

WAVERLEY BOROUGH COUNCIL

EXECUTIVE- 7 FEBRUARY 2012

Title:

CONSTITUTION - PROPOSED CHANGES

**[Portfolio Holder: Cllr Robert Knowles]
[Wards Affected: All]**

Summary and purpose:

This report sets out suggested changes to clarify the Council's public question scheme and seeks guidance on further changes to reflect the Localism Act 2011.

How this report relates to the Council's Corporate Priorities:

The Council's Constitution is a key part of the Council's commitment to open government and high standards of corporate governance

Equality and Diversity Implications:

Open government enables the whole community to have a say in how Waverley makes decisions.

Environment and Climate Change Implications:

There are no environmental implications.

Resource/Value for Money implications:

Any changes can be covered within existing resources.

Legal Implications:

The Localism Act 2011 gives the Council more freedom in how it involves the community in decision-making and makes decisions in an open and transparent way.

Background

1. It is some time since the Council reviewed the way its informal and formal question time for members of the community operates. The last major review of the Constitution was agreed by Council in April 2011 when the Strong Leader Executive provisions were adopted.

Introduction

2. The Council has adopted a very open system of both formal and informal question times, to give members of the community a chance to raise questions at meetings, either informally without notice, or formally when they are raised in advance, included in the agenda for the meeting, answered by the appropriate Portfolio Holder and a written copy of the reply sent to the questioner.
3. The other route for the public to have their say at meetings is by petitions. The Council adopted a new petition scheme in 2011 under the then prevailing legislation, copy attached at Annexe 1. The Localism Act 2011 removes the need for this type of scheme, and the Council can choose to maintain this system, to vary it or to return to the previous simpler system where ten eligible residents could petition the Council.
4. The new scheme was intended to follow the Government's e-petition system, but the Executive may feel that this is less appropriate at local level. The advantage is that people can sign up online, but higher thresholds have been adopted for the various levels of petition.
5. The Executive is asked if it wishes officers to draw up alternative schemes or continue as now.
6. The current procedure rules on questions do not explain fully the informal question time process, and the limit for informal questions of fifteen minute has not been applied.
7. A suggested update of the procedure rules covering Questions by the Public is attached as Annexe 2.

Other Localism Act Provisions

8. The Council is given much greater freedom to agree its arrangements for setting and maintaining high standards of ethical conduct. The Guidance and regulations on implementing the Act have not yet been published, and officers will report on these as soon as they are available.
9. There is a range of other provisions on, for example, community assets and officers will also report on these.

Conclusion

10. It is some time since the Council reviewed its question time procedure rules. Officers will report to future meetings on other proposals for changes to Procedure Rules.

Recommendation

The Executive is asked to

1. consider whether it wishes Officers to draw up proposals to review the petition scheme;
2. note that Officers will report on other proposals for changes to the Constitution; and
3. recommend the Council to adopt the proposed changes to Procedure rules on questions and amend the Constitution accordingly.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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