

CONSTITUTION COMMITTEE

AGENDA



Monday 27 January 2020

At 2.00 p.m.

**Committee Room “B”,
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Fleming, Harrison, Howson, James, Johnson, Loynes, Marshall, Moore, and Tennant.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 25 November 2019
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Further Periodic Review of the Council’s Constitution – Update (*Chief Solicitor and Monitoring Officer*)
- 5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**



CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

25 November 2019

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Moore (In the Chair)

Councillors Harrison, Howson, James and Loynes

Councillor Brewer was in attendance as substitute for Councillor Tennant.

Officers: Chris Little, Director of Finance and Policy
Hayley Martin, Chief Solicitor
Amanda Whitaker, Legal and Democratic Services Manager

7. Apologies for Absence

Councillors Marshall and Tennant

8. Declarations of interest by Members

None

9. Minutes

The minutes of the meeting held on 15 July 2019 were confirmed subject to the following amendment:-

Minute 5 – Council Referral – Delegation Scheme – Third paragraph, final sentence - Deletion of 'including the formulation of a policy to be determined by the Regeneration Services Committee'.

Arising from the minutes, it was agreed that the Chief Solicitor submit a report to this Committee to address issues raised at the previous meeting relating to the legality of a non-elected member being appointed the Ceremonial Mayor and on the selection process for Ceremonial Mayor in terms of the rotation of Elected Members and the terms of office.

10. Further Periodic Review of the Council's Constitution *(Chief Solicitor and Monitoring Officer)*

The Committee's consideration was sought of proposed changes to the Constitution prior to consideration of the changes by Council. Matters which had arisen during the review were presented as follows:-

Article 2 – Elected Members of the Authority

The Corporate Parent Forum, at its meeting on 11 June 2019, had agreed that this Committee be requested to consider the issue of compulsory training for all Elected Members on their role as corporate parents.

The Audit and Governance Working Group had recommended to the Audit and Governance Committee and it was agreed by Council on 31 October 2019, that guidance and mandatory training should be provided to new and existing Members on completion of the revised electronic form to record Members declarations of Interest.

It was highlighted that Elected Members are not employees of the Council which meant that the measures available to enforce adherence by officers to mandatory training would not necessarily be available for members. The Council could however consider a number of measures as set out in the report. Committee Members agreed that member compliance with their mandatory training should be reported to the Audit and Governance Committee. It was suggested, at the meeting, that non-compliance could be reported regularly also to Full Council.

Alternative methods for the training of Elected Members were discussed including e-learning. It was suggested also that the inaugural training programme, for newly elected Members, should be more structured and that a further report be submitted to this Committee to allow further consideration by members of the Committee.

Article 10 – Community Forums

Members were requested to consider a suggestion from an Elected Member that the Community Forums: 'North and Coastal' and 'South and Central' be combined. Whilst acknowledging the reasons for the suggestion, Elected Members expressed some concerns regarding the practical implications of the proposal. It was agreed that a further report be submitted to this Committee.

Part 3 - Responsibility for Functions

The Committee agreed a recommendation that the Homelessness and housing advice function transfer from the Children's Services Committee to the Finance and Policy Committee in view of the function being a town wide issue.

Full Council Procedure Rules (CPR) – Changes were proposed to the following Procedure Rules:-

CPR4 - APPOINTMENT OF SUBSTITUTE ELECTED MEMBERS OF COMMITTEES AND SUB-COMMITTEES

The Monitoring Officer had proposed to update the Procedure Rule for clarification purposes as set out in the report.

CPR9 – QUESTIONS FROM THE PUBLIC

At the meeting of Full Council held on 20 June, it had been moved and seconded that this Committee be requested to consider changes to Questions from the Public to allow supplementary questions. It was agreed that the issue of supplementary public questions be referred to this Committee. Members of the Committee highlighted issues which had occurred previously when the provision to ask supplementary public questions was included in the Constitution.

It was suggested at the meeting that if supplementary questions were permitted they should be for clarification purposes only which Members recognised would have to be managed by the Chair of Council. Members agreed further consideration was required and that a further report should be submitted to this Committee. Information which had been circulated to Members highlighted that the Constitutions of other Local Authorities did not include provisions for a debate following a public question. It was proposed that the further report address also whether the provision in the Authority's Constitution should continue to allow debate once the Chair of a Committee has responded to a public question.

It was proposed also that Council Procedure Rule 9.3 (i) be updated so that Questions will be asked in the order received, except that the Chair of the Council may group together similar questions, which would replace the current requirement for the random selection of questions.

CPR11 – MOTIONS ON NOTICE

Appended to the report were changes which were proposed to the above Procedure Rule.

CPR23 - COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

It is proposed that a paragraph be added that where a Committee is to consider a matter upon which another Committee(s) shares a common interest, that Committee may invite Members of other Committee(s) to attend a joint meeting. The attending Committee Members will have no vote but may take part in the discussion.

Officer Employment Procedure Rules – It was proposed that the Procedure Rules be amended to reflect statutory requirements for disciplinary action relating to the Head of Paid Service, Monitoring Officer and Section 151 Officer (Statutory Officers). As a consequence of the changes, it was proposed also that the membership and terms of reference of an Independent

Advisory Committee be added to Part 3 of the Constitution – the Authority's Functions and Delegation Scheme:-

Scrutiny Procedure Rules – It was proposed that the Procedure Rules be amended to provide clarification in relation to Co-opted Members on the Audit and Governance Committee and the Committee's membership. It was proposed also that Appendix C – Procedure for the Decision Making Route for Statutory Scrutiny Final Reports - replace reference to 'Policy Committees' with 'Committees'.

Decision – (i) That Full Council be recommended to approve the following:-

- The update of Article 2 to reflect the requirement for compulsory training for Elected Members on their role as corporate parents and also in relation to mandatory training to new and existing Elected Members.
- That member compliance with their mandatory training be reported to the Audit and Governance Committee and regular reports be submitted also to Full Council.
- That the Homelessness and housing advice function transfer from the Children's Services Committee to the Finance and Policy Committee in view of the function being a town wide issue.
- The suggested clarification of wording for Council Procedure Rule 4 relating to the Appointment Of Substitute Elected Members Of Committees And Sub-Committees
- That Council Procedure Rule 9.3 (i) be updated so that Questions will be asked in the order received, except that the Chair of the Council may group together similar questions, which would replace the current requirement for the random selection of questions
- That the proposed changes to CPR11 – Motions On Notice – be approved
- That a paragraph be added – at CPR 23 - that where a Committee is to consider a matter upon which another Committee(s) shares a common interest, that Committee may invite Members of other Committee(s) to attend a joint meeting. The attending Committee Members will have no vote but may take part in the discussion.
- That the Officer Employment Rules be amended to reflect statutory requirements.
- That the proposed amendments to the Scrutiny Procedure Rules be approved.

(ii) That a further report be submitted to this Committee regarding:-

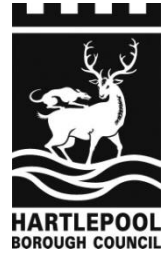
- alternative methods for the training of Elected Members including e-learning and a more structured approach to Member induction.
- Community Forums
- Questions from Public – supplementary questions and debate

The meeting concluded at 3.15 p.m.

CHAIR

CONSTITUTION COMMITTEE

27 January 2020



Report of: Chief Solicitor and Monitoring Officer

Subject: FURTHER PERIODIC REVIEW OF THE COUNCIL'S
CONSTITUTION - UPDATE

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Constitution prior to consideration of changes by Full Council on 20 February 2020.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect." Members will recall that a comprehensive review was undertaken and approved by Council on 21 March 2019. A report to this Committee on 25 November 2019 addressed issues which had arisen since the previous review. This report provides further information on areas identified at the previous meeting upon which Elected Members sought further information.
- 2.2 The report also addresses issues raised at previous meetings regarding the legality of a non-elected member being appointed the Ceremonial Mayor and on the selection process for Ceremonial Mayor in terms of the rotation of Elected Members and the terms of office.

3. PROPOSALS

- 3.1 Further information was sought by the Committee in relation to the following:-

PART 2 – ARTICLES

Article 2 – Elected Members of the Authority

Member Development – Further information was sought on a different approach to member development including e learning. A more structured inaugural training programme for newly elected members was suggested also.

The Elected Members' Development Programme was re-introduced in 2017/18 following feedback from newly elected members at the 2016 elections who felt that the induction and training needed to be more focused and structured.

The programme was developed, shared with political leaders and rolled-out to all members. The contents have been reviewed each year and in particular the content and the timing of the induction sessions changed to accommodate the requirements of the first month in office for newly elected members.

The content of the induction programme is made clear to potential candidates at the Pre-Election Briefing session at which serving councillors support the process by giving an insight of what it is like to be a Councillor as well as re-iterating the benefit of attending the induction sessions. Further, details of the induction dates/times is included in the nomination pack and a further copy sent to all successful candidates the day after the elections. Newly elected members are also offered assistance with organising any specific 1:1 meetings if there is an identified need outside of the structured programme. The Local Government Association (LGA) offer support to newly elected members with a regional one-day induction event held in the north east usually in June.

The optimum duration of the sessions has been geared to around two hours with start times in the main at 4pm, although some sessions such as Planning can take up to half a day and the IT drop-in sessions are just that.

The sessions were categorised as Mandatory and Optional. As members are aware, there are no sanctions in place for non-attendance, but it is proposed that members consider publishing a list of attendances at training sessions, similar to those for attendance at meetings. Elected Members agreed, at the previous meeting of this Committee, that member compliance with their mandatory training should be reported to the Audit and Governance Committee. It was suggested, at the meeting, that non-compliance could be reported regularly also to Full Council.

In relation to e-learning resources, the Council offers a range of general topics including:

- Communication Skills
- Presentation Skills
- Influencing Skills
- Time Management
- Networking
- Negotiation Skills

- Writing Skills
- Handling Conflict
- Diversity
- Productive Meetings

Support is offered in relation to Distance or e-learning resources from the Council's Organisational Development Advisor, details of which are included in the Elected Members' Development Programme brochure. The Local Government Association also provide on-line resources and are available to assist with any bespoke training.

Regionally, training is available from the North East Regional Employers Organisation subject to take-up. Sessions are held within the region and give members the opportunity to network with colleagues from other authorities. Details of these events are circulated to members and displayed in the Members' Lounge/Library.

The Elected Members' Support Development Programme for 2019/20 is attached at **Appendix A**.

Members are requested to consider and suggest any changes they wish to make to the content so that arrangements can be made for May 2020.

Article 5 – The Ceremonial Mayor

With reference to the minutes of the Constitution Committee of 15 July 2019 and at its meeting on 25 November 2019, Members raised the matter of the legality of a non-elected member being appointed to the role of Ceremonial Mayor and on the selection process for Ceremonial Mayor in terms of the rotation of Elected Members and the terms of office.

Section 3 of the Local Government Act 1972 requires a Council to elect a Chairman and states that *"the chairman of a principal council shall be elected annually by the council from among the councillors."*

Section 25A (1) of the Local Government Act 1972 goes on to state that *"the chairman of a county borough council is entitled to the style of 'mayor' or 'maer'."*

Full Council, at its Annual Meeting, appoints a Chair of Council who will also take the title Ceremonial Mayor for the municipal year. Nominations for the position are 'usually' agreed through the roundtable meetings prior to the meeting, however, it is possible and has been the case previously, where further nominations have been put forward from the floor. The protocol for selection of Mayor/Chairman in other authorities in the region is attached at **Appendix B**. As can be seen, there is a similar approach to what is applied in Hartlepool.

It is not therefore possible for a non-elected member to be appointed to the role of Ceremonial Mayor and if the Council did not appoint a Chairman at its Annual Meeting it would be in breach of the Local Government Act 1972.

Members views are sought on what different approach should be applied as a protocol for the appointment of a Chairman/Ceremonial Mayor.

Article 10 – Community Forums

Members were requested to consider a suggestion that the Community Forums: 'North and Coastal' and 'South and Central' be combined. Further information was sought on the practicalities of the implementing the suggestion.

Following concerns expressed to the Chief Executive, the Committee is requested to consider the role of the Community Forums. The Forums (formerly Neighbourhood Forums) have been part of the Council's governance structure since 1999. The ways of communicating with the public have changed considerably since then. Concerns have been expressed around how well the current arrangements are working and whether they meet the Council's current needs around community engagement. It is also recognised that in the main the issues discussed at Community Forums can and are often already being dealt with through other mechanisms including:

- Ward Surgeries
- Face Public events
- Localised consultation
- HBC Online (a new online tool that can be used to report issues or request services)
- Social Media

It has been recognised also that the Your Say, Our Future exercise has worked very well and was an approach that had facilitated a greater level of involvement and discussion

Members views have been sought on the following options to consider:-

- Retain the 2 existing Community Forums
- Reduce the number of Community Forums to 1
- Stop the Community Forums and agree to replace them with a roll out of the Your Say, Our Future approach through a planned annual programme.

At the time of drafting this report, no responses have been received from Elected Members in relation to the options submitted.

PART 4 – RULES OF PROCEDURE

Full Council Procedure Rules

CPR9 – QUESTIONS FROM THE PUBLIC

At the meeting of Full Council held on 20 June, it had been moved and seconded that this Committee be requested to consider changes to Council Procedure Rules – Questions from the Public in relation to supplementary questions. At the last meeting of this Committee which this issue was considered, Members highlighted issues which had occurred previously when the provision to ask a supplementary public questions was included in the Constitution.

At the previous meeting, it was suggested that if supplementary questions were permitted they should be for clarification purposes only which Members recognised would have to be managed by the Chair of Council. Members agreed further consideration was required and that a further report should be submitted to this Committee. It was noted in the table submitted that the Constitutions of other Local Authorities do not include provisions for a debate following a public question. It was proposed that the further report address also whether the provision in the Authority's Constitution should continue to allow debate once the Chair of a Committee has responded to a public question.

The table submitted previously has been updated following further research (**Appendix C**). The outcome of further review is that the majority of Constitutions which permit supplementary questions state that a supplementary question must arise directly out of the original question or the reply. None of the Constitutions reviewed permitted debate following public questions.

UPDATES

A number of other issues have been referred for consideration by the Committee.

Elected Member Referral

Local Joint Consultative Committee (LJCC) – the current Chair of the LJCC has queried whether there is any merit in continuing to hold meetings of the committee as there has been issues referred to the Committee for consideration and none which fall within the functions of the Committee (see below).

The LJCC is classed as an 'Outside Body' within the Constitution with its functions set out in its Terms of reference as follows:

- (a) To establish regular methods of negotiation and consultation between Hartlepool Borough Council and its officers in order to prevent organisational differences and to adjust them should they arise.
- (b) To consider any relevant matter referred to it by a Council Committee or by the Hartlepool Joint Trade Union Committee.

- (c) To make recommendations to the relevant Council Committee as to the application of the terms and conditions of service and the training and development of Local Government officers employed by Hartlepool Borough Council.
- (d) The Local Joint Consultative Committee may refer any appropriate matter for advice from the North East Provincial Council. It may also decide to advise the North East Provincial Council of any recommendation of the Local Joint Consultative Committee which is approved by Hartlepool Borough Council and which appears to be of more than purely local interest.

The Authority now operates various other methods of negotiation and consultation for example:

- Single Table Meetings
- Consultation on the Budget
- Regular meetings between the Corporate Management Team and the Unions
- Regular meetings between the Leader, Chief Executive and the Unions

This Committee is requested to consider whether the LJCC should continue. If this Committee determines to recommend that the LJCC should cease alternative arrangements to formalise the alternative methods that are currently being utilised.

Referrals by Full Council –

Full Council December 2018 – Civic and Democratic Arrangements Review – A report was considered by this Committee on 15 July 2019. A copy of that report and the minutes of that meeting are attached (**Appendix D**). It was intended that a report would be submitted to Full Council as part of the report relating to the periodic review of the Constitution. However due to ongoing work on reviewing the constitution related matters the Council report has yet to be finalised and will be submitted to a future meeting of Full Council.

Furthermore on the 19 December 2019, during consideration of a report relating to the Medium Term Financial Strategy (MTFS) 2020/21 to 2023/24, it was resolved that:

“A further review be commenced in relation to the costs of the Authority’s civic and democratic functions including the Ceremonial Mayoral system and the electoral cycle”

Whilst some operational expenses can be reviewed outside of the constitutional review, changes to the electoral cycle require formal and statutory public consultation. Good practice guidance on consultation exercises suggests that a 12 week period would be appropriate therefore due

to the forthcoming whole Council elections due to be held in May, this would need to be considered in the new Municipal year.

Taking this in to account Members are asked to consider how they wish to take the review of civic and democratic arrangements forward.

Following the meeting of Full Council in December 2019, further representations were made regarding further savings:

Removal of the Ceremonial Mayor position and all of its costs associated with it and move to a Council Leader chair function.

Where a change in governance arrangements, is proposed the Authority would need to take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals. The Authority must hold a binding referendum following the expiration of the statutory moratorium period in the holding of a referendum, namely, the period of 10 years from the date of the previous referendum.

The last change of governance arrangements followed a referendum in November 2012 and since May 2013 the Authority has operated a Committee system of governance with a Leader and Ceremonial Mayor (Chair of Council). No further referendum to change the governance arrangements can therefore be held until 2022.

- *Remove the requirement to hold civic functions and attendance at civic functions.*

Holding and attending Civic functions and events will be considered as part of the review referred to above.

- *Setup a new Events committee function that looks at the Councils events and how we can include local charities and good causes in this.*

The Authority has a small events team within the Regeneration and Neighbourhoods department which organise and support local events.

Furthermore, the Council already had a cross Authority group, the 'Destination Hartlepool' Programme Board', which brings together relevant Council departments and representatives of anchor visitor attractions to plan an annual events programme and publish and promote an annual 'Hartlepool Events Guide.' The guide includes details of events organised by the Authority as well as a number of charitable events and is made available via public buildings and schools as well as social media.

- *Live streaming of Council meetings on Youtube.*

This has previously been considered by Full Council however at the time was considered to be cost prohibitive. However changes in technology mean that newer and cheaper technology is possibly now available.

Members are asked to consider whether they wish for Officers to explore this further.

- *And finally a review of the process of electing Chairs and Deputies. It could be as simple as releasing a job description for chairs and deputies of each committee.*

Members will be aware that the current process for the submission of nominations to the Annual Council Meeting are made following 'Round Table' discussions amongst all Elected Members. Nominations for Chairs and Vice Chairs are considered as part of this process.

The functions and responsibilities of each Committee is set out in Article 7 and Part 3 of the Authority's Constitution. When considering the nominations for Chair to these Committees, Members should consider these functions and responsibilities and may also wish to consider the introduction of a 'job description for Committee Chairs to be also considered as part of that process:-

Chair of Committee - Role and Responsibilities

1. To have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
2. To lead in the development of the work of the Committee which they chair, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
3. To lead in service delivery and policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
4. To be the Council's lead spokesperson in respect of the Committee's activities.
5. To establish effective working relationships with other Committee Chairs.
6. To establish effective working relationships with the Chief Executive, Directors, Chief Officers and other key officers.
7. To represent and pursue the interests of the Committee which they Chair in the community and at regional and national levels
8. To ensure that meetings of the Committee which they Chair are properly conducted and reports of Committees are presented as necessary, for example to Full Council.
9. To promote and uphold the Authority's policies and procedures.
10. To promote and maintain high standards of ethical conduct by the Authority's Elected Members and officers

The above roles and responsibilities could be considered:

- a) By an Elected Member as part of the initial nomination process (referred to above); and
- b) By Elected Members considering nominations at the Annual Council meeting.

Full Council October 2019 - the following motion was approved by Full Council:

“This Council believes that it is wrong for staff in any workplace to be subjected to bullying and harassment.

We acknowledge that whilst it is difficult for those experiencing such behaviour to ‘speak out’ we encourage them to do so.

Following the recent revelations in the national press about the Sexual Harassment of Parliamentary staff, we believe that bullying and harassment in all its forms is abhorrent and has no place in civilised society.

Whilst legally this may not be enforceable there is a moral responsibility on elected representatives who, if an accusation is found proven, should resign from their position with immediate effect.

This is in keeping with the Nolan Principles.

We urge this Council to agree with the sentiment of the motion and refer it to the Constitution Committee to consider whether any changes can be incorporated into the Constitution.”

The Committee on Standards in Public Life (CSPL) recently is undertaking a review of local government ethical standards. The CSPL carried out a consultation which the Authority responded to. Having considered the consultation responses, the CSPL have issued a report which includes best practice guidance and a list of 26 recommendations a copy of which are set out at **Appendix E**.

A number of the recommendations involve legislative change which government are currently considering. *Once any changes have been implemented a further report will be brought to Members for consideration.*

4. RECOMMENDATION

- 4.1 That the Committee consider the report and subject to the views of Members, the Committee formulates its recommendations for submission to Council on the 20 February 2019.

5. REASONS FOR RECOMMENDATIONS

- 5.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

6. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution
Council Minutes – 20 June 2019
Constitution Committee Draft Minutes – 25 November 2019
Local Government Ethical Standards – A Review by the Committee on
Standards in Public Life (January 2019)

7. CONTACT OFFICERS

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Elected Members’ Development Programme 2019/20





Introducing the Elected Members' Development Programme 2019-20

As a Council, we recognise that Elected Members (often referred to as Councillors) play a vital role in making key decisions, setting policy and guiding the strategic direction of the Council, therefore their continuous development is an important activity.

This programme sets out our clear commitment to Elected Members to provide a wide range of training and development opportunities which will ensure they are equipped with the necessary knowledge and skills to operate effectively in their individual or collective roles.

Development opportunities fall into a number of categories:

Induction (I)

These sessions are ideal for first time Elected Members that are new to public office in Hartlepool, or for any Elected Members who wish to refresh their knowledge.

Mandatory (M)

These sessions are a mandatory requirement for Elected Members and include learning, development and support required by law to fulfil their role.

Optional (O)

There are a range of courses and sessions in this category that are optional for Elected Members. They are intended to develop working knowledge and skills and encourage reflective practice.

I hope that you will benefit from the opportunities available to you, and provide feedback to enable us to review and adjust the programme moving forward.



Gill Alexander
Chief Executive



Contents

Induction (3 x 2hr Sessions)

Session 1 6

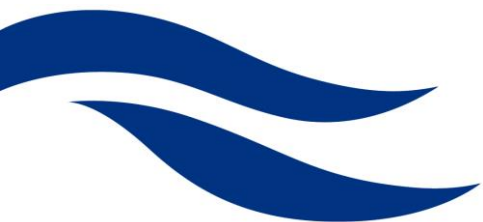
- **Orientation for new Members including:**
 - Meeting key officers
 - Facilities and housekeeping
 - Getting started – what happens next
 - Understanding the work of committees and the nomination process

Session 2 7

- **Council Governance**
 - Council and the Committee System
 - Outside Bodies
 - Council Procedure Rules
 - Code of Conduct

Session 3 7

- **What the Council does and how it is done**
 - Role of Officers
 - Service and responsibilities
 - Council Plan and Budget
 - Engagement with the public
 - Being a community leader
 - Role of the Trade Unions
 - What can we do for you



Mandatory	8
Getting to Grips with Planning	8
Licensing Training	9
Audit and Governance Training	9
Health and Safety Awareness for Political Leaders including Personal Safety	10
Corporate Parenting	11
Code of Conduct	12
Information Governance/ EPR/ Data Protection	13
Safeguarding Training	14
 Optional	 15
Strategic Member Briefings	15
Dealing with Resident's Enquiries – Online Services	15
Annual Planning Training Event	16
Communications and Dealing With The Media	17
IT drop-in sessions offering practical support	18
E-Learning resources	19



To book a place on any session contact Members' Services

INDUCTION

Having reviewed feedback from newly Elected Members and listening to what would be useful for a new Councillor, three sessions lasting no longer than two hours will be held in the weeks following the election. The first few weeks are very intense, presenting a challenging but educational experience. Sessions have therefore been tailored to complement the feedback from members and further evaluation will take place upon completion of the programme.



SESSION 1 – ORIENTATION FOR NEW MEMBERS

Overview:

This session is an introduction for newly Elected Members to the Council.

On completion of the session participants will:

- ✓ Have met Chief and key officers.
- ✓ Know how to get in, out and around the building.
- ✓ Know where to go to use resources such as Members' Lounge/ Library.
- ✓ Have signed up for all payroll/ IT/ equipment requirements.
- ✓ Be aware of how to get themselves nominated for committees and what's involved.

Details:

Date: Tuesday 7 May 2019

Time: 2pm – 4pm

Venue: Committee Room B

SESSION 2 – COUNCIL GOVERNANCE

Overview:

This session will provide details of the Constitution in an easy to understand way.

On completion of the session participants will:

- ✓ Know how the Council Committee System works.
- ✓ Understand the role the Council plays on Outside Bodies.
- ✓ Have received details on the Council's Procedure Rules.
- ✓ Be aware of Codes and Protocols.

Details:

Date: Tuesday 14 May 2019

Time: 2pm – 4pm

Venue: Committee Room B

SESSION 3 – WHAT THE COUNCIL DOES AND HOW IT IS DONE

Overview:

This session will explain how the Council works and delivers services to the public.

On completion of the session participants will:

- ✓ Know what Officers can and cannot do.
- ✓ Have a basic understanding of the Council Plan and Budget.
- ✓ Be aware of how we engage with the public.
- ✓ Have an understanding of how to handle media enquiries.
- ✓ Understand the role of Trade Unions.
- ✓ Know how to get your enquiries dealt with.

Details:

Date: Monday 20 May 2019

Time: 2pm – 4pm

Venue: Committee Room B

MANDATORY

GETTING TO GRIPS WITH PLANNING

Overview:

The planning system is a complex mixture of statute and case law, and of local and national policy, balancing private and public interests. This session will provide Members with an insight and understanding into how the complex planning system works. It is mandatory training for any Member wishing to participate in decision making at Planning Committee.

Members newly elected to the Council without prior training and those serving upon the Planning Committee (including substitutes) who have not attended planning training within a two year period prior should not vote upon any planning application or the consideration of enforcement and other action until they have completed this mandatory training.

Members who want to put themselves forward to serve on Planning Committee, or consider it possible that they may serve as a substitute for another Councillor, need to attend this training event. If a Member has previously completed the training but not within the last 18 months, the training must be completed again.

Details:

Date: Thursday 30 May

Time: 1pm – 4pm

Venue: Committee Room B

LICENSING TRAINING

Overview:

This session is aimed at Councillors who will be serving on the Council's Licensing Committee or those with an interest in licensing matters. The session covers the law and decision making processes relating to the main functions of the Licensing Committee, including alcohol and entertainment licensing, taxis, gambling and street trading.

On completion of the session participants will:

- ✓ Know the various roles and responsibilities of the Licensing Committee.
- ✓ Have a general understanding of the law relating to the main Council licensing functions.
- ✓ Have an increased awareness of the Council's decision making process in relation to the granting of licences, consents, registration and permits.

Details:

Date: Thursday 6 June 2019

Time: 4pm – 5.30pm (time included for Member questions)

Venue: Committee Room A, Civic Centre

AUDIT AND GOVERNANCE TRAINING

Overview:

The remit of the Audit and Governance Committee is varied and diverse, covering not only the areas of Audit and Standards but also Statutory Scrutiny (Health and Crime and Disorder) and Personnel. This session explores in more detail the role and responsibilities of the Committee in relation to each of these areas.

On completion of the session, participants will have an understanding of the Committee's role in terms of:

- ✓ Scrutiny (the aim and purpose of Statutory Scrutiny in Hartlepool, and across the region, what can be scrutinised and how).

- ✓ Audit (Financial governance and stewardship, risk management and audit responsibilities).
- ✓ Standards (Promoting and maintaining high standards of conduct by Elected Members and Co-opted Members of the Authority, including consideration of complaint investigation reports).
- ✓ Personnel (Consideration of staffing appeals and grievances).

Details:

Date: Tuesday 18 June 2019

Time: 4pm

Venue: Council Chamber, Civic Centre

HEALTH & SAFETY AWARENESS FOR POLITICAL LEADERS INCLUDING PERSONAL SAFETY

Overview:

Covers the unique and collective role Councillors have in providing leadership, direction, budget and strategy to enable the Council to discharge its health and safety, and fire safety duties. The session will also cover the importance of personal safety when conducting ward surgeries or visiting individual members of the community alone.

On completion of the session participants will:

- ✓ Understand why their decisions should give due consideration to health, safety, welfare and fire issues.
- ✓ Have an increased awareness of personal safety when visiting members of the community.
- ✓ Know what measures can be taken to increase safety measures during ward surgeries.

Details:

Date: Thursday 11 July 2019

Time: 4pm – 5pm

Venue: Council Chamber, Civic Centre

CORPORATE PARENTING

Overview:

When a child comes into care, the Council becomes the Corporate Parent. Put simply, the term 'Corporate Parent' means the collective responsibility of the Council, Elected Members, employees, and partner agencies, for providing the best possible care and safeguarding for the children who are looked after by the Council. A child in the care of the Council looks to the whole Council to be the best parent it can be to that child. Every member and employee of the Council has the statutory responsibility to act for and for that child in the same way that a good parent would act for their child.

On completion of the session participants will:

- ✓ Understand what being a Corporate Parent means.
- ✓ Know what we as Corporate Parents need do for the best for children in our care.
- ✓ Understand how we ensure children in our care flourish with good health, are safe and happy, do well at school and enjoy good relationships with their peers.
- ✓ Know how children in our care make the most of leisure opportunities, hobbies and interests.
- ✓ Understand how children in our care can grow towards adulthood equipped to lead independent lives and to make their way as adults in higher education, in good careers and jobs, and be financially secure.

Details:

Date: Monday 22 July 2019

Time: 4pm

Venue: Council Chamber, Civic Centre

CODE OF CONDUCT

Overview:

Treating each other with dignity and respect in the workplace is expected from employees and Councillors and is enshrined in policies and procedures of the Council and legislation. This session explores what we mean by respect and dignity and how the policies and procedures of the Council help us to understand what is expected of us.

On completion of the session participants will:

- ✓ Understand the Members and Employees Code of Conduct.
- ✓ Understand the Officer/ Member Protocol.
- ✓ Be aware of dignity and respect in the workplace, what it means and what behaviours are expected.
- ✓ Understand Equality & Diversity legislation.

Details:

Date: Thursday 5 September 2019

Time: 4pm

Venue: Council Chamber, Civic Centre



INFORMATION GOVERNANCE AND EMPLOYEE PROTECTION REGISTER

Overview:

The session will cover the importance of good information governance and the role/ responsibilities Councillors have in supporting and promoting good information governance. The session will include how to effectively and appropriately use information and how Councilors can keep information secure when carrying out their duties.

On completion of the session participants will have an understanding of:

- ✓ Information security policies and the GDPR.
- ✓ Holding, transferring and sharing information.
- ✓ Secure emailing and encryption.
- ✓ Restrictions on the use of fax.
- ✓ Paper records and minimum document approach.
- ✓ Data losses and fines.
- ✓ Use of laptops, data sticks and mobile phones.
- ✓ Freedom of Information (FOI) requests.

There will also be an opportunity to ask questions at the end of the session concerning any queries you may have in relation to information security

Details:

Date: Monday 16 September 2019

Time: 4pm

Venue: Council Chamber, Civic Centre

SAFEGUARDING TRAINING

Overview:

This session is designed to help Elected Members identify what is meant by safeguarding and abuse.

On completion of the session participants will:

- ✓ Be able to name the categories of abuse and neglect.
- ✓ Recognise the signs and indicators of possible abuse.
- ✓ Identify the relevant legislation and guidance that safeguards children, young people and vulnerable adults.
- ✓ Identify the barriers to children and adults reporting concerns.
- ✓ Know how to respond to and report concerns.

Details:

Date: Thursday 26 September 2019

Time: 4pm

Venue: Council Chamber, Civic Centre



OPTIONAL

STRATEGIC MEMBER BRIEFINGS

Overview:

These briefings will be held quarterly and will cover high profile and pertinent topics.

On completion of the session participants will:

- ✓ Be up to speed with current topics.
- ✓ Know how to get further information on the topics covered.

Details:

Dates:

Tuesday 25 June 2019

Wednesday 30 October 2019

Wednesday 26 February 2020

Time: 4pm

Venue: Council Chamber, Civic Centre

DEALING WITH RESIDENTS – ONLINE SERVICES

Overview:

This session will provide Members with an overview about the range of online services available to the public.

Details:

Date: Monday 8 July 2019

Time: 4pm

Venue: Council Chamber, Civic Centre

ANNUAL PLANNING TRAINING EVENT

Overview:

This day-long event will comprise of site visits to recently completed developments on the morning from 9.30am – 12pm, followed by a buffet lunch and tea/coffee at the Civic Centre. The day will end following a series of presentations on the afternoon on various planning topics. It will provide an insight to Members on relevant legislation, guidance and issues in the topic area and on how specialist internal consultees interact with the planning process.

This training event will not be mandatory, but Members likely to serve on the Planning Committee are strongly encouraged to attend.

Details:

Date: Thursday 4 July 2019

Time: 9.30am – 3pm

Venue: Site visits (meet at Level 1 back entrance to Civic Centre) then Committee Room B, Civic Centre

COMMUNICATIONS AND DEALING WITH THE MEDIA

Overview:

- ✓ Handling the media.
- ✓ How to communicate well.

On completion of the session participants will:

- ✓ Have a good all-round understanding of the role of the media.
- ✓ Be aware of the support available from the Council's Public Relations team.
- ✓ Understand the various different types of potential media approaches/interviews.
- ✓ Be aware of how to deal with the media when approached.
- ✓ Have a good understanding of how to conduct yourself with the media.

Details:

Date: Tuesday 16 July 2019

Time: 4pm

Venue: Council Chamber, Civic Centre



IT DROP-IN SESSIONS

Overview:

An opportunity to seek practical help with any IT issues.

On completion of the session participants will:

- ✓ Have had any issues raised resolved.

Details:

Dates:

Friday 14 June 2019

Friday 16 August 2019

Friday 18 October 2019

Friday 13 December 2019

Friday 14 February 2020

Friday 17 April 2020 (this session will be held in Committee Room C)

Time: 2pm

Venue: Committee Room D



No need to book, just drop in

HARTLEPOOL BOROUGH COUNCIL

E-LEARNING RESOURCES

Hartlepool Borough Council offers a range of e-learning on general topics including:

- Communication Skills
- Presentation Skills
- Influencing Skills
- Time Management
- Networking
- Negotiation Skills
- Writing Skills
- Handling Conflict
- Diversity
- Productive Meetings

For advice and support in relation to Distance or e-learning resources, please contact Julie Wilson, Organisational Development Advisor, on 01429 523548 or julie.wilson@hartlepool.gov.uk.



**For further information about this programme,
please contact:**

**Hayley Martin
Chief Solicitor**

Telephone	01429 523002
Email	hayley.martin@hartlepool.gov.uk
Post	Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY

PROTOCOL FOR SELECTION OF MAYOR/CHAIRMAN

AUTHORITY	RESPONSE
SUNDERLAND	<ul style="list-style-type: none"> • APPROACH MADE BY LEADER REGARDING BEING CONSIDERED FOR DEPUTY MAYOR FOLLOWED BY MAYOR TO LONGEST SERVING MEMBERS FIRST, FOLLOWED BY NEWER MEMERS IF REQUIRED TO ASCERTAIN INTEREST • TAKEN TO MAJORITY GROUP MEETING FOR DETERMINATION AND IF REQUIRED CONFIDENTIAL VOTE • DEPUTY MAYOR (AS DECIDED ABOVE) THEN NOMINATED AT ANNUAL COUNCIL
DARLINGTON	<ul style="list-style-type: none"> • ON SENIORITY
GATESHEAD	<ul style="list-style-type: none"> • SELECTION BY MAJORITY POLITICAL GROUP
REDCAR & CLEVELAND	<ul style="list-style-type: none"> • SIMILAR TO GATESHEAD • NOMINATIONS TAKEN TO ANNUAL COUNCIL AND VOTED UPON
MIDDLESBROUGH	<ul style="list-style-type: none"> • SIMILAR TO REDCAR & GATESHEAD
NEWCASTLE	<ul style="list-style-type: none"> • NOMINATIONS FOR ROLE OF DEPUTY LORD MAYOR/SHERIFF PUT FORWARD BY POLITICAL GROUPS IN ADVANCE OF ANNUAL MEETING, WITH A BALLOT HELD IF THERE IS MORE THAN ONE NOMINATION (RARELY) • DEPUTY USUALLY AUTOMATICALLY BECOMES LORD MAYOR YEAR AFTER
SOUTH TYNESIDE	<ul style="list-style-type: none"> • NO PROTOCOL • APPOINTED AS FIRST ITEM OF BUSINESS AT ANNUAL MEETING, FOLLOWED BY APPOINTMENT OF DEPUTY MAYOR • BOTH BY SIMPLE MAJORITY OF MEMBERS PRESENT
STOCKTON	<ul style="list-style-type: none"> • LONGEST CUMULATIVE SERVICE NORMALLY NOMINATED FOR DEPUTY MAYOR (UNLESS PREVIOUSLY SERVED AS MAYOR) • WHEN APPOINTED BY COUNCIL AS DEPUTY MAYOR, USUALLY AGREED TO SERVE AS MAYOR FOLLOWING YEAR • WHERE MORE THAN ONE SATISFIES CRITERION AND NO ONE AGREED NOMINEE CHOSEN, A VOTE WILL

	TAKE PLACE FOR DEPUTY MAYOR AT ANNUAL COUNCIL
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CPR9 – QUESTIONS FROM THE PUBLIC

Council	Public Qs and deadlines	Supplementary	Debate
MBC	Yes - deadline Pre Agenda circ.	No – Members of the public are not permitted to ask supplementary questions.	No - unless the Chair decides otherwise.
SBC	Yes - 7 days prior to meeting. No more than 2 per person/org.	Yes – A questioner may ask one supplementary question without notice being given which must arise out of the original question or reply.	No - unless the Mayor decides otherwise.
RCBC	Yes - 10 days prior to meeting. No more than 3 per person/org.	Yes – A supplementary question must arise directly out of the original question or reply.	No - unless the Chair decides otherwise.
Sunderland	Yes - 6 days prior to meeting.	No – Members of the public are not permitted to ask supplementary questions.	No
Newcastle	Yes - 2 days prior to meeting + right to address Council	The person who asked the question shall be allowed one minute to speak in response.	No - other than by restriction.
North Tyneside	Yes - 6 days prior to meeting.	Yes – a supplementary question must arise directly out of the original question or the reply. The Chair may reject a	No

		supplementary question on the same grounds as initial questions.	
South Tyneside	Yes - 8 days prior to meeting. Only 1 per person inc on agenda.	Yes – A supplementary question must arise directly out of the original question or the reply and be directed to clarifying the reply.	No

CONSTITUTION COMMITTEE**15 JULY 2019****Report of:** Chief Solicitor**Subject:** CIVIC AND DEMOCRATIC ARRANGEMENTS
REVIEW

1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-key decision.

2. PURPOSE OF REPORT

- 2.1 To enable Members to review the costs of Civic engagement and related activity.

3. BACKGROUND

- 3.1 At the meeting of Full Council on the 20th December 2018, Members approved the proposal that civic engagement and associated activities be reviewed.
- 3.2 This report provides information on current arrangements, including the heritage and history of the role of the First Citizen of the Borough, a position which for many is held in high esteem.

4. CEREMONIAL MAYOR

- 4.1 The Authority operates a committee system of governance with a Leader appointed to act as the Council's principal public spokesperson and Chair of Finance and Policy Committee. The Authority also appoints a Ceremonial Mayor who also acts as Chair of the Council, the role and function of which is set out in Article 5 of the Constitution. Whilst the position of Chair is a statutory role, there is no separate requirement to have a Ceremonial Mayor.

4.2 As well as chairing all meetings of Full Council, the Constitution sets out the following list of other events attended by the Ceremonial Mayor:

- Annual Civic Service
- Annual Memorial Service - Bombardment
- Annual Remembrance Day Service and Associated Events
- Armed Forces Day
- Charity Event(s) to be held at the discretion of the Ceremonial Mayor
- Workers' Memorial Day

4.3 The Ceremonial Mayor also attends as a representative of the Authority at:

- Royal visits
- Official openings
- Other Councils' civic events
- Presentation of community awards
- School, church and other official visits
- Greeting civic and other dignitaries
- Any other events, as determined by the Council

4.4 Attached at Appendix 1 is a complete list of the events attended by the Ceremonial Mayor in the years 2017/18 and 2018/19.

4.5 The budget for attending the aforementioned events for the current financial year is £5,651.

5. CIVIC EVENTS

5.1 The budget for food and beverages at civic events (including Annual Council) is £4,074.

5.2 At a meeting of Full Council in March, it was agreed that spend at civic events would be reviewed, particularly in relation to alcohol. Although the budget for food and beverages is not a matter for the Constitution, the following sets out the amount spent on alcohol at civic events:

-2017/18	£526.60
-2018/19	£481.79

Alcohol is currently purchased for the civic events listed at paragraph 4.2 and offered to official guests, visiting dignitaries as well as Elected Members. Members may wish to consider limiting the offer of alcohol to particular events for example Annual Council, Christmas Carol Service or other one-off special events.

5.3 Actual expenditure on food and beverages in the last two years has been on budget with the average spend of approximately £3600 Members may wish to consider reducing the budget by 5% to reduce expenditure.

6. CIVIC TRANSPORT AND COSTS

- 6.1 The Authority regardless of the form of governance has always had a Civic vehicle available for the transportation of the first citizen of the Borough and other visiting dignitaries.
- 6.2 The Civic vehicle is a 2007 Skoda Octavia (i.e. 12 years old). The cost of running the vehicle varies depending on usage and what works are required. This amounts to approximately £2,500 per annum which includes fuel, insurance and running costs e.g. tax, service, MOT.
- 6.3 Current arrangements include the employment of a Civic driver who also undertakes the role of Mace bearer at meetings of Full Council. The Civic driver is also responsible for security of the civic chains during official engagements attended by the Ceremonial Mayor. Further details regarding this post are set out in confidential Appendix 2.

This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely para 1 & 2.

7. CHANGE IN ELECTION CYCLE

- 7.1 On the current election cycle the Council budget over a 4 year period and save the money in the fallow year to help pay for the election in the other three years. Under the current system the annual cost is £100k, £300k over the election cycle.
- 7.2 The annual budget for elections is £75k per year. If elections moved to 'all out' every 4th year it is estimated that this would cost around £140k. Spread over the 4 years this amounts to an annual cost of £35k which equates to a saving of £40k per year against the existing budget. If any election is combined with a Tees Valley/National election further savings are realised.

8. MEMBER CONFERENCES AND DEVELOPMENT

- 8.1 There is a list of approved conferences in Part 7 of the Constitution. Attendance at approved and any additional conferences must be approved by the Leader and the Chief Executive prior to booking/attendance.
- 8.2 All Members can access support from this funding to improve to discharge their duties subject to approval of the Leader and Chief Executive. The budget for Member Conferences and Development is £13,908.

Actual Expenditure in the last two years has been broadly in line with the budget. Attendance at conferences and costs associated are disclosed in the published statements of accounts at an individual member level.

9. ISSUES FOR CONSIDERATION

9.1 a) Attendance at Conferences

Members may wish to review the list of approved and attendance at other Conferences.

b) Member Development

Members may wish to review the Member Development programme and consider merging the budget for Member Development and Conferences and reduce the budget by 10% to offer a saving.

This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely para 1 & 2.

c) Civic arrangements review.

Further details are set out in confidential Appendix 2.

10. RISK IMPLICATIONS

10.1 None

11. FINANCIAL CONSIDERATIONS

11.1 These are included within the reports.

12. LEGAL CONSIDERATIONS

12.1 The Local Government Act 1972 prescribes that a “principal council” must appoint at its Annual Meeting a Chair and Vice Chair. In Hartlepool the Ceremonial Mayor (and Deputy) undertake these roles.

13. CONSULTATION

13.1 Consultation with key officers has taken place.

14. CHILD AND FAMILY POVERTY (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

14.1 There are no child and family poverty implications.

15. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

15.1 There are no equality and diversity considerations.

16. STAFF CONSIDERATIONS

This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely para 1 & 2.

16.1 Please refer to confidential Appendix 2.

17. ASSET MANAGEMENT CONSIDERATIONS

17.1 There are no asset management considerations

18. RECOMMENDATIONS

18.1 It is recommended that Members consider the issues detailed in this report and determine any changes they wish to recommend are referred to Full Council to consider.

19. REASONS FOR RECOMMENDATIONS

19.1 To address the referral from Council on 20th December to review Civic Expenses.

20. BACKGROUND PAPERS

20.1 HBC Constitution – Part 2, the Articles

21. CONTACT OFFICERS

Hayley Martin
Chief Solicitor
Tel: Hayley.martin@hartlepool.gov.uk
Email: 01429 523003

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

15 July 2019

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Moore (In the Chair)

Councillors Fleming, Harrison, James, Loynes and Marshall.

Officers: Gill Alexander, Chief Executive
Hayley Martin, Chief Solicitor
Amanda Whitaker, Democratic Services

1. Apologies for Absence

Councillors Howson and Tennant

2. Declarations of interest by Members

As Ceremonial Mayor, Councillor Loynes declared an interest in agenda item 4.1 – Civic and Democratic Arrangements review. Councillor Loynes sought advice whether she would be allowed to stay at the meeting for consideration of the item. The Chief Solicitor advised Councillor Loynes that she was permitted to remain at the meeting.

3. Minutes

The minutes of the meeting held on 4 March 2019 were confirmed.

4. Civic and Democratic Arrangements Review (*Chief Solicitor*)

At the meeting of Full Council on the 20th December 2018, Members had approved the proposal that civic engagement and associated activities be reviewed. The Committee considered the following issues:-

- (i) Ceremonial Mayor - The report provided information on current arrangements, including the heritage and history of the role of the First Citizen of the Borough. Appended to the report was a complete list of the events attended by the Ceremonial Mayor in the years 2017/18 and 2018/19. It was

noted that the budget for attending events for the current financial year is £5,651.

Members acknowledged the benefits of the role of the Ceremonial Mayor. However, clarification was sought whether the role of Ceremonial Mayor had to be an Elected Member. It was confirmed that in accordance with the Authority's Constitution, at its Annual meeting Full Council is required to appoint a Chair of Council who will also take the title, Ceremonial Mayor for the municipal year, in accordance with the Local Government Act 1972. The Chief Executive advised that she was not aware of a precedent of a non-elected member being appointed the Ceremonial Mayor and advised that legal research could be undertaken and a further report submitted to the Committee. The implications, if the appointment of a non-elected member was permissible, were highlighted including the difficulties arising from the selection process.

Following the discussion it was agreed that there was no desire to change the role of Ceremonial Mayor but that consideration could be given to the selection process in terms of the rotation of Elected Members and the terms of office.

(ii) Civic Events - The budget for food and beverages at civic events (including Annual Council) is £4,074. At a meeting of Full Council in March, it was agreed that spend at civic events would be reviewed, particularly in relation to alcohol. The report set out the amount spent on alcohol at civic events in 2017/18 was £526.60 and in 2018/19 was £481.79. Actual expenditure on food and beverages in the last two years had been on budget with the average spend of approximately £3600. It was suggested that Members may wish to consider reducing the budget by 5% to reduce expenditure.

Members advised that alcohol was limited in terms of availability at civic events. It was noted that reducing the budget by 5% would equate to a saving of £180. Members responded to a question raised regarding the benefits for the public arising from the role of Ceremonial Mayor and highlighted the benefits derived from the role including role of networking. It was acknowledged by the Chair that the public perception of the role is not always correct and should, therefore, be explained to the public.

It was recommended that no change be made to the civic events budget.

(iii) Civic Transport and Costs - The report set out details relating to civic transport and associated costs. The cost of running the vehicle amounted to approximately £2,500 per annum. Current arrangements included the employment of a Civic driver who also undertakes the role of Mace bearer at meetings of Full Council. Further details regarding this post were set out by way of an appendix which contained exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely paragraphs 1 & 2.

It was highlighted that the Civic driver is also responsible for security of the civic chains during official engagements attended by the Ceremonial Mayor.

The role would continue to be required if the current arrangements for civic transport was to change and replaced, for example, with the use of taxis. During the debate, tribute was paid to the civic driver/mace bearer.

It was recommended that no changes be made to the current arrangements for civic transport.

(iv) Change in Election Cycle -

The report addressed issues relating to a change in election cycle. Under the current system the annual cost is £100,000 which equated to £300,000 over the election cycle. The annual budget for elections is £75,000 per year. If elections moved to 'all out' every 4th year it was estimated that this would cost around £140,000. Spread over the 4 years this amounted to an annual cost of £35,000 which equated to a saving of £40,000 per year against the existing budget. If any election is combined with a Tees Valley/National election further savings were realised.

Members spoke in support of the current election cycle and highlighted disadvantages of moving to 'all out' elections. However, it was suggested that there were other issues associated with the election process which could be considered, for example the election count being held the following day.

It was recommended that no changes be made to the election cycle and that the other issues associated with the election process be considered by Officers.

(v) Member Conferences and Development

With regard to Member Conferences and Development, the Committee was advised that there was a list of approved conferences in Part 7 of the Constitution. All Members could access support from this funding to improve the discharge of their duties subject to approval of the Leader and Chief Executive. The budget for Member Conferences and Development is £13,908. Actual Expenditure in the last two years had been broadly in line with the budget. Attendance at conferences and costs associated were disclosed in the published statements of accounts at an individual member level.

Members were requested to review the list of approved and attendance at other Conferences and review the Member Development programme and consider merging the budget for Member Development and Conferences and reduce the budget by 10% to offer a saving. Members considered that the current budget and approval arrangements were proper and the budget should not therefore be reduced. It was proposed also that the Local Government Association's training programme, which did not incur any costs other than that for travel, should be utilised.

Recommendations

- (i) That the role of Ceremonial Mayor continue unchanged and that consideration be given to the process for rotating elected members to the position of Chair of Council.
- (ii) That no change be made to the civic events budget.
- (iii) That no changes be made to the current arrangements for civic transport.
- (iv) That no changes be made to the election cycle and that issues associated with the election process be considered by Officers with a view to potential reduction in election costs.
- (v) That the current budget and approval arrangements were proper and the budget should not therefore be reduced. It was proposed also that the Local Government Association's training programme, which did not incur any costs other than that for travel, should be utilised.

5. Council Referral – Delegation Scheme (*Chief Solicitor*)

The report had been submitted to enable Members to consider a referral from Full Council, on 21 March 2019, relating to the delegation scheme set out within Part 3 of the Constitution. At the request of an elected member it had been agreed that the delegation scheme be approved with the exception of the provision relating to museum acquisitions and disposals so that further work could be carried out to ensure the appropriate safeguards were in place.

Members were advised that the proposed update to the delegation scheme was to allow for the Director of Regeneration & Neighbourhoods (in consultation with the Chair of the Regeneration Services Committee) to make the decision on acquisition/disposal of an item/specific collection rather than submit a report to Committee each time. Once the acquisition/disposal had been considered by the Director (in consultation with the Chair of Regeneration Services Committee), Officers would follow the Museum Association procedures which were detailed in the report. It was highlighted that whilst the Council regularly acquired objects, the disposal of items was not a regular occurrence and there had been no disposals in the previous 12 years.

Concerns were expressed regarding the proposed delegation. It was highlighted that a sub-committee had been convened previously, under previous governance arrangements, to consider acquisitions and disposals. During discussion, views were expressed that any finance accrued from disposal of an item/collection should be allocated to the General Fund. Members agreed to defer consideration with further information to be included in an additional report to be submitted to the Committee, including the formulation of a policy to be determined by the Regeneration Services Committee.

Decision

- (i) To recommend that any finance accrued from disposal of an item/collection should be allocated to the General Fund.
- (ii) To defer consideration with further information to be included in an additional report to be submitted to the Committee.

6. Annual Constitution Review – Verbal Update

The Chief Solicitor advised the Committee that as Monitoring Officer she was required to review the Constitution and report the outcome of that review to Council annually. Members were reminded, however, that a comprehensive review of the Constitution had recently been completed. The Chief Solicitor acknowledged, for inclusion in the next review, the issue of public questions at Council meetings which had been referred at the previous meeting of the Council. It was suggested also that the review also focus on a review of Procedure Rules. Committee Members were encouraged to forward any additional issues which they wanted to be included in the 2019/20 review direct to the Chief Solicitor.

The meeting concluded at 3.25 p.m.

CHAIR

Constitution Committee – 25 November 2019

The minutes of the meeting held on 15 July 2019 were confirmed subject to the following amendment:-

Minute 5 – Council Referral – Delegation Scheme – Third paragraph, final sentence - Deletion of ‘including the formulation of a policy to be determined by the Regeneration Services Committee’.



List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association