

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the Special Meeting of Monmouthshire County Council
held in the Council Chamber at County Hall, Usk
on Tuesday 8th July 2014 at 2.00 p.m.**

PRESENT: County Councillor J. Prosser (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: D. Batrouni, Mrs. D. Blakebrough, R.F. Chapman, P.R. Clarke, D.L.S. Dovey, G.L. Down, D.L. Edwards, Mrs R.M. Edwards, D.J. Evans, P.S. Farley, P.A. Fox, Mrs L. Guppy, Mrs. E. J. Hacket Pain, R.G. Harris, R.J.C. Hayward, M. Hickman, R.J.Higginson, P.A.D. Hobson, G. Howard, S.G.M. Howarth, D.W.H. Jones, Mrs. P. Jones, Ms. S. Jones, S.B. Jones, R.P. Jordan, P. Murphy, Mrs. M. Powell, Mrs. V.E. Smith, B. Strong, Mrs. F. Taylor, A.C. Watts, Mrs P. Watts, Mrs. A.E. Webb, Mrs S. White, K. Williams and A.M. Wintle.

OFFICERS IN ATTENDANCE:

Mr P. Matthews	Chief Executive
Mr W. Mclean	Head of Policy and Engagement.
Mrs J. Robson	Head of Finance/Section 151 Officer
Mr M. Andrews	Monitoring Officer
Mr R. Tranter	Head of Legal Services
Mrs S. King	Senior Democratic Services Officer

ALSO IN ATTENDANCE:

Rebecca Sandford - Police Cadet

1. APOLOGIES FOR ABSENCE

These were received from County Councillors G. Burrows, J.E. Crook, A. Easson, J. George, R.J.W. Greenland and J. Marshall

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. REVIEW OF CONSTITUTION

Section 37 of the Local Government Act 2000 provides that a local authority operating executive arrangements must prepare and keep up to date a document (the constitution) which contains:

- (a) such information as the Secretary of State may direct,
- (b) a copy of the authority's standing orders for the time being,
- (c) a copy of the authority's code of conduct for members and
- (d) such other information (if any) as the authority consider appropriate.

The Council's first constitution was agreed and published in 2000. Since then, a number of amendments consequent upon legislative changes and to reflect operational experience and governance changes such as the development of Area Committees have been made following report by the Monitoring Officer.

Over the past two years, Monitoring Officers in Wales have collaborated in a revision of a model constitution for consideration by their respective authorities. Members were asked to consider the adoption of suitable elements by way of modification of the existing constitution which has not benefitted from an overall review since 2002.

Within the existing Constitution, members considered in particular: the Articles (pages 1 to 39), the Rules of Procedure (pages 91 to 106), the Executive and Select Procedure Rules (pages 119 to 130) and the Officer Employment Rules (pages 180 to 185) against some suggested amendments. A review of the remaining sections will be the subject of further reports to council.

Following a period of consultation, recommended changes were listed in Appendix B.

Notable changes were brought to the attention of members, as follows:

- Pg 21 Independent Remuneration Panel Wales has jurisdiction over allowances and sets the amounts received for member remuneration. Monmouthshire County Council decided in 2013 to publish amounts each year and a hyperlink would be contained within part 6 of the constitution.
- Pg 25 Addition to duties of chair
- Pg 35 Amendment to the constitution, introduced community of interest idea for area committees.
- Pg 39 Management structure at part 7 of constitution, had not changed since 2007. Significant change in March 2014, will be added as management structure.
- Pg 47 Reminder that part of monitoring officer role to update constitution as necessary
- Pg 42 exemplifies new rules on school reorganisation as a local choice function
- The Council needs to decide who is to be designated the "Proper Officer" as Public health inspector.
- Responsibility for maintaining the list of politically restricted posts should pass from monitoring officer to senior officer in HR area.

- A number of changes have been occasioned by the Local Democracy Measure such as provision for family absence, remote attendance

Clarification was requested regarding the procedure for changing meeting dates after the diary had been agreed at full Council. We were informed that there were no recommended changes within this section of the constitution, the diary of meetings was agreed and fixed at the annual meeting and would be publicised for openness. However, it would be inevitable that sometimes dates would have to be changed.

It was suggested that any agreed changes should be effective from 1st August, which will allow officers to run meetings on existing constitution and the possibility of moving to 5 clear working days' notice for meetings would be a significant change.

3.1.1 (c) move to English position 5 clear days' notice for meetings.

On the basis of working to midnight.

Change agreed

3.1.2 (b) – Information Available to Members of the Council

Monitoring Officer to look at what was agreed at Council in January 2013, relating to information available to members and position to be clarified.

4.2 The Policy Framework

Change agreed

4.7.4 Membership

Agreed to maintain existing position.

4.13 No limits on meetings

Agreed to maintain existing position.

4.15.1 Chair of Meetings

Change agreed.

4.17 Remote Attendance

We were informed that guidance was expected from Welsh Government and the issue would be considered at a later date.

4.18.3 Notice of Questions (and 4.19.4)

Change to 7 days' notice of questions, as a consequence of the change to 3.1.1 (c).

On the basis of working to midnight.

Change agreed.

4.19.2 Questions on Notice at Full Council

Agreed to maintain existing position.

4.19.9 Length of Speeches

Change agreed.

4.20.5 Motion per Member

Agreed to maintain existing position.

4.24.1 Previous Decisions and Motions

Change agreed.

4.32 Filming and Use of Social Media During Meetings

Change agreed.

4.35.3 Appointment of Substitute Members on Council Bodies

Change agreed.

5.4 Deputy Leader

Agreed to change with amendment, that the constitution reflects the current position and that the Leader, with absolute discretion, can change deputy appointed for the purpose.

5.6 Delegation of Functions

Agreed change.

Councillor Blakebrough expressed an interest to shadow the Cabinet member for Education.

5.8.1 Cabinet Procedure Rules

Extent of executive decisions taken by officers, to be considered at a future date.

7.25.1 Call-In

Agreed £10k threshold removed and 3 members of the Council can submit call-in.

Agreed that the Chief Executive would adjudicate.

Agreed, 'Save in exceptional circumstances all Members requesting a matter be called in and relevant cabinet member, must attend the meeting at which the matter is being considered'.

7.25.2 Call-in and Urgency

Agreed to maintain existing position, Chief Executive.

11.9.6 Officer Employment Rules

Agreed change.

We resolved to agree recommendations as follows:

1. Members note and accept the current provisions of the constitution reflecting the amendments agreed hitherto and set out at Appendix A.
2. Members consider Appendix B and its suggested amendments with a view to any substantive changes being incorporated into the existing Constitution (Appendix A).
3. That until the Review of the Constitution is complete (to include the Scheme of Delegation, Financial Standing Orders, and various officer and member protocols), the continuing *format* of the constitution be as at Appendix A incorporating any substantive amendments agreed by Council.

We agreed that changes would be effective from 1st August 2014.

Meeting ended 3.50 p.m.