

Structural & Procedural Review Sub-Committee

19 September 2000

Minutes of the meeting of the **Structural & Procedural Review Sub-Committee** held on **19 September 2000** when there were present:

Chairman - Cllr C R Morgan

Cllr R Adams
Cllr T G Cutmore
Cllr D R Helson
Cllr Mrs J Helson

Cllr G A Mockford
Cllr P F A Webster
Cllr Mrs M A Weir

VISITING MEMBER

Cllr R E Grey

OFFICERS PRESENT

| | | |
|-----------|---|---|
| P Warren | - | Chief Executive |
| J Honey | - | Corporate Director (Law, Planning & Administration) |
| A Smith | - | Head of Administrative & Member Services |
| J Bostock | - | Principal Committee Administrator |

61 MINUTES

The Minutes of the meeting held on 20 June 2000 were agreed as a correct record and signed by the Chairman.

62 THE LOCAL GOVERNMENT ACT 2000 – NEW ETHICAL FRAMEWORK

The Sub-Committee considered the report of the Chief Executive seeking views on the consultation document produced by the Department of the Environment, Transport and the Regions (DETR) on general principles of conduct and also that produced by the Local Government Association on a model code for Members.

On a Motion moved by Councillor T G Cutmore and seconded by Councillor Mrs J Helson it was agreed that the general principles of conduct should be accepted.

Responding to Member questions on the model code Officers indicated that it would be possible for criminal offences to be committed where principles are also set out in statute.

The Sub-Committee endorsed the proposed Officer responses set out in the report subject to the following adjustments:-

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- Question 5 - The response should indicate there is a preference for Option 1
- Question 6 - Accepting that there will be times when a duty is such that a Member would have to leave, there should be reference to the value of Members serving on Outside Bodies being able to remain in the Chamber during any debate relating to those Bodies as often as possible.
- Question 9 - The Code should contain a requirement on Members to report clear breaches of the code on Local Government law.
- Question 10 - There should be a facility within the procedure for Member reporting enabling a Member to contact his/her group leader.
- Question 24 - There should be no special dispensations in relation to financial interests for elected Mayors or Members of an Executive - all Councillors should be given equal treatment.
- Question 25 - Question 25 should be linked to the responses set out for questions 13.

RECOMMENDED

- (1) That the proposed general principles of conduct produced by the Department of the Environment, Transport and the Regions be endorsed.
- (2) That subject to the suggested adjustments above, the suggested Officer responses to the Local Government Association's Model Code form the basis of the Council's response to that consultation document. (CE)

63 THE LOCAL GOVERNMENT ACT 2000 – NEW POLITICAL STRUCTURES

The Sub-Committee received a verbal update from the Chief Executive on the current status of the Local Government Act 2000 - new political structures.

It was anticipated that Councils would need to have their new political structures in place by no later than May/June 2002. Current information indicated that:-

- It is not an option for Local Authorities to retain the status quo.

- Whilst there are now four options for Local Authorities under 85,000 to choose from, the option selected must fit the key criteria of transparency, accountability and efficiency. Overview, scrutiny and standards arrangements would also need to be included in any new arrangement.
- Detailed guidance on the four options and the consultation process was now due to be published in October with further guidance on such matters as Community Planning promised before the end of the year. Early meetings of the Sub-Committee would need to be convened as appropriate to address draft guidance.

It was noted that the Government had published a Green Paper on Local Government Finance, responses to which were due by December. Members concurred with the Chief Executive that it may be appropriate to consult the community on both the options contained in the Local Government Act 2000 and the Finance Green Paper via the Council's newspaper "Rochford District Matters".

64 SUBSTITUTES

The Sub-Committee considered the report of the Head of Administrative & Member Services on the current arrangements for appointing substitutes to Committees and Sub-Committees.

Members noted the legal context against which the current Standing Order had been developed and felt satisfied with its operation and application.

RECOMMENDED

That no change be made to Standing Order 12(13) use of substitutes. (HAMS)

65 REFERENCING UP OF DECISIONS

The Sub-Committee considered the report of the Head of Administrative and Member Services on the efficacy of the Council's arrangements for referencing up of decisions.

Whilst Members felt generally satisfied with the facility and timing provided by existing Standing Orders, it was felt that some improvement could be achieved if one Member naming two others in support was able to request the Proper Officer to refer a Minute to Full Council without the necessity for such a request to be in the form of a signed requisition. This would seem particularly appropriate given the increasing use of electronic communication.

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RECOMMENDED

That Standing Order 18(6) be adjusted to read:-

“(6) Delegated decisions of a Sub-Committee or Committee other than the Planning Services Committee or when acting in a quasi-judicial capacity shall be deemed to have been resolved four working days after the date of the Meeting, unless a Member(s) has provided the Proper Officer with the names of three Members of the Council who require the relevant Minute to be referred to the Full Council for decision. If such a request is received the Minute will be included for debate at the next Full Council Meeting.” (HAMS)

The Meeting closed at 8.32pm

Chairman _____

Date _____