

## **Report to the Finance Resources and Partnerships Scrutiny Committee**

**5<sup>th</sup> November 2014**

### **Report from the Constitution Review Working Group**



**Report Author:** Liz Dodd / Julia Cleary  
**Job Title:** Audit Manager / Democratic Services Manager  
**Email:** [julia.cleary@newcastle-staffs.gov.uk](mailto:julia.cleary@newcastle-staffs.gov.uk)  
**Telephone:** 01782 742227

#### **Introduction**

The Constitution Review Working Group wishes to put forward a number of recommendations to the Finance Resources and Partnerships Scrutiny Committee and to Full Council. The group consists of four members; Cllr Mark Holland (Chair), Cllr Rob Wallace, Cllr Nigel Jones and Cllr Eileen Braithwaite.

#### **Questions to be Addressed**

- Are Members happy to accept the recommendations of the Constitution Review Working Group?
- Do Members wish to modify the recommendations?
- What are the timescales for implementation?
- Do Members feel the Working Group should look at any other areas not covered in the report in the future?

#### **Outcomes**

The recommendations are intended to enhance the Democratic processes of the Council and to ensure that the Council's constitution reflects the current processes of the Council. A full discussion of the recommendations will ensure any changes are fully thought through, transparent and robust. It is recognised that some of the new processes may need to evolve in time to further enhance the Democratic Process.

## **MAIN REPORT**

### **1. Revised Member Code of Conduct**

The current Member Code of Conduct was last reviewed and updated in 2012 to reflect the introduction of the Localism Act 2011.

Since July 2013 the council has subscribed to the 'Standards Exchange' which is a network run by Hoey Ainscough Associates. This enables us to access to a wide network of advice and support in terms of Standards issues. In addition Hoey Ainscough have provided a number of training sessions for members of both the Borough and Parish councils in respect of Standards issues and the code of conduct. The training provided was based around our current code and whilst it was accepted that generally the code covered what it needed to, there were certain aspects of the code that could have been left open to interpretation and for this reason it was decided to review the current code and benchmark this against other codes that were in place at various other authorities.

Research was undertaken via the Standards Exchange and examples of other codes of conduct were obtained. Taking these into account a new code has been re-written to reflect best practice.

The main principles in terms of standards of conduct remain the same – these have just been rewritten to give more clarity.

The one major change is that which relates to Gifts & Hospitality. Currently the value at which members are required to record the receipt of any gift, benefit or hospitality is £100. Having review a number of other codes our limit was found to be considerably higher than these. It was therefore decided to align the limit to the same as that of the officers which is £10. As a general reminder to members are advised that any gift or hospitality that is offered irrespective of whether or not this is accepted should be formally recorded. The register is maintained by the Monitoring Officer.

A copy of the current code dated July 2012 (Appendix A) and the redrafted new code (Appendix B) are attached for your information. Unfortunately due to the fact the new code has been completely re-written and in a different layout/style it was not possible to provide a track changes version.

#### **Recommendations:**

- a) That the redrafted Member Code of Conduct be agreed.
- b) That the redrafted member Code of Conduct be submitted to Full Council at its meeting in February 2015 following consideration by the Standards Committee.

## **2. Protocol for Conferring the title of Honorary Aldermen**

Under Section 249 of the Local Government Act 1972, a principal council may confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are not then Members of the Council.

Whilst the statutory provisions give an indication of the type of person upon whom the title of Honorary Alderman might be conferred many councils have adopted criteria which help guide these considerations to ensure that persons nominated meet the statutory provisions.

The below criteria are broadly in line with those used by Staffordshire County Council when considering conferring the title of Honorary Alderman.

The following wording is recommended for inclusion in the Council's Constitution:

That an Honorary Alderman shall at least:

- Not be a serving Member of the Council
- Be a person of distinction who has rendered eminent services to the Council and the community
- Have served a period of not less than twelve years on the Council which may be continuous or discontinuous
- Have held a substantive office on the council such as; Mayor, Committee Chair, Group Leader, or Cabinet Member

The title of Honorary Alderman is conferred on persons who meet these criteria and who are nominated and appointed by not less than a two thirds majority of Members voting as a special meeting of the Council called for this purpose.

There is a presumption that where the criteria are met by a nominated individual the appointment at Full Council will be agreed without debate. Due process will be undertaken with the aim of ensuring that this will happen.

**Recommendation:** That the above wording be included in the Constitution and submitted to Full Council for final approval.

## **3. Scrutiny Chairs and Vice Chairs Group**

The Working Group previously considered and recommended the abolition of the formal Overview and Scrutiny Coordinating Committee in favour of an informal Scrutiny Chairs and Vice Chairs Group. Having liaised with the Chairs and the Vice

Chairs of the scrutiny Committees there appears to be agreement that diarised meetings of the new informal committee are not required. Should any concern arise regarding duplication or overlap of subject matter the Scrutiny Officer or Democratic Services Manager can liaise with the relevant Chairs to arrange an ad hoc meeting with the relevant chairs or in extreme circumstances a meeting of all the chairs and vice chairs.

**Recommendation:** That it be recommended to Full Council that diarised meetings of the Scrutiny Chairs and Vice Chairs Group are not required.

#### **4. Urgency Provisions**

At present in the Constitution there are 2 duplicate sections relating to matters of urgency:

#### **APPENDIX 4,**

##### **Matters of Urgency**

1. In the event of a matter which is not delegated by this Officer Scheme of Delegation requiring action when there is no scheduled meeting where the matter would be considered by the appropriate Cabinet or committee (and where the matter does not make or change policy), the Chief Executive or an Executive Director or the Monitoring Officer having consulted with the Leader or a Cabinet portfolio holder or the Chair of the appropriate committee (or in their absence the Vice Chair) shall have delegated authority to take such action
2. In the case of 1 above, the actions taken shall be reported to the next available meeting of the Council or committee as appropriate.

#### **PART 2, Section 7.6**

When a decision regarding a Cabinet function requires attention as a matter of such urgency that formal reporting to Cabinet is not possible, the Leader or the Chief Executive or the Section 151 Officer or the Monitoring Officer or the appropriate Executive Director may take that decision in consultation with a member of Cabinet (not being the Leader in the case of a Leader decision)

#### **Recommendation:**

That both sections above be replaced with one new urgency clause as follows:

*When a decision regarding a Cabinet function requires attention as a matter of such urgency that formal reporting to a meeting of Cabinet is not possible, in accordance with normal Cabinet reporting procedure a written report on the matter must be prepared setting out the reasons for the urgency.*

*Before drafting such a report, the individual responsible should first take advice from the Monitoring Officer, the s.151 Officer and, if necessary, the Legal team.*

*Any such advice given should be in written form and should be recorded appropriately.*

*The reasoning behind the required urgent decision (including the reasoning behind the urgency) and the consequences of that decision should be included in the written report, and the report should be appropriately signed off by the Chief Executive (Head of Paid Service) or an Executive Director. This sign off process should be completed having first consulted with the Leader and one other Cabinet portfolio holder. In a case where the decision maker is the Leader he/she should consult with the Deputy Leader and one other Cabinet Member.*

*The report setting out the urgent decision and the reasons for it should be made available publicly and therefore should be published in the usual way.*

*The report should also be presented at the next available meeting of the relevant Committee (usually the Cabinet) for formal ratification by the Cabinet and the decision should be recorded in the usual way.*

## **Conclusions**

The report has provided a number of recommendations for Members to consider and the background to explain how the Constitution Working Group has come to develop these recommendations. The constitution review Working Group's parent Committee is the Finance Resources and Partnerships Scrutiny Committee and therefore seeks approval of the recommendations as listed within the report for consideration at Full Council.

## **Relevant Portfolio Holder(s)**

Cllr Mike Stubbs

## **Local Ward Member (if applicable)**

All

## **Appendices**

- A) Current member Code of Conduct 2012
- B) Updated Member Code of Conduct 2014