

# MUNICIPAL YEAR 2008/2009 REPORT NO. 236

## MEETING TITLE AND DATE:

Council – 1 April 2008

## REPORT OF:

Director of Finance &  
Corporate Resources  
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**Agenda – Part: 1**

**Item: 12**

**Subject:** Recommendations from  
Constitution Review Group

**Cabinet member consulted:** Councillor  
Rye

## 1. EXECUTIVE SUMMARY

This report sets out a number of issues and recommendations from the Constitution Review Group, namely:

- 1.1 Councillor Call For Action – New Procedure
- 1.2 Changes to the Council Meeting Procedures relating to Opposition Business

## 2. RECOMMENDATIONS

- 2.1 To agree a new procedure, for inclusion within the Council's Constitution, for the implementation of the councillor call for action, as required by the Local Government and Public Involvement in Health Act 2007, and as detailed in Appendix A.
- 2.2 To agree an amendment to the Council's Constitution in respect of Council Meeting Procedures – Opposition Business (Part 4, Council Procedure Rules, Paragraph 13 of the Council's Constitution), as detailed in paragraph 3.3 of the report.

## 3. BACKGROUND

### 3.1 Introduction

The Constitution Review Group met on 5 March 2009 where it considered the following issues, and agreed that they should be referred to Council for approval:

- Implementation of “Councillor Call for Action”
- Changes to the Council Meeting Procedures – Opposition business

### **3.2 Councillor Call for Action (CcfA)**

Councillor Call for Action (CCfA) is about helping councillors to resolve issues and problems on behalf of their residents. It will allow all councillors to refer matters to scrutiny for consideration, but only after all other methods of resolution have been exhausted. It is being introduced as part of the regulations enacting section 119 of the Local Government and Public Involvement of Health Act 2007 which come into force on 1 April 2009.

The guidance states that it is up to local councils to decide how the system should operate.

Having reviewed the I&DEA and Centre for Public Scrutiny guidance, issued at the end of February 2009, it is recommended that the streamlined process in appendix A is adopted. If agreed, it will be added as a new section (4.2 para 21) to the Scrutiny Rules of Procedure within the Council’s Constitution. This process has been based upon consultation with local authorities that have piloted Councillor Call for Action and officers in the London Scrutiny Network (hosted by London Councils).

Overview and Scrutiny Committee (10 March 2009) have also had the opportunity to look at this procedure and have given their approval.

### **3.3 Council Meeting Procedures – Opposition Business**

Part 4 of the Council’s Constitution, Chapter 4.1 Council Procedure Rules, Paragraph 13.1 currently reads as follows:

“The Council will, at 4 meetings a year give time on its agenda to issues raised by the Opposition Group. This will be at the first meeting (June) and the third, fourth and sixth meetings of the seven ordinary meetings programmed each year (unless otherwise agreed between the political parties). Forty five minutes will be set aside at each of the four meetings.”

The issue had been referred to CRG partly because it was felt that provisions should be reviewed regularly and partly as a result of the confusion that had arisen during the last session of opposition business. CRG were asked to consider whether 45 minutes was enough time for opposition business and whether provision should be built in for a third party.

The group felt that it was important to protect the interests of the opposition and recommended that changes should be made to ensure that a minimum of 45 minutes were set aside for opposition business. They also thought that the leader of the opposition should be given 5 minutes, before the response of the majority party, to round off the debate.

Some discussion took place about the possibility of allowing other opposition parties to put forward their own opposition business but it was felt that this should remain the privilege of the second largest party.

They agreed to recommend that Council accept following changes to the constitution: -

To insert the words "A minimum" before "forty five minutes" in the final sentence of the first paragraph 13.1.

To include a new step in 13.3 (f) between step (vi) and (vii) to allow the opposition 5 minutes to round off the debate. Wording as follows:-

"Before the majority party concludes the debate, the leader of the opposition will be allowed no more than 5 minutes to sum up the discussion"

"Opposition group" to be replaced by "second largest party".

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

None. The changes are necessary to ensure that the Council's Constitution is kept up-to-date and conforms with new legislation.

#### **5. REASONS FOR RECOMMENDATIONS**

To seek approval for the proposed changes to the Council's Constitution.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

There are no financial implications arising from the changes for opposition business. Any associated costs will be contained within existing resources.

It is difficult to assess resources required at this time for CcfA as it is a new requirement for councils. The new statutory role, which scrutiny will have to enact will be kept under review, and resources re-allocated if required.

##### **6.2 Legal Implications**

The Constitution sets out how the Council operates within legal requirements.

It is necessary to review the documents periodically to reflect changes in circumstances or to introduce more effective working practices as evidenced in the recommendations.

S. 21A of the Local Government Act 2000 which is inserted by section 119 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) requires each local authority operating executive arrangements to ensure its overview and scrutiny arrangements enable any member of the authority to refer a local government matter to the relevant overview and scrutiny committee (“Councillor call for action”). The legislation is expressed as mandatory.

S 21A(10) defines the matters, which can be referred to overview and scrutiny committees. Those matters are intended to be any matter that relates to the work of the local authority other than a local crime and disorder matter (such matters being dealt with by the Police and Justice Act 2006, which is amended by section 126 of the 2007 Act), or a matter in a category which the Secretary of State has excluded by order such as those matters listed in S.I. 2008 no. 3261.

The provisions will be implemented in accordance with published best practice guidance.

### **6.3 Risk Management Implications**

There are strategic risks and risks to the council’s reputation. If the scrutiny function is to fulfill the expanded role of the Councillor Call for Action, contributing to effective community leadership by Ward Councillors, and to increase public participation, effective support is essential. Failure to respond appropriately could hinder the delivery of the Council's objectives and adversely effect its reputation.

## **7. PERFORMANCE MANAGEMENT IMPLICATIONS**

The proposed amendments to the Constitution contribute to the objective of Aim 5 – supporting the delivery of excellent services.

The role of Scrutiny and Scrutineer Councillors is seen as key to improving local accountability and transparency in addressing community issues through the role of elected members.

Engaging the community in resolving issues will serve to increase community confidence

## **9. COMMUNITY IMPLICATIONS**

The formalization and expansion of the scrutiny role and the introduction of the Councillor Call for Action will provide improved opportunities for residents, through their ward Councillors, to voice concerns to a wider range of local providers with the ultimate aim of improving services and local accountability.

## **8. PUTTING ENFIELD FIRST**

Aim 5(e) Provide effective community leadership and promote active citizenship involvement in decision making

Aim 5(g) Ensure the Council maintains strong corporate governance in line with more demanding legislative requirements.

## **9. Background Papers**

Report to Constitution Review Group (5.3.09)

Local Government and Public Involvement in Health Act 2007

Police and Justice Act 2006

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Councillor Call for Action best practice guidance (I&DEA and CFPS February 2009)