

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF CONSTITUTION AND MEMBERS SERVICES SCRUTINY
STANDING PANEL
HELD ON TUESDAY, 18 MARCH 2014
IN COMMITTEE ROOM 1
AT 7.00 - 8.35 PM**

Members Present: J Philip (Chairman), A Watts (Vice-Chairman), R Cohen, Mrs M McEwen, Mrs C Pond, Mrs M Sartin, D Stallan, Mrs J H Whitehouse and G Waller

Other members present:

Apologies for Absence: Mrs R Gadsby and R Morgan

Officers Present I Willett (Assistant to the Chief Executive), S G Hill (Assistant Director (Governance & Performance Management)) and M Jenkins (Democratic Services Assistant)

33. NOTES OF THE LAST MEETING

RESOLVED:

That the notes of the last meeting of the Panel held on 14 January 2014 be agreed.

34. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was advised that there were no substitutions made at the meeting.

35. DECLARATION OF INTERESTS

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a non pecuniary interest in the following item of the agenda by virtue of being the current Chairman of Council. The Councillor advised that she would remain in the meeting for the duration of the discussion on the item.

- Item 38 Questions at Council - Review

36. TERMS OF REFERENCE / WORK PROGRAMME

(a) Terms of Reference

The Terms of Reference were noted.

(b) Work Programme

(i) Item 8 - Review of Financial Regulations

This item would be reviewed in the new year as it was advised that there was new EU legislation pending.

(ii) Item 10 - Review of Polling Stations

This report was currently being drafted and would be submitted to the July 2014 Panel.

(iii) Item 11 - Joint Consultative Committee

This report was currently with Human Resources, it would be submitted to the Cabinet before Overview and Scrutiny discussed it.

37. PETITIONS SCHEME - FURTHER REVIEW

The Panel received a report from the Senior Democratic Services Officer regarding a further review of the Petitions Scheme.

The Panel had last considered the Petitions Scheme in September 2012, since then officers felt that the Petitions Scheme needed re-drafting.

Thresholds

Members were advised that Section 7 of the re-drafted scheme provided greater clarity on how petitions were dealt with in relation to the amount of support they received. Currently petitions with at least 1,200 signatures were scheduled for the Council's Overview and Scrutiny Committee, and those with over 2,400 were scheduled for a Council debate. However, no petitions had met these thresholds yet. Members supported the current thresholds, but they recommended that petitions over 1,200 should require a Portfolio Holder's report to the Cabinet for a decision with the decision open to call-in if Overview and Scrutiny wished to give consideration. The Panel suggested that Portfolio Holders could decide to treat a smaller petition in this way if they thought it appropriate.

Dissatisfied Petitioners

The current scheme provided an opportunity for a petition organiser to seek a review by the Overview and Scrutiny Committee on the processes and adequacy of the response adopted. Members recommended that any concerns should be directed towards the Council's complaints process.

Other Changes

The Panel suggested that the receipt of petitions should be notified to ward members and that all petitions were subject to commentary in Portfolio Holder reports to Council. The Panel made minor changes to timescales for response to timescales.

Website Guide

Members supported wording of the website guide for submitting petitions which sought to differentiate information aimed at petitioners as a guide to submitting their petition.

It was advised that this report would be submitted to the Council.

RECOMMENDED:

- (1) That the Review of the Petitions Scheme be reported to the Overview and Scrutiny Committee with the recommendation to approve the re-drafted Council petitions scheme; and
- (2) That the proposal revised website information on petitions be noted.

38. QUESTIONS WITHOUT NOTICE AT COUNCIL - REVIEW

The Panel received a report from the Assistant to the Chief Executive regarding a review of Questions Without Notice at Council meetings.

The Council had received a PICK form from the Panel Chairman and Chairman of Council, regarding a request for review of the procedure for dealing with questions without notice at Council meetings. They felt that the current system of questions without notice led to a sense of disorganisation. Dealing with questions on reports and on other matters led to confusion about when these should be dealt with in the 20 minutes allocated for this purpose.

The Overview and Scrutiny Committee at its meeting in November 2013 had referred the PICK form to this Panel for consideration. As part of the review, officers had compiled a summary of the practices adopted by other Essex authorities and one London Borough, as published on their websites.

At present, the District Council allocated 20 minutes at each Council meeting for:

- (i) questions on circulated written reports by Portfolio Holders; and
- (ii) open questions to Portfolio Holders.

Currently, the 20 minute session at Council meetings was divided into two parts, 10 minutes to ask questions on Portfolio Holder's written reports followed by 10 minutes of unscripted questions to Portfolio Holders. There was provision for the Chairman of the Council to extend the time allocated to these sessions.

Time Allocated for Questions Without Notice

The Panel felt that the distinction between the two types of questions in managing the 20 minute period should be discontinued. They proposed that the time allocated should be used to take questions on reports or other matters, in any order. This should make the meeting easier and clearer. It was felt that the 20 minutes allocated should be increased to 30 minutes. There was sometimes pressure on time due to the number of questions asked.

Supplementary Questions

The Panel noted that the Constitution neither permitted or disallowed supplementary questions in respect of those asked without notice. The Panel suggested that these should not be allowed as they were likely to put time pressure on Members raising other questions.

Dealing with Overview and Scrutiny (OS) Questions

Questions without notice could be asked of the Leader of Council, Cabinet Members and the Chairman of the Overview and Scrutiny Committee, currently the OS report

was submitted with the item for OS business. The Panel felt that this should be clarified in the Council Procedure Rules as this was not shown. The same time limit should apply to that part of the meeting.

Formalising the 2007 Protocol

Finally, it was felt that the remaining provisions of the 2007 Protocol should be entered in the Constitution. This covered matters like the Chairman's discretion to extend the 30 minute period by up to 10 minutes if needed and would ensure that questions from all political groups and independents were dealt with in the order they were put.

RECOMMENDED:

- (1) That the following changes be made to the procedure for dealing with questions without notice by members of the Council to the Leader of the Council, Cabinet members and the Chairman of the Overview and Scrutiny Committee;
 - (a) That the existing time limit for such questions be increased from 20 to 30 minutes;
 - (b) That questions to the Chairman of the Overview and Scrutiny Committee be dealt with at Council meetings at the same time as other Overview and Scrutiny Business, separately from questions to the Leader of Council and Cabinet members;
 - (c) That a new provision be added to the Council Procedure Rules clarifying that no supplementary questions on questions without notice shall be permitted;
 - (d) That the remaining provisions of a Council Protocol approved in 2007 in respect of questions without notice being incorporated in the new revised Procedure Rules covering the following:
 - (i) Chairman's discretion to extend the period for questions without notice up to an additional ten minutes;
 - (ii) Questions on written reports by Cabinet members etc, and without notice on other subjects in the order in which they are put;
 - (iii) Chairman's discretion to extend the period by an additional ten minutes; and
 - (iv) Chairman to ensure that questions from all political groups and independent members are put.
- (2) That the draft revisions to the Council Procedure Rules set out in the Appendix to these notes and shown in bold text be approved; and

- (3) That a report be submitted to the Council recommending the adoption of the revised Council Procedure Rules and their publication as part of the Constitution.

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

The following reports would be submitted to the forthcoming Overview and Scrutiny Committee:

- (a) Petitions Scheme – Further Review; and
- (b) Questions at Council – Review.

40. FUTURE MEETINGS

This was the last meeting of the Panel for 2013/14, the next meeting would take place on Tuesday 24 June 2014 at 7.00p.m. in Committee Room 1. This was also the last Constitution and Member Services Scrutiny Standing Panel meeting at which the Assistant to the Chief Executive attended as he was due to retire shortly, the Panel extended its thanks for his work over the years as the Support Officer for this Panel.