

Constitution Committee

Date of Meeting: 29 April 2021

Report Title: Transitional Provisions and Future Constitutional Work

Senior Officer: Director of Governance and Compliance

1. Report Summary

- 1.1. This report is to inform the Committee of the recommendations of the working group held on Friday 16 April 2021.
- 1.2. The working group made the following recommendations to Committee:
 - i) There should be no time limits imposed on the length of meetings. This has been resolved at full Council on Monday 19 April 2021.
 - ii) A protocol should be considered to assist members of the public in engaging with the committee system to be prepared by the Monitoring Officer in phase 2.
 - iii) A protocol should be considered to assist Councillors and specifically Ward Councillors to engage in the committee system to be prepared by the Monitoring Officer in phase 2.
 - iv) That the role of the Staffing Appeals Committee remains unchanged and the criteria for appeals to members are unchanged. This has been resolved at full Council on Monday 19 April 2021.
 - v) The Monitoring Officer prepare a draft note in respect of the role of committee or opposition spokesperson as identified in the Independent Remuneration Panel Report.
 - vi) Minor changes to fees and charges delegation to recognise compliance with the Medium-Term Financial Strategy (MTFS) and budget.

2. Recommendations

- 2.1. That the Committee agree:
 - i) The basis of a public engagement protocol as set out in appendix 1.

- ii) The basis of a member engagement protocol as set out in appendix 1.
- iii) The basis for development of a non-administration group role in a committee as set out in appendix 2,
- iv) To note that the Monitoring Officer will amend the free fees and charges protocol to clarify the compliance with the MTFs.
- v) To note the areas of amendment as set out in the amendment section of the report below.
- vi) To note that phase 2 work will be undertaken by the Constitution Working Group under the committee system.

3. Background

- 3.1. At the Council meeting on 19 April 2021, Council adopted a committee-style constitution. In doing so, Council considered and removed any time limits from the length on meetings and also confirmed the right of access of all staff to the appeals committee. Two of the working group recommendations have been resolved by council.
- 3.2. The working group considered that further work should be done to assist a better understanding of how the public and members can engage with the committee process. It was felt that a system of engagement loosely based upon the approach taken at planning committee may help. The basic policy approach is set out in appendix 1.
- 3.3. The working group was concerned that a clearer understanding was required in respect of the recommendation from the independent remuneration panel to remunerate and recognise a role of 'opposition spokespersons'.
- 3.4. This role does not appear in the constitution and if the post is to be identified and remunerated with a special responsibility allowance there should be clarity as to what that responsibility is and how it should be approached. An initial draft for consideration is set out in appendix 2.
- 3.5. An updated constitutional document can be found on the [agenda web page](#) for this meeting under Item 7.

4. Additional Changes

- 4.1. On the 19 November 2020 a general delegation was given to the Monitoring Officer to assist in the finalising the constitution. The final text will be reported to council and published and is likely

- 4.2. A further minor amendment was suggested which inserts the words 'in alignment with the medium-term financial strategy and budget.' At the end of paragraph 34 Chapter 2 part 4.
- 4.3. In revising the constitution in its draft form, it has become apparent there is some overlap in respect of the Environment and Communities Committee and the Economy and Growth Committee. The essential issue is that some functions appear twice an example is a split between on the ground 'enforcement' and 'policy'. As the Committee is aware attempts are being made to align budgets and officers to committees so this leads to the conclusion that a committee that set a policy should be responsible for ensuring the policy is enforced. Other areas which may also be subject to alignment relate to some social care committees where some areas of operation such as domestic violence initiative are important to both Adults and Children's Services.
- 4.4. The Committee will note these terms of reference of delegation to the committees are not materially changing it just apportionment of activity between some committees.
- 4.5. The Committee will also be aware that continuing development has resulted in some budgetary realignment to facilitate the work of the committees. The Chief Financial Officer is proposing minor operational changes to the Committee budget alignments and Financial Procedure Rules as part of that continuing development.

5. Implications

5.1. Legal Implications

- 5.1.1. The Constitution Committee is required to make a recommendation to council and in the future, this will be undertaken by the Constitution Working Group.

5.2. Finance Implications

- 5.2.1. The recommendations have no direct financial impact but the greater clarity on the constitution aids financial certainty.

5.3. Equality Implications

- 5.4. None

5.5. Human Resources Implications

- 5.5.1. None

5.6. Risk Management Implications

5.6.1. This report forms part of the corporate risk mitigation proposal

5.7. Rural Communities Implications

5.7.1. There are no direct implications for rural communities.

5.8. Implications for Children & Young People

5.8.1. There are no direct implications for children and young people.

5.9. Public Health Implications

5.9.1. There are no direct implications for public health.

6. Ward Members Affected

6.1. All

7. Consultation & Engagement

7.1. This is to give effect to a decision of full Council in adopting a new Constitution and to complete existing work.

8. Access to Information

8.1. This paper is published

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

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