

Report of the Monitoring Officer – Items for decision

Cabinet Member: Cllr D Fothergill – Leader of the Council

Division and Local Member: All

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1. Summary

- 1.1** This report sets out recommendations to Council following consultation with the Constitution & Standards Committee on 6 July 2018.
- 1.2** Paper A (the Empowerment of the Section 151 Officer) sets out the key proposals that were considered by the Constitution & Standards Committee on 6 July 2018, following a decision by the Chief Executive on 13 June 2018 to appoint an Interim Director of Finance after the resignation of Kevin Nacey, Director of Finance, Legal and Governance. The Constitution & Standards Committee supported the proposed recommendations set out below to go forward to Full Council to consider on 18 July.
- 1.3** Paper B (Full Council meeting procedure rules, Public Question Time rules and scrutiny call-in procedure) sets out the key proposals that were also considered by the Constitution & Standards Committee on 6 July 2018. The Constitution & Standards Committee supported the proposed recommendation regarding the revision to the scrutiny call-in procedure but there was extensive debate regarding the proposed revisions to the Full Council meeting procedure rules and Public Question Time rules.
- 1.4** The debate at the Committee regarding the proposed revisions to the Full Council meeting procedure rules and Public Question Time rules included the following key points:
- i) A request for the Monitoring Officer to revise the proposals being recommended to Council to include a new proposal relating to the time allocated for Public Question Time. The Full Council meeting rules and Public Question Time rules allocate up to 20 minutes for public question time at all meetings. Members cited a number of examples where the time allocated has been extended to allow for significant public representations received. Members therefore felt that this provision should be revised to ‘up to 20 minutes or such time as agreed by the relevant Chair of the meeting’.
 - ii) Where a person raising a question is unable to attend or identify someone else to ask the question on their behalf then it was requested that the rules then allow for the relevant Democratic Services Manager to read out their question at the meeting, for a verbal reply to be provided and a written reply provided to the person who raised the question.

- iii) Currently there is no restriction on the number of questions that an individual person can submit for Public Question Time at a meeting. Where there is repetition or duplication, then Democratic Services staff work with the Chair of the meeting and those whom have submitted multiple questions to ensure that duplication and repetition is reduced. Some concerns were raised by some members of the Committee regarding the proposals to limit public questions to one question per member of the public (or someone representing an organisation) per meeting.

The Committee supported the other proposals in the report, including the deletion of the Vice-Chair from the scrutiny call-in procedure.

1.5 In addition to the Committee meeting, the Monitoring Officer has consulted Political Group Leaders on the proposals that were submitted to Constitution & Standards Committee. One representation has been received and this also has requested that the proposal to limit public questions be revised to either one question per agenda item or three questions per meeting.

1.6 I have considered the consultation responses and have revised some of the proposals that were considered by Constitution & Standards and these revisions are set out in Paper B along with the other proposals for Full Council to consider, debate and decide. The revisions I have made are as follows:

- i) New proposal now included regarding the time allocated at meetings for Public Question Time and it is recommended for Council to consider this to be 'up to 20 minutes or such time as agreed by the relevant Chair of the meeting'.
- ii) Where a person raising a question is unable to attend a meeting or identify someone else to ask the question on their behalf then it is proposed that the relevant Chair of the meeting or the Democratic Services Manager reads out their question at the meeting, for a verbal reply to be provided and a written reply then provided to the person who raised the question.
- iii) In respect of public representations or representations on behalf of an organisation received for Public Question Time at a meeting then it is proposed that that the relevant Chair of the meeting shall accept from an individual person or someone representing an organisation no more than three questions for the meeting or one question per agenda item, providing that the questions do not duplicate or are similar to another question that has been submitted for a meeting. Where there is duplication or the question or statement is similar then it is proposed that those will be rejected.

A fundamental principle for the meeting procedure rules remains the role of the Chair of that meeting working with officers to manage Public Question Time as best as possible in order to strike an appropriate balance between enabling public representations and ensuring there is adequate time for members debate at a meeting.

2.0 **Recommendations**

2.1 **Appointment and empowerment of the Section 151**

Officer – see Paper A that sets out the key proposals which Constitution & Standards Committee considered and endorsed at its meeting on 6 July 2018.

The Council is recommended to agree:

1. **Appoint and allocate the statutory Chief Finance Officer (Section 151 Officer) role to the Interim Director of Finance with effect from the 18 July 2018 pending the recruitment of a permanent employee to the role of Corporate Director for Resources.**
2. **Agree, subject to the agreement of the Council to (1) above to amend the Constitution and Council Scheme of Delegation to recognise and empower the Interim Director of Finance to undertake all of the statutory functions of a Chief Finance Officer (Section 151 officer), the functions of the Director of Finance, Legal and Governance and take all decisions related to the role;**
3. **Delegate authority to the Monitoring Officer to make any changes necessary to the Constitution as a result of the decisions of the Council.**
4. **Recommend the Leader to make complementary changes to those outlined in 2.1 (2) above to the Cabinet Scheme of Delegation.**

2.2 **Full Council meeting procedure rules, Public Question**

Time rules and scrutiny call-in procedure - see Paper B and its appendix which sets out the key proposals that Constitution & Standards Committee considered and incorporates revisions that the Monitoring Officer has made to the proposals being presented to Full Council for approval.

The Council is recommended to agree:

1. **the proposals regarding the proposed amendment to the Full Council meeting procedure rules and Public Question Time provisions within the Constitution as set out in paragraphs 3.1- 3.11 of Paper B.**
2. **the proposals regarding the proposed amendment to the scrutiny call-in procedure as set out in paragraph 3.16 of Paper B.**

3. note the work to be undertaken investigating options to improve the effectiveness of scrutiny (see paragraph 3.17 of Paper B)

3. Options considered and consultation undertaken

- 3.1 Options considered and details of consultation undertaken in respect of the recommendations set out above are set out in the reports and appendices within Papers A and B.

4. Implications

- 4.1 Financial, legal, Human Resources, equalities, human rights and risk implications in respect of the recommendations set out in this report are detailed within Papers A and B.

It is essential that consideration is given to the legal obligations and in particular to the need to exercise the equality duty under the Equality Act 2010 to have due regard to the impacts based on sufficient evidence appropriately analysed.

The duties placed on public bodies do not prevent difficult decisions being made such as, reorganisations and service reductions, nor does it stop decisions which may affect one group more than another. What the duties do is require consideration of all of the information, including the potential impacts and mitigations, to ensure a fully informed decision is made.

5. Background Papers

- 5.1 These are set out within Papers A and B and their appendices.