

# WIRRAL COUNCIL

CABINET – 16 OCTOBER 2008

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

## REVIEW OF THE CONSTITUTION

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### 1.0 Executive Summary

1.1 This report seeks approval to a number of additional amendments and additions to the Council's Constitution following the review in July 2008. It also brings forward a number of matters regarding the operation of scrutiny in Wirral and suggests changes to the Council Minute Book.

### 2.0 Proposed amendments to the Council's Constitution

2.1 Appendix A to this report sets out the detail of the proposed changes and/or additions to the Council's Constitution as follows:

- Various changes throughout the Constitution to reflect the creation of the new Department of Law, HR and Asset Management, including the designation of Bill Norman as Monitoring Officer and the Head of Legal and Member services as the Deputy Monitoring Officer.
- Amendments to the Contract Procedure Rules in relation to contract variations
- Amendments to the Scheme of Delegation to Officers and to the terms of reference of the Standards Committee to allow payments to be made to settle complaints of maladministration
- Addition of scrutiny toolkit and call-in guidelines
- Amendment to the Contract Procedure Rules
- Amendment to the delegation to the Cabinet Portfolio holders (to replace the Wirral Waterfront Partnership Board with the Mersey Waterfront Partnership Board within the delegation to the Cabinet Member for Regeneration and Planning Strategy, to enable Cabinet Members to authorise post-tender variations to contracts where the value exceeds £20,000 and to enable the Leader or Deputy Leader of the Council to make decisions where a Portfolio holder is unable to do so due to a conflict of interest.)

2.2 The full Constitution with tracked changes is has been placed in the members room and will be available for inspection at the meeting. Further copies can be obtained from the Head of Legal and Member Services. The proposal in relation to the amendments to the Scheme of Delegation and terms of reference of the Standards Committee to settle complaints of maladministration was reported to Standards Committee on 30 June 2008. Copies of the report and minute are attached as Appendix B.

### 3.0 Scrutiny

3.1 In order to devise some guidelines for Scrutiny, the Scrutiny Chairs Group has recently considered a range of documents.

- 3.2 A Scrutiny Toolkit has been devised, based on best practice, to assist members with their scrutiny role and in carrying out scrutiny reviews (see Appendix C).
- 3.3 A set out of guidelines for dealing with called-in matters were also considered by the Scrutiny Chairs Group (see Appendix D) and a number of comments have been received from the Leader of the Conservative Group (see Appendix E). Cabinet is asked to consider the comments received. The original draft guidelines were also sent to the Centre for Public Scrutiny for comment and the following comments were received:

*CfPS have worked with a number of authorities in reviewing their call-in procedures. As with all things 'scrutiny', each authority operates it in a different way but there are some aspects that are similar in each and that we would support as good practice.*

*All of these are to be found in the guidelines you have shared with us. The most important is that the Chair is in complete control of proceedings and that Members of the committee are able to question, comment and debate at each stage.*

*The timescales for calling witnesses (with appropriate caveats) are reasonable, as is the opportunity for the original decision maker to put their case. In that way, members of the committee can see all sides of the debate and provide appropriate input at each stage.*

- 3.4 It is suggested that these are incorporated within the Constitution.

#### 4.0 Further Proposed Amendments to the Constitution

- 4.1 It is proposed that there are further additions to the Constitution, namely;

- The inclusion of a Code of Corporate Governance
- A protocol for the Council's Monitoring Officer
- A protocol for the Leader and Chief Executive
- A partnership toolkit

- 4.2 There is also a requirement for the Council to consider changes to its governance arrangements as a result of the changes introduced by the Local Government and Public Involvement in Health Act 2007. There is also the need to keep the Constitution under review generally to ensure that it remains fit-for-purpose. It is proposed to report to a future meeting on the most appropriate way forward for meeting these objectives.

#### 5.0 Council Minute Book

- 5.1 For many years the Council has published a minute book, circulated with each Council summons which contains all minutes of meetings that have taken place over the previous cycle. The cost of producing the minute book is (on average) over £2000 per annum.

5.2 Recently, the Chair of the Audit and Risk Management Committee and the Chair of Corporate Services have asked for the minutes of the previous meeting to be included within the agenda for their respective meetings.

5.3 In order to reduce duplication, and in view of the fact that all minutes are available to view on the Intranet and Internet, it is proposed that minutes be included on Committee agendas for their meetings and the Council Minute Book cease to be produced.

5.4 Minutes that contain a recommendation to full Council will continue to be contained within the Council summons.

## **6.0 Financial implications**

6.1 There are no financial implications.

## **7.0 Staffing implications**

7.1 There are no Council staffing implications arising from this report.

## **8. Equal Opportunities implications**

8.1 There are none arising from this report.

## **9. Community Safety implications**

9.1 There are no community safety issues from report.

## **10. Local Agenda 21 implications**

10.1 There are no Local Agenda 21 issues arising from this report.

## **11. Planning implications**

11.1 There are no planning implications arising from this report.

## **12. Anti-poverty implications**

12.1 There are no anti-poverty implications arising from this report.

## **13. Human Rights implications**

13.1 There are no human rights implications arising from this report.

## **14. Social Inclusion implications**

14.1 There are no social inclusion implications arising from this report.

## **15. Local Member Support implications**

15.1 There are no implications arising from this report.

## **16. Background Papers**

16.1 There are no background papers.

## **17. Recommendations**

That Council be recommended that

- (1) the Constitution be amended as set out in the report;
- (2) the Scrutiny Toolkit and the Scrutiny Guidelines be approved; and
- (3) Committee minutes be included on agendas for meetings and the Council Minute Book cease to be produced.

**Bill Norman**

Director of Law, HR and Asset Management