

REPORT FOR: COUNCIL

Date of Meeting: 4 November 2010

Subject: **Recommended
Constitutional Changes**

Responsible Officer: Hugh Peart – Director of Legal and Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary & Recommendations

This report details proposed constitutional changes in respect of Council Rule 14.6 and the current Member Call In procedure.

Recommendations:

That Council consider and decide whether to approve the proposed constitutional changes agreed at the meeting of the Constitution Review Working Group.

Section 2 – Report

1. The Constitution Review Working Group is an informal body established by agreement between the Group Leaders to receive proposals for alterations or updates to Authority's Constitution for formal submission to Council.
2. The following are proposed changes by the Constitution Review Working Group which comprises members from the two political groups represented on Council:

(A) Council Procedure Rules (Rule 14.6)

14.6 Motions Relating to a Matter Delegated to the Executive or a Committee

14.6.1 If the Mayor, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Member may move that any such referral should not apply to a motion, and if seconded, that motion shall be put to the vote without any discussion, provided that after disposal of any motions relating to business reserved to the Council the Leader of the Opposition may move one motion at a meeting of Council (excluding the Annual Meeting) relating to a matter within the powers of the Executive which shall not stand automatically referred to the next meeting of the Executive but shall be dealt with as if paragraph 14.7.1 below applied, ***such motion having been identified to the Director of Legal and Governance Services at the time of the deadline for submission of motions.***

(continues as per Constitution thence on)

(B) Committee Procedure Rules (Rule 46)

Call In

The Statutory framework for Call In is set out in Section 21 Local Government Act 2000. Section 21(2)a provides that: "Executive arrangements... must ensure that their overview and scrutiny committee has power to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive..."

Section 21(3) provides that "the power of an overview and scrutiny committeeto review or scrutinise a decision made but not implemented includes power.. to recommend that the decision be reconsidered by the person who made it.."

Set out below is the proposed amendment to the current Rule addressing Call In for the Council's consideration:

46. Call-in

46.1 Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt a decision may only be subject to the call-in procedure once.

46.2 The process for call-in

46.2.1 Six Members of the Council ~~comprising Members from at least two political groups~~ can call in a decision of the Executive, which has been taken but not implemented. In relation to Executive decisions on education matters only the number of Members required to call in a decision which has been made but not implemented shall be six **Councillors being representatives from either two political groups** or, in the alternative, **six persons comprising** representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.

(continues as per Constitution thence on)

Section 3 – Legal, Risk and Financial Implications

There are no risks to the Council in approving changes to Council Rule 14.6 and the current Member Call In procedure. Acceptance of the recommendation will improve openness and transparency of the call in process and provide increased opportunity for Members to call in a decision.

The legal implications are addressed within the report.

There are no financial implications associated with this report. Any additional meetings arising as a result of changes would be resourced with the current budget.

Section 4 - Contact Details and Background Papers

Contact:

Pauline Ferris, Democratic & Electoral Services Manager

Tel: 020 8424 1269

E-mail: pauline.ferris@harrow.gov.uk

Background Papers:

Council's Constitution