

Constitution Committee – 11 October 2021

Report to Council 8 December 2021

1 Appeals Committee

The purpose of the report was to propose changes to the Constitution relating to the disciplinary appeal process for the Chief Executive, Statutory Officers and any other Chief Officer to whom the Council's employment related procedures expressly applied. The Council needs to have an appropriate committee structure in place to quickly consider any potential disciplinary issues for the Chief Executive, the Head of Paid Service, the Section 151 Officer, the Monitoring Officer and other Chief Officers.

After discussion on the merits of the various options, option 2 was preferred. This involves the retention of the existing Appeals Committee with the creation of a standalone Disciplinary Appeals Committee.

RESOLVED TO RECOMMEND TO THE COUNCIL that option 2 in the report at Appendix A be adopted and incorporated within the Council Constitution.

2 Audit and Governance Committee

The change proposed is simply a tidying up exercise after the Audit and Governance Committee was moved to its own section of the Constitution and no longer falls under the rules relating to the overview and scrutiny committees.

RESOLVED TO RECOMMEND TO THE COUNCIL that the terms of reference for the Audit and Governance Committee at Table 3.09 in Part 3 of the Council Constitution be revised to show the Independent Member as a non-voting member of the committee.

3 Time limit for member question at full Council meetings

At the full Council meeting in September 2021 a request was made for the position to be clarified around the purpose of including Cabinet decision statements and individual Cabinet member statements on the Council agenda.

Although there was a legal and constitutional requirement that decisions of the Cabinet shall be published and made available as soon as is reasonably practicable, there is no further requirement for these statements to be presented to Council.

Council questions provided an opportunity for members to ask about decisions taken by the Cabinet or an individual Cabinet member.

There was a difference of view expressed among members with some believing that separate Council agenda items are no longer necessary as mechanisms were in place to hold decision makers to account. Others believe that it is important to retain the opportunity to ask Cabinet members questions when the decision statements are presented.

It was agreed that Cabinet and individual Cabinet member decision statements would be included as 'information items' under member questions on each Council agenda and the amount of time allocated for member questions should be increased from 30 to 45 minutes.

RESOLVED TO RECOMMEND TO THE COUNCIL that the time limit for questions by members at full Council meetings included in Procedural Standing Order 9.1 in Part 4 of the Constitution be increased from 30 to 45 minutes.

4 Addition to scheme of delegation

the Civil Contingencies Act 2004 places a collective duty with other Category 1 responders to provide an effective local response to a major incident or emergency. This is exercised through the Local Resilience Forum and senior officers, where necessary, need to be authorised to take decisions on behalf of the Council that were not ordinarily within their remit.

RESOLVED TO RECOMMEND THE COUNCIL to include decision category number GEN5 as shown in the report at Appendix 2 in the Council's Scheme of Delegation in Part 3 of the Constitution.

**Cllr Mark Hawthorne MBE
Chair of the Constitution Committee**