

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 8 DECEMBER, 2009

REVISION OF COUNCIL CONSTITUTION

REPORT OF THE HEAD OF LEGAL SERVICES

1.0 PURPOSE

- 1.1 To request the Committee to agree the proposed changes to the Constitution, as set out in the report, and recommend their approval to full Council.

2.0 RECOMMENDATIONS

That the Committee recommend to Council:

- 2.1 To agree the process and timetable for implementation of a Scheme for Public Speaking at Plans Board, as set out in paragraph 5 of the report;
- 2.2 To agree the process and timetable for the adoption of a Scheme for Dealing with Petitions, as set out in paragraph 6 of the report;
- 2.3 The adoption of the proposed changes to the Constitution to create a Dispensations Sub-Committee and that the addition of the Terms of Reference for the sub-committee, as set out in paragraph 7 of this report, to Part 2, Article 9 of the Constitution;
- 2.4 The adoption of the proposed changes to the Constitution to establish a Health Monitoring Committee and the addition of the Terms of Reference, as set out in paragraph 8 of this report, to Section 10 of the Constitution.

~~3.0~~ 3.0 SUMMARY

- 3.1 At the Council meeting held on 30 September, 2009 it was resolved that the proposed Scheme for Public Speaking at Plans Board and the proposed Scheme for Dealing with Petitions be referred back to this Committee for further consideration. This report, therefore, provides Members with an update on progress on the Schemes.
- 3.2 Elected members can apply to the Standards Committee for a dispensation to allow them to take part in a council meeting when they would otherwise be prevented from doing so due to a personal and prejudicial interest in the business being discussed at the meeting.

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New legislation has changed the criteria for obtaining dispensations and this report seeks approval of the creation of Dispensations Sub-Committee.

- 3.3 At the Council meeting held on 26 November, 2009 the Leader announced, with Members' full support, the establishment of a Health Monitoring Committee. An appropriate amendment was, therefore, agreed to the Motion on the agenda relating to health provision in Telford and the Motion was carried.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 3 September, 2009 (Minute No. CCC-04 & 05)
Council – 30 September, 2009 (Minute No. 44)

5.0 PUBLIC SPEAKING AT PLANS BOARD

- 5.1 The scheme for Public Speaking at Plans Board was referred back to this Committee by Full Council for further consideration. Before the finalised scheme is brought back to this Committee for approval further consultation will need to take place with:-

- Head of Planning & Transport in order ensure that any proposed scheme can work effectively and efficiently – (December 2009 – January 2010).
- Members of Plans Board (January – February 2010)
- Parish Councils (February 2010)

It is estimated that the final scheme will come back to this Committee in March 2010 for approval and then go on to Full Council in April 2010 for final approval.

6.0 LOCAL PETITIONS

As required by the Local Democracy, Economic Development and Construction Act, a draft Scheme for Dealing with Petitions, including electronic petitions, was referred back to this Committee by Full Council for further consideration. Members will, therefore, receive a presentation on electronic petitions at tonight's meeting. Once a decision has been made on whether to proceed with electronic petitions, a draft Petitions process will be completed. Further consultation will then need to take place with:

- Members
- Customer Services

It is estimated that the final scheme will come back to this Committee in March 2010 for approval and then go on to Full Council in April 2010 for final approval.

7.0 STANDARDS COMMITTEE –CREATION OF DISPENSATIONS SUB-COMMITTEE

- 7.1 On 17 September 2009 the Standards Committee considered the new legislation and were asked to consider establishing a Dispensations Sub-Committee to hear dispensation applications. The provision of a sub-committee to consider dispensation applications is allowed for under Section 54A (1) of the Local Government Act 2000. The benefits of using a sub-committee would be the ability to quickly consider applications which are sometimes made at relatively short notice. It would also fit in with the structure already established to assess Code of Conduct complaints.
- 7.2 At the aforementioned meeting the Standards Committee resolved to make a recommendation to this Committee to establish a Dispensations Sub-Committee with responsibility for considering dispensation applications. The proposed structure for the sub-committee recognises the statutory requirement for an independent chairman, the need for an elected member to be present and that a parish councillor representative should also be a member of the sub-committee if the application is made by a parish councillor. The proposed addition to the constitution to add this sub-committee is set out below.

Terms of Reference of the Dispensations Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

The Dispensations Sub-Committee is established to determine applications from members of the authority for a dispensation in accordance with the provisions of the Local Government Act 2000 (as amended) and the Standards Committee (Further Provisions) (England) Regulations 2009.

2. Composition of the Dispensations Sub-Committee

The Dispensations Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee and at least two shall be elected members of the Authority. When the Dispensations Sub-Committee considers an application from a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative. The Chairman of the Dispensations Sub-Committee must be an independent member of the Standards Committee.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at

least one elected member of the Council and at least one Parish or Town Council representative when considering an application from a Parish or Town Councillor.

8.0 TERMS OF REFERENCE FOR THE HEALTH MONITORING COMMITTEE

8.1 Following the Motion agreed at Council on 26 November, 2009 approval is sought for the establishment of a Health Monitoring Committee and the addition to the Constitution of Terms of Reference for the Committee.

8.2 Terms of Reference

1. To gather information and consider significant issues that are relevant to the local health review and the implications for people in Telford & Wrekin.
2. To work with the Health Monitoring Scrutiny Group and the Joint Health Scrutiny Committee in relation to formal consultations on significant changes to health services in the Borough.
3. To consider and co-ordinate the Councils response to proposals from the PCT for any changes in health service provision in the Borough and to report findings and recommendations to Cabinet.
4. The Committee may invite groups, organisations and individuals to address them, discuss issues of local health service provision and/or answer questions.

The Committee has no delegated powers.

8.3 Membership of the Committee.

1. To consist of a minimum of 6 and a maximum of 12 Members, including all Group Leaders.
2. The allocation of seats on the Committee will be subject to political balance rules.
3. The Chairman will be the Leader of the Council.

8.4. Co-optees

1. The Committee shall be entitled to appoint a number of people as co-optees.
2. Co-optees will not have voting rights.

8.5 Frequency of Meetings.

Meetings will take place as and when required.

8.6 Working Arrangements

The Committee shall be able to convene Working Groups, consisting of the Committee's Members and co-optees to undertake work on its behalf. These are not formally constituted Council committees and therefore do not have to meet in public or meet political balance requirements.

Working Groups will report their findings to the Health Monitoring Committee for onward referral to Cabinet.

8.7 Quorum

At least three Members will need to be present in order for the Committee to be quorate.

9.0 **OTHER INFORMATION**

Equality & Diversity	The business of the Committee considers equality and diversity in an appropriate manner.
Environmental Impact	None arising directly from this report.
Legal Comment	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	There are no financial impact implications arising from this report and any changes can be met from within existing budgets.
Ward Implications	Borough wide

10.0 **BACKGROUND PAPERS**

Council Constitution
Local Government Act 2000 (as amended)
The Standards Committee (Further Provisions)(England) Regulations
2009

Standards Board Guidance in relation to Dispensations (issued July 2009)
The Local Democracy, Economic Development & Construction Act 2009

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