

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 12 APRIL 2017

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 12 APRIL 2017

Present:

Councillor B Ridgway Chair

Councillor G Butler
“ A Garrett
“ A Powell

Councillor S Peters
“ K Rouse
“ R Welton

Councillor Mrs D Ward – Parish Council Representative
Councillor Mrs D Ruff – Parish Council Representative

Also Present:

Sarah Sternberg - Solicitor to the Council and Assistant Director of Governance & Monitoring Officer
Adele Wylie - Legal Team Manager (Contentious) (Solicitor) & Deputy Monitoring Officer
Nicola Calver - Governance Manager

629 Apologies for Absence

Apologies for absence were received from Ian Daines - Independent Person.

630 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at this meeting.

631 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 26 January 2017 be approved as a correct record and signed by the Chair.

632 Review of the Constitution (including Delegation Scheme)

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer , concerning all the changes to the constitution discussed at recent meetings of the Constitution Working Group.

Table 1 within the report set out the areas reviewed, whilst Appendix A went in to those areas in detail, giving a rationale for each change. Appendix B set out each area of the Constitution in turn with tracked changes for consideration by the Committee.

It was reported that in reference to Appendix B7, in relation to Key Decision Levels, the Audit and Corporate Governance Scrutiny Committee had considered the suggested levels, as requested, at their meeting on 6 April 2017 and had no objection to the proposals.

Further, it was highlighted that in reference to Appendix B10, in relation to Speaking at Planning Committee, that the guidance would be referred to Councillor H Laws in advance of Annual Council as the Chair of Planning Committee, however, it did not affect the review of the Constitution in any way.

Members noted that the Protocol on Member Officer Relations would be considered during the 2017/18 Review.

The Committee scrutinised the Review of the Constitution and gave further consideration to the amount of Members required to request a recorded vote, and it determined that this should remain at three.

RESOLVED – That:-

- (1) The amendments to the Constitution, attached as **Appendix A** (as amended in the meeting) be recommended to Council for adoption.
- (2) The areas of focus for the forthcoming 2017/18 Review be noted.
- (3) It be recommended to Council that delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any legislation, administrative errors or conflicts in interpretation.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

633 Standards Committee Annual Report (including feedback from Independent Persons)

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer on the work of the Standards Committee during the 2016/17 municipal year.

The report updated on appointments to the Committee, Register of Interests, Complaints Received, along with details of reports considered and any review work undertaken.

Appended to the report were statements given by the two Independent Persons. Members of the Committee were asked for their reflections prior to the Annual Report being submitted for approval by Council.

RESOLVED – That the Annual Report of the Standards Committee for the 2016/17 municipal year be noted and recommended to Council for approval.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

634 Work Programme 2017-18

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council and Monitoring Officer which advised the Committee of its Work Programme for 2017/18.

Members were advised of the background to the Work Programme and the fact that this was a live and changing document.

RESOLVED – That the 2017/18 Work Programme be noted.

635 Standards Committee Meetings 2017/18

Dates of forthcoming meetings of the Standards Committee approved within the Calendar of Meetings were set out on the agenda for Members consideration.

RESOLVED – That the meeting dates for 2017/18 be noted.

636 Supplementary Report on the Definition of Executive Decision for inclusion in the Constitution

Members received a supplementary report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer providing Members with a definition of “Executive Decisions” for inclusion in the Council’s Constitution.

As previously reported to the Constitution Working Group the practice has been to record every Executive Decision on a Delegated Decision form and then publish in accordance with statutory rules. The Constitution Working Group decided that there should be a definition of “Executive Decision” in the Constitution so that decisions outside that definition would not be placed on the website.

The Working Group were content that the financial figure for this should be £50,000. Members considered the wording suggested within the report.

RESOLVED – That the following be added to paragraph 13.1 to the Access to Information Rules of the Constitution and that the rest of the paragraph is re-numbered accordingly:-

13.1 Executive Decision is defined as a decision in connection with the discharge of an Executive function, which will, or is likely to incur expenditure or savings in excess of £50,000 or generate a revenue return/income in excess of £50,000 as a specific consequence of that decision.

637 Urgent Business

Members were advised that there was no urgent business to be discussed in the public session at this meeting of the Standards Committee.

Standards Mins (0412) 2017/AJD

Summary of Changes to NEDDC Constitution

| Part | Page No | Section | Summary of changes | Rationale for Change |
|---|--------------------------|--|--|--|
| Part 1 – Article 10 | 26 REF: APP B1 | Joint Appeals Committee | To fix membership for the year at the Annual Meeting. | To avoid delay in establishment of this committee. |
| | 26 | Joint Employment Committee | To fix membership for the year at the Annual Meeting. | To avoid delay in establishment of this committee. |
| Part 3: Officer Scheme of Delegation | 67 REF: APP B2 | CEO's delegation 10.15 | Add to the Delegation Scheme the previously approved delegation to authorise other authorities to carry out enforcement and taxi and private hire vehicles. | Previously Agreed |
| | 67 | CEO's delegation 10.17 | Add delegation to appoint members to outside bodies mid year. Remove "and revoke". | Streamlined process |
| | 68 | CEO's delegation 10.27 | Add as a clarification that where the use of the CEO's staffing delegation incurs additional expenditure the additional expenditure should be referred to Cabinet for approval | Streamlined process |
| | 69 | Executive Director Operations' delegation 11.3 | Add "in consultation with the CEO" to the delegation to determine a request for early release of pensions. | Best practice |
| | 70 | Executive Director | Agreed that delegation made annually to the Council's Chief | Agreed By Council |

| Part | Page No | Section | Summary of changes | Rationale for Change |
|---|-------------------------|------------------------|---|---|
| | | Operations' delegation | Financial Officer to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with Section 223 of the Local Government Act 1972 be added to the Delegations Scheme. | |
| | 73 | Proper Officer | Add the Monitoring Officer as Proper Officer with the CEO to witness and receive Declaration of Acceptance of Office under S 83(1) to (4). | Streamlined process |
| Part 4 – Council Procedure Rules | - REF: APP B3 | Throughout | Unifying the term either Chair or Chairman | To assist with the creation of a reflective document. Chairman is more highly used throughout the UK, often with 'Madam' inserted before in speech when used for a female Member. |
| | 83 | 1.2 | Removal of 1.2 and reinsertion at 2.2 under Ordinary Council Meetings | As Committees are established at the meeting of Annual Council, it shouldn't be necessary at that meeting to dissolve or review anything only just established. This should happen at any meeting of Council – Ordinary or Extraordinary. |
| | 83 | 3.1 | To include the Chief Finance Officer within the list of those who may require the Chief Executive Officer to call extraordinary meetings of Council. | This is currently omitted. |

| Part | Page No | Section | Summary of changes | Rationale for Change |
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| | 84 | 4.1 | Removal of a commencement time for meetings | Specification of start times will be in the meeting schedule agreed. |
| | 84 | 5.2 | 5.2 amended to include electronic mail as a destination for receiving summons to meetings. | In line with legislation, and to facilitate more paperless working. |
| | 84 | 5.3 | 5.3 relevant reports added to the wording | To reflect best practice on complete packs being distributed to members, improving transparency to the public and more efficiency within Governance. |
| | 85 | 8.1 | 8.1 wording changes | To provide clarity around public questions. |
| | 86 | 8.9 | 8.9 reflective format for Members Questions and Public Questions | To provide clarity around the process. |
| | 87 | 9.3(b) | Notice of Questions on urgent to be received by 9am on the day of the meeting. | In order to bring the constitution rules in line with each other. |
| | 92 | 14.5 Individual Recorded Votes | Agreed that where Council are requested immediately <u>before</u> or <u>after</u> a vote is taken the vote will be recorded in the Minutes. | For convenience. |
| | 97 | 25 | Inclusion of information around attendance at Committee Meetings | To provide clarity. |
| Part 4 – Council Procedure | 98 REF: APP B4 | Petition Scheme | Retain a petition scheme for the Council. | No change |

| Part | Page No | Section | Summary of changes | Rationale for Change |
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| Rules Appendix A | 98 | Petition Scheme | Retain acceptance of paper versions of petitions and changes would not be made to accommodate EPetitions. | No Change |
| | 102 | Petition Scheme | Agreed that the appeal process would still refer to the relevant Scrutiny Committee however wording would be changed. | To allow referral to a different Scrutiny Committee to the Committee that reviewed the petition and offering Scrutiny Members the ability to refer an appeal to the Complaints Procedure. |
| | 98 | Petition Scheme | Agreed for the Petition Scheme to be uploaded to the Council website | For transparency |
| | 98 | Petition Scheme | No further changes be made to the Petition Scheme in regard to advising petitioners about what is happening with their petitions once they have been submitted. | No change |
| | 98 | Petition Scheme | The required steps when considering a petition be retained within the Scheme. | No change |
| | 98 | Petition Scheme | Thresholds remain at the current level for determining how to process petitions. | No change |
| | 98 | Petition Scheme | Noted that the Secretary of State would no longer review the Council's scheme under their powers. | No change |

| Part | Page No | Section | Summary of changes | Rationale for Change |
|--------------------------|------------------------------|--------------------------------|--|--|
| | 99 | Petition Scheme | The Scheme be amended to reflect the reasons by which it rejects a petition to include delegation to the Monitoring Offer to reject petitions on the basis that they were defamatory, vexatious or frivolous or disclose any confidential or exempt information. | For clarity |
| Part 4. - Call In | 114 REF: APP B5 | 13(c) | Contact with members | Communications to be electronic unless usual method is hard copy. |
| | 115 | 13(d) | 13 (d) wording changes | To provide clarity. |
| | 115 | 13(e) | Inclusion of information on the Call In Request Form | To provide clarity around process |
| | 115 | 13(f) | Rejection of call in by Monitoring Officer | Monitoring Officer to give reasons for refusal in writing. Clarification given on reasons. |
| | 115 | 13(i) | Inclusion of words | To provide clarity |
| | To add REF: APP B6 | Notice of Call in Request Form | To be put in the Constitution Date to be added after each signatory | To provide clarity to the process. |

| Part | Page No | Section | Summary of changes | Rationale for Change |
|---|---------------------------|------------------------|--|--|
| Part 4 – Access to Information Procedure Rules | 126 REF: APP B7 | Key Decision Level 8.2 | Agreed for the proposals in principle for the Revenue Key Decision Level to be set at £100k and the Capital Key Decision Level to be set at £250k but agreed to defer the matter for consideration at the next meeting of Audit and Corporate Governance Scrutiny Committee. | Best practice – to ensure that the financial level for key decisions is appropriate following review. |
| | 126 | Delegated Decisions | A form of words agreed on definition of Executive Decisions, including a financial limit of £50,000. | Best practice – following a review of the processes followed by other Councils. |
| | CURRENT PRACTICE | Delegated Decisions | Delegated decisions of below £50,000 would not be put on the website. | Best practice – following a review of the processes followed by other Councils. |
| | CURRENT PRACTICE | Delegated Decisions | Agreed that Members would no longer receive Delegated Decision notices. | Best practice – following a review of the processes followed by other Councils. |
| | CURRENT PRACTICE | Delegated Decisions | Agreed that where a Delegated Decision is consequent upon a decision made at Cabinet that Cabinet would demonstrate that the issue had been considered in detail. | Legislation – although there have been no changes to legislation or guidance, the system has been reviewed against the current guidance. |
| | CURRENT PRACTICE | Delegated Decisions | Agreed that delegated decisions on HR related matters are no longer publicised on the website | Legislation – although there have been no changes to legislation or guidance, the system has been reviewed against the current |

| Part | Page No | Section | Summary of changes | Rationale for Change |
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| | | | or sent to Members. | guidance. |
| Part 5 – Councillor Code of Conduct | 196 REF: APP B8 | 11 | The wording suggested on significant other interests arising from nominations to an outside body by the Council be added to the Code of Conduct. | Clarifications – this has caused problems in dealing with business as it excludes the one member who can answer questions and explain the projects in question to the Cabinet. This change will allow business to be transacted with full knowledge. |
| Part 5 - Planning Protocol | 200 REF: APP B9 | Planning Protocol | Agreed that the Planning Protocol was robust. | No Change |
| | N/A REF: APP B10 | Speaking at Planning Committee Guidance | Agreed that the Speaking at Planning Guidance would be approved and referred to the Chair of Planning for consideration. | For Clarity, does not form part of the Constitution. |