

COMMUNITY LEADERSHIP ADVISORY GROUP**26 January 2010 at 6.30 pm**

MEMBERS PRESENT: Councillor Sean Brennan (Chair), Councillor Ruth Dombey (Vice-Chair) and Councillors Stuart Gordon-Bullock, Sue Stears and Roger Thistle.

ABSENT: Councillors Paul Scully and Tony Shields.

1. MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 8 December 2009 were agreed as a correct record, and signed by the Chair.

2. CHANGES TO THE CONSTITUTION

Members considered a report on proposed changes to the council's constitution. Generally speaking, the changes being proposed were of a minor nature, to take account of new legislation or regulations recently brought into force. The Executive Head of Legal & Democratic Services proposed to carry out a more detailed review of the constitution, particularly in respect of Contract Standing Orders and financial Regulations, in the summer, after the local elections.

Members suggested the following amendments to the schedule of changes circulated with the report:-

1. Section 1 – Paragraph 20 – the final sentence to read “The Executive is made up of the Leader of the Council, who chairs the committee, and up to nine other councillors from the majority party, appointed to it by the Leader”.
2. Article 6 – Proposed new paragraph 6.27 – Councillor Calls for Action (CCfAs) – to be changed to allow CCfAs to be dealt with more flexibly so as not to swamp scrutiny committee agendas. The paragraph should now read: “Each council committee will also be responsible for addressing any CCfAs that fall within its remit, in accordance with the Local Government and Public Involvement in Health Act 2007. CCfAs will be allocated to the relevant committee by the appropriate Committee Manager.” The flowchart at Article 6A, setting out Sutton's light touch process for dealing with CCfAs, should also be changed to reflect this wording.
3. Section 4 – Part 2 – Motions – paragraph 11.5 - justification to be given for changing the timescale for the presentation of motions from 10 days to 11 days. The final sentence of the paragraph to be changed from “The person submitting a notice of motion by e-mail MUST telephone the Democratic Services Manager...” to the effect that councillors should telephone to check their e-mail's arrival if they have not received an acknowledgement from the Democratic Services Manager within the deadline for receipt of Motions. The reference to “clear days” should also be changed to “working days” with an explanation of what that means for clarity.
4. Article 8 – Regulatory Committees and Other Bodies – (i) Revised Terms of Reference for the Sutton Joint Health and Safety Committee to be inserted, as agreed at the previous meeting; and (ii) the Executive Head of Legal & Democratic Services to consider the reference from the Health and Well Being Scrutiny Committee concerning the role of the Housing Advisory Group and include appropriate wording in the report to The Executive, if possible. Otherwise, this issue may be deferred and dealt with as part of the substantive review of the constitution to be undertaken in the summer.

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An Addendum had been circulated with the agenda, setting out a proposed draft petitions scheme, to accord with the government’s draft guidance on the duty to respond to petitions under the provisions of the Local Democracy, Economic Development and Construction Act 2009. The legislation was coming into force in piecemeal fashion. However, the Executive Head of Legal & Democratic Services advised that it now appeared unlikely that this requirement would commence on 1 April 2010, given that the consultation would not end until 24 February 2010. He therefore suggested that consideration of this matter should be deferred, pending the outcome of the consultation and any further guidance from the government.

Resolved: To endorse the proposed changes to the constitution, amended to include the further amendments set out in the text above, and agree: (i) to defer consideration of the draft petitions scheme pending the outcome of the consultation and/or further guidance from the government; and

(ii) to **RECOMMEND** The Executive to recommend the revised schedule of changes to full Council for adoption.

3. "LISTENING TO COMMUNITIES: CONSULTATION ON DRAFT STATUTORY GUIDANCE ON THE DUTY TO RESPOND TO PETITIONS"

On 2 December 2009 the government had published “Listening to Communities: Consultation on Draft Statutory Guidance on the Duty to Respond to Petitions”, as reported elsewhere on the agenda, setting out their draft proposals. Local authorities had until 24 February to respond to the consultation. The Executive Head of Legal & Democratic Services drew attention to the summary of consultation questions and asked whether Members were minded to comment on any of the issues raised.

The general feeling was this legislation was both unnecessary and onerous, and showed a lack of understanding about how local government worked. It was proposed that the Executive Head of Legal & Democratic Services should draft a response, setting out Members’ concerns, including the following comments:

- Additional resourcing issues resulting from the need to review and respond to comments/e-petitions on councils’ websites.
- Members would like to be consulted on the negative impact assessment.
- There are quicker, easier and simpler ways for residents to engage with their local council, rather than the introduction of further bureaucracy, which does not free up local government to facilitate better democratic processes.

Members who had any further comments or concerns in response to specific consultation questions that they would like to see included in the response should contact the Executive Head of Legal & Democratic Services direct.

The Vice-Chair suggested that the Executive Head should also get Councillor Graham Tope’s views, in view of his in-depth knowledge about this legislation.

Resolved: To agree that the Executive Head of Legal & Democratic Services draft a response to the Department for Communities and Local Government, setting out Members’ concerns.

The meeting ended at 7.25 pm

Chair:

Date: