



REPORT TO: POLICY & RESOURCES COMMITTEE

DATE: 2 APRIL 2009

REPORTING OFFICER: CHIEF EXECUTIVE

**SUBJECT: REVIEW OF THE CONSTITUTION -
COUNCILLOR CALL FOR ACTION**

WARDS AFFECTED: ALL

1.0 PURPOSE OF THE REPORT

1.1 To consider changes to the Council's Constitution relating to the Councillors Call for Action (CCfA) s119 of the Local Government and Public Involvement in Health Act 2007 as recommended by the Constitution Review Working Party meeting on 11 March 2009.

2.0 RECOMMENDATIONS

2.1 That the Council be recommended to adopt the following change to the Council's Constitution :

- (i) The Councillor Call for Action set out in Annex 1, be adopted and operative from the date approved by Council (21 May 2009).

3.0 REASON FOR RECOMMENDATIONS

3.1 To 'prepare and keep up to date' the Constitution in accordance with Section 37 of the Local Government Act 2000.

4.0 REPORT

4.1 Members will be aware that the Constitution explains the Council's arrangements for the discharge of functions and corporate governance. It is considered good practice to regularly review the Constitution to ensure that it is fit for purpose and gives full effect to the requirements of legislation and other key developments in local governance.

Councillor Call for Action (CCA)

- 4.2 The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) continues to come into force on a piecemeal basis. The latest and perhaps most significant development, in terms of the impact on all Members, is the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008, coming into force on the 1 April 2009. This Order effectively brings into force the Councillor Call for Action.
- 4.3 The current constitutional position:
- The Constitution already provides for the following:
- the right of Members to request that an item is placed on a Scrutiny agenda
 - the rights of Ward Members to speak at meetings as representatives of petitioners
- 4.4 The constitutional mechanisms are already available for all Members to exercise a “call for action”. The statutory regime sets out the parameters of the CCA and how the process should be managed. Subject to that caveat, the statutory CCA , in many respects, replicates (and, in part, builds on) the powers already available to Members.
- 4.5 It is recommended that the current Constitutional provisions are brought together in a Protocol that sets out Members’ rights as well as reflecting the requirements of the 2008 Regulations. The Protocol, set out in Annex 1 of this report, is intended to ensure that the process is not abused, the fundamental principle being that the exercise of the CCA is an option of last resort.
- 4.6 It is recommended that the Protocol forms part of the Constitution and becomes operative from the date approved by Council (21 May 2009).

BACKGROUND PAPERS

None

OFFICER CONTACT:

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