

MINUTES of the meeting of Strategic Monitoring Committee held at The Shirehall, Hereford on Thursday, 6 March 2008 at 2.00 p.m.

Present: Councillor PJ Edwards (Chairman)

Councillors: PA Andrews, WU Attfield, TM James, RI Matthews, AT Oliver, SJ Robertson and JK Swinburne

In attendance: None

69. APOLOGIES FOR ABSENCE

Apologies were received from Councillors WLS Bowen, KG Grumbley and RH Smith.

70. DECLARATIONS OF INTEREST

There were no declarations of interest.

71. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 February 2008 be confirmed as a correct record and signed by the Chairman.

72. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

There were no suggestions from members of the public.

73. REVIEW OF THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES, FINANCIAL PROCEDURE RULES AND CONTRACT PROCEDURE RULES

The Committee considered proposed revisions to the Budget and Policy Framework Procedure Rules, Financial Procedure Rules and Contract Procedure Rules and to changes to the time by which Councillors must submit written Questions for Council.

The Committee had deferred consideration of the proposed revisions on 18 February identifying a number of matters to be addressed. Revised documents had subsequently been prepared and resubmitted to Cabinet and the Audit and Corporate Governance Committee. Comments from the Strategic Monitoring Committee were invited prior to Council considering the documents on 7 March.

A supplementary report to Council from Cabinet reporting Cabinet's views and those of the Audit and Corporate Governance Committee was circulated at the meeting.

The Head of Legal and Democratic Services presented the report. He outlined the rationale for the proposed revisions, the need for further revisions to the Scheme of Delegation and the Constitution as a whole, and remarked on the need to speed up the process for making future revisions to the Constitution.

Commenting on the proposed changes to the time by which Councillors must submit written Questions for Council, as set out a paragraph 4.5.1 of the Constitution, he emphasised that the reason for this was to allow Cabinet Members and officers sufficient time to prepare complete answers.

In the ensuing discussion the following principal points were made:

- The Chairman noted that the Committee had deferred consideration of the proposed revisions to allow a number of matters to be addressed. He considered that the further revisions had provided the clarification the Committee had been seeking. He also welcomed the intention to review the Constitution as a whole and streamline the process for approving future revisions to the Constitution.
- It was noted that in relation to the change to the deadline for deposit of formal questions to Council by Councillors that the Audit and Corporate Governance Committee had highlighted a concern that this might not allow Members enough time to submit questions, in particular where late reports were concerned. The Head of Legal and Democratic Services assured the Committee of the corporate intention to instil greater discipline into the reporting process that would prevent this being an issue in future.

The Chairman reported that he had had a number of discussions with the Leader of the Council about the issue of late reports and the scheduling of Cabinet meetings and welcomed the fact that a regular pattern of Cabinet meetings was to be programmed. He considered that this would assist the Committee in programming its own business more efficiently and help to overcome some of the problems that had been experienced as a result of late reports in the past.

- That the amount of paperwork being provided to Members was becoming excessive, to the point of obscuring the key considerations. A better balance needed to be struck in providing Members with the information they required to make decisions in an efficient and business like manner.
- The Head of Legal and Democratic Services was asked whether he was satisfied that the revised appendices to the Constitution addressed the issues raised in the Crookall report reviewing ICT contractual and governance arrangements. He said that the revised appendices had been modelled on those of Shropshire County Council and whilst they were considerably shorter than Shropshire's documents he considered them to be robust. However, there were still some other aspects of the Constitution that needed to be reviewed to ensure that all the issues raised in the Crookall report were addressed. The document as a whole needed to be revised and made more user friendly.
- Members noted that compliance with the documentation was key. Officers acknowledged that wrongdoing could never be entirely prevented but explained the efforts that had been made to make respective responsibilities as clear as possible and how the proposed training arrangements for officers and Members, which would include ensuring that training was kept up to date, were intended to minimise risk.
- The reduction in the level of payments that Heads of Service could authorise, to a limit of up to £250,000, was welcomed as a move that increased control but without being too restrictive.
- It was noted that section 1.6 of the Contract Procedure Rules stated that failure

to observe the Rules “**could**” lead to disciplinary action rather than **would** lead to such action. The Director of Resources explained that following an independent investigation of the facts, likely to be carried out by the internal audit service, the relevant Director would need to determine whether there were any mitigating circumstances that would make disciplinary action inappropriate.

- In response to a question about the extent to which legal services had been involved in the drafting process, noting a comment in paragraph 18 of the report and having regard to concerns in the Crookall report about failure to seek appropriate legal advice, the Head of Legal and Democratic Services and Director of Resources confirmed that they were both satisfied that legal services involvement in the process had been appropriate.
- The respective roles of officers and Cabinet Members were discussed. A Member stated that care should be taken to ensure that the responsibilities of Cabinet Members as prescribed in legislation and guidance were properly reflected, expressing concern that if these were diluted too much the Council may face criticism in the Audit Commission’s Corporate Assessment.
- It was added that the respective roles of the individual Cabinet Member and the collective role of Cabinet remained to be clarified.

RESOLVED TO RECOMMEND THAT:

(a)

- (i) the Budget and Policy Framework Procedure Rules, Financial Procedure Rules and Contract Procedure Rules as appended to the report be endorsed;**
 - (ii) the Head of Legal & Democratic Services ensures a thorough revision of the Scheme of Delegation for approval by Council in May 2008;**
 - (iii) the Head of Legal & Democratic Services carries out a thorough review of the remainder of the Constitution for approval by Council in July 2008; and**
 - (iv) the amendment to paragraph 4.25.1 of the Constitution is endorsed;**
- (b) consideration be given to the following points in the further work to be undertaken in reviewing the Constitution: the need to streamline the process for approving future revisions to the Constitution, the respective roles of Cabinet Members and officers, and the respective roles of the individual Cabinet Member and the collective role of Cabinet; and**
- (c) the amount of paperwork being provided to Members also be reviewed to facilitate business like decision making.**