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Subject to approval at the next Constitution Working Party meeting

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CONSTITUTION WORKING PARTY

29 June 2020 at 4.30 pm

Present: Councillors Mrs Yeates (Chairman), Mrs Gregory (Vice-Chairman), Bennett, Bower, Cooper, Mrs Haywood and Ms Thurston (Substitute for Mrs Catterson).

Councillor Gunner was also in attendance at the meeting.

[Note: Councillor Bower was absent from the meeting during consideration of the matters referred to in the following Minutes – Minute 7 (part)].

1. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Catterson.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

3. MINUTES

The Minutes from the meeting of the Working Party held on 19 September 2019 were approved by the Committee and signed by the Chairman, subject to a duplication being deleted at Minute 6 [Constitutional Amendments – Part 4 (Officer Scheme of Delegation) for Crime and Disorder Act 198 and the Anti-Social Behaviour, Crime and Policing Act 2014, Recommendations 4 and 5 [the words Community Protection Notices]].

4. START TIMES

The Working Party

RESOLVED

That its start times for meetings during 2020/21 be 4.30 pm.

5. PROPOSED CONSTITUTIONAL UPDATE TO PART 6 - OTHER PROCEDURE RULES - SECTION 6 - STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

The Working Party received a report from the Financial Services Manager proposing that updates be made to Standing Orders relating to Purchasing, Procurement, Contracts and Disposals.

The Appendix to the report set out the areas that had been reviewed and where changes were required.

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The Working Party

RECOMMEND TO FULL COUNCIL – That

- (1) the proposed changes to the Constitution at Part 6 Procedure Rules (Other) Section 6 Purchasing, Procurement, Contracts and Disposals as set out in Appendix 1, to the report be approved;
- (2) Part 4 (Officer Scheme of Delegation) Section 3 (Group Heads) paragraph 2.1 of the Constitution is updated to allow the Group Head of Corporate Support to approve the use of Framework Agreements and Dynamic Purchasing Systems (DPS); and
- (3) The Monitoring Officer be authorised to make any further consequential changes to the Constitution.

6. VIRTUAL MEETING PROCEDURE RULES

The Chief Executive presented this report outlining further changes that were required to the Council's Virtual Meeting Procedure Rules. These were:

- Public Question Time at Cabinet and Full Council meetings; and
- Public Speaking at the Development Control Committee

The report also provided some feedback on research that had been undertaken on the voting at remote meetings.

The Working Party fully supported the proposals in place to allow the public to attend a virtual meeting to ask a question or to take part in public speaking at the Development Control Committee. For the Licensing Sub-Committee, the Working Party was reminded of the Urgent Officer Decision that had been reported to Cabinet on 22 June 2020 adding a new Paragraph 14 to the virtual meeting procedure rules to provide for virtual Licensing Sub-Committee meetings to be held in accordance with relevant legislation.

The main concern of the Working Party was the named vote as this was a protracted method making meetings too lengthy, especially Full Council. It was hoped that further investigation by Officers would find a better way forward. Further advice was given by the Chief Executive and the Interim Monitoring Officer confirming that the named vote was transparent, accurate and the least challengeable and that no clear legal alternative to it had been found. It was accepted that for 'noting' items, a show of hands to note or to raise a hand to show dissent could be used.

The other concern was how to deal with Councillors experiencing an outage situation when taking part in a named vote. It was felt that there needed to be more clarity on this, especially if that Member had been present for the whole debate. Members were reminded of the Member Protocol for virtual meetings as this provided advice on what to do in the unforeseen event that a Member could not be heard to give

their vote. The approach taken by other Councils to such an event was explained. This was that in such an event, provided that Member had not been absent during the item of business and so not sufficiently informed to take part in the vote, the Chairman should call a five minute adjournment to allow the Council's Officer team to work with the Councillor in re-joining the meeting. It was agreed that this approach be added to the Protocol at 3.13 – Voting at a virtual meeting.

As a non-Working Party Member, Councillor Gunner was invited to speak. He confirmed that he wished to have it noted that the 5 minutes speaking time should be retained [virtual meeting procedure rule 7.2] and that he would like the substitution rules to be reviewed. Currently the deadline for notification by the relevant Group Leader for all meetings was 24 hours prior to the start of the meeting. The proposal put to the Working Party was for this to be changed for all meetings to 10.00 am on the day of the meeting.

Following debate, the Working Party agreed that virtual meeting procedure rule 10 – Substitution be changed to read “Council Procedure Rule 27 will continue to apply, with the exception that the deadline for notification by the relevant Group Leader for all meetings will be **10.00 am on the day of the meeting**”.

The Working Party

RECOMMEND TO FULL COUNCIL - That

The following changes be made to the Council's virtual meeting procedure rules at Section 5 of the Constitution as follows:

- (i) Rule 10 – Substitution – Rule 10.1 being amended to 10.00 am on the day of the meeting for all meetings;
- (ii) Rule 12 – Public Question Time – removal of Rule 12.2 as reinstating the public to ask questions in person and Rule 12.3 being amended so that if a question is asked in person, the questioner has the right to ask a supplementary
- (iii) Rule 13 – Public Speaking at the Development Control Committee – Rules 13.1 and 13.2 being amended to allow the public and Ward Members to speak in public.

7. CONSTITUTION REVIEW - UPDATE

The Chief Executive provided a verbal update outlining how the review of the Council's Constitution in preparing for the new Committee structure in May 2021 was progressing.

He explained that following the decision of Full Council on 15 January 2020 to move to a Committee system, the Working Party, for this meeting, was charged with determining the following items:

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- Reviewing the final role and remit of each of the six service committees and the four regulatory committees;
- Considering the size of committees;
- Proposing arrangements for membership and the appointment of the Chairman and Vice-Chairman if they were to differ to current procedure rules;
- Considering the frequency of meetings
- Considering which of the existing Sub-committees, Working Parties and Panels would need to continue to operate under this new form of governance. It was pointed out that this would most likely be for discussion at the next meeting

The Working Party was firstly alerted to Appendix 1 which had been uploaded as a supplement paper and sent to Members on 25 June 2020. Minor changes were being suggested to the service committees to clarify arrangements – as shown highlighted in grey relating to:

- (i) Corporate Policy and Performance to lead on:
 - Budget preparation and monitoring
 - Medium Term Financial Strategy
 - Capital Strategy (rather than Corporate Support)
 - Major emergency response (regular updates on emergency planning to continue to report into the Environment and Neighbourhood Services Committee)
- (ii) Corporate Support
 - Extending the reference to Elections to cover electoral reviews to reflect that this Committee will take over the functions of the Electoral Review Sub-Committee
- (iii) Full Council
 - Clarifying current constitutional requirements that the Council will lead on all constitutional changes through reports from the Constitution Working Party

Following some debate, the Working Party agreed to these changes, confirming that the heading 'constitution' be removed from the remit of the Audit & Governance Committee as the Constitution Working Party would continue to function reporting direct into Full Council. A request was made for Representation to Outside Bodies to be reviewed along with delegation levels for Executive Members in line with the new structure. There was concern that the new structure did not provide the opportunity to make Urgent Decisions through Individual Cabinet Member decisions. It was pointed out that this issue had been fully covered through discussions at the Governance Working Party and had been addressed at Full Council on 15 January 2020.

Comments were made around other service areas and where they had been placed under certain Committees. The Chief Executive reminded Members that for areas such as the Foreshore service, it had been strategically placed to simplify the structural arrangement for officers. The names of Committees could not be changed as approved at Full Council on 15 January 2020.

The timetable in place for the review was discussed with the deadline for completion being confirmed as Full Council in January 2021. The Working Party's work programme planned for this review to be completed for November 2020. Concern was expressed over slippage and if any leniency could be applied to extending the review period as a result of Covid-19. As this was not possible the Chief Executive reconfirmed the need to ensure that the work programme in place was not delayed in any way.

The Chief Executive then turned the Working Party's attention to considering the size of Committees.

The following points were made:

- The Committee sizes adopted by other Councils operating a Committee structure was explained and what this meant in terms of the allocation of seats for the Council now
- Should the size of the Corporate Policy and Performance Committee be smaller around 7 – but no more than 9 considering that they tended to have the Leader and Deputy Leader as members?
- As there was an independent review being undertaken of the Planning service that could impact the functions, size and name of the Development Control Committee in the future – then Committee size for Development Control be deferred until the outcome of the review had been considered
- There were arguments for and against Political balance being applied and working to proportionality rules
- There was concern expressed over suggestions to encourage smaller memberships. It was felt that the Committee structure had been agreed to ensure that there would be more say across the Council and total Member inclusivity
- The amount of work for each Committee should dictate membership numbers

Following debate, a proposal was put forward, discussed, and amended agreeing that the size of the Corporate Policy and Performance Committee be 9; the size of all other remaining Committees, including Regulatory Committees be 11, apart from the Development Control Committee, the decision on its membership size being deferred until the outcome of the independent planning review and recommendations for any change were known.

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The Chief Executive then asked the Working Party for its views in considering the frequency of meetings. To assist, he suggested that the cycle of meetings be based on an 8-weekly cycle, as at present and based on history, and he asked for views on the suggestions outlined below:

- Corporate Policy and Performance – one meeting a cycle (= 5 meetings per year)
- Corporate Support – quarterly (= 4 in a year)
- Planning policy – one meeting per cycle (= 5 meetings per year)
- Residential and Wellbeing Services – one meeting per cycle (= 5 meetings per year)
- Environment & Neighbourhood Services – one meeting per cycle (= 5 meetings per year)
- Economic – quarterly (= 4 times a year)
- Full Council – 5 meetings per year plus one Special Council for the Budget
- Audit & Governance would be reviewed in the future

The points raised by the Working Party were:

- A calendar of meetings needed to be approved ahead of May 2021 – this was seen as a good starting point to conducting this work as long as additional meetings could be convened if they were needed.
- Would the two Regeneration Sub-Committees continue, or would they be dismantled with their functions being consumed by the Economic Committee
- Looking at recovery as a result of Covid-19 – the service areas covered by the Economic Committee would be key to this – would four meetings suffice?
- The regulatory Committees to remain as they are but could be changed if needed
- It was acknowledged that the Audit & Governance Committee which currently met 3 times a year might require an additional meeting in view of its additional work.

The final item for the Working Party to consider was whether it wished the appointment of the Chairman and Vice-Chairman for each Committee to be made in line with the current procedure rules which was at the Annual Council Meeting. This was agreed unanimously.

Following some further discussion, the Working Party

RECOMMEND TO FULL COUNCIL - That

(1) The amendments made to the Committee structure, as set out in Appendix 1, attached to these minutes, be approved and as set out below:

Corporate Policy and Performance to lead on:

- Budget preparation and monitoring
- Medium Term Financial Strategy
- Capital Strategy (rather than Corporate Support)
- Major emergency response (regular updates on emergency planning to continue to report into the Environment and Neighbourhood Services Committee)

Corporate Support

- Extending the reference to Elections to cover electoral reviews to reflect that this Committee will take over the functions of the Electoral Review Sub-Committee

Full Council

- Clarifying current constitutional requirements that the Council will lead on all constitutional changes through reports from the Constitution Working Party

Audit & Governance Committee

- Removing Constitution as the Constitution Working Party will continue and will feed direct into Full Council

(2) the size of the Corporate Policy and Performance Committee be 9; the size of all other remaining Committees, including Regulatory Committees be 11, apart from the Development Control Committee, the decision on its membership size being deferred until the outcome of the independent planning review and recommendations for any change were known;

(3) the frequency of meetings for the new Committee structure be as set out below:

- Corporate Policy and Performance – one meeting a cycle (= 5 meetings per year)
- Corporate Support – quarterly (= 4 in a year)
- Planning policy – one meeting per cycle (= 5 meetings per year)
- Residential and Wellbeing Services – one meeting per cycle (= 5 meetings per year)
- Environment & Neighbourhood Services – one meeting per cycle (= 5 meetings per year)
- Economic – quarterly (= 4 times a year)

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- Full Council – 5 meetings per year plus one Special Council for the Budget
- Audit & Governance would be reviewed further in the future
- All other regulatory Committees to remain as they are

(4) the appointment of the Chairman and Vice-Chairman of Committees follow current rules with these being made at the Annual Council Meeting.

8. DATES OF FUTURE MEETINGS

The Working Party noted its future meeting dates as set out below:

- 17 August [changed from 27 July 2020]; and
- 12 October 2020

The Committee Services Manager confirmed that a further meeting might be needed later in October and that a further date would be confirmed soon.

(The meeting concluded at 7.22 pm)