

PROCEDURES COMMITTEE

6 February 2018

Present:-

Councillors R Radford (Chair), J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford and C Wright

Apologies:-

Councillors N Way

* 16

Minutes

RESOLVED that the minutes of the meeting held on 12 September 2017 be signed as a correct record.

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Items requiring urgent attention

There was no item raised as a matter of urgency.

18

Members Allowances - Report of the Independent Remuneration Panel

The Committee considered the Report of the Independent Members' Allowances Remuneration Panel for 2018. Heather Morgan, Chair of the Panel, attended and spoke at the invitation of the Committee to present the Panel's Annual Report and respond to questions from Members. She highlighted the work of the Panel and that the conclusions and recommendations made were based on sound evidence.

Members welcomed the Panel's acknowledgment that while historically there had been little scope for improvement, the structure of the County Council's scheme remained fit for purpose with sound principles and noted that, in commending its Report to the Council, the Panel had not suggested any significant changes to the structure of the Council's scheme.

The Panel had nonetheless recommended a number of amendments to the Scheme in support of their view that allowances should keep pace with the economy generally and that consideration should be given by the County Council to the uprating of basic and special responsibility allowances, as set out in Appendix 2 of its Report.

The Panel further felt that the SRA payment for the Chair of the Investment and Pension Fund Committee should be increased to reflect the significant changes in responsibility since the inception of the Brunel Pooling Partnership.

The Committee also considered the Panel's proposals to change the way in which carers allowances were paid so they better reflected the charging practices of many nursery's and child minders. Members were supportive of the aims of the Panel's recommendations to support those who had carer responsibilities.

Moreover, Members also acknowledged and reiterated the importance of Political Group Leaders taking a robust approach to performance management as identified in the Panel's Report and as previously agreed (Minute 339(d) of 4 February 2016 refers).

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the Report of the Independent Panel be welcomed and its Members, including former Chair Mr B Tanner, be thanked for their work;

(b) that the Committee notes the Report's conclusions and recommends the County Council accept recommendations (d), (e) and (f) at the current time, as outlined below.

- (i) The overnight allowance for Members for outside London, increase in line with the staff allowance from £79.82 to £81.06 (recommendation d);
- (ii) The overnight allowances for London increase from £90 to "up to a maximum of £143" (recommendation e); and
- (iii) The Guidance for Dependant Carer's Allowance be amended as set out in Appendix 3 of the Report subject to a minor amendment to paragraph 6(c)(iii) to read as follows 'has a recognised physical or mental disability who is the responsibility of the Member and should not be left unsupervised' (recommendation f).

(c) that there be no change to Basic Allowance, re-adjustment of Special Responsibility Payments or SRA multipliers at this time, but Group Leaders be asked to consider the Panel's recommendations on the level of Basic Allowance and report back to the next meeting of the Procedures Committee.

19 **Constitutional Matters - Referral of Notices of Motion**

The County Solicitor reported on the current process of referring Notices of Motion at Council and that in line with Standing Order 6(6), at any ordinary meeting of the Council, a Motion shall, after being formally moved and seconded, be passed to the Cabinet. There was no discussion on the Motion at that meeting of the Council. However, and subject to standing orders 9 and 29, the Council could decide to discuss a Motion at the meeting to which it was submitted if, in its view, there was sufficient reason to do so.

The exception to that was any Motion which would affect the procedures of the Council which would be passed to the Procedures Committee to consider and report back to the Council.

The Committee noted that a Motion at a recent Council meeting related to the activities of the Investment and Pension Fund and in line with current Standing Orders was referred to the Cabinet. Under the Local Authorities (Functions and Responsibilities) (England) Order 2000, there were a number of functions (Schedule 1) which were not the responsibility of an Authorities Executive.

In light of that, the Procedures Committee was being asked to consider an amendment to Standing Orders to so that any Motions brought to the Council, that were not the responsibility of the Cabinet were referred automatically to the appropriate Committee, thereby reducing the timeframe for their consideration.

It was **MOVED** by Councillor Hughes **SECONDED** by Councillor Hart, and

RESOLVED that the Constitution be amended to reflect that any Motions brought to the Council, that were not the responsibility of the Cabinet (in line with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000), be referred to the appropriate Committee.

In line with Standing Order 32(4), Councillor Connett asked that his vote against the resolution be recorded.

20 **Constitutional Matters - Amendments to Standing Order 14 (7) Amendments to Motions**

The Committee received an update from the County Solicitor on Notices of Motion coming back to the Council from the Cabinet.

Standing Orders currently state say that an amendment must relate to a motion and could refer the subject of debate to a Committee for consideration or re- consideration, leave out words, leave out words and insert or add others, insert or add words; but must not introduce a substantially new proposal or give effect to the direct opposite of what was proposed in the original motion.

The Committee noted that when a motion came back to the Council from Cabinet, the Cabinets response was treated as an amendment to the original motion. Members were aware that if that amendment was carried and put to the Council as a substantive motion, there was opportunity for further amendment as well as debate.

The County Solicitor advised that, in her view, such further amendments should not mirror the wording of the original motion and that Standing Orders did not currently prevent a further amendment in such circumstances (unless of course the amendment was a direct negative).

It was **MOVED** by Councillor Hart **SECONDED** by Councillor Hughes and

RESOLVED that the Constitution be amended as outlined below, with the additional text highlighted in red.

(7) An amendment must relate to a motion and can:

- * refer the subject of debate to a committee for consideration or re- consideration
- * leave out words
- * leave out words and insert or add others
- * insert or add words;

But must not introduce a substantially new proposal or give effect to the direct opposite of what was proposed in the original motion.

When an amendment is carried, any further amendment must follow the advice above and not revert to the wording of the original motion.

21 **Member Development Strategy 2017-2021**

The Committee considered a report of the Head of Organisational Development on the updated Member Development Strategy for 2017-2021, outlining the key principles of and progress in delivering the revised Member Development Policy (for 2017/21) recently endorsed by the Member Development Steering Group, to ensure compatibility with the requirements of the South West Charter for Member Development at Charter Plus Level obtained by the County Council in 2012 and re-accredited in 2016.

Members were supportive of the current work in supporting Members and the associated training and development, but felt further investigation was required to take full advantage of some of the opportunities offered by Skype as well the LGA and CCN networks and relevant learning events offered by them.

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Hart, and

RESOLVED

(a) that the revised Member Development Strategy for 2017/21 be welcomed; and

(b) that Officers be asked to bring a report to the next Procedures Committee meeting outlining options and opportunities for Councillors to attend external learning events, within an agreed procedure, and also the potential of utilising new technology to remotely participate in local training events and / or view the sessions following them taking place.

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Electoral Review of North Devon District Council

The County Solicitor reported that the Local Government Boundary Commission for England had, on 5 December 2017, published draft recommendations on the future electoral arrangements for North Devon District Council which would both be the subject of an eleven week public consultation, closing on 19 February 2018.

The Commission was proposing that North Devon District Council should have 42 Councillors in the future - 1 less than the current arrangements and also 6 three Councillor wards, 8 two Councillor wards and 8 one Councillor wards.

RESOLVED that the Committee note that the County Councillors representing Divisions in the affected District Council areas had been made aware of the Commission's draft recommendations and been invited to submit comments direct, but the County Council had not made any formal representations at this stage.

[NB: An interactive map of the Commission's recommendations for each Council, electorate figures etc is available on the Commission's website at: www.lgbce.org.uk]

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.50 am