

CONSTITUTION WORKING PARTY

Meeting: 6 August, 2009

At: 2.00pm

PRESENT

Councillor Sue Derbyshire (Chair) in the Chair; Councillors, Peter Burns, John Pantall, Peter Scott, Maureen Walsh and David White.

Also in attendance

Barry Khan	- Service Director (Legal & Property), Business Services Directorate
Mike Iveson	- Head of Committee Services, Chief Executive's Directorate
David Clee	- Principal Democratic Services Officer, Chief Executive's Directorate

1. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 3 July 2009 were approved as a correct record.

The Chair reported on the recommendations to the Council Meeting made at the Executive Meeting on 3 August in respect of proposed amendments to the Constitution and indicated that it was intended to hold a briefing for area committee and scrutiny committee chairs and vice chairs on the proposed CCfA and revised public question time procedures.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. STRENGTHENING LOCAL DEMOCRACY (JULY 2009) - CONSULTATION PAPER

The Working Party considered a consultation paper (copies of which had been circulated) issued by the Department for Communities & Local Government entitled - "Strengthening Local Democracy".

Members of the working party discussed the content of the consultation paper and suggested that since the consultation period allowed, further consideration could be given to specific issues within the consultation at the next meeting also prior to the Council's formal response being issued.

In considering the consultation paper the following comments were made -

Preamble

- The imperatives referred to in paragraph 7 would have implications for scrutiny and area committees;

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- The issue of personalised services had major implications for adult services and required further consideration;
- The need for clear, democratic and accountable leadership at Sub Regional level had implications for AGMA and needed to be addressed by that body;

Chapter 1 (Local Government at the centre of decision making)

- In order to facilitate the scrutiny of other service providers outlined in paragraph 42 district wide agreements would be required with the bodies in question which could then be used as a basis for local scrutiny;
- The strengthening of local authority scrutiny functions referred to in paragraph 52 was likely to involve a serious increase in workload for councillors involved in scrutiny and the need for additional scrutiny committees and responsibilities requiring serious consideration by the Council would be inevitable;
- Membership of scrutiny committees to look at other services' providers over which the Council did not have direct control could be extended to executive councillors;
- There was general agreement to the seven consultation questions within the chapter

Chapter 2 (Strong Local Government operating in the local interest)

- In respect of the current 'Wellbeing' power referred to in paragraph 92, the Monitoring Officer reported on a recent House of Lords judgement that the creation of an insurance fund using that enabling power by a London Borough had been held to be unlawful on grounds that local authorities had no power to provide insurance services and the sole motive in doing so was to save money. Clarification of the decision would be welcomed and it was understood that discussions were taking place regarding the possible creation of powers to enable local authorities to create insurance mutual funds;

Chapter 3 (Local Authorities tackling climate change)

- Not discussed at this stage

Chapter 4 (Sub Regional Working)

- Greater openness and publicity was necessary in respect of sub regional working in Greater Manchester in line with the approach of some European models. Consideration might be given to a directly elected body in order to increase the public profile of sub regional working;
- There was a need to ensure greater effectiveness of existing collaborative procurement mechanisms;

Chapter 5 (Clear Relationships with Local Government)

- The establishment of a Joint Parliamentary Select Committee as proposed was long overdue although care was needed to ensure that this body did not encourage local authorities to merely deliver Government initiatives.

It was then -

RESOLVED – That further consideration be given to the consultation document at the next meeting of the Working Party.

4. LAND / PROPERTY TRANSACTIONS - AREA COMMITTEE POWERS & DUTIES

The Monitoring Officer submitted a report (copies of which had been circulated) inviting the Working Party to consider powers and duties in relation to land / property transactions and potential areas of conflict for area committees when considering quasi judicial issues.

It was then -

RESOLVED – That the Monitoring Officer be requested to -

- update the powers delegated to the Corporate Director, Business Services in relation to Estates Management within the Scheme of Delegation so as to provide that any land or property transaction which is a 'key decision' will be taken by the Executive Meeting collectively;
- issue advice to all councillors on 'predisposition' and 'predetermination' in relation to land / property transactions and any subsequent planning application(s); and
- issue a reminder that officers involved in preparing and issuing land / property transactions for area committee members should ensure that schedules are issued in hard copy in the first instance as well as any e copy which might subsequently be issued.

5. DELEGATION TO AREA COMMITTEES (See minute 3 of 3 July, 2009)

Further to the consideration of the report from the Leader of the Labour Group (Councillor Peter Scott) at the last meeting of the working party it was -

RESOLVED - (1) That an informal meeting of Chairs and Vice Chairs of Area Committees be organised to consider the report.

(2) That in the meantime, a copy of the report considered at the last meeting of the working party be issued to area committee chairs and vice chairs.

6. DATE OF NEXT MEETING

Members were reminded that the next meeting of the Working Party was scheduled to be held at 2pm on Thursday 17 September 2009

The meeting closed at 3.05pm.