

## PROCEDURES COMMITTEE

7 November 2018

Present:-

Councillors C Chugg, J Hart, S Hughes, S Aves, F Biederman, A Connett and R Hannaford

Apologies:-

Councillors C Wright

\* 46

**Minutes**

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

**RESOLVED** that the minutes of the meeting held on 10 September 2018 be signed as a correct record.

\* 47

**Items requiring urgent attention**

There was no item raised as a matter of urgency.

48

**Scheme of Delegation Review**

The Committee considered the Report of the County Solicitor (CSO/18/33) on the recent review of the Scheme of Delegation and proposed amendments contained therein.

The Committee noted that the postholders listed in the scheme of delegation were authorised to exercise the functions of the County Council and Cabinet (executive and non-executive) relating to their service area or management responsibilities and to make all the day-to-day decisions which related to the efficient discharge of those functions.

The review was conducted, in the main, in light of a large-scale review of financial regulations, which was approved by the Procedures Committee and endorsed by the Council on 24 May 2018. Some of the financial limits had been amended which meant a potential impact on some of the delegations outlined in section 3e of the Constitution. Heads of Service and Chief Officers were asked to work with their lead accountant, to check their delegations and advise of any revisions required to ensure compliance. In addition, documents like the Constitution did not always keep up to speed with some of the terminology used within service areas, so again the accuracy and appropriateness of terminology needed to be checked.

The Committee also noted that when this review had been agreed by Council, a second piece of work would commence on the 'sub delegations'. In line with the scheme, a Chief Officer / Head of Service could authorise any other officer to make any such decision(s) on his/her behalf. The current records were not centrally held, therefore the aim was to get a composite schedule which could be kept centrally. This was also raised as part of a Devon Audit Partnership audit into good governance. Whilst the standards were high, and in light of the financial regulations review, it was felt to be an opportune time to review this aspect also.

The Committee discussed the following points;

- the role of RIPA and the relevant Chief Officer remit this should fall under;
- clarification on the removal of the role of the Personnel Panel in requests for early release of deferred pension benefits on compassionate grounds; and

- the role of Sex and Relationship Education (SRE) and Personal, Social, Health and Economic (PSHE) in schools;

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

**RESOLVED** that the proposed changes to the Constitution (General and Specific Delegations), attached as an appendix to the Report (with changes annotated) be endorsed and recommended to the Council.

**49**      **Risk Assessment Process for Councillor Disclosure and Barring Service (DBS) Checks**

The Committee considered the Report of the County Solicitor (CSO/18/34) outlining a process for the Risk Assessment and Management of Councillor Disclosure and Barring Service (DBS) Checks.

The Report outlined that following a reference from the Audit Committee on 27 July 2018 (Minute \*33), the Procedures Committee considered the matter of DBS checks for Councillors on 10th September 2018 (Minute \*44).

The Procedures Committee had **RESOLVED** that the Council adopted a policy of conducting a basic DBS checks for all Members of the Council, which had been endorsed by the Council on 4<sup>th</sup> October 2018, notwithstanding a Councillor may undertake certain roles which, in line with the legislation, required them to undergo an enhanced DBS check in relation to their contact with vulnerable adults or children or both or, was a member of a Committee which discharged a relevant function.

As part of the Committee's considerations it was agreed that Officers prepared a Risk Assessment that could be used to assess and record the risks of a Councillor in their role, where a DBS certificate showed relevant convictions or other relevant information. The proposed Risk Assessment was outlined as an appendix to the Report and it was suggested this formed part of the 'Safeguarding Guidance for Councillors'.

Members noted the content of the Risk Assessment had been consulted upon with colleagues in both Legal Services and Human Resources. Its aim was to be light touch, but also safeguarding and protecting both vulnerable children and adults as well as the reputation of the Council.

On agreement of the Risk Assessment, the Council would start to progress the DBS checks for all Members of the Council, in line with the newly agreed policy.

Members discussed the risk assessment questionnaire and how this would be used, the reference to any mitigating factors (including drugs), the importance of referencing the new DBS policy in any elections literature and clarification on the role of Group Leaders and Council in appointing Members to Committees.

Members further asked that a minor amendment was made to paragraph 4 of the Safeguarding Guidance to make it clear that the guidance was in respect of acting in the role of Councillor and that the words 'where possible' be applied to the sentence in the same paragraph which related to avoiding circumstances of unsupervised contact with children and young people.

It was **MOVED** by Councillor Biederman and **SECONDED** by Councillor Aves and

**RESOLVED** that the proposed Disclosure and Barring Service (DBS) Risk Assessment, as part of the Safeguarding Guidance Note for Councillors be endorsed and recommended to the Council for incorporation into the Constitution, subject to the minor amendments outlined above.

**50**      **Health and Wellbeing Board - Extended Membership (Health and Wellbeing Board - Minute 75)**

The Committee noted that the Health and Wellbeing Board at its meeting on 13<sup>th</sup> September 2018 received a [Task Group Report](#) on the development of the Devon Health and Wellbeing Board following discussions about the role and priorities of the Board at the June 2018 Stakeholders Conference.

It highlighted that the Board should focus on health and not just healthcare, with a tiered approach to geography and democratic accountability at all levels. Other suggestions included closer working across all three Health and Wellbeing Boards in the Devon area, a specific role for the Board in joint commissioning of health and care, a stronger emphasis on the wider determinants of health, a focused role for the Board in holding the wider system to account and the development of links with stakeholders and local areas.

The Board had RESOLVED that the objectives for Board development and the action plan be approved and Procedures was asked to endorse the aspect of the action plan relating to the extended membership of the Board to incorporate Devon Fire and Rescue Service and SWAST.

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

**RESOLVED** that the recommendations of the Health and Wellbeing Board, relating to the extended membership of the Board to incorporate Devon Fire and Rescue Service and SWAST be commended to the Council.

\* **51**      **Scrutiny Best Practice**

In accordance with Standing Order 23(2) Councillor Wright had requested that the Committee consider this matter, in particular the Governments response to the Communities and Local Government Select Committee Report 'Effectiveness of Local Authority Overview and Scrutiny Committees'.

A copy of the Governments response to the report was attached and an update report from the Centre for Public Scrutiny and Association of Democratic Services Officers on progress with the new Guidance, anticipated in December 2018.

The Committee discussed the guidance and welcomed that the Council already abided by the recommendations proposed. They further commented on the expertise and support of the Scrutiny team.

Members suggested the item be deferred until such time that the new guidance was received and also when Councillor Wright could speak and give her views on the matter.

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

**RESOLVED** that the item be deferred until such time as the new guidance from Government was received.

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

The Meeting started at 10.30 am and finished at 11.18 am