

Executive Summary and Recommendations

Title of Report: **Constitution: Updates**

Date: **21 October 2008**

Summary of this Report

Subject to the views of the Westminster Scrutiny Commission (WSC) which is due to consider a report on this subject at its meeting on 20 October 2008 the General Purposes Committee is asked to recommend the Council that the revised protocol covering the Policy and Scrutiny function in Westminster be adopted and included in the Constitution. A minor change to the rules relating to Ward Member call-in is also proposed.

Recommendations

1. That the Council be recommended to approve the revised protocol covering the Policy and Scrutiny function for inclusion in the Council's Constitution.
2. That the Council be recommended to approve a revision to the rules on Ward Member "call-in" so as to provide for "call-in" by two Ward Members only in respect of decisions where the third Ward Member is the decision taker or otherwise unable to act.



City of Westminster

Committee Report

Item No:

Date:

21 October 2008

Classification:

For General Release

Title of Report:

Constitution Updates

Report of:

Director of Legal and Administrative Services

Wards involved:

N/A

Policy context:

Management of the Council

Financial summary:

There are no financial implications

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3. Background

(a) Policy and Scrutiny Committees

- 3.1 The way in which Policy and Scrutiny (formerly Overview and Scrutiny) operates and the role of the Policy and Scrutiny Committees is set out in (a) the Rules of Procedure within the Council's Constitution; (b) the protocol covering the Policy and Scrutiny function; and (c) guidance on the issue of press releases originally agreed in 2001 when the Overview and Scrutiny process was established in Westminster. The protocol was presented to the last meeting of the Westminster Scrutiny Commission (WSC) on 14 July 2008.
- 1.2 The protocol had been expanded from the original version to reflect how the WSC, Committees and Task Groups are to be supported and reviews undertaken, given the increased resources now available to Policy and Scrutiny. The available resources had increased as a result of the establishment of the Scrutiny Improvement team and initiatives taken to make Councillors more effective, including the intention, highlighted in the Leader's Speech to the special Council meeting in June, to widen the involvement of Policy and Scrutiny in policy development and formulation.
- 1.3 To give further emphasis to the Leader's intention, the protocol has now been further reviewed (a) to reflect the name change to "Policy and Scrutiny" and the emphasis on policy development; and (b) to amend and incorporate the guidance previously agreed on the issue of press releases/reports. Amendments to the guidance have been made to acknowledge the independence of the Policy and Scrutiny function, whilst at the same time ensuring that the relevant Cabinet Member is kept informed and has the opportunity to comment. These initiatives should contribute towards the aim of the Policy and Scrutiny function realising its full potential. The amended protocol and guidance are attached as Appendix A.
- 1.4 Subject to the WSC endorsing the revised protocol and expanded guidance, the General Purposes Committee is asked to recommend the Council to include the revised protocol as an addition to the Rules of Procedure for Scrutiny in the Council's Constitution to emphasise its importance.

(b) Ward Member "Call-In"

- 1.5 Following the Cabinet's decisions in December 2006 in relation to taking forward Westminster's One City Neighbourhood Programme, a series of revisions were required to the Council's Constitution which were agreed by the General Purposes Urgency Sub-Committee (15 January 2007) and subsequently by the full Council (24 January 2007).

- 1.6 This included a new power of “call in” for Ward Members in respect of reports for decision affecting single wards. This meant that where all three Members in a given ward were unhappy with the decision taken by a Cabinet Member, then, subject to the standard constitutional exemptions, Ward Members were able to request a “call in” of the decision to the relevant Policy and Scrutiny Committees.
- 1.7 The wording in the Constitution in relation to this new power did not take into account that, from time to time, the decision taker in respect of a single ward issue might be one of the three ward members. In this event, it would hardly be likely that that ward member as the decision taker would support a request for “call-in” of his/her decision. It is proposed therefore that the rules on ward member “call-in” be revised so as to provide for “call-in” by two ward members only where the third ward member is the decision taker or otherwise unable to act, for example, by virtue of a conflict of interest.

2. Legal Implications

- 2.1 The Director of Legal and Administrative Services will make the necessary updates to the Constitution following the approval of these changes.

3. Other Implications – None.

Background Papers

- Report to GP Urgency Sub-Committee (15.1.07)
- Report to WSC (20.10.08)

If you would like to inspect the background papers or have any questions on the report please contact Ron Cork – Tel: 020 7641 3132;
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