

Public Document Pack

Governance Committee 29 OCTOBER 2019

Present: Councillors: Andrew Baldwin, Toni Bradnum, Philip Circus,
Leonard Crosbie, Christian Mitchell, Kate Rowbottom and David Skipp

Absent: Councillor: Tim Lloyd

GO/10 MINUTES

The Minutes of the meeting held on the 9 July 2019 were approved and signed as a correct record.

GO/11 DECLARATION OF MEMBERS' INTERESTS

None.

GO/12 ANNOUNCEMENTS

None.

GO/13 THE ROLE OF POLICY DEVELOPMENT ADVISORY GROUPS IN PROCUREMENT AWARD DECISIONS

The Monitoring Officer reported that the Section 151 Officer had asked that the Committee consider the role of Policy Development Advisory Groups (PDAGs) in procurement award decisions. Procurement decisions could have an annual value of £63k, but could run over four years, thereby taking them over the key decision threshold and therefore ensuring that the decision went to Cabinet. The majority of procurement exercises would go to a PDAG at the point of award, just before Cabinet, and too late for a PDAG to have any influence. There were alternative options to prevent this happening. These were to:

- raise the key decision limit to £500k or a suggested amount;
- raise the key decision limit for contract awards carried out under EU procurement regime and remove the requirement to take procurement Cabinet decisions to PDAG;
- ensure that procurement decisions were taken to PDAGs earlier in the decision process, so that PDAGs could look at the procurement requirements.

During a brief discussion, the following points were made:

- That whilst PDAGs were advisory bodies, the Constitution stated that their comments had to be considered as part of the decision process.
- That the scrutiny process had to be taken into consideration as part of the decision making process.

RESOLVED:

That it be recommended to Council that the Constitution be amended to ensure that procurement decisions were taken to PDAGs earlier in the overall decision process.

GO/14 **COMMITTEE WORK PROGRAMME**

The Committee work programme was discussed.

A Member outlined two areas that he felt would be appropriate to consider for the Committee's Work Programme.

The first of these was a review of the rules, as presently identified in the Constitution, relating to Motions raised during debates on a Planning Application. At a meeting of Planning Committee (North) a member had stated that she wanted to move a resolution. The chairman had interrupted her and the Director of Place had been made a statement to refer the application to Full Council as she deemed that the Committee had been minded to make a decision that could result in significant costs to the Council. This decision had been made in accordance with the Constitution.

He suggested that it might be appropriate for the Committee to consider the origins of this clause, and whether there were precedents in other councils.

A Member pointed out that in the Council meeting on the 9th December 2015, a report had been submitted from the Scrutiny & Overview Committee that recommended a change to the Constitution so that, in the event of a proposal from a Planning Committee that would be likely to have significant costs implications for the Council, the decision could be deferred for determination by full Council.

The Monitoring Officer added that other authorities did have similar clauses in their constitutions which allowed the Planning Director to undertake a similar course of action. She went on to say that at that particular Planning Committee, the rules of debate would have allowed a full discussion, but as soon as an amendment against the original motion had been put, it had not been possible to allow the motion to be seconded as it would then have had to go to a vote. She believed that the issue of not having a full debate could be dealt with by giving Members training, as there were new councillors on the committee who had little experience of the rules of debate.

The second point raised by the Member was a review of Motions raised in the course of a Meeting of a Statutory Committee which propose a significant change in the way that Committee undertakes its business. A motion had been put forward in the first meeting in the current term of Overview & Scrutiny Committee that went against decisions that had been made at the last meeting

in the previous term. The motion had been carried. He asked that the Committee give consideration to altering the Constitution so that motions to a committee be submitted in writing the day before a meeting in order to allow the Chairman and Vice Chairman the opportunity to assess the motion in terms of the agenda.

During the ensuing discussion, the following points were made:

- That the Council's standing orders within the constitution contained statutory requirements regarding the rules of debate, and followed the model code that the majority of councils had adopted, which were designed to allow councils to operate efficiently.
- That within the model code there was a presumption of openness and clarity of aims and outcomes;
- That consideration be given to training Members further in the rules of debate;
- That consideration be given to providing for a standing item on the Council agenda for the Overview & Scrutiny Chairman to report to Council.

RESOLVED

That it be recommended that the issue of debates at Planning Committee be included in any future Member's Planning Training.

GO/15 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.00 pm having commenced at 5.35 pm

CHAIRMAN

This page is intentionally left blank