

Corporate Governance and Audit Committee

Wednesday, 14th May, 2008

PRESENT: Councillor J Bale in the Chair
Councillors D Blackburn, C Campbell,
G Driver, T Leadley (substitute for B
Gettings) and N Taggart

115 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

116 Exclusion of the Public

There were no resolutions to exclude the public.

117 Late Items

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair admitted to the agenda two reports respectively entitled, 'Overview and Scrutiny: Proposed Changes and Amendments to the Constitution' and 'Creation of a Constitutional Proposals Committee'.

Both reports had been unavailable at the time of the agenda despatch and were considered urgent by reason of the fact that they related to the governance of the authority for the coming municipal year and therefore needed to be considered by the Corporate Governance and Audit Committee prior to their consideration at the Annual Council Meeting on 22nd May 2008 (Minute Nos. 122 and 123 refer respectively).

118 Declaration of Interests

No declarations of interest were made at this point in the meeting, however one declaration was made at a later point in the meeting (Minute No. 122 refers).

119 Apologies for Absence

Apologies for absence from the meeting were received on behalf of Councillor B Gettings and Mr M Wilkinson.

120 Minutes of the Previous Meeting

RESOLVED - That the minutes of the Corporate Governance and Audit Committee meeting held on 23rd April 2008 be approved as a correct record.

121 Changes to the Constitution - Proposals

The Committee received a report of the Assistant Chief Executive (Corporate Governance) requesting the Committee to make several recommendations to Council regarding amendments to the constitution. The amendments proposed had arisen from the annual review of the constitution, the

introduction of the Local Government and Public Involvement in Health Act 2007 and the findings of the elected Members' working group.

The Committee noted that the recommendations within the report which related to the Scrutiny Procedure Rules and the delegations to the Assistant Chief Executive (Corporate Governance) had both been withdrawn since the publication of the agenda.

The Committee particularly discussed the following issues:

- With regard to the proposed lowering of the financial threshold for a key decision, Members highlighted the need to ensure that such thresholds were reviewed annually so that if necessary they could be revised in order to reflect any changes to the rate of inflation;
- Members raised concerns in relation to the proposed amendment which sought to clarify which decisions were excluded from being key and major decisions. In conclusion, it was proposed that the wording which related to this aspect of the definition of key and major decisions remained unchanged, pending a review of such wording in the future;
- Members commented upon several details relating to the schedule of council appointments to outside bodies, as detailed within the list of council functions. In response, the Head of Governance Services undertook to pursue Members' comments;
- The Committee briefly discussed the process by which any revisions to the constitution were transferred to the electronic version which appeared on the internet.

RESOLVED - That the following be recommended to Council for approval:-

- (a). The appointment of the Assistant Chief Executive (Corporate Governance), the Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager as deputy electoral registration officers;
- (b). The amendments to the budget and policy framework, as referred to in paragraph 3.1 and as set out in appendix 1 to the report;
- (c). The amendments to Article 13, as referred to in paragraph 3.3 and as set out in appendix 3 to the report, with the exception of the proposed amendment relating to the clarification of those decisions which are excluded from being key and major decisions, as detailed at paragraph 3.3.15;
- (d). The amendments to the guidance notes on delegated decision making, as referred to in paragraph 3.3 and as set out in appendix 4 to the report, with the exception of the proposed amendment relating to the clarification of those decisions which are excluded from being key and major decisions, as detailed at paragraph 3.3.15;
- (e). The amendments to the summary of council functions, as referred to in paragraph 3.4 and as set out in appendix 5 to the report, but updated in relation to council appointments;
- (f). The amendments to delegations to the Chief Highways Officer, as referred to in paragraph 3.5 and as set out in appendix 7 to the report;
- (g). The deletion of the reference to best value reviews from the local function schedule, as referred to in paragraph 3.6 of the report.

122 Overview and Scrutiny - Proposed Changes to the Constitution

Members received a report of the Assistant Chief Executive (Corporate Governance) detailing recommendations in respect of amendments to the Overview and Scrutiny function following the officer annual review of the constitution, and following consideration of that review by the Administration Leaders.

In relation to the proposed terms of reference for the Scrutiny Board (Health), Members discussed the relationship which existed between the Board's responsibility to scrutinise the provision of services within its remit and its role as a consultative body.

Following a discussion relating to the processes by which decisions could be classed as urgent and thereby could become exempt from the Call In process, it was proposed that the Committee monitored the number of relevant decisions which fell into this category, with the findings being submitted to the Committee for consideration.

Having discussed several aspects and the potential impact of the recommendations relating to the proposed revisions to the Call In process, it was formally moved by Councillor Driver and seconded by Councillor Taggart

That Corporate Governance and Audit Committee recommend to Council that paragraph 22.6 of the Scrutiny Board Procedure Rules be amended to read: 'During that period, the Proper Officer shall Call In a decision for scrutiny by the relevant Scrutiny Board if:

- two non-executive elected Members (who are not from the same political group) or
- any five non-executive elected Members request him/her to do so.'

(Under the provisions of Council Procedure Rule 16.5, Councillor D Blackburn required it to be recorded that he abstained from voting on the amendment moved by Councillor Driver)

Upon being put to the vote, the amendment to the recommendation was passed and it was

RESOLVED - That the following be recommended to Council for approval:-

- (a). The constitutional amendments to give effect to the redesign of the Overview and Scrutiny function, as detailed within option 2 and as set out in appendices 1 to 7 and 8 to 9 of the report (subject to resolution (b));
- (b). The Call In arrangements, as referred to in paragraphs 3.18 and 3.19 and as set out in the Scrutiny Board Procedure Rules at appendix 9 of the report, subject to the amendment of paragraph 22.6 to read:
'During that period, the Proper Officer shall Call In a decision for scrutiny by the relevant Scrutiny Board if:
 - two non-executive elected Members (who are not from the same political group) or
 - any five non-executive elected Members request him/her to do so.';
- (c). The other incidental changes, as identified in appendix 9 of the report.

(Councillor Leadley declared a personal interest in relation to this item, due to being a former member of Overview and Scrutiny Committee)

123 Creation of a Constitutional Proposals Committee

Members received a report of the Assistant Chief Executive (Corporate Governance) requesting the Committee to consider a proposal to establish a Constitutional Proposals Committee, the membership of which would include all Leaders of political groups, which would make recommendations to Council about amendments to the constitution.

The Committee discussed the relevant requirements for the proposed Committee to be politically balanced.

RESOLVED - That the following be recommended to Council for approval:-

- (a). The establishment of a new Constitutional Proposals Committee with terms of reference as detailed at appendix 1 to the report;
- (b). The revision to the terms of reference for the Corporate Governance and Audit Committee as detailed at appendix 2 to the report.