

REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP [PSMG]

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1.0 Summary

1.1 This report relates to the following matters considered by the PSMG at its meeting on 17 February 2016:

- a) Update to the governance and terms of reference of the Health and Wellbeing Board
- b) Proposed changes to the Constitution in respect of Member speaking procedures at Planning Committees
- c) Proposed changes to the terms of reference of the Joint Health Scrutiny Committee
- d) Member and Public Questions at Council meetings
- e) Proposed amendments to the Constitution as a result of the Gambling Act 2005

2.0 Recommendations

2.1 It is recommended:

- (a) That Council approves the updated draft terms of reference for the Health and Wellbeing Board.
- (b) That Council resolves to endorse the recommendation of the Enterprise & Growth Scrutiny Committee to amend the Constitution in respect of Part 4 – Council Procedure Rules to prevent a local member from joining a Planning Committee and discussing that item where the item concerns that Member's electoral division as follows:-

That paragraph 6.1 be amended to read:-

“Except in relation to a Regulatory Planning Committee A Member of the Council may attend a meeting of any Committee of which

he/she is not a member and “participate” in the discussion of an item, but not to vote upon an item on the agenda, provided the item concerns that Member’s electoral division. Such Members will observe the same confidentiality conventions as apply to members of the Committee in question.”

- c) That Council resolves to amend the Constitution in respect of Part 5 – Local Protocol for Councillors and Officers dealing with Regulatory Matters, to allow the Local Member to make representations for up to five minutes prior to the debate commencing including an opportunity for questions to be asked as follows:-

15. Members Speaking on Applications within their own Ward

15.1 Planning Committee members do not vote or take part in the Committee debate or voting when applications from their own electoral division are considered.

15.2 The local Member may address the Committee for up to five minutes, they may ask up to two questions of the Committee and may be asked questions by the Committee.

(The Member will then physically move away from the Committee ‘table’ but stay in the room). This will allow Members to speak freely on applications from their own area and to provide advice to their local Parish/Town Councils on these matters.”

- d) That Council resolves to agree the updates to the terms of reference of the Shropshire and Telford & Wrekin Joint Health Overview Scrutiny Committee.
- e) That, with regard to public questions at meetings of the Council and its Committees/Sub-Committees, members of the public to be provided with a written response to their submitted question ahead of the meeting in order to allow them sufficient time for consideration of a supplementary question [if required], up to three minutes to be allowed for the supplementary question to be asked and the current reference to ‘statement’ to be deleted.
- f) That questions from Members be moved to the end of the Council Agenda
- g) That the Scheme of Delegation within Part 8 of the Council’s Constitution be amended to clarify Committee and Officer delegations resulting from the Council’s adoption of the Gambling Act 2005 Policy Statement 2016 to 2019.

REPORT

3.0 Background

- 3.1 The Political Structures Monitoring Group recently reviewed the current position in respect of the following matters:
- a) Update to the governance and terms of reference of the Health and Wellbeing Board
- 3.2 The PSMG noted the key updates of the terms of reference that included the role of the Board, governance structure and subgroups, membership and accountability. Some Members considered that the membership on the Board needed to be widened to encompass other political groups however the majority did not believe this to be necessary. They believed the current membership to be effective and recognised that influence and input were possible without the specific need for Board membership.
- (b) Proposed changes to the Constitution in respect of Member speaking procedures at Planning Committees
- 3.3 The PSMG considered a report from the Task and Finish Group on Planning that reported its findings to the Enterprise and Growth Scrutiny Committee, one of the recommendations from the Task and Finish Group necessitates a change to the Council's Constitution [as detailed in recommendations 2.1 b) and c) above].
- 3.4 PSMG noted the concern that had been expressed by members of the Task and Finish Group on Planning that under paragraph 6.1 of Part 4 of the Council Procedure Rules any Member was entitled to join any Committee and take part in the debate where the item under consideration fell within their electoral division. It was noted that the speaking procedures for Planning Committees would ordinarily include the local Member, Parish/Town Council, objector or supporter and public speaking was limited to 3 minutes. This potentially created a disparity between the Local Member (not a Committee member) being able to join the Committee and speak throughout the debate and members of the Committee who would speak for up to three minutes before the Committee debate and then leave the table. The proposed amendment to the Constitution would provide parity for the Local Member whether or not they were a member of the Planning Committee.
- 3.5 Although the above was supported by the majority, a Member of PSMG commented that Local Members should be able to remain at the table during Planning Committee debates whether or not they were members of the Committee; he believed that the local knowledge brought to the table by the local Member was an essential part of the planning decision making process.

- c) Proposed changes to the terms of reference of the Joint Health Scrutiny Committee
- 3.6 Consideration was given to the proposed changes to the terms of reference of the Joint Health Scrutiny Committee that had been considered by the Health and Adult Social Care Scrutiny Committee. It was noted that the changes had been proposed in the light of updated Health Scrutiny guidance issued by the Department of Health in 2014.
- 3.7 PSMG received reassurance that responses to consultations would be submitted by the Joint Health Scrutiny Committee but individual authorities could make their own individual representations to Government.
- d) Member and Public Questions at Council meetings
- 3.8 PSMG considered the right of members of the public to put their question or statement in person or ask a supplementary question at meetings of the Council, its Committees and Sub-Committees. The Group thoroughly debated this issue and agreed that future reference to 'statement' should be deleted from the Council Procedure Rules.
- 3.9 The Group further agreed that members of the public should be provided with a written response to their submitted question ahead of the meeting in order to allow them sufficient time for consideration of a supplementary question [if required] with up to three minutes to be allowed for the supplementary question to be asked.
- 3.10 The need to adhere to the half hour time allocation for public questions was considered to represent a sensible course of action in the management of public questions at meetings of the Council and its Committees and Sub-Committees although it was recognised that the Speaker and Chairs of Committees had the right to alter the timing should they believe this to be appropriate at any given time.
- 3.11 The Group agreed that questions from Members of the Council should be moved to the end of the agenda although it was recognised that all agenda items should be respected regardless of their order on the agenda. It was agreed that the Monitoring Officer would remind all Members to deal with parochial items with the relevant Portfolio Holder and Officer/s outside of the Member Question Time at Council meetings.
- e) Proposed Amendments to the Constitution as a result of the Gambling Act 2005
- 3.12 PSMG considered and agreed the proposed amendments to the Scheme of Delegation in Part 8 of the Council's Constitution necessary as a result of the amendments to the Policy Statement 2016 to 2019 in respect of the Gambling Act 2005.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

PSMG agenda and reports - 17 February 2016

Cabinet Member (Portfolio Holder)

Malcolm Pate

Local Member

All

Appendices

None