



**ST HELENS**  
BOROUGH COUNCIL

## Council

**13 January 2021**

<b>Report Title:</b>	<b>Constitutional Issues</b>
<b>Cabinet Portfolio</b>	Finance and Governance
<b>Cabinet Member</b>	Councillor Martin Bond
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	N/A
<b>Report of</b>	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk Tel: 01744 673209
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<b>Borough priorities</b>  Please mark <b>X</b> for any priority supported by this report  <b>NB</b> Use Section 4 - Background Information to explain how each selected priority is supported	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	
	Create safe and strong communities for our residents	
	Support a strong, diverse and well-connected local economy	
	Create a green, thriving and vibrant place to be proud of	
	Be a modern, efficient and effective Council	X

## 1. Summary

- 1.1 The Overview and Scrutiny Commission at its meeting on 14 December 2020 considered a report which presented proposed changes to the Overview and Scrutiny Procedure Rules and the related Budget and Policy Framework Procedure Rules. The purpose of the changes, which were supported by the Commission, was to provide more flexibility for the Council in how it deals with Call-In requests to enable the Council to adhere to its duties in relation to access to information when convening scrutiny meetings.
- 1.2 Following the implementation of Phase 1 of the senior management restructure, it is necessary to reallocate the existing delegations from the former Executive Director of People Services post to the new Executive Director of Integrated Health & Social Care and Director of Children & Young People's Services posts in Part 3 of the Constitution.

## 2. Recommendations for Decision

Council **is recommended to:**

- i. Approve the proposed changes in relation to Call-In to the Overview and Scrutiny Procedure Rules and the Budget & Policy Framework Procedure Rules attached at Appendices 1 and 2 to this report;
- ii. approve the proposed changes to the Council Functions Delegated to Officers in Part 3 of the Constitution to reflect the current structure, attached at Appendix 3 to this report.

## 3. Purpose of this Report

- 3.1 This report seeks approval to amend the Constitution following:

- (i) the recent request of the Overview & Scrutiny Commission to amend the Call-In process which is set out in the Overview & Scrutiny Procedure Rules and the Budget & Policy Framework Procedure Rules; and
- (ii) recent changes to the senior management structure implemented by Phase 1 of the restructure.

Authority is sought to incorporate the changes set out in the recommendations into the Constitution of the Council.

#### **4. Background /Reasons for the recommendations**

- 4.1 The changes to the Call-In rules are proposed because it is felt that the current rules are too restrictive on the Council's ability to deal with a Call-In fairly and effectively within its obligations, particularly in relation to access to information rules. The current Overview & Scrutiny Procedure Rules state a meeting of an Overview and Scrutiny Committee to consider a Call-In must take place within five working days of the decision by the Chief Executive that the Call-In should be considered. This is not always practicable. The proposed changes extend the timescales to convene meetings to within 15 working days, except if an already scheduled scrutiny meeting is due to take place within 20 working days of the call-in request.
- 4.2 The current Procedure Rules also state that a Cabinet meeting to reconsider a decision based on the advice of the Scrutiny Committee must also take place within 5 working days of the Scrutiny Committee's meeting and that if the Scrutiny Committee refers the issue to Council that the Council meeting must take place within 10 working days of the Scrutiny Committee meeting.
- 4.3 These timescales are seen as being too short to enable the effective organisation of extraordinary meetings (when required) including finding a date, time and venue when members and officers would be available, and the preparation of the agenda and writing of reports. The current Procedure Rules would also make it extremely unlikely that the Council would be able to meet its obligation to publish notice of meetings and any agenda papers at least five working days prior to the meetings in line with Access to Information Rules.
- 4.4 The proposed changes for Call-In set out in Appendix 1 in red are based on examination of how rules are written in other local authorities and the Council's own processes and procedures in relation to the publication of reports etc. The proposed changes allow more flexibility in dealing with a Call-in and try to balance the need to ensure the Call-In process is given due regard with the avoidance of significant delay to the implementation of potential decisions. 15 working days would allow more flexibility regarding when a scrutiny committee meeting would be scheduled and allow time for any report to be written and approved before being published five working days prior to the meeting. These rules would allow meetings to be called sooner than 15 days where possible if this time was not needed to undertake the work necessary and meet report publication deadlines.
- 4.5 It is also proposed that the option be made available to take a Call-in to a Scrutiny Committee meeting if one is already due to take place within 20 working days of the decision to allow the Call-in. This would be more efficient than having two Committee meetings in close proximity however if a separate meeting was favourable the proposed rule is written to allow a special meeting to be called even though an ordinary meeting is coming up.
- 4.6 It is also proposed that the rules regarding the waiver of Call-in due to urgency be amended to require the consent of the Mayor, or Deputy Mayor in the absence of the Mayor, in the

absence of the relevant Chair of Scrutiny or the Chair of the Overview and Scrutiny Commission. This is an approach taken by many other local authorities and is seen as preferable to requiring the consent of the Chief Executive or their nominee as it maintains the member led involvement and independence from decisions makers.

- 4.7 As well as key-decisions, Call-In also applies to the Budget and Policy Framework Procedure Rules. Section 7 of the Budget and Policy Framework Procedure Rules within the Constitution covers how to deal with the call in of a decision that is felt to be outside the framework. Paragraph 7 (e) states that a meeting of Council will be held within 5 days of a referral by Overview and Scrutiny. It is proposed that this also be changed to require a meeting of Council to take place within 15 working days as set out in Appendix 2. It is felt that this would allow sufficient time to prepare for a Council meeting. The Procedure Rules would allow for a Council meeting to be held in fewer than 15 days, where possible.
- 4.8 The changes to the Council Functions Delegated to Officers in Part 3 of the Constitution are necessary to reflect the new senior management structure.

## **5. Community Impact Assessment**

The Community Impact Assessment did not identify any implications.

## **6 Consideration of Alternatives**

- 6.1 None.

## **7 Conclusions**

- 7.1 The changes are recommended in order to keep the constitution up to date and fit for purpose.

## **8. Implications**

### 8.1 Legal Implications

- 8.1.1 The proposed changes will enable amended Call-In rules to be operated in accordance with the Constitution of the Council.

### 8.2 Community Impact Assessment (CIA) Implications

- 8.2.1 Social Value – None.

- 8.2.2 Sustainability and Environment - None

- 8.2.3 Health and Wellbeing – None.

- 8.2.4 Equality and Human Rights – None.

- 8.3 Customers and Resident – None.

- 8.4 Asset and Property – None.

- 8.5 Staffing and Human Resource – It is not envisaged that the proposals will have any direct impact on Staffing or Human Resources.

8.6 Risks – None.

8.7 Finance – None.

8.8 Policy Framework Implications - None.

**9. Background papers**

9.1 Overview & Scrutiny Commission Report dated 14 December 2020: Changes to Overview & Scrutiny Procedure Rules

**10. Appendices**

Appendix 1: Proposed amendments to the Overview & Scrutiny Procedure Rules

Appendix 2: Proposed amendments to the Budget & Policy Framework Procedure Rules

Appendix 3: Proposed amendments to Part 3 of the Constitution - Council Functions Delegated to Officers