

Supplementary Committee Agenda



Constitution and Members Services Scrutiny Standing Panel Thursday, 16th December, 2010

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.30 pm

Committee Secretary: I Willett - The Office of the Chief Executive
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4. NOTES OF THE LAST MEETING (Pages 3 - 8)

(Assistant to the Chief Executive) To consider the attached notes of the last Panel meeting.

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22. E-PETITIONS

The Panel received a report from Mr C Overend, Policy Officer, regarding the Statutory Guidance on Duty to Respond to petitions.

At the meeting of the Panel on 24 June 2010, members had received a report setting out the main provisions of the Local Democracy, Economic Development and Construction Act 2009, in respect of the duty to respond to petitions. Since then, in September 2010, the Department of Communities and Local Government had advised local authorities that they would have more discretion on dealing with petitions locally. The primary legislation included the requirement of introducing a facility for E-Petitions by 15 December 2010.

Trigger Levels

At the June 2010 Panel meeting, a draft was approved forming the basis of the new scheme put forward for adoption by the Council. Members had asked for details to be made available of the types of issue referred to in the petitions received, and the extent of the geographical area affected.

Members were provided with an analysis of the various petitions received by the District Council from 2005/06 to date. Members requested that percentage thresholds applied should be:

- 2% of the District's population (2,400 signatories) – items referred to Council
- 1% of the District's population (1,200 signatories) – senior officer attendance at Overview and Scrutiny Committee

Members requested that the maximum threshold allowed for the public to sign a petition should be three months.

RECOMMENDED:

(1) That a report be submitted to the Council recommending that the introduction of a revised petitions scheme be agreed, incorporating the following elements:

(a) requirements and arrangements for responding to petitions;

(b) involvement of partner organisations in the petitions process;

(c) a percentage threshold of 2% of the District's population (2,400) signatories to a petition required to trigger a debate at Full Council;

(d) a percentage threshold of 1% of the District's population (1,200) signatories to a petition required to trigger attendance of a "Senior Officer" at an Overview and Scrutiny Meeting to give evidence on a matter;

(e) publication on the Council's website;

(f) provision of a facility for making electronic petitions to be in place by 15 December 2010; and

(g) the maximum threshold for participating in a petition to be three months.

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(2) That the required revisions to the Council Procedure Rules, Overview and Scrutiny Procedure Rules, and other necessary amendments to the Constitution be delegated to the Assistant to the Chief Executive in due course; and

(3) That the operation of the revised petitions scheme and its impact be reviewed in the summer of 2011.

23. HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER (DRAFT PROTOCOL)

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Protocols for Statutory Officers – Head of Paid Service, Monitoring Officer and Chief Finance Officer.

The Panel considered a draft protocol relating to the role of Monitoring Officer at its meeting on 11 January 2010. This had followed concerns expressed in August 2009 regarding access by the Monitoring Officer to all meetings.

The previous draft was compiled from examples found on other Council websites. These were then amended to the particular needs of this Council. On further checking of websites, it was apparent that many Councils had adopted the model protocol suggested by District Audit without major alteration.

Also submitted for consideration were model protocols for the Council's two other Statutory Officers (Chief Financial Officer and Head of Paid Service) prepared by the Audit Commission and based on the format for the Monitoring Officer.

The protocols set out the following:

- (1) The basic statutory responsibilities of each statutory officer
- (2) Their working arrangements
- (3) Schedules listing their statutory responsibilities in detail.

Members requested the following amendments:

- (a) how a conflict of interest of the three statutory officers would be dealt with
- (b) clarification of access to budgets by the three statutory officers
- (c) a review to be arranged in two years.

RECOMMENDED:

(1) That the draft protocols regulating relations between Statutory Officers and the Council as follows, be approved as follows:

- (a) Head of Paid Service;
- (b) Monitoring Officer; and
- (c) Chief Finance Officer

(2) That subject to further consultation by the Assistant to the Chief Executive with the statutory officers on the amendments sought, a re-draft of the Protocol be submitted to the Panel in December 2010; and

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- (3) That revised protocols be submitted to the December 2010 meeting of the Panel.

24. MEMBER ROLE ACCOUNTABILITY STATEMENTS

The Panel received a report from Mr I Willett, Assistant to the Chief Executive, regarding Councillor Accountability Statements.

At the Council meeting on 20 April 2010, a resolution was adopted regarding Member Role Accountability Statements being referred to the Constitution and Member Services Scrutiny Standing Panel. The Member Role Accountability Statements served as a "job description" for elected members.

Members received statements for the following roles:

- (a) Leader of Council
- (b) Deputy Leader
- (c) Member of Council
- (d) Chairman of Area Plans Sub-Committees
- (e) Chairman of Panels
- (f) Portfolio Holders
- (g) Chairman of Overview and Scrutiny
- (h) Chairman of Standards Committee
- (i) Group Leaders
- (j) Members of Overview and Scrutiny Committee

In addition, the following statements were also presented:

- (a) Chairman of Council
- (b) Vice Chairman of Council
- (c) Vice Chairman of Committee Panels or Board; and
- (d) Vice Chairman of Overview and Scrutiny Committee.

The IDeA model Accountability Statement had been drawn to the Council's attention by the Remuneration Panel. They were commended to the Council as they brought the role of Councillors up to date, since the original versions were published in 2001. Members felt that a less committee/panel role specific statement should be produced instead.

RECOMMENDED:

- (1) That the revised Member Accountability Statements based on the model provided by the Improvement and Development Agency (IDeA) be adopted with a view to recommending their adoption by the Council;

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(2) That the various drafting changes made at the meeting be used to revise the content with a view to revised drafts being submitted to a future meeting;

(3) That an Accountability Statement, in respect of the Chairman of the Standards Committee, be not pursued;

(4) That an Accountability Statement for the Chairman of the Audit and Governance Committee be referred to future meetings of that Committee for consideration and adoption by the Council; and

(5) That when considered and approved by the Council all Accountability Statements be referred to the Remuneration Panel to assist them in advising the Council on Member Remuneration in the future.

25. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

The E-Petitions' report would be submitted to the next Overview and Scrutiny Committee on 29 November 2010.

26. FUTURE MEETINGS

The scheduled meeting of the Panel would be 16 December 2010 at 7.30p.m.

CHAIRMAN

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