

POLICY AND RESOURCES SCRUTINY COMMITTEE - 10TH NOVEMBER 2009

SUBJECT: REVIEW OF COUNCIL'S CONSTITUTION

REPORT BY: MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 The attached Report was considered by the Member Support and Development Group ("the Group") at a meeting held on 29th July, 2009.
- 1.2 The Report and the comments of the Member Support and Development were given further consideration by the Council's Corporate Management Team at their meeting held on 8th October, 2009.
- 1.3 This short covering report sets out the comments of the Group and Officers expressed during the consultation meetings mentioned above. Members are asked to note and consider the comments along with the original recommendations set out in the Report.

1.4 Paragraph 3.5.1 - Questions By Members

- 1.4.1 Paragraph 3.5.1.2 sets out the current criteria for questions to Council. Officers consider that this criteria should be further refined in order to provide that questions should be 'topical' viz. relative to issues that have arisen since the date of the most recent meeting of Council.
- 1.4.2 Paragraph 3.5.1.3 sets out the Monitoring Officers suggested reasons for rejection of questions. Officers suggested that an additional reason for rejection should be incorporated providing that a question could be rejected if:-

"it relates to information that is readily available in a Report submitted to Cabinet or Scrutiny previously, in which case the Member will be advised of the date of the relevant Report".
- 1.4.3 Paragraph 3.5.1.3(i) the Group considered that the limit in terms of public money spent should be set at the same limit as that set out in the FOI legislation which is currently £450, which equates to 18 hours at £25.00 per hour. Officers did not support this view and expressed a preference that the wording of this clause should remain as originally recommended by the Monitoring Officer.
- 1.4.4 The Group were of the view that the rejection of questions should involve the Political Group Leaders as well as the Chief Executive.

Officers were of the view that in practice, this suggestion could be difficult to administer and supported the original recommendation of the Monitoring Officer.

1.5 Paragraph 3.5.2 Motions On Notice

The Group and Officers supported the view expressed by the Monitoring Officer that the current arrangements are cumbersome and prone to delay, and agreed that the process should be streamlined and that there should be an opportunity for Notices of Motion, if they require an executive decision to be referred to Cabinet.

1.6 Paragraph 3.5.3 Petitions

The Group considered that a petition should be 10 signatories. Officers supported the view of the Monitoring Officer that a petition should be 30 signatories.

1.7 Members of the Scrutiny Committee are asked to note and consider the above comments along with the recommendations set out in the attached Report.

1.8 Members are also asked to note the recent developments in terms of the regulations mentioned in paragraph 3.6.1 of the Report. The Regulations bringing into force the provisions of Police and Justice Act 2006 are now in force. The Welsh Assembly has issued draft guidance on the topic. A report setting out how the Council will discharge the crime and disorder scrutiny function is now in the course of preparation.

Author: Daniel Perkins, Head of Legal Services/Monitoring Officer

Appendices:

Appendix 1 Members changes to the Council's Constitution