

PROCEDURES COMMITTEE

12 September 2017

Present:-

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

Members attending in accordance with Standing Orders 8 and 25

Councillor Atkinson

* **8** **Minutes**

RESOLVED that the minutes of the meeting held on 5 July 2017 be signed as a correct record.

* **9** **Items requiring urgent attention**

There was no item raised as a matter of urgency.

10 **Membership of Committees: Co-opted Members**

The Committee considered the report of the County Solicitor (CSO/17/26), which asked the Committee to note the remedial action required in updating the Constitution (Scrutiny Procedure Rules) and also future working practices, as outlined in section 5 of the report, in line with the delegated powers of the Monitoring Officer (Article 15(a)(i)) and in light of recent events and subsequent investigation into the proceedings of the Health and Adult Care Scrutiny Committee.

The report updated the Procedures Committee on required amendments to the Constitution (Scrutiny Procedure Rules) and future working practices in relation to Committee Allocation Schedules, in order to provide clarity on voting rights of Co-opted Members serving on Scrutiny Committees.

The County Solicitor also updated the Committee on the other constitutional issues arising from the aforementioned investigation, including future training events, briefings for Chairs and Vice Chairs of Scrutiny whilst also highlighting the neutrality required of Scrutiny Committees.

The Council's Constitution has always been absolutely clear on the voting rights of the Co-opted Members of the Children's Scrutiny Committee, (Scrutiny Procedures Rules – 4.0), but neglected to afford the same level of clarity to the District Council Co-optee of the Health and Adult Care Scrutiny Committee.

The County Solicitor has accepted the fact the Scrutiny Procedure Rules were not aligned with the Standing Orders and so to ensure its Constitution and Procedures were transparent and democratic and accessible to all reported the following actions;

a) **Amendments to the Constitution** – proposed to read as follows:

Scrutiny Procedure Rules

2.0 MEMBERSHIP OF SCRUTINY COMMITTEES

2.1 All councillors except the Chairman of the Council and members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision of another committee in which he/she has been directly involved.

3.0 CO-OPTES (Voting Scheme)

3.1 A Scrutiny Committee is entitled to recommend to the Council (which shall appoint committees in accordance with Standing Order 21) the co-option of one or more persons as voting or non-voting members of the Committee.

4.0 OTHER REPRESENTATIVES

4.1 The Children's Scrutiny Committee (or any successor committee dealing with education matters) shall include in its membership the following voting representatives:

- (a) 1 Church of England diocesan representative;
- (b) 1 Roman Catholic diocesan representative; and
- (c) 1 parent governor representative representing primary, secondary and special schools in the county.

who shall vote only on matters relating to the Council's functions as a Local Education Authority and not on other matters considered by the committee although they may remain in the meeting and speak to those other items.

4.2 The Health & Adult Care Committee (or successor committee) shall include in its membership 1 voting representative of City, Borough and District Councils in the administrative County of Devon, to collate and represent the views of the District Councils.

b) **Committee Allocation Schedules for Council Annual Meeting:**

- i) That future recommendations before the Council will read.....
 - *that, and in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2018;*
- ii) That the 'Committee Allocations Schedule' will be reflected in line with above denoting voting (v) or non-voting (nv) against every Co-opted Member to be appointed by the Council.
- iii) The provisions in relation to the voting co-optes are outlined in the Scrutiny Procedures Rules which form the Voting Scheme. The Council will refresh that voting scheme as is best practice from time to time, in line with the requirements of the Act.

The Leader further undertook to raise the role of the District Council co-opted representative, in particular the expectation they consult with other District Councils on matters under consideration at the Scrutiny Committee, at the next meeting of the Devon Local Government Steering Group on 20 October 2017.

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Wright, and, nem com.

RESOLVED that the proposals outlined in the report and the subsequent amendments to the Constitution (Scrutiny Procedure Rules), as outlined above and appended to these minutes, be endorsed, with the addition of the words 'to collate and represent the views of the District Councils' at paragraph 4.2, outlined in red above.

11 **Council Procedure Rules: Nomenclature**

(Councillor Atkinson attended under Standing Order 25(2) and spoke at the invitation of the Committee)

The County Solicitor reported that at the previous meeting and in accordance with Standing Order 23(2), Councillor Brennan had asked that the Committee consider amending the Council's Constitution, Rules of Procedure (Standing Orders) and Working Practices to substitute an alternative, gender neutral, term in place of 'Chairman' – which was felt to be unacceptable in society today – to describe or refer to the person presiding at a meeting.

The Committee was, at that meeting, invited to balance the status quo and any proposal for change against the Council's own '*Acceptable Language Guide*', common usage and parlance, personal preference and any statutory provisions/applications. The Committee had agreed that the suggestion that the Council's Constitution should be amended by the deletion of the term *Chairman* and the substitution therefor of the term *Chair* be considered further at this meeting, together with the advice from the Council's Equality Reference Group and any other official documentation, as appropriate.

The Committee was advised that the Equality Reference Group and Corporate Equality Officer considered this specific issue at its meeting in July 2017 and consequently recommended that the Council should ensure gender neutral language in its written Constitution, removing the word "Chairman" and replacing it with "Chair" or "Chairperson" and ensuring also the use of his/her, s/he, or better still non-binary language: "their/them/they" as appropriate, accepting that an individual may refer to themselves or want to be addressed as "Chairman" or "Chairwoman" or other term, if he/she so wished.

The Committee also highlighted that if recommending to the County Council to adopt a gender neutral approach as outlined above it would be deemed to apply automatically to the term Vice-Chairman.

The report further highlighted the recent Fawcett Report, which although initially focussing upon candidacy for Election through to becoming a Leader of a Council, made a series of recommendations that would bring more women into Local Government and help them to play a full role at all levels.

Whilst there was no specific mention of terminology with this specific report, it uses gender neutral language throughout and the Fawcett Society, previously, have published guidance on the use of gender neutral language, including a guide on how this is achieved in Parliament, particularly in respect of drafting Bills and new Legislation.

Whilst there was nothing in the Council's Equality Policy that mandated the need to use gender neutral terminology, there was an Acceptable Language guide which set out some examples of what may or may not be "good to use". This was guidance to which reasonableness and common sense needed to be applied.

The Committee further noted that 'writing for GOV.UK' guidance advocated using gender neutral text wherever possible. Whilst this guidance was aimed at web based work, the principle applied in a wider context.

The Committee further considered that if the change was to be adopted, then any time and financial implications would need to be managed. With that in mind, the Committee were minded to suggest that such changes be made in line with other reviews of the documentation, but that the democracy centre could be updated as an immediate action.

It was **MOVED** by Councillor Hannaford, **SECONDED** by Councillor Aves, and

RESOLVED

(a) that the Committee accept the advice of the Equality Reference Group on its consideration of the use of an alternative, gender neutral, term in place of 'Chairman' and recommend the Councils Constitution, Rules of Procedure (Standing Orders) and Working Practices be amended accordingly, as part of the wider review of the Constitution to be undertaken later in the year.

(b) that this Committee advocate the use of gender neutral language across the wider organisation, both on the website and in written publications, and the County Solicitor be asked to promote the request for that material to be updated as and when reviews of that documentation takes place.

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Cabinet Procedure Rules: Cabinet Member Reports

The Committee considered the current practice in relation to Cabinet Member Reports and the process of recording the detail on the Order Paper.

A Cabinet Member may be asked, at a Council meeting, to report or comment upon matters of interest or service related developments relating to his/her remit. Once the requisite notice has been given by a Member for a 'Cabinet Member Report', other Members may then, without notice, comment upon or ask questions of the Cabinet Member on any matter referred to in their Report or relating to their remit.

Where a Cabinet Member chooses to report orally the topic or issue upon which they have been asked to report/comment is included in the Order paper. Again and as is normal practice for Cabinet Member Reports or formal questions, any prefacing remarks or members' observations on the matter at hand are not normally included in the Order Paper although they will have been passed to the Cabinet Member to show the context in which they had been asked to report/comment.

The Committee considered the current practice, in light of comments made at the last Council meeting that Members had not received any prior notification of matters so raised, other than through the Order Paper.

It was **MOVED** by Councillor Hannaford **SECONDED** by Councillor Connett and

RESOLVED that the current working practice be continued, but that the matter would be kept under review.

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Reference from Teignbridge HATOC - Terms of Reference

The Committee considered a reference from the Teignbridge Highways and Traffic Orders Committee, which at its meeting on 13 July 2017 and in receiving a presentation on the work and powers of the Committee, Members of the Teignbridge HATOC had suggested it would be beneficial if the limit of £250,000 for approval of highway improvement schemes

determined by Highways and Traffic Orders Committees (HATOCs) could be increased, having been set at that level for many years and had consequently resolved *'that the Procedures Committee be asked to consider increasing the limit of £250,000 for the approval of highway improvement schemes to be determined by HATOCs under delegated powers (to HATOC) and to amending the Constitution and Financial Regulations accordingly'*.

Officers reported on the obtained views from the County Treasurer, Head of Highways, Infrastructure Development and Waste and Head of Planning Transportation and Environment, which was the consideration of the impact on other delegations and the financial regulations.

It was **MOVED** by Councillor Connett **SECONDED** by Councillor Biederman; and

RESOLVED that this matter be considered when Financial Regulations were next reviewed, anticipated in the next three months.

* **14** **Calendar of Meetings**

The Committee considered the draft calendar of meetings for 2018/19 prepared in line with the pattern of previous years, known determinants and relevant factors.

RESOLVED that the draft Calendar for 2018/19 be approved for publication, subject to the additional of the LGA Conference in July 2017 and that future Procedures Committee take place at 10.30am rather than 2.15pm.

* **15** **Date of Next Meeting**

RESOLVED that the date of the next meeting be changed from 23rd November 2017 @ 2.15pm to 15th November 2017 @ 10.30am

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

The Meeting started at 2.15 pm and finished at 3.35 pm

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Minute Item 10