

REVIEW OF CONSTITUTION: 2010**PROPOSALS FROM COUNCILLORS MURRAY AND REDHEAD**

Text from Councillors
Proposals from Councillor Peter Murray - Leader – Conservative Group.
<u>Suggestion:</u>
At the very least the Constitution should be amended to allow formal comment at Executive Meetings by opposition parties before decisions are taken giving Executive Members the opportunity of at least considering other issues.
1. Equality of opportunity does not apply across the political spectrum in terms of “Call Ins” as ten names are required for a “Call In” at full Council.
At present however the Conservatives (even if all nine Councillors fully support a Call In) we could not do this alone as the ten person rule cannot be met.
Further, equality of opportunity does not apply in terms of Policy and Performance Boards if we want to challenge a decision as five Councillors are required to do this.
In terms of the Conservatives, we do not have five Councillors who sit on any one Policy & Performance Board and therefore the five person rule cannot be met.
So, no matter which way we turn, the net result is, that we are prevented from even debating matters at the Executive, we are clearly excluded from the decision making process at the Executive and, this is exacerbated further by not being able to “Call In” decisions that are of concern because we have less than the prerequisite number of Councillors required.
We are therefore reliant upon gaining the support of the other opposition party should we wish to challenge a decision made by the Executive and, for obvious reasons, this cannot be guaranteed.
On the Council Website a Councillor is described as someone who is elected by local people to <u>represent them</u> on a Council and, also on the website in encouraging people to think about becoming a Councillor it is stated that if appropriate rather than standing as a Councillor for the “mainstream” parties individuals can stand as an “independent” candidate.

This poses the questions about how local people can be represented and, as an example on how (if the situation arose that one "independent" candidate was elected on the Council who represented the views of a minority group) that single person could represent the views of the people who elected him/her if (a) he/she was not a member of the Executive; (b) was prohibited from raising concerns when attending an Executive Meeting where decisions are made and (c) as a single Councillor could never (without the support of other Political Parties) ever remotely hope to challenge the ruling group by calling for a "Call In" as (a single Councillor) he/she is 90% short of the numbers required of a "Call In".

In fact, the inadequacy of this system is highlighted when even with nine elected Councillors the Conservative Group alone cannot challenge the ruling Group when it comes to "Call Ins"

Speaking personally as the Leader of the Conservative Group and, as a member of the Councils "Equality and Diversity Group" (my Conservative Deputy Leader is also a member of this Group) I would question where the "equality" issue is satisfied as personally I think the "principal" is completely missing.

Suggestions:

The number of people required to satisfy a request for a "Call In" should cease.

The overriding factor in calling for a "Call In" should be satisfied if a Political Party requests a "Call In" whether this applies to a Policy & Performance Board or the Executive Board or a Sub Committee of the Executive Board.

The "Call In" process should be extended to include a situation whereby a Question under Sec 8 is asked but not answered (calling for an answer) or; if answered and the answer causes concern. (See separate comment below).

All Political Parties responding to a "Call In" should explicitly state whether they are voting under a "Whip" because if a "Whip" is used to defeat a "Call In" the "Call In" becomes useless as there is predetermination in play.

2. You will appreciate that in the past there has been some concerns over how to interpret whether a Councillor when presenting "Call In" is doing this via a "Motion".

I have spoken at "Call Ins" in the past as you know on more than one occasion and, on the last occasion despite the fact I submitted the "Call In" as a Motion and it was circulated by the Council as a Motion it was not allowed to operate as a Motion as I was denied a right to reply to points raised that frankly had nothing at all to do with what the Motion was about and, my integrity was brought into question twice without me being allowed a right to reply/offer a personal explanation.

<u>Suggestion:</u>
The process to be followed when a “Call In” is presented at Council should be recognised as being a “Motion” with the proposer having provision to explain the rational behind it.
This being the case I think the Constitution regarding “Motions” would cover off any concerns I had.
3. Question 8 allows a Councillor to ask a question at full Council not covered in the Agenda on the business of a Panel, Board or Committee.
Constitutionally however, the person asking the question is not guaranteed an answer as the person to whom the question is put can decline to answer.
Further, if a question is asked and answered, the matter is prohibited from being discussed further.
<u>Suggestion(s):</u>
It cannot be right for someone to decline to answer a question legitimately asked by a Councillor bearing in mind that a Councillors duty in terms of overview and scrutiny leads him/her to search out answers for clarification or because of concerns. My suggestion in this regard therefore would be to remove entirely the right of someone to decline to answer a question unless that person specifically states that by answering such a question it may incriminate him/her due to (for example) identifying a breach of discipline or because of a pending disciplinary hearing.
Conversely, if a question is asked by a Councillor and answered but the answer raises more questions, it cannot be right that debate should not follow to draw out answers as again a Councillors duty in terms of overview and scrutiny would lead to debate. My suggestion therefore is to delete all reference within the Constitution to an answer when given not being allowed to be debated further and, add to the Constitution that where possible, verbally answering a question should be the primary response to a question rather than pointing out a reference to a publication or providing a written answer at some later date.
4. There has been in the past disagreements about votes at Council being in dispute and many debates are not fully recorded, simply decisions.

I therefore have concerns about inaccuracies and, the lack of a definitive independent process that we can accurately rely upon to resolve issues where conflict may occur.
I also believe that with the modern technology available today we can provide a better service to the public in allow them to view their elected Councillors from their own homes.
<u>Suggestion(s):</u>
The Council should look at visually recording its Meetings and making them available to the public via its website.
If this is deemed un-feasible, then the Council should verbally record its Meetings and make this available to the public ideally through its website.
Master copies should be retained of meetings that can be accessed if need be to determine what was said and by whom to resolve differences of opinion.
With the Council engaged in an efficiency drive at present, this is the ideal time to carry out a cost benefit analysis to determine whether the visual and/or verbal recording of meetings offers better value than the use of Committee Clerks to attend & write up summaries of meetings; as well as the printing and circulation costs of "Minutes".
I would therefore propose such a cost benefit analysis being carried out and a cross Party Working Party being formed to develop this as a matter of urgency reporting their findings to the Executive and, if changes are implemented, the Constitution being amended accordingly..
5. With the exception of Council Meetings, I would like to see the venues for all other PPB and Regulatory Meetings being shared out equally with an identical number of all such meetings being held both at Widnes and Runcorn venues.
This will hopefully encourage more people to attend Meetings and it would distribute more evenly Councillors travel across a very busy Bridge at times.
<u>Suggestion:</u>
Make it a Constitutional requirement for PPB and Regulatory Meetings to be held equally each calendar year in Widnes and Runcorn. Council Meetings should of course all be held at Runcorn Town Hall.

6. Continuous training of Councillors should be a priority to drive up better understandings of the Constitutional processes.
<u>Suggestion(s):</u>
In terms of understanding the Constitution better, I would recommend that all Councillors be offered training led by the Monitoring Officer/Legal Services to explain the key issues of the Constitution.
In terms of the minority Political Parties (and I speak exclusively on behalf of the Conservatives to avoid conflict with members of a different political point of view) I would think it highly valuable to explain to Councillors (via training) the various legitimate ways that the Constitution permits challenge and, how this can be achieved.
I think this would have maximum impact if the training was offered to political groups in isolation rather than a collective audience but again, I speak exclusively as the Leader of the Conservative Group.
<u>In conclusion:</u>
If the Constitution is examined and “the purpose of the constitution” (page 5 of the Constitution) and, the “key roles of <u>all</u> Councillors” (page 8 of the Constitution) are taken account of I feel that at present we cannot satisfy many of the requirements they demand.
I think with respect my proposals bring us closer to achieving the goals of the Constitution and, I await your reply.
Yours truly,
Peter Murray
Leader of Halton Conservatives
31 st March 2010
<u>ADDENDUM: (added 26th April 2010.</u>
8 There should be a process in place that will enable a Councillor wishing to attract the Mayor at a Council Meeting for attention to raise questions/observations the capacity to do giving him/her the confidence that the request has been recorded.
<u>Suggestion(s):</u>

An electronic system should be introduced that will confirm to the Councillor making the request that it has been recorded and, confirm to the mayor that a request has been made and when (inside or outside of permitted time).

Ideally, this should also be tied to a system that will allow Councillors to vote electronically and register their vote under their names.

Peter Murray

Leader – Conservative Group.

26th April 2010

Proposals from Councillor Linda Redhead - Lib.Dem. Leader

We would like to have a representative from each of the opposition parties able to ask a maximum of one question on each item at Executive Board and Executive Board Sub.