

## **COUNCIL CONSTITUTION COMMITTEE**

### **Minutes of a meeting of the Council Constitution Committee held on Tuesday, 8th June, 2010 at 5.30 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors S.M. Kelly (Chairman), E.J. Carter, A.J. Eade, J.M. Seymour, C.F. Smith and V. Tonks.

#### **CCC-6      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Council Constitution Committee held on the 25th May, 2010 be confirmed and signed by the Chairman.

The Chairman requested the Head of Governance to provide an update report in connection with minute item CCC-4 and as to whether he had been in receipt of the guidance from the Department of Communities & Local Government. The Head of Governance informed Members that the requested guidance had not been received. As a consequence there would need to be a discussion as to whether the previously agreed strategy should be continued and this meeting provided an opportunity to discuss the appropriate response.

Members expressed a view that in the absence of any desire from local residents to proceed with a revised model of governance and given the cost involved in the consultation exercise that any process should be kept at minimum cost. The Head of Governance advised the Committee on the legal implications (potentially challengeable) and the likelihood of the receipt of any such challenge (low) and it was agreed that the original strategy on the consultation would be pursued except that no formal consultation would be included in the Council's "Insight" magazine.

#### **CCC-7      APOLOGIES FOR ABSENCE**

Councillors R.K. Austin and G.M. Green.

#### **CCC-8      DECLARATIONS OF INTEREST**

None.

#### **CCC-9      CHANGES TO FINANCIAL REGULATIONS AND CONTRACT PROCEDURE RULES**

The report of the Head of Governance sought the Committee's approval of proposed changes to the Financial Regulations and the Contract Procedure Rules within the Council Constitution and to recommend their approval to Full Council.

Members were referred to Annex A of the report which detailed the proposed amendments to Part 4 – Section 6 Financial Regulations as contained within the Constitution which had been amended to reflect the proposed changes to the Contract Procedure Rules, which were also to be considered within this report.

The Committee was also referred to Annex B in connection with the Contract Procedure Rules within Part 4 – Section 7 of the current Constitution. Members were informed that these procedure rules had been completely re-written in order to ensure that they reflected the rules on procurement rather than the provision of guidance on how to undertake procurement. All detail on how to conduct procurement had been deleted and replaced with a flow diagram. The rewrite which had resulted in an improvement allowed the document to flow logically, was concise, avoided duplication and included hyperlinks to allow easy access to relevant guidance

The Head of Governance referred to Annex B and stated that he wished to propose a number of additions to the proposed text. In the section which related to Special Exemptions from the Contract Procedure Rules in the “After” section in the first bullet point relating to Contracts between £5000 and £50000 he proposed that at the end of the sentence relating to the approval of variations that the addition of the words “and Finance Manager”. He also proposed a similar addition within the section that dealt with Consultants or Specialist Contractors Tendering/Quotation Procedure in relation to the approval of Waivers to be approved similarly by both the Head of Governance and Finance Manager.

**RESOLVED – to RECOMMEND that Council grants approval of:**

- (a) the changes to Part 4 – Section 6 – Financial Regulations as set out in Annex A of the report; and**
- (b) the changes to Part 4 – Section 7 – Contract Procedure Rules as set out in Annex B of the report subject to the addition of the words “and Finance Manager” within the section in relation to the Special Exemptions from the Contract Procedure Rules for contracts between £5000 and £50000 and within the section in relation to Consultants or Specialist Contractors Tendering/Quotation Procedure in connection with the approval of waivers.**

**CCC-10      SCRUTINY ARRANGEMENTS**

The Head of Governance submitted his report in connection with the proposed scrutiny arrangements following the meeting of the Interim Scrutiny Committee that had met on the 1st June in order to agree proposed Scrutiny arrangements. Members were referred to the proposed changes that had been agreed by the interim Scrutiny Committee as outlined within Appendices 1 and 2 of the report.

Councillor J Seymour commented that she felt that the proposed mix of the numbers of members for the Scrutiny Committees of 6 and 8 would result in increased workload pressures being placed on members to fulfil their respective roles for members of these committees. She felt that all the Scrutiny Committees should be a universal size of 6 members each with the overall political balance of the Council being taken into account.

Councillor A Eade also concurred with this view and the factor of additional pressure was noted and he agreed that in his view the smaller membership would be more effective.

Councillor C Smith expressed concern in relation to the amended proposal particularly when the Interim Scrutiny Committee had agreed on the individual sizes of the membership for each of the Scrutiny Committees and that the proposed view of the Interim Scrutiny Committee was that their proposal better reflected the overall political balance of the Council. He also stated that as many of the Scrutiny Committees would have elements of cross-cutting through the Council, and also made reference to the number of co-optees that would also sit on a number of the Scrutiny Committees, that the number of members reflected the importance of their work.

Councillor J Seymour expressed a view that one of the arguments of reducing the size of the Scrutiny Committees was the element of their respective scrutiny work that would cross-cut among areas of the Council and that the work of Scrutiny would be more effective if the size of the Committees were reduced to 6 and proposed that the report should be noted and referred to Full Council with a recommendation that the size of the 7 priority themed Scrutiny Committee be limited to a maximum of six members per Committee.

Councillor V Tonks stated that he agreed with the views of Councillor Smith and further questioned that the Interim Scrutiny Committee time taken to achieve a collective view had been wasted.

Councillor A Eade also stated that it was his view that the recommendation contained at 2.3 of the report should be extended to include the Scrutiny Assembly. It was further stated by Councillor J Seymour that the consideration of Statutory Health Scrutiny Functions including the appointment of Members and Co-optees to any Joint Health Scrutiny arrangements and other associated matters should fall within the remit of the Active Lifestyles, Leisure & Culture Scrutiny Committee.

The Head of Governance confirmed that the respective views of both of the Interim Scrutiny Committee and the Council Constitution Committee would be available to enable a full debate at Full Council.

### **RESOLVED - TO RECOMMEND TO COUNCIL**

- (a) the proposed changes to the Scrutiny arrangements as recommended by the Interim Scrutiny Committee at its meeting on 1<sup>st</sup> June 2010 for approval by Council at its meeting on 24<sup>th</sup> June 2010, subject to the following proposed amendments:**
  - (i) that the membership of all seven Council priority Scrutiny Committees have a maximum membership of six members; and,**
  - (ii) that that the consideration of Statutory Health Scrutiny Functions including the appointment of Members and Co-optees to any Joint Health Scrutiny arrangements and other associated Health**

**matters should fall within the remit of the Active Lifestyles, Leisure & Culture Scrutiny Committee.**

- (b) that Members further note that Full Council shall at its meeting to be held on 24th June 2010 appoint the Chairmen and Vice-Chairmen of the 7 Scrutiny Committees together with the Chairman of the Scrutiny Assembly.**

**CCC-11 VOTING SCHEME FOR CO-OPTees ON THE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE**

The report of the Head of Governance was received which sought approval of the proposed voting scheme for co-opted members on the Joint Health Overview and Scrutiny Committee with Shropshire Council and to recommend the proposed scheme to Full council. The report also requested that the Committee should consider the elected Telford & Wrekin member representation on the Joint HOSC.

The Committee was reminded that on 29th October 2009 full Council had agreed to grant voting rights to the 3 co-opted Members of the Joint Health Overview and Scrutiny Committee. The voting rights were granted to enable the co-optees to exercise their right to vote in respect of matters relating to the re-configuration of health services that were subject to consultation by Telford and Wrekin PCT and Shropshire PCT. It was further reported that recently Shropshire Council had recently changed their membership for both the elected members and their co-optees to have similar right to vote in the re-configuration consultation including Mental Health Services.

Members were requested to confirm the voting rights for the Telford & Wrekin co-opted members of the Joint HOSC to ensure that the same rights applied to both authorities.

The Committee was further requested to consider the Telford & Wrekin elected membership on the Joint Health Overview and Scrutiny Committee. It had been agreed by the Interim Scrutiny Committee at its meeting held on the 1st June 2010 that a discussion would be held by Group Leaders to determine the third elected member representative from Telford and Wrekin on the Joint HOSC. Members were referred to the guidance from the Department of Health which stated that appointments to Overview and Scrutiny Committees should generally reflect the political make up of the full Council. The Head of Governance stated that in accordance with the existing overall political balance of the Council that the Joint Health Overview and Scrutiny Committee would be made up of two Conservative nominations and one labour nomination members.

Councillor C Smith commented that it was important that Scrutiny should represent the whole of Council and that it would be more appropriate that the overall political balance was not taken into account and suggested that the third seat should be discussed by Group Leaders in order to agree the third member on this basis. He further stated that using one of the minor parties in this respect would widen and represent the full views of the Council.

The Chairman noted that party politics had never been introduced particularly when the Council agreed campaign had been established last year following the re-configuration of Health Services had been introduced and he hoped that the same level of support would be repeated in the future notwithstanding that the political balance of the Council was agreed to be introduced in relation to the elected member representation on the Joint Health Overview and Scrutiny Committee.

**RESOLVED – to RECOMMEND that COUNCIL:**

- (i) grants approval of the voting scheme for the Telford & Wrekin co-opted members of the Joint Health Overview and Scrutiny Committee as outlined within Appendix 1 of the report;**
- (ii) grants approval for the responsibility for the Statutory Health Scrutiny function including the appointment of members and co-optees to any Joint Health Scrutiny arrangements be moved from the Adult Care & Support Scrutiny Committee to the Active Lifestyles, Leisure & Culture Scrutiny Committee as shown at paragraph 2.7 of Part 4 – Overview & Scrutiny Procedure Rules;**
- (iii) that the appointment of elected members to serve on the Joint Health Overview and Scrutiny Committee be in accordance with the current overall political balance of the Council , i.e. Conservative 2 seats and Labour 1 seat.**

The meeting ended at 6.10 p.m.

**Chairman:** .....

**Date:** .....