

## NORTHUMBERLAND COUNTY COUNCIL

### CONSTITUTION WORKING GROUP

At a remote meeting of the **Constitution Working Group** held on Friday 20 November 2020 at 10.00 am.

#### PRESENT

Flux, B. (in the Chair)

#### MEMBERS

Daley, W.  
Dickinson, S.  
Dodd, R.R.  
Dungworth, S

Reid, J.  
Roughead, G.  
Simpson, E.

Oliver, N.

Cabinet Member

#### OFFICERS IN ATTENDANCE

Allen, D.P.  
Elwood, C.  
Hadfield, K.

Mitchell, A.  
Roll, J.

Policy Officer  
Consultant, SOLACE  
Democratic and Electoral Services  
Manager  
Head of Corporate Assurance  
Head of Democratic and Electoral  
Services

### 13. MINUTES

With regard to Minute No. 12 and the number of staff committees, Councillor Roughead advised that he had not used the word “discrete”.

**RESOLVED** that the minutes of the meeting of the Working Group held on Wednesday 22 October 2020, as circulated, be confirmed as a true record and signed by the Chair, subject to this clarification.

Ch.'s Initials.....

## 14. DISCLOSURES OF MEMBERS' INTERESTS

Councillor Dickinson queried whether the need to disclose any interest extended to observers. Councillor Oliver advised that he had nothing to declare unless the Committee's legal adviser suggested otherwise.

Ms Mitchell advised that there was nothing on the agenda as published that would preclude Councillor Oliver from attending. However, if the discussion strayed into ongoing issues then such discussion would have to stop.

## 15. REPORTS OF THE SERVICE DIRECTOR, CORPORATE ASSURANCE

### (1) Update to Constitution – Council Procedure Rules

The report reviewed and proposed a number of amendments to the provisions of the Council's existing Council Procedure Rules and suggested a programme for reviewing the Constitution generally (copy attached to the signed minutes as Appendix A).

Ms Elwood took members through the proposed amendments and the main areas of discussion were as follows:-

#### **Appointment of Leader (Rule 1)**

Councillor Dungworth commented that she understood it was unusual at this Authority, when the Leader was removed from office, that the Cabinet did not fall as well. Ms Elwood acknowledged the point stressed it was important not to be left with a gap in Administration. She agreed to look in further detail at the Cabinet procedure rules and report back to a future meeting.

#### **Extraordinary Meetings (Rule 3)**

These had been rewritten to provide some clarity on the calling of Council meetings and an additional section added to deal with calling extraordinary Committee meetings. The proposed wording would require the agreement of the Business Chair, the Committee Chair and the HOPS before an additional Committee meeting could be called. The process being proposed provided clarity around who had refused or agreed to call an extraordinary meeting, as well as the ability to provide reasons.

In response to a query from Councillor Daley, Ms Elwood advised members that the word "require" should be read as the meeting **would** take place, and there would not be any doubt about the ability to ensure it was convened.

Councillor Flux queried whether there were Councils where the Chair of a Committee could call an extraordinary meeting. Ms Elwood advised that this

was common practice. Different authorities had different rules, but it was often done in consultation with officers.

Councillor Roughead suggested that the practice at neighbouring authorities for committees and sub committees could be looked at. Ms Elwood advised that although this could be done ~~but~~ it was fairly unusual to go into this level of detail in the constitution itself.

### **Questions by Members (Rule 9)**

The proposals on Rule 9 would assist in the member questions process. Councillor Roughead did not agree with the proposal to disallow a lengthy supplementary question. However, members commented that the Business Chair had a duty to expedite business at a Council meeting. Councillor Dickinson asked if a stipulation could be included to provide members with an explanation if their motion or question had been ruled inadmissible. Ms Elwood agreed to look at that further.

### **Motions on Notice (Rule 10)**

Ms Elwood advised that the same wording had been used in Motions and both member and public questions in order to provide consistency.

### **Rules of Debate (Rule 12)**

Members considered points of order and how these were often misused in Council meetings, instead of only being raised for an alleged breach of Procedure Rules or the law. Councillor Dickinson commented that there was no reference to emergency motions, and felt that some clarity would be helpful as the rules governing this process had not been easy to understand recently. Councillor Dungworth agreed that it was important for the process to be included as the final check and balance for backbench members, but that it should not be abused. She agreed with the proposed wording on points of order, but felt that members should be able to ask for clarification on a point whilst that matter was being discussed rather than later in the debate. Councillor Roughead suggested that an emergency motion should be supported by a certain percentage of members before it could be debated. Ms Elwood agreed to look at these points further.

Ms Mitchell commented that it was important for the constitution to be clear on the point that emergency motions should be extremely rare, and that safeguards needed to be in place so this option was not abused.

Councillor Dodd referred to the practice of members feeling they had a right of reply in a debate if they had been named. Ms Elwood replied that this was not contained within the constitution although para. 12.13 provided for a personal explanation to clarify something which may have been misunderstood.

### **State of the Area Debate (Rule 13)**

Some members were in support of using the word "may" instead of "will", other members felt that the reference to the state of the area debate could be removed altogether if it was not a legal requirement. Councillor Reid proposed that reference was removed altogether, and this was seconded by Councillor Dodd. On being put to the vote there voted For: 3; Against: 5. It was therefore recommended that 13.1 be amended to say the Leader and Cabinet **may** call the state of the area debate annually.

### **Record of Attendance (Rule 17)**

Councillor Dungworth agreed with the revised wording but expressed her concerns about members having their cameras off during Council meetings, though it was acknowledged that, at times, this could be necessary due to insufficient bandwidth. Generic backgrounds were available if members did not wish to have their homes on view and members supported this point.

### **Recording and Social Media (Rule 22)**

Members agreed that no calls "**should**" be made during Council meetings. Members raised some issues which needed to be referred to the social media working group for inclusion in the social media protocol, including the taking of photographs on mobile phones of confidential information, and it was felt that there could be better links between the constitution and the various protocols which had been adopted by the Council. Councillor Dungworth also asked that arrangements be put in place to allow the public to ask questions themselves at remote meetings. It was agreed this would be brought back to a future meeting of Working Group.

Councillor Dungworth also asked that the set up and running of Working Groups be clarified at a future meeting.

**RESOLVED** that:-

- (a) County Council be recommended to approve the amendments to the Council's Procedure Rules as set out in Appendix A to the report subject to the issues highlighted above for further work/clarification; and
- (b) the intention to insert missing Annexes 3 and 4 to the existing Member Code of Conduct at Part 6 of the Constitution be noted.
- (c) Members requested a further short meeting prior to the despatch of the Council Agenda to check the final wording of the Council Procedure Rules where amendments had been requested.

### **(2) Declaration and Registration of Interests**

The report sought members' views on the issue of the declaration of member interests which had been referred to the Group following a question raised at full County Council by Councillor Dickinson (copy attached to the signed minutes as Appendix B).

Ms Elwood advised that she had queried with the LGA whether any representations had been made during the recent consultation on the model code of conduct about declaration of freemason membership, and there had not.

Councillor Dickinson felt this was a real issue of concern and that if Council employees were required to declare such memberships, then members should too and this would prevent the public from drawing potentially wrong conclusions. He asked whether the recommendations could be made stronger.

Councillor Dungworth supported this and did not feel there should be an issue with members declaring, unless there was something to hide. Councillor Daley agreed with the need to be as open and transparent as possible.

Councillor Roughead supported the recommendations to Council and felt it was frustrating that some members declared everything and others went out of their way to hide things.

Ms Elwood advised that she did not feel there was much more which could be done to make the recommendations stronger in all the circumstances. She suggested that these issues should be referred to the Standards Committee to consider the issue of guidance to members. A new code of conduct was about to be issued and a standard approach was needed, which left little opportunity for change at a local level.

Councillor Dungworth queried how the requirements could be different for members and officers and commented that the model code still had a grey area regarding what was declarable as she was aware that some authorities required such memberships to be declared.

Ms Elwood responded that she had not yet seen the final code but the draft still used the words "body with charitable purpose". It was possible that the authorities who did require such declarations treated the Freemasons in their area as registered charities. She understood that some were registered charities and some were not, but unfortunately could not comment on the specific decisions taken in Northumberland and why the member code was not aligned with the officer code.

Councillor Dodd suggested that once the new model code and guidance was issued, this should be considered by the Standards Committee.

**RESOLVED** that:-

- (a) Members' comments detailed above be noted;
- (b) Council be recommended to remind all members of the need to register interests in "bodies with charitable purposes" and to explain the type of bodies these might cover;
- (c) Standards Committee be recommended to undertake targeted training on the relevant provisions of the Code which deal with the declaration of member interests; and
- (d) progress towards the implementation of a national model code of conduct be noted.

**16. DATE OF NEXT MEETING**

To be arranged for around a month's time.

**CHAIR**.....

**DATE**.....