

**Notes of the Constitution/Committee Membership Amendment Task & Finish Group
held on 19th July 2018 at 10.00pm in Training Room One**

Members Present: Mr T Dignum (Chairman), Mrs T Tull, Mrs J Kilby, and Mr A Shaxson

Officers: Mr N Bennett and Miss S Hurr

1. Apologies

1.1 Apologies had been received from Mr E Lintill and Mr A Moss.

2. Notes of the Meeting on 3rd July 2018

2.1 Mrs Kilby's name had been incorrectly recorded as Mrs Kirby and this was amended.

2.2 Mr Dignum requested that it was noted (5.3 on the notes) that Mr Bennett will report all constitutional changes to the Committee. Following the meeting it was agreed that this would be to the Corporate Governance Committee as part of the annual legal report each October.

2.3 At the conclusion of the group, a report including all actions would be prepared for full Council.

3. Requested Definitions

3.1 An advice note had been prepared by Mr Bennett and circulated prior to the meeting providing a detailed explanation of a 'Senior' District Council officer.

3.2 Mr Bennett referred in his further explanation to three officers; the head of paid staff which is the Chief Executive who is responsible for the well-being of staff, the 'Treasurer' (Head of Finance and Governance Services) who under s151 of the Local Government Act 1972 has responsibility for financial matters, and his role as Monitoring Officer with powers provided by the Local Government and Housing Act 1989, to ensure the legality of decisions.

3.3 Mr Bennett confirmed that senior officers have different powers and that these can be delegated to deputy officers, however the s151 officer role cannot be deputised for and when unavailable for a period of time, an appropriate commercial organisation must be engaged to fulfil this role.

3.5 **Action:** Mr Bennett to clarify with Mr Ward why a figure of £175,000 is set as a maximum value for progressing individual asset renewal projects funded by from the Asset Renewal Programme and forward this information to the group via email, also copying this response to Mr Ward and Mr Wilding.

3.6 Specific committees can delegate to officers, for example by the Planning Committee where this is a common occurrence. Delegated decisions are not always seen at committee.

- 3.7 There is also the anomaly of officers having 'senior' in their title, although they are not strictly 'senior' officers as identified in the definition.
- 3.8 Mr Bennett confirmed that when senior officers delegate decisions, they often check the legality of this with him as Monitoring Officer. The current 'chain of command' and level of delegation particularly when senior officers are absent, seems to work well.
- 3.9 In the discussion as to the types of motion used at Committee Mr Bennett explained that a counter-motion is old terminology not reflected in the Constitution. In technical terms there are two types of motion which are 'original' and 'procedural', the former is an item to be included on an agenda (seven days prior to meetings) and the latter explains how an item is dealt with. This explanation is to be included in the Members Induction. **Action:** Mr Bennett to pass this information to the 2019 Induction TFG via Mr Ward.

4. Incidental Constitutional Changes – Neighbourhood Plans

- 4.1 Wording to be inserted regarding the approval of designation of neighbourhood areas in accordance with the Neighbourhood Planning (General) regulations 2012: ***'and following the Director of Planning and Environment informing the appropriate Cabinet Member and the relevant ward member(s)'***. Agreed by all present.

5. Review the ToR of Committees

- 5.1 The ToR of committees have recently been reviewed in detail.
- 5.2 The ToR are very generic and each committee has the ability to change their own ToRs.
- 5.3 Mr Bennett confirmed the rule about attending committees, which is that a Councillor must attend at least one committee or full Council in a six month period.
- 5.4 The constitution does not contain a formal mechanism for dealing with non-attendance 'without reasonable excuse'. In order to be granted dispensation by Mr Bennett as the Monitoring Officer, a reasonable excuse would be considered as illness or other appropriate reason (family wedding or funeral) but dispensation would not be granted for purposes of convenience.
- 5.5 It was agreed to strengthen the constitution to reflect that members must attend either full Council or at least one committee they are allocated to, not just any committee they have observed. **This will be covered in the report to Council.**
- 5.6 Mr Bennett will continue to strictly grant dispensation only when appropriate, and may require a meeting to discuss dispensations with members before granting. Mr Bennett

confirmed that he does send reminder emails to members regarding attendance as necessary and the attendance figures are assessed by him on a monthly basis.

6. Models of Delegations

- 6.1 All models of delegation were confirmed by Mr Bennett as correct with accurate titles, and further changes are not required.
- 6.2 Some concerns were raised regarding members understanding which officers and teams were responsible for which area of work. It was agreed that it was necessary to keep the network diagram updated.
- 6.3 Members Services are able to advise members if they are not sure which officer to contact on any given matter. **Action:** Mr Bennett to email/provide a document to members to advise that Members Services can provide advice on contact and officer responsibilities.
- 6.4 There was some discussion as to induction and training for all members on structure of the Council specifically. **Action:** Mr Dignum to discuss the views expressed in that discussion with the Chairman of the Induction Task and Finish Group.

7. Dates of Future Meetings

- 7.1 It was determined that the work of the group was concluded and therefore a further meeting (scheduled for Friday 11th September 2018 at 2.00pm) would not be necessary.

Meeting closed at 11.33am