



Council
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Item No
13
Public

REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP

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1.0 Summary

- 1.1 This report outlines proposals for constitutional changes in relation to the operation of the Council meeting, the Overview and Scrutiny Committee Structure, Members' attendances at Conferences and external training seminars, as well as future appointments to all outside bodies, and seeks the approval of Members to implement these improved arrangements for the conduct of Council business.

2.0 Recommendations

- 2.1 It is recommended:

A. **Council**

1. That, the style of Council meetings be modified so that the work of both the Executive and the Overview and Scrutiny Committees be reviewed at every ordinary meeting with up to one hour being allocated for the consideration of these matters and the Procedure Rules amended accordingly.
2. That under such item, the Leader of the Council and up to three members of the Cabinet shall each make a presentation of no more than five minutes duration, which shall be followed by a question and answer session.
3. That all questions from members to the Leader and Cabinet members shall be submitted no later than five working days prior to the meeting; and that, wherever possible, oral replies shall be given to the original question and to one supplementary question in each case.

4. That, to complement these arrangements, a similar item relating to the review of the work of the Overview and Scrutiny Committees be included on all future ordinary Council agendas and the Constitution be amended to provide for this.
5. That the Chairman of the Scrutiny Chairs' Group make a presentation of no more than five minutes duration which shall be followed by a question and answer session.
6. That all questions from members in relation to the work of Scrutiny be submitted no later than five working days prior to the meeting; that wherever possible oral replies be given to the original question and to one supplementary question; and that the replies be delivered by the appropriate Scrutiny Chair.
7. That these arrangements be introduced with effect from the next Annual meeting and be reviewed after 12 months' operation.

B. Overview and Scrutiny Committee Structure

8. That the terms of reference for a review of the Overview and Scrutiny Committee structure, attached at Appendix 1 to this report, be approved.
9. That, pending the outcome of this review, all Overview and Scrutiny Committees continue to operate on a six weekly cycle.
10. That a politically balanced group of seven members be appointed to oversee the review.

C. Protocol

11. That the protocol relating to members' attendance at conferences and external training events, attached at Appendix 2 to this report, be approved and included in Part 5 of the Council's Constitution.

D. Member Appointments to Outside Bodies

12. That the Leader of the Council shall, in future approve appointments to outside bodies in the period between Annual meetings of the Council, regardless of how they occur and shall inform the Chief Executive accordingly.
13. That all Group Leaders then be informed of all such appointments by email.
14. That a comprehensive review of all outside bodies be undertaken, to ensure that appropriate arrangements are established, as soon as is

practicable, to provide support to members attending those pivotal bodies considered to be vital to the interests of the Council, and to ensure member feedback is received on the outcomes of such engagements, where appropriate.

E. **Member Issues**

15. That no change be made to Procedure Rule 16.3(iii) relating to the submission of background reports to motions.
16. That no action be taken in respect of the suggestion that a new protocol be included in Part 5 of the Constitution relating to the timeliness of member responses to correspondence.

Report

3.0 Council

- 3.1 The Political Structures Monitoring Group (PSMG) has examined how other similar sized unitary, metropolitan and London borough councils are operating and considers that it is possible to make Council meetings more effective and to promote greater interaction between the Executive and the Council as a whole.
- 3.2 The proposals centre on how best to give non-executive members the opportunity at each Council meeting to hold the Leader and Portfolio Holders to account for the work of the Executive. The PSMG recommends that the style of the meetings should be modified to provide positive opportunities for non-executive members to influence the business of the Council. This can be done by including an item relating to the work of the Executive on every Council agenda.
- 3.3 Such an item will allow the Leader and up to three members of his Cabinet to give a series of short presentations, of no more than five minutes duration each. These could then be followed by a question and answer session, but with all questions being submitted in writing in advance. The Leader and Portfolio Holders would then give oral replies to those questions and any supplementaries from members.
- 3.4 To do this, it will be necessary to make some minor amendments to the Constitution and to set an appropriate notice period for the receipt of questions. This should enable a reasonable number of questions to be considered at each meeting.
- 3.5 The PSMG also considers that, to complement these arrangements something similar is required for Overview and Scrutiny, so as to ensure a comprehensive review process is in place. This would then supersede the existing arrangements referred to in the current Constitution of the Council.

- 3.6 The PSMG recommends that, subject to the outcomes of the formal review of the Overview and Scrutiny process, the Scrutiny Chairs' Group, supported by the Chief Executive and the Council's Management Team, meets regularly to establish the work programmes of the Scrutiny Committees and to review the outcomes of earlier Scrutiny Reviews.
- 3.7 The Chairman of this Group could then also act as its spokesperson and present to Council an overview report on the work of the Overview and Scrutiny Committees during the cycle. All members would then have the opportunity to put a question (on notice) to the appropriate Scrutiny Chair and receive an oral reply to the original, and to any supplementary question.
- 3.8 The PSMG further recommends that the Members' Question Time is retained, so that any question which does not fall within the remit of any of the Portfolio Holders who will be contributing during the item on Executive Business is still addressed within the cycle. However, it is proposed that those questions which fall within the remit of the Portfolio Holders making a presentation would be held over until the appropriate point in the meeting.
- 3.9 Finally, to put these changes in place with effect from the next Annual Meeting, the PSMG recommends that the necessary constitutional changes be made to the existing procedures and that a maximum of 1 hour be allocated for reviewing the work of both the Executive and Overview and Scrutiny Committees at each Council meeting and that these changes be reviewed after 12 months' operation.

4.0 Overview and Scrutiny Committee Structure

- 4.1 The PSMG considered proposals for conducting a comprehensive review of Overview and Scrutiny, in the light of the Scrutiny Chairs' Group's desire to introduce more frequent committee meetings to deal with the increasingly heavy agendas of their meetings.
- 4.2 Members noted that the Implementation Executive had always intended that the current committee structure should be reviewed after 12 months operation to assess whether the remits and number of Overview and Scrutiny Committees remained appropriate.
- 4.3 Although some members felt there was often insufficient time to progress scrutiny work satisfactorily, it was recognised that, currently, Overview and Scrutiny Committees undertook too great a workload. The PSMG considers that Scrutiny should principally be about producing outcomes which make a difference for local people. Accordingly, PSMG approved the draft Terms of Reference for the review, which are attached at Appendix 1 to this report.
- 4.4 The PSMG also recommends that Scrutiny Committees should continue to meet on a six weekly basis pending consideration of the Reviews Groups findings and that a politically balanced sub-group of seven members be established to oversee the review.

5.0 Protocol for Members' Attendance at Conferences and Training Events

- 5.1 The PSMG recommends that Council adopts the protocol, attached at Appendix 2 to the report, relating to members' attendance at conferences and external training events.
- 5.2 It was noted that the Leader considers that this protocol will assist in the sharing of information gleaned during attendance at conferences, training seminars and the like. It will also have the benefit of ensuring the efficient use of resources, whilst also keeping all members informed of new developments, changes in existing statutory duties, and of forthcoming legislative and procedural proposals.

6.0 Member Appointments on Outside Bodies

- 6.1 The PSMG gave detailed consideration to the Council's current practice in relation to the appointment of representatives/nominees to serve on outside bodies in the light of concern expressed about the process for replacing an individual member, other than in cases of resignation, retirement or death.
- 6.2 It was noted that, other than on those occasions where special knowledge or interest is a pre-requisite, the ability to appoint or remove a member was understood to belong to the political group of the former incumbent. Therefore, the appointment or removal of a member has always been treated in exactly the same way as are appointments to committees and the wishes of the appropriate Group Leader are implemented.
- 6.3 For the future the PSMG recommends that the Leader of the Council, in consultation with the Chief Executive, should approve all such appointments in the period between Annual meetings of Council. This means all changes, regardless of how they occur, and a confirmatory email will be sent to all Group Leaders informing them of each such decision.
- 6.4 The PSMG also recognises that there is presently no system for either briefing members before important meetings of external bodies, or for the Council to receive any feedback on the outcomes of the deliberations of such bodies. It therefore recommends that a major review of all outside bodies be undertaken, so that these may be categorised by importance and appropriate arrangements can be developed for supporting Members on those considered to be pivotal to the Council's work.

7.0 Member Issues

- 7.1 The PSMG considered the following constitutional changes proposed by Mr P F Phillips:

- (a) The amendment of Procedure Rule 16.3(iii), which states:

Background papers for motions shall only be provided by Officers in relation to motions relating to the work of the Council.

Mr Phillips would prefer that such reports are only prepared if formally requested by the mover of the motion.

- (b) The inclusion of a new protocol in Part V of the Constitution relating to the timeliness of responses to correspondence between members, officers and the public.

Drawing on the arrangements applying to correspondence between Council Officers and Service Users, Mr Phillips suggests that the current time lines of 5 working days in which to reply or acknowledge correspondence and/or 10 working days for a full response should apply to:

- Responses by officers to Members' correspondence
- Responses to correspondence between Members, not least from correspondence to Cabinet Members
- Responses to correspondence from members of the public.

7.2 The PSMG recommends no change be made to Procedural Rule 16.3(iii) relating to the production of background reports for motions. However, members noted the Chief Executive's comments that in future these would be produced only on those occasions where there were legal, financial or other strategic considerations which needed to be drawn to members' attention prior to any discussion or decision, so that members had the benefit of proper professional advice on the implications of, and risks associated with, such matters.

7.3 In relation to the possible inclusion of a new protocol in Part 5 of the Constitution to relate to the timeliness of member responses to correspondence, the PSMG recommends no action at this time.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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
Cabinet Member Keith Barrow
Local Member All
Appendices Appendix 1 - Scrutiny Structures Review - Draft Terms of Reference Appendix 2 - Protocol - Members' Attendance at Conferences and Training Events