

CONSTITUTION COMMITTEE

21 SEPTEMBER 2016

Present: County Councillors Hinchey, Margaret Jones, Knight, Magill, Patel, Woodman and Walker.

1 : APOLOGIES

Apologies were received from Councillor De'Ath (Chair) Councillors Dilwar Ali; Aubrey; Goodway and Gordon.

2 : APPOINTMENT OF CHAIR FOR THE MEETING

It was proposed by Councillor Patel and seconded by Councillor Magill that Councillor Hinchey be appointed Chair for the meeting.

3 : DECLARATIONS OF INTEREST

In accordance with the Code of Conduct, Councillor Knight declared an interest in Item 6: Assistant to Cabinet Members as he had been appointed by the Cabinet to Assistant to Cabinet Member role in June 2015.

Councillor Knight remained at the meeting during consideration of the item, but took no part in the decision.

4 : MINUTES

The minutes of the last meeting 19 November 2015 were submitted for approval.

In considering the minutes a point of accuracy was raised in relation to Min No 15: Budget Procedure Rules and the recording of the discussion that took place.

It was felt that the minutes did not accurately reflect the concerns raised around: -

- due diligence checks of alternative Budget amendments that had not been subject to the same consultation and scrutiny as the formal budget proposals and did not contain the supporting Equality Impact Assessment in accordance with statutory requirements; and that
- the minutes did not accurately reflect the legal requirement for a lawful balanced budget to be passed by Full Council.

Whilst it was noted that a vote was taken on the speaking rights of individual Cabinet Members, the minutes did not accurately reflect the concerns of those present that this would not give Cabinet Members the right to speak on matters that affect their portfolio or amendments or the alternative budget proposals.

RESOLVED – That the minutes be approved and that the issues of accuracy be recorded in the minutes of this meeting for completeness.

5 : WELCOME DIRECTOR GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

The Chairperson formally welcomed Davina Fiore as the new Director Governance and Legal Services and Monitoring Officer who had taken up post on 19 September 2016. The Committee looked forward to working with her.

6 : INDIVIDUAL CABINET MEMBER DECISION-MAKING

The Director of Governance and Legal Services presented the report to Committee for consideration of a legal and constitutional framework for decision making by individual Cabinet Members.

The Committee considered the decisions taken by Cabinet over the last 12 month period since they reviewed the decisions previously; the type of decisions being taken; and the requirement under the WAO Corporate Assessment Follow-on report 21 March 2016 for the Constitution to review the volume and category of decisions.

The Committee concluded that in view of the time period before the end of this administration; and the decision to remain with collective responsibility of the Cabinet; that no further action be taken on this matter at present and that any future review or change be considered by the new administration in May 2017.

RESOLVED – That

1. the information set out in the report be noted;
2. the option of individual Cabinet decision-making not be pursued during the remainder of this administration;
3. further consideration on a potential legal framework for individual Cabinet decision making be undertaken by the new administration post May 2017.

7 : ASSISTANT TO CABINET MEMBERS

The Director Governance and Legal Services presented a report on roles and responsibilities of Assistants to Cabinet Members for submission to Council for approval and inclusion in the Council's Constitution to ensure consistency in title, roles and accountabilities.

The Committee discussed and made recommendations on the Draft Role Description. There was particular concern on the use of the phrases in the role description 'to deputise', and when had how an Assistant to a Cabinet Member would act for a Cabinet Member if ever need to take up such a role as a Member; and or be requested to formally speak.

RESOLVED That

1. the Director Governance and Legal Services be given delegated authority to amend the wording of the Role Descriptions to delete any reference to 'Deputise' and clarify issues around formal request for Assistant to Cabinet Members to formally speak;

2. a report on the recommendations of the Constitution Committee be submitted to Full Council for approval;
 3. the Director Governance and Legal Services be instructed once ratified by Council to amend the Constitution accordingly;
 4. the Director Governance and Legal Services provide a copy of the Role Descriptions to all Assistants to Cabinet Members.
- 8 : DATE OF NEXT MEETING - 10 November 2016 at 5.00pm in Committee Room 4

Chair: _____

Date: _____

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