

Minutes of the meeting of the CONSTITUTION COMMISSION held on WEDNESDAY 14 NOVEMBER 2018 at 10.00 am

Present: Councillor Morris (Chair)
Councillors R Bradburn and Councillor Marland

Officers: K Hulatt (Acting Head of Legal), D Ngani-Oketch (Principal Solicitor - Contracts, Procurement and Governance), N Roy (Principal Solicitor), R Olanrewaju (Lawyer), P Ferris-Bedward (Trainee Solicitor), O Shiridzinodya (Trainee Solicitor) and S Heap (Committee Services and Scrutiny Manager)

Also Present: Councillor Miles

CC16 MINUTES

RESOLVED -

The minutes of the meetings of the Commission held 18 October 2018 be agreed and signed by the Chair as a correct record.

CC17 REVIEW OF THE COUNCIL'S CONSTITUTION 2018/19

The Constitution Commission considered an update on the progress of work that was being carried out to review and update the Council's Constitution with a view to having the completed Constitution ready for its meeting in December 2018.

The Commission noted that the Audit Committee would be reviewing its Terms of Reference at its meeting in November and any changes would be incorporated into the draft Constitution.

The Commission also noted that the Officer Code of Conduct and the Development Control Protocols were still to be reviewed, but progress would be reported to the Commission's next meeting.

RESOLVED –

1. That the work of the Officer Working Group in reviewing the Constitution and providing proposed updates in line with the external health check be noted.
2. That the Council, as part of the final draft Constitution, be recommend to agree the updated Contract Procedure Rules, subject to any acronyms being explained.
3. That the progress made by officers to update the Financial Regulations, taking into account and the Acquisition and Disposal of Land and Buildings Procedure Rules which have previously been recommended for deletion be noted.

4. That subject to any recommendations from the Political Group meetings and the time for speakers being increased to 2 minutes, the Council, as part of the final draft Constitution, be recommend to agree the Access to Information Procedure Rules Procedure for the Determination of Planning Applications
5. That the progress made by officers to update the Officer Employment Procedure Rules be noted and officer colleagues be requested to also review the Officer Employment Procedure Rules adopted by other councils as part of the updating process.
6. That it be noted that the Council has opted into Public Sector Audit Appointments (PSAA) Limited and therefore there is no requirement to have a Local Audit Panel and that this will be reflected in a revision to the Audit Committee's Terms of Reference.
7. That the Council, as part of the final draft Constitution, be recommend to agree the inclusion of a high level reference to an independent and separate Officer Scheme of Delegation and Proper Officer List within the Responsibilities for Functions section of the Constitution.
8. That the Committee Services and Scrutiny Manager, in consultation with the Monitoring Officer, be delegated authority to update the Officer Scheme of Delegation as and when necessary or periodically as deemed fit, reporting any changes to the Constitution Commission on a quarterly basis.
9. That the Council Procedure Rules, Cabinet Procedure Rules and Overview and Scrutiny Procedure Rules be revised in line with the comments as set out in the Annex and the Council, as part of the final draft Constitution, be recommend to agree their inclusion, as part of the final draft of the Constitution.
10. That the progress made by officers to update the Policy Framework and Local Choice Functions and the Budget and Policy Framework Procedure Rules be noted and a draft of the revised Policy Framework be forwarded to Group Leaders for comment as soon as possible.
11. That the political groups be provided with a briefing note which provides a summary of the proposed changes to the Constitution.

CC18

**POWER OF SCRUTINY SUB-COMMITTEES TO MAKE
ADDITIONAL RECOMMENDATIONS WHEN REVIEWING
DECISIONS CALLED-IN**

Further to Minute CC10 of the Commission's meeting held on 26 September 2018, the Commission considered a briefing note in respect of the power of the scrutiny committees, when reviewing called-in decisions, to make additional recommendations when the committee had decided not to refer the decision back to the decision maker for review.

RESOLVED –

That the Scrutiny Management Committee be advised that, while the scrutiny body cannot caveat its decision to take no action, it is not precluded from making separate recommendations as long as they do not add any conditions to the decision to take no action.

CC19

DATES FOR FUTURE MEETINGS

The Commission noted that future meetings were scheduled as follows:

- (a) 5 December 2018 at 2.00 pm; and
- (b) 7/8 January 2019, depending on the availability of Councillor Marland.

THE CHAIR CLOSED THE MEETING AT 11.22 AM