



Committee and date
Council

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Item No

8

Public

REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP

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1.0 Summary

- 1.1 This report deals with a number of proposed constitutional changes. These relate to the Overview and Scrutiny Procedure Rules, the codification of the arrangements for the Members' Questions item on future Scrutiny Committee agendas, the Council's Policy Framework, attendance at Opposition Briefings, inclusion of items on Cabinet agendas, Members Champions' job descriptions, changes to the structures and operation of the Licensing Committee, amendment to the Budget and Policy Framework Procedure Rules, guidance on the use of Councillor Web Pages, as well as revised arrangements for questions to the Leader, Portfolio Holders and Scrutiny Chairs at future council meetings.

2.0 Recommendations

It is recommended:

- (a) That the Council adopts the proposed changes to paragraph 1(c)-(e) and 10(a) of the Overview and Scrutiny Rules, as set out in paragraphs 3.1 of this report.
- (b) That Procedure 15.3 be amended by the inclusion of the additional words set out in Appendix 1 to this report.
- (c) That the Council amends the current definition of the policy framework in Article 4 of the Constitution so that paragraph 4.1(a) then accords with paragraph 5.1 of this report.
- (d) That the Opposition Briefing Protocol be amended such that the attendance of the Leader and Portfolio Holders at future meetings is at the request of the Opposition Groups.

- (e) That the arrangement whereby the Chairman of the Opposition Briefing Group is able to request the inclusion of items on future Cabinet agenda be discontinued forthwith.
- (f) That the job description for Member Champions be amended to include a requirement for every Member Champion to deliver an annual report to Council.
- (g) That the composition of the Strategic Licensing Committee be increased from 11 to 15 members, reflecting the political balance of the Council.
- (h) That the Council dissolves the three Area Licensing and Safety Committees.
- (i) That the Constitution be amended so as to transfer the existing responsibilities of the Area Licensing and Safety Committees to the Strategic Licensing Committee.
- (j) That the Strategic Licensing Committee be invited to establish one standing Licensing and Safety Sub-Committee of five members in accordance with political balance rules to discharge the licensing and safety functions not reserved to the Council, other than those under the Licensing Acts 2003 and the Gambling Act 2005.
- (k) That the Strategic Licensing Committee be invited to establish Licensing Act Sub-Committees, as required, comprising three members of the Strategic Licensing Committee appointed by the Assistant Director of Public Protection (referred to in the Council's Scheme of Delegation) who do not have a prejudicial interest in the subject matter under consideration and to them not representing any of the parties, under the Licensing Act 2003 and the Gambling Act 2005.
- (l) That the Budget and Policy Framework Procedure Rules be amended as detailed in Appendix 2 to this report.
- (m) That the acceptable use guidance for Shropshire Councillors web pages, as set out in Appendix 3 to this report be approved and included in Part 5 of the Council's Constitution.
- (n) That the current arrangements for putting questions to the Leader of the Council, Portfolio Holders and Scrutiny Chairs at Council meetings be discontinued with immediate effect and replaced by annual reports from the Leader, Portfolio Holders and Scrutiny Chairs and that the relevant Procedural Rules be suspended for the duration of consideration of these items so that an inclusive and wide ranging debate of the issues is possible.

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3.0 Overview and Scrutiny Procedure Rules

3.1 The Political Structures Monitoring Group (PSMG) considered the detailed proposals to amend the Overview and Scrutiny Performance Rules so that these conform to the new arrangements adopted by Council on 24 June 2010, following receipt of the IDEA fitness check. Members supported the establishment of a Scrutiny Chairs' Group, chaired by the Chairman of the Performance and Strategy Scrutiny Committee, whose responsibilities will include the overall co-ordination and management of the Council's scrutiny function.

(a) Paragraph 9 – Work Programme

Re-word as follows:

The Scrutiny Chairs Group will be responsible for setting the work programmes for all of the Council's Overview and Scrutiny Committees. In so doing they shall take into account the wishes of all members serving on that Committee, particularly those who are not members of the largest political group on the Council.

(b) Paragraph 10(a) – Agenda Items

Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for a future meeting of the Committee. On receipt of such a request, the Proper Officer will ensure that this matter is referred to the first available meeting of the Scrutiny Chairs' Group for detailed consideration.

(c) Paragraph 1(c) – (e)

Where matters fall within the remit of more than one Scrutiny Committee or Sub-Committee, the Scrutiny Chairs Group shall determine which of them will assume responsibility for any particular issue and resolve any issues of dispute between them.

The Scrutiny Chairs' Group shall receive requests from the Executive and/or the Council for reports from Scrutiny Committees and allocate them, if appropriate, to one or more of the Scrutiny Committees.

The Scrutiny Chairs Group shall have a system to ensure that referrals from an Overview and Scrutiny Committee to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set in the Constitution.

4.0 Questions from Members on Scrutiny Committee Agendas

- 4.1 Consideration was given to the proposals to codify the arrangements for questions to be put by members at Scrutiny Committees.
- 4.2 The PSMG recommends that the Council adopts with or without amendment the wording set out in Appendix 1 attached to this report and that this be added to Procedure Rule 15.3 (Questions on Notice at Committees and Sub-Committees) of the Council's Constitution.

5.0 Amendments to Article 4 of the Constitution – Policy Framework

- 5.1 The PSMG was informed that Article 4 of the Constitution, setting out the Council's policy framework and the plans and strategies which needed to be agreed by the Council included functions which were not specified in the Local Authorities (Functions and Responsibilities) (England) Regulation 2000. Consequently, it was possible to remove the following matters without detriment:

- Adult and Family Learning Plan
- Asset Management Plan
- Best Value Performance Plan
- Community Care Plan
- Cultural Strategy
- Early Years Development and Child Care Plan
- Food Law Enforcement Service Plan
- Health Strategy Plan
- Licensing Strategies
- Economic Development Strategy
- Housing Strategy
- Homelessness Strategy
- Local Area Agreement
- Local Public Service Agreement
- Climate Change Strategy
- Public Library Position Statement

The PSMG recommends the removal of these plans and strategies from the list in paragraph 4.1(a) of Article 4, the effect of which will see them referred to the Cabinet for approval in future.

6.0 Attendance by the Leader and Portfolio Holders at Opposition Briefing Meetings

- 6.1 The PSMG considered and concurred with the views of the Opposition Groups that the attendance of the Leader and Portfolio Holders at Opposition Briefings should only be by request and that the Opposition Briefing Protocol be amended accordingly.

7.0 Requesting the Inclusion of Items on Cabinet Agendas

7.1 Consideration was given to the request from the Opposition Groups that the Opposition Briefing Protocol be extended to include a right for it to request the inclusion of items on Cabinet agendas which had been available to its predecessor, the cross party Backbenchers' Group.

7.2 Remarking on the changed nature of the Opposition Briefing from that of the former Backbenchers' Group, the PSMG considers this to be unnecessary. The positions reinforced by the fact that the Executive Procedure Rules already provide at paragraph 2.5(3) for any member of the Council to ask the Leader to include an item on the Cabinet agenda. If the Leader agrees that an item should be added, the rules provide for it to then be considered at the next meeting. The PSMG therefore recommends that the Council should not accede to this request.

8.0 Member Champion Job Descriptions

8.1 The PSMG recommends the inclusion of a requirement for all Member Champions to present an annual report to the Council in the generic job description for Member Champions, as set out in Appendix 2 to this report.

9.0 Licensing Committee Structures and Operations

9.1 The PSMG considered the operation of the existing structure comprising a Strategic Licensing Committee, three Area Licensing Committees and a further three Area Licensing Sub-Committees and concluded that this did not present the most efficient or effective way for discharging the Council's duties in respect of licensing.

9.2 The PSMG recommends that, with effect from 1 April 2011, the Strategic Licensing Committee be increased in size from 11 to 15, in accordance with the political balance rules; that the three area Licensing and Safety Committees are dissolved and their responsibilities transferred to the Strategic Licensing Committee, which will then establish one standing Licensing and Safety Sub-Committee of five members, to discharge all licensing and safety matters, other than those relating to the Licensing Act 2003 and the Gambling Act 2005.

9.3 The exempted matters would then in future be handled by ad hoc Licensing Sub-Committees, comprising three members of the Strategic Licensing Committee, with no prejudicial interest in the subject matter and who are not representing any of the parties to the application.

10.0 Proposed Changes to the Budget and Policy Framework Procedure Rules

10.1 The PSMG was informed that the present Budget and Policy Framework Procedure Rules are not entirely consistent with current practice and read as if the Cabinet is presenting the budget proposals, whereas it is the Leader who has always done so for both the Cabinet and Council. The PSMG therefore recommends the amendment of the Procedure Rules to reflect how

matters are actually handled, which also accords with the strong Leader model adopted by the Council in March 2009. The proposed version is attached at Appendix 3 to the report.

11.0 Acceptable Use Guidance for Councillor Web Pages

11.1 The PSMG recommends the adoption of the Acceptable Use Guidance for Councillor Web Pages as set out in Appendix 4 to the report.

12.0 Questions to Leader and Portfolio Holders at Council Meetings

12.1 Detailed consideration was given to the arrangements, including the latest Procedure Rule changes, introduced at the Council meeting on 22 July 2010.

12.2 There was general agreement that these changes had not led to any significant improvement and the business remained rather sterile in nature.

12.3 The PSMG recommends that the current arrangements be discontinued with immediate effect and replaced by annual reports from the Leader, Portfolio Holders and Scrutiny Chairs. PSMG also recommends that the Procedure Rules be suspended for the duration of this item so as to enable an inclusive and wide-ranging debate of the issues raised.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
None
Human Rights Act Appraisal
The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998
Environmental Appraisal
N/A
Risk Management Appraisal
N/A
Community / Consultations Appraisal
N/A
Cabinet Member
Keith Barrow
Local Member
All
Appendices
Appendix 1 – Addition to Procedure Rule 15.3
Appendix 2 – Budget and Policy Framework Procedure Rules
Appendix 3 – Acceptable Use Guidance for Shropshire Councillors' Web Pages

Appendix 1

Add to Procedural Rule 15.3 (Questions on Notice at Committees and Sub-Committees)

A period of up to 30 minutes shall be set aside at each meeting when normally up to six questions will be heard. If notice is received of more than six questions for the same meeting, priority will be given to questions in accordance with the order in which they were received.

The Chairman shall have discretion to extend the question period to allow any question in progress of the expiry of the 30 minute period to be completed and answered, or to allow more than six questions to be heard where these relate to items on the agenda.

The Chairman may group similar questions together and where more than six questions are received he/she shall offer the questioner the option of a written reply or deferral to the next meeting of the Council.

A question may only be asked if notice has been given to the Assistant Chief Executive (Legal and Democratic) no later than two clear working days before the day of the meeting. At any one meeting, no person may submit more than two questions.

The Assistant Chief Executive may reject a question if (in his/her opinion) it:

- Is not a matter where the Committee has a responsibility or a legitimate interest;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Committee in the previous six months; or
- Requires the disclosure of confidential or exempt information.

A member asking a question will also have the right to ask one supplementary question without notice. The supplementary question must arise directly out of the original question or the reply.

Any supplementary question which cannot be dealt with during the time allotted for Members' Questions will be dealt with by a written answer.