

CONSTITUTIONAL CHANGES AT CORNWALL COUNCIL

Policy Advisory Committees:-

These were previously the Portfolio Advisory Committees and their name has been changed to emphasise the importance of policy development as part of their role. The main change here is that the informal PAC meetings have been removed from the programme of meetings. Democratic Services has already done this. The effect of this is that should Chairmen (once elected) decide to hold informal sessions they will not be approved duties in relation to the payment of Member allowances. This should not preclude Members from meeting informally but Chairmen need to be aware of this and perhaps schedule any informal discussions on the same day as formal sessions or be aware that Members cannot claim travel. There will not be any Democratic Services support to informal sessions and therefore Chairmen will need to arrange the facilities and any officers that they may wish to attend to inform their discussions. Given the reason for the removal of the informal PAC meetings from the programme, Chairmen and Members will need to be mindful of the formal processes in place and ensure that discussions do not ultimately impact the discussions at formal meetings when the role of the PAC is to challenge and provide advice to the Cabinet, either as a collective or to individual Portfolio Holders.

The calendar of meetings now reflects the constitutional position for Policy Advisory Committees in that they are scheduled eight weekly, as determined by Council. The Council's decision on 16 December did make provision for extraordinary meetings outside of this cycle which will require the prior agreement of the Monitoring Officer who will make his decision having regard to the resource implications of convening a meeting and the financial, legal and other implications relevant to the business proposed to be transacted, consulting with the Chief Financial Officer as appropriate. In determining whether to accede to a request for an extraordinary meeting the Monitoring Officer will also have regard to the views of the Chairman of the Policy Advisory Committee, the responsible Cabinet Member and the Leader, as appropriate. Any requests for an extraordinary Policy Advisory Committee meeting shall be in writing, detailing the business to be transacted and the reason(s) why the business cannot be held over to the next ordinary meeting. Such requests may only be made by the Chairman of the Policy Advisory Committee, the responsible Cabinet Member or, in relation to any Cabinet Portfolio, the Leader. Democratic Services will not, therefore, be scheduling extra meetings in the diary as a matter of course and they will need to be dealt with on a case by case basis through the constitutional process approved by Council and reflected above.

There is now increased flexibility about the formal meetings in that their content may now include presentations and a staged reporting

arrangement on items relating to the work plan of the Committee, which will enable the Committee to fulfil its challenge and advisory role and to make appropriate and informed recommendations to the Cabinet.

In taking these new arrangements into account Cabinet Members and PAC Chairmen need to be vigilant and consider other ways in which information can be shared, such as via email, included in the Members newsletter, or in a service briefing to all Members. From May 2015 Democratic Services are also in the process of scheduling 2 days a month for Member briefings which Cabinet Members, PAC Chairmen and Senior Officers will be able to utilise to brief Members on items of a corporate or cross-cutting nature. Further information will follow on this in due course.

Debates:-

There is now provision for debates on issues of general/countywide interest which the Chairman agrees should be included on the Council agenda. This is different to debates on formal motions on notice in that there will be no requirement for a formal report and such debates will not result in a formal decision but may influence the Council's future direction. Should Members wish to pursue this option at any point they will need to give notice to the Monitoring Officer not less than 10 days before the meeting in order that he can be satisfied that there are no procedural, legal or financial reasons why the issue should not be debated in the absence of a formal report. The Chairman will make the final decision on whether it is added to the agenda. Additional procedure rules have been added to the Constitution to facilitate this process.

On both of these points, additional training is being developed for all Members and officers which will provide further guidance and support.

We are in the process of updating the Constitution with all of the recently agreed changes and Members will be advised when that piece of work has been completed and the revised Constitution will also be put on the Council's web site.