FULL COUNCIL 24.06.10 ITEM 14

TITLECHOOSING TO CHANGE PROGRAMMEGOVERNANCE AND LEADERSHIP
CONSTITUTIONAL REVIEW PHASE 2

EXECUTIVE MEMBER: CHOOSING TO CHANGE BOARD

LEAD OFFICER: INTERIM CHIEF EXECUTIVE

REPORT AUTHOR: HEAD OF LEGAL AND DEMOCRATIC SERIVCES

Summary: The purpose of this report is to advise the Council on the work carried out to date by the Constitutional Working Group on behalf of the Choosing to Change Board, and to make recommendations to amend the Council's Constitution and procedure governing Outside Bodies arising out of this work.

Recommendations:

- 1. That the Council agrees to the amendment of the Member/Employee protocol agreed by Council on 13th April 2010 attached at Appendix A
- 2. That the Council agrees to the amendment of the Council Procedure Rules agreed by Council on 13th April 2010 attached at Appendix B and that they take effect at the meeting on 24th June 2010.
- 3. That the Council agrees to extend the right of the public to ask questions at meetings to those of the Executive in accordance with a process the detail of which is delegated to the Leader of the Council and the Head of Legal & Democratic Services
- 4. That the Council agrees to delegate to the Planning Panel matters previously reserved to Council in relation to Council planning applications set out in Chapter 10 of the refreshed Constitution at Appendix C
- 5. That subject to the Council's agreement to the recommendations at 1, 2, 3 and 4 above the Council agrees to the refreshed Constitution attached at Appendix C, and to the consequential replacement of the Council's current Constitution by the Head of Legal and Democratic Services

1. INTRODUCTION

1.1 A joint member/officer working group led by the Leader of the Council was appointed by the Council's Choosing to Change Board to look at how the Council's current governance arrangements (excluding scrutiny which was undergoing a separate review) could be improved to better equip the Council for its future challenges. It was agreed that a complete review would take time and should therefore be split into a number of phases. This report addresses aspects of phase 2 of the Review.

- 1.2 Members are referred to the previous report on Phase 1 which was agreed by Council on 13th April 2010.
- 1.3 Members will recall that the Constitutional Working Group (the Group) focused on 5 priority areas
 - Meetings of the Full Council (aiming to introduce modernised Council Procedure Rules and ideas around modernisation of meetings, overhaul the outside body system, engagement of the public, enhance Members understanding)
 - Identifying omissions from the Constitution, including governance around partnerships, locality working
 - Scheme of delegation should this be extended to Portfolio holders, but in addition is it fit for purpose generally
 - Was there a need for greater budget engagement with Members and the Public
 - Member/Employee relations (update, translate and communicate the current Protocol)
- 1.4 Continuing with the work of Phase 1 the Group considered a complete refresh of the Constitution, taking into account best practice from elsewhere in relation to its substance, while at the same time introducing a new innovative style of Constitution in order to enhance engagement and raise awareness and understanding of the business of the Council (Appendix C)
- 1.5 Amendments to the Member/Employee Relations Protocol, which were omitted by oversight, and the Order of Business at Ordinary Meetings of the Council attached at Appendices A and B are brought in this report. A Mock Council training session held on 7th June 2010 highlighted the need for the Group to revisit Rule 2 of the Council Procedure Rules agreed on 13th April 2010, and it is envisaged that this clarification will assist in the efficient running of the business of full Council.
- 1.6 The work of the Group concentrated on improvements which would help to address the priority areas at 1.3 above, and whilst it should be accepted that this is always work in progress in any Council, key recommended changes set out in paragraph 4 below culminating in the 5 recommendations at the beginning of this report will play an important part in taking the Council forward in its change agenda.

2 ARGUMENT

- 2.1 This work serves a dual purpose. It both contributes to the change agenda initiated by the Council in 2009, and in particular the concerns raised in September 2009 by Members around Governance and Member/Employee relations, and it assists the Head of Legal and Democratic Services as Monitoring Officer in keeping the Constitution under regular review.
- 2.2 This report is part of an ongoing constitutional review by the Choosing to Change Board through the Group. This includes monitoring the effectiveness of any changes made by Council as a result of the recommendations in this report, and a review of the changes where agreed.
- 2.3 If Council accepts the recommendations set out in this report the next step for the Group will be to consider a timetable for its work under the guidance of the Choosing to Change Board, and keeping in focus the 5 priority areas initially identified.

3 OPTIONS TO BE CONSIDERED

- 3.1 Continue with current arrangements
- 3.2 Agree recommendations set out in this report

4 CONCLUSIONS

- 4.1 Key outcomes on developing improved governance processes seeking approval by Full Council on 24 June 2010 are
 - Amendments to processes agreed on 13 April 2010 demonstrating a commitment to review, monitor and develop. Thirty two members attended the Mock Council on 7 June 2010. Engagement was high, demonstrating a commitment to work together leading to further improvement to the Council Procedure Rules (Recommendations 1 and 2- Appendices A and B)
 - Extension of enhanced public question time at Council to include the Executive meetings (Recommendation 3)
 - Delegation from Council to Planning Panel on Council planning applications leading to a more streamlined planning service (Recommendation 4 set out in Chapter 10 of the Constitution - Planning – Appendix C)
 - Refresh of the content of the Council's Constitution, in addition to above

outcomes includes other key areas and identification of omissions as follows:

Conversion to plain English where possible; enhanced explanation around citizen involvement, Members and Employees roles, Council business generally; introduction of Chapter 11 on Joint Arrangements, Locality Working and Partnerships; Introduction of Guidance on Officer Scheme of Delegation; improving transparency of decision-making process by deleting urgent actions outside Executive and committee processes and delegating to the Chief Executive the authorisation of such exceptions in Chapter 20; minor change to licensing delegations

- 4.2 Key areas relating to Contracts and Financial Regulations are at an advanced stage of revision and consultation, and the intention is that they will be brought to Council for approval and incorporation in Chapters 14 and 17 in the near future. Current Rules apply for the time being.
- 4.3 Work on the strategic partnership for Copeland is also ongoing, and again the intention is that Council will be recommended to incorporate details of these arrangements into Chapter 11 of the Constitution in the near future.
- 4.4 There is a commitment to monitor, review and build on improvements made to date around
 - engagement of the Public and Members generally, to include budget
 - Council proceedings
 - extension of delegations to Portfolio Holders
 - delegations generally in the way the Council carries out its business
- 4.5 There is a commitment to embed any recommendations agreed on 24 June 2010 as soon as possible.

List of Consultees:

Members and Officers of the Council

Background Papers: Constitutional Working Group papers Choosing to Change Reports to Council

Choosing to Change Report Constitutional Review 24.06.10

Appendix A

Proposed Amendments to Member/Employee Protocol

33. A Member should not apply undue pressure on an employee of the Council, as set out in their code of conduct.

34. Similarly, an Employee must not seek to influence an individual Member to a make a decision in his/her favour, nor raise personal matters to do with his/her job, nor make claims or allegations about other employees, except in accordance with any agreed Council procedure or in accordance with law. Members who receive any such approach should advise the Chief Executive or the Head of Legal and Democratic Services immediately. The Council has formal procedures for consultation, grievance and discipline which addresses these matters

Appendix B

Proposed Amendments to order of Rule 2.2 - Council Procedure Rules (in bold)

2.2 Order of business at an Ordinary Meeting

The order of business at every Council Meeting of the Council will be:

- a) Choose a person to preside if the Mayor and Deputy Mayor are absent
- b) Deal with any item required by statute to be done before any other business
- c) Approve as a correct record and sign the minutes of the last meeting of the Council
- d) Declarations of interest
- e) Mayor's announcements
- f) Dispose of business (if any) remaining from a previous meeting
- g) Receipt of petitions

h) receive and answer questions under Rule 12 from members of the public in the order received (30 minutes)

i) receive and answer questions under Rule 13.1 from Members of the Council in the order received (30 minutes)

j) Receive reports for information

k) Receive and answer questions under Rule 13.2 from Members of the Council in the order received (30 minutes)

- I) Receive and debate reports for decision
- m) Consider motions under Rule 14 in the order received

n) Other business, if any, specified in the summons

o) Other business to be considered on grounds of urgency as agree by the Mayor under section 100B of the Local Government Act 1972 [end Appendix B]