

CONSTITUTION WORKING PARTY

Meeting: 2 October 2008

At: 3.30pm

PRESENT

Councillors Shan Alexander, Chris Baker, Peter Burns, Sue Derbyshire, Philip Harding, Bryan Leck, John Pantall and David White.

Also in attendance

Martin Gleave – Head of Procurement, Business Services Directorate
Barry Khan – Service Director (Legal & Property), Business Services Directorate
Andy Moran – Strategic Accountant (Corporate), Business Services Directorate
Louise Richardson – Head of Policy & Scrutiny, Chief Executive's Directorate
Jane Scullion - Assistant Chief Executive (Strategy, Performance & Governance)
Jonathan Vali - Principal Democratic Services Officer, Chief Executive's Directorate

1. ELECTION OF CHAIR

RESOLVED – That Councillor Sue Derbyshire be elected Chair of the Working Party for the period until the next Annual Council Meeting.

Councillor Derbyshire in the Chair

2. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 16 April 2007 were approved as a correct record.

3. DECLARATIONS OF INTEREST

Councillors and officers were invited to declare any interests which they had in any of the items on the agenda for the meeting.

Personal Interest

<u>Councillor</u>	<u>Interest</u>
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David White	Agenda Item 8, 'Human Resources Issues' as a member of Unison (see Minute 9 below)
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4. CONSTITUTION – UPDATE TO LIST OF POLICY FRAMEWORK ITEMS

The Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) inviting the Working Party to consider whether any alteration was required to the list of Policy Framework items, as set out in Article 4 of the Constitution.

A further proposed list of Policy Framework items was circulated.

RESOLVED – (1) That the report be noted.

(2) That the Assistant Chief Executive (Strategy, Performance & Governance) and the Service Director (Legal & Property) be requested to submit a further report to the next meeting setting out proposed items for inclusion in the Policy Framework and whether each policy:-

- was currently in the Framework;
- had changed since its initial inclusion;
- was required by statute to be included, and
- required approval by a partner agency.

5. PR5 - UPDATE OF FINANCIAL PROCEDURE RULES

The Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) inviting the Working Party to consider proposed minor amendments to the Financial Procedure Rules.

Further amendments to Rule 18 relating to Internal Audit were circulated.

RESOLVED – (1) That the Council Meeting be recommended to adopt the proposed amendments to the Financial Procedure Rules (PR5), subject to the following additional amendments:-

- Paragraph 2.7 – remove 'Local Education Authority' and replace with 'Local Authority'
- Paragraph 17.1 – remove 'managers' and include 'governors'.

(2) That the Service Director (Finance) be requested to provide clarification to the next meeting on reasons for the removal of the phrase 'reporting service' from paragraph 18.1.

6. PR6 - UPDATE OF CONTRACT PROCEDURE RULES

The Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) inviting the Working Party to consider proposed minor amendments to the Contract Procedure Rules.

RESOLVED – That the Council Meeting be recommended to adopt the proposed amendments to the Contract Procedure Rules (PR6), subject to the amendment of Paragraph 14 (b), second sentence to read "These representatives shall be representatives of the Council or associated companies".

7. CP4 – UPDATE, CONFIDENTIAL REPORT POLICY ("WHISTLEBLOWING")

The Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) inviting the Working Party to consider a report previously considered by the Standards Committee recommending changes to the Council's Confidential Reporting Policy ("Whistleblowing").

The Working Party discussed the role of Councillors in the 'whistleblowing' procedure and whether this was the most appropriate mechanism.

RESOLVED - That the Assistant Chief Executive (Strategy, Performance & Governance) be requested to revise CP4 Confidential Reporting Policy ("Whistleblowing") in accordance with the proposals contained in the report, and the following additional suggestions, and submit a further report to the next meeting:-

- Paragraph 4.1 – amend proposed change to include 'on council business' in reference to contractors.
- Paragraph 7.1 – replace 'malpractice' with 'wrong-doing including malpractice'.
- Paragraph 8.6 - change wording to make clear that the appropriate officer in the Council/ investigating body would be responding to the complainant.
- Paragraph 8.11 – include 'telling you of the outcome'.
- Paragraph 10.1 – under the first bullet point, replace 'A Councillor' with 'A Stockport Councillor', and under second bullet point replace 'Fiona Blatcher' with 'Tim Watkinson'.
- Include reference to other mechanisms for Councillors to raise concerns through the Chief Executive or Monitoring Officer.

8. REMUNERATION PANEL

The Assistant Chief Executive (Strategy, Performance & Governance) reported on the outcome of a recent meeting of the Independent Remuneration Panel.

It was reported that the Panel had considered the Special Responsibility Allowance paid to the Chair of the Audit Committee, but had not made any recommendation in order to gather further information on the arrangements of other Local Authorities and to interview the Chair.

The Panel also considered the remuneration paid to the Chair and Co-opted Members of the Standards Committee, in light of the changes to the Committee's work load following the introduction of the local filter. The Panel again asked for further information about the practice of other Local Authorities.

The Panel considered whether Schedule 1 of the Members Allowance Scheme should be removed. The Panel felt that rather than update the Constitution every year following the annual pay settlement, reference should be made within the Schedule to this mechanism. It was stressed that details of the allowances would continue to be provided to the public through the Statutory Notice and on the Council's website.

Finally, the Working Party discussed the Remuneration Panel's proposals on amendment to the list of Councillors' approved duties and whether there was any scope for changing the allowances that can be claimed for these duties, in particular the costs associated with attending conferences and events on behalf of the Council. The Panel were minded to allow some flexibility to this, in exceptional circumstances and at the discretion of the Chief Executive.

The Working Party also discussed the allowances paid for travel and subsistence, and whether these were adequate to cover the costs associated with approved duties. It

was clarified that these allowances were paid at the same rate as that provided to Council employees.

RESOLVED – (1) That the report be noted.

(2) That Working Party supported a recommendation to the Council Meeting to approve the removal of Schedule 1 of the Members Allowance Scheme (Part 6), and include reference to the mechanism for setting/ revising the allowances in line with the Local Government Pay Settlement, in accordance with the recommendations of the Independent Remuneration Panel, and subject to the details of the allowances being available to the public.

(3) That the Independent Remuneration Panel be requested to give further consideration to whether the current travel and subsistence allowances adequately reflected the cost of these expenses incurred on Council business.

9. HUMAN RESOURCES ISSUES

The Service Director (Organisation Development) submitted a report (copies of which had been circulated) inviting the Working Party to consider the terms of reference of the Employment Appeals Committee as set out in Appendix 5 of Part 3 - Scheme of Delegation of the Constitution.

RESOLVED – (1) (One against) That the Council Meeting be recommended to amend Appendix 5 of the Scheme of Delegation to remove reference to the Employment Appeals Committee hearing or determining appeals against grading decisions, but that the Committee continues to hear appeals against dismissals and grievances.

(2) That the Council Meeting be recommended to consider altering the terms of reference of the Employment Appeals Committee to require that only members who have received appropriate training in employment law (to be agreed by the Corporate Director, Business Services or his representative) be permitted to sit on the Committee, and that the membership be increased to provide a pool of suitably trained members.

10. REFERRALS FROM AREA COMMITTEES

The Assistant Chief Executive (Strategy, Performance & Governance) reported on a number of referrals to the Working Party:-

(i) Site Visits

The Bramhall Area Committee had asked the Working Party to consider an amendment to the planning scheme of delegation to Area Committees so that applications recommended by officers for a site visit did not prevent the Area Committees from determining the application without being referred to the Planning and Highways Regulation Committee.

(ii) Chairs and Vice Chairs meeting

At a meeting of Chairs and Vice Chairs of area committees it was requested that the Working Party consider the following -

(a) Review the existing powers delegated to Area Committees including an increase in delegated budgets together with improved reporting arrangements to ensure Area Committees can respond to local issues;

(b) Investigate the feasibility of introducing Ward Committees;

(c) The need for better support for members e.g. broadband so that all Councillors can access information electronically; and

(d) Officer recommendation for a site visit on a planning application should not automatically require the application to be referred to the Planning & Highways Regulation Committee and Area Committees having the discretion to determine the application.

RESOLVED – That consideration of the referrals be deferred until a future meeting to allow appropriate officers to provide further information, in particular the evaluation of the Area Committee pilots.

11. INCORPORATION OF LEGISLATIVE CHANGES OR CHANGES RESULTING FROM ESTABLISHMENT OF BODIES

The Service Director (Legal & Property) reported on a number of recent changes in legislation, and changes arising from the establishment of new bodies or arrangements, the effect of which would need to be reflected in the Constitution, in particular the establishment of the Stockport/Trafford Joint Highways Committee, the AGMA constitutional changes, the changes brought about by the Local Government and Public Health Act and the Registration Services Act, and the arrangements for the Standards Committee local filter.

RESOLVED – That the Assistant Chief Executive (Strategy, Performance & Governance) be recommended to revise the Constitution as appropriate to reflect recent legislative changes and changes resulting from the establishment of bodies, and to submit these changes to the Council Meeting.

12. PETITIONS

The Assistant Chief Executive (Strategy, Performance & Governance) submitted a report (copies of which had been circulated) providing the Working Party with information on the current Department of Communities and Local Government consultation on petitions, as part of the wider consultation on the White Paper 'Communities in Control'.

A copy of the consultation paper was also circulated.

RESOLVED – (1) That the report be noted.

(2) That in relation to the consultation on petitions, the Working Party believes:-

- That the Council already has in place appropriate mechanisms for submitting and considering a petition through its area committee structure, and that the proposals in the White Paper would potentially bypass local councillors and their role as community champions.

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- That since the majority of petitions submitted to the Council concern planning applications, the procedures proposed cannot apply, nor could they apply to petitions which relate to specific time limited matters.
- That the procedures proposed do not adequately address the issue of responding to petitions and counter-petitions on the same matter.

(3) That in relation to Chapter 3 and the summoning of Chief Officers to public meetings, the Working Party believes:-

- That a clear distinction needed to be made between a Local Authority which has accountable, elected Councillors who are subject to scrutiny at public meetings, and Chief Officers of other public bodies, such as health authorities, where similar accountability does not exist.
- That concerns remain about the mechanism for petitioning for such scrutiny, and in particular what checks and balances would be in place to prevent vexatious petitions.

The meeting closed at 5.40 pm.