

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

Introduction by the Chairman:

"This is my first year as Chairman of this Panel and a most interesting and enjoyable year it has been.

During the year we looked at a variety of topics including reviewing the Council's ability to make decisions in emergency situations, how a member's planning application should be decided by a planning committee and whether the Planning Sub-committees should go from a four-week cycle to a three-week cycle. We also examined the ramifications of the new Local Government and Public Involvement in Health Act, which will affect many aspects of Local Authority activities.

I would like to express my thanks to my Vice Chairman, Councillor Richard Morgan for his valuable support over the year and of course, to the members and officers of the panel for their important contributions."

Councillor Robert Church
April 2008

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor R Church (Chairman)
Councillor R Morgan (Vice Chairman)
Councillors J Demetriou, R D'Souza, D Jacobs, J Markham, Mrs M McEwen, T Richardson, B Rolfe, D Stallan and Mrs J H Whitehouse.

The Lead Officer was Ian Willett, Head of Research and Democratic Services.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of important issues over the last year, which included:

(i) Review of May 2007 Elections – The Panel reviewed the May 2007 elections and feedback their findings and views to the Returning Officer and the main Overview and Scrutiny Committee. They made several suggestions on the running of elections and the count generally for consideration by the Returning Officer, some of which were taken up.

(ii) Council Business - Arrangements for Emergency Situations – the Panel considered a report on Council decision making in emergency situations and

changes to cover such circumstances where a large proportion of the Cabinet, Regulatory Committees or the Council itself are unable to take part in decision making by virtue of illness, death or other extreme circumstances. These issues stemmed from an Emergency Planning exercise on Pandemic 'flu and the Civil Contingencies Act 2004 which placed a duty on the Council to improve resilience to allow the continuation of services during emergencies.

iii) Protocol on Partnerships and other External Organisations – the Panel was asked to review this protocol and was designed to regulate the relations between the Council and external partnerships and other outside bodies. They considered and revised the Protocol and submitted their recommendations to the Overview and Scrutiny Committee for approval.

iv) Review of Polling Stations – The Panel noted that the Electoral Administration Act 2006 placed a duty for all Polling Districts and Places to be reviewed by the end of 2007. The Panel reviewed the polling districts and submitted their recommendations straight to Council.

v) Cabinet Operations in Emergency Situations – this protocol was designed. To cover two situations: Local Emergencies and National Emergencies situations declared by the Government. It was focused on the role of the Leader in such circumstances and provided a definition of both types of emergencies, explained the circumstances in which one should be declared, who would be tasked with doing this, the emergency procedures available for dealing with such situations, how long such rules could be for when and how they could be revoked.

The Panel's comments were submitted to the Overview and Scrutiny Committee for endorsement.

vi) Determination of Members Planning Applications – the Panel considered constitutional changes to enable a planning application submitted by a member to be determined by members and not under delegated authority. These would normally be considered by a Planning Sub-committee. However this could often result in a number of prejudicial interests being declared and as a result the Sub-committee might not be in quorum and considerably delay the process. In view of these issues it was recommended that the terms of reference of Area Plans Sub-committee and the District Development Control Committee be amended so that any planning applications submitted by, or on behalf of a Councillor be submitted to the District Development Control Committee for consideration and not to the Area Planning Sub-committee.

vii) Review of Meeting Cycles of Area Plans Sub-committees – The Panel considered whether the cycle of Area Plans Sub-committees should be revised so that there was one meeting of each Area Planning Sub-committee every three weeks. On consideration of the report the Panel recommended that a three weekly cycle for the Area Planning Sub-committees to the main Overview and Scrutiny Committee but only after Local Town and Parish Councils and all members had been consulted.

viii) Local Government and Public Investment in Health Act 2000 – the Panel considered a report on the Local Area Agreements and Community Strategies. They also considered the possible new executive arrangements that an authority could operate when the new act came into force. After consideration the Panel recommended that the option of Leader and Executive be endorsed for this Authority.