no Second Opposition Group Whip under the Members' Allowances Scheme.
- The Mayoral Advisers had a name change after the Scheme of Members' Allowances annual approval. The name change had been picked up in the draft Constitution.

ACTION 8: Officers to clarify Member Allowances for all Groups

Part Nine - Codes and Protocols

5.9 The following comments and observations were presented to the committee:

Points to Note:

- Officers were working on revisions to the current Planning and Licensing Codes of Practice. Each code of Practice was subject to a separate approval process.

Appendices

5.10 The following comments and observations were noted:

Points to Note:

- The Terms of Reference for all committees at Appendix 3 had been laid out in a new format to provide more information about each committee and a consistent approach.

Engagement Update

5.11 The following comments and observations were noted:

Points to Note:

- The response to date was low and none of the respondents were aware the Council had a constitution.
- It was proposed to use the draft Constitution as a baseline or compare it with the current Constitution in order to understand whether the amended document was accessible.
- It was suggested that officers seek advice to ensure the document followed best practice in relation to neuro-diversity, including fonts and colours used in the document.
- It was noted that officers are working to contact people who have previously engaged with the constitution.
- It was noted that the engagement team had indicated the limitations of the proposed engagement activities.

ACTION 9: Officers to circulate the Engagement Plan and timetable to councillors via email.

RESOLVED: The Committee consider and provide final comments/observations on the draft Constitution accompanying the report in Appendix 1.

Duration of the meeting: 17:30-19:43