

PROGRESS WITH LIVING DOCUMENT CHANGES TO THE CONSTITUTION

1. Definition of a Key Decision

The Committee at its meeting on 28th June 2018 decided that no changes should be made at this time to the definition of a key decision to exclude operational expenditure, but that the matter be considered again in 12 months' time with a report on the number of contracts over that period that would have fallen into the category of a key decision involving operational expenditure.

2. Legal Authorisation and Enforcement

It was reported at the meeting on 22nd March that the Monitoring Officer proposed to use his delegated powers to make a minor change to the constitution, having consulted the Chairman and Vice-Chairman and the Portfolio Holder for Corporate Policy and Legal Services. In considering the matter, the Committee sought further information on what was proposed, and asked if the members consulted had made any comments. The matter was deferred to this meeting. Whilst a report has been prepared and approved by the Services to whom the powers relate, there has been insufficient time to finalise the report in line with the publication timetable for this meeting. Regrettably, the matter now stands deferred to the next meeting of this Committee.

3. Review of the Provisions relating to Member Access to Part 2 Papers and Attendance During the Part 2 Proceedings of Meetings

During the review of the constitution, the Council's external advisers, Bevan Brittan, proposed altering the arrangements in the constitution regarding member access to Part 2 papers (papers containing confidential or exempt information), and member attendance during the Part 2 proceedings of meetings when confidential or exempt papers were considered. The proposals were made to align to best practice. This Committee, at its meeting on 22nd March 2018, resolved to review the matter 6 months after the new constitution had been in operation.

In the absence of any indication from members of this Committee that the rules in effect prior to 1 January 2018 should be changed, it is not proposed to bring a paper forward on the issue at this time, but instead that a watching brief be kept.

4. Delegation of the Functions of the Former Polling Districts Review Sub-Committee

Under the review of the constitution, the Polling Districts Review Sub-Committee was abolished. It was agreed that the functions of the Sub-Committee would be delegated to the Electoral Registration Officer or (in his/her absence) his/her Deputy. This was included in the report to Council but the constitution document approved by Council did not include the officer delegation. The Monitoring Officer will rectify this anomaly using his delegated powers.

5. Appointment of Overview and Scrutiny Committee Chairmen and Vice-Chairmen

At the July Council meeting, a query was raised regarding an anomaly in the constitution regarding the appointment of overview and scrutiny committee chairmen and vice-chairmen.

The Constitution, at paragraph 7,pg 42 (Functions of Committees) states, under the heading “Chairmen and Vice-Chairmen of Overview and Scrutiny Committees” that:

“....the Committee shall appoint the Chairman and Vice-Chairman.”

However, the Council Procedure Rules, para 1.47, page 107, state that:

“The Chairmanships and Vice-Chairmanships of the Council’s committees and sub-committees shall be allocated to the political groups each year at the Annual Meeting of Council.”

The wording in page 42 is an erroneous provision, which survived for almost the first 10 years of the Council’s life without comment, but which seems to have found its way back into the Rules during the recent review of the Constitution. The Chairmanships and Vice-Chairmanships of the Council’s overview and scrutiny committees have always been allocated by Full Council at its AGM and have never been determined by the committees themselves. This explanation was given to all members of the Council shortly after the Council meeting. Following consultation with the Chairman and Vice-Chairman of the Committee, the Monitoring Officer will now rectify this anomaly using his delegated powers.

6. Petitions Scheme

Under the new constitution approved by Council, the petitions scheme was abolished and replaced with a new Petitions Procedure Rule. However, the constitution document approved by Council erroneously includes reference to the former petitions scheme. The Monitoring Officer will rectify this anomaly using his delegated powers.

7. Single Set of Criteria for Call-ins, Notices of Motion and Public and Member Questions

A report will be submitted to a future meeting.

8. Audit and Governance Committee Terms of Reference

It was reported during the review of the constitution that the terms of reference of the Audit and Governance Committee would need to be reviewed following the publication of revised guidance from CIPFA. The Audit and Governance Committee is due to consider revised terms of reference at its meeting on 29th September 2018 and, subject to the outcome of that, a report seeking approval to make any necessary amendments to the constitution will come to this Committee at its meeting in November 2018.

9. Staffing Committee Terms of Reference

Following the adoption of the Constitution, the Chairman of the Staffing Committee identified certain anomalies in the Constitution relating to the Staffing Committee terms of reference. Corrections have been agreed with the Chairman of the Staffing Committee and the Staffing Committee itself has been briefed on the same. Details are set out in Appendix 2 for approval to amend the constitution accordingly.

10. ASDV Governance Arrangements

During the review of the constitution, it was agreed that the governance arrangements for the Council's ASDVs would be included in the constitution once these had been agreed. The Committee will note that Cabinet has recently appointed an ASDV Shareholder Committee, part of whose remit is to consider revised governance arrangements for the ASDVs. The Shareholder Committee is a cross party advisory body which will make recommendations to the Portfolio Holder responsible for ASDVs. Once the revised governance arrangements have been agreed, a report will be submitted to this Committee to approve the necessary amendments to the constitution.