

Report to:	Audit and Governance Committee	Date of Meeting:	Wednesday 22 June 2022
	Council	Date of Meeting:	Thursday 14 July 2022
Subject:	Constitutional Amendment – Cabinet Agendas		
Report of:	Executive Director of Corporate Resources and Customer Services	Wards Affected:	(All Wards);
Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To consider a request from Councillor Sir Ron Watson for the Constitution to be amended to remove the power for the Leader of the Council to veto formal requests by elected members for items to be included on the Cabinet agenda and to remove the discretion of the Leader to limit the number of such items to be considered per Cabinet meeting, as set out in Chapter 5 paragraph 82 of the Constitution.

Also, to consider the recommendation that a criteria for submission be established which would enable elected members to have items placed on the Cabinet agenda provided they fulfil the requirements set out in the criteria.

Recommendations:

Audit and Governance Committee is requested to:

- (1) Recommend to Full Council that Chapter 5, paragraph 82 of the Constitution be amended to remove the power of the Leader to refuse a request from any elected member for an item to be placed on the agenda for the next available meeting of the Cabinet and to remove the discretion of the Leader to limit the number of such items to be considered per Cabinet meeting.
- (2) A criteria for submission be established to enable elected members to have items placed on the Cabinet agenda provided they fulfil the requirements set out in the criteria.
- (3) Subject to approval of (2) above, the Executive Director of Corporate Resources and Customer Services be requested to submit a further report setting out the proposed required criteria for approval of elected member submission of items on Cabinet agendas.

Reasons for the Recommendations:

Removal of the power of veto of the Leader and the establishment of a criteria for submission of items for inclusion on Cabinet agendas would enable elected members to feel confident that providing they meet the criteria, they are able to raise matters of strategic concern.

Establishment of a criteria would enable non-executive Members to raise issues of interest or concern with Cabinet.

Alternative Options Considered and Rejected: (including any Risk Implications)

The Constitution be not amended and the Leader retain the power of veto on submission of items by elected members for inclusion on Cabinet agendas and continue to exercise discretion to limit the number of such items to be considered at each Cabinet meeting.

The risk implications associated with removing the Leader's veto could lead to the Cabinet being over-burdened with items submitted by elected members.

What will it cost and how will it be financed?

(A) Revenue Costs

None directly

(B) Capital Costs

None directly

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): No additional direct resource implications	
Legal Implications: None directly	
Equality Implications: None directly	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y

Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/A
Facilitate confident and resilient communities: YES
Commission, broker and provide core services: N/A
Place – leadership and influencer: YES
Drivers of change and reform: YES
Facilitate sustainable economic prosperity: N/A
Greater income for social investment: N/A
Cleaner Greener N/A

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.6720/22) and the Chief Legal and Democratic Officer (LD.4920/22...) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision:

Immediately following the full Council meeting.

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Appendices: The following appendices are attached to this report:

Appendix 1: Email from Councillor Sir Ron Watson to Councillor Maher (Leader of the Council), dated 2 July 2020, requesting his inclusion of an item to be considered by Cabinet under Rule 82 in Chapter 5 of the Constitution.

Appendix 2: - Report submitted by Councillor Sir Ron Watson requesting that an item be considered by Cabinet on 3 September 2020

Background Papers:

There are no background papers available for inspection.

Introduction / Background

1.

1.1 This report arises from a request by Councillor Sir Ron Watson that the Audit and Governance Committee considers and recommends that Council approval is given for an amendment to the Constitution relating to submission of items for inclusion on Cabinet agendas by elected members.

1.2 Chapter 5 paragraph 82 states that:

‘Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This Councillor will be invited to attend the meeting, whether or not it is a public meeting]. However, the Leader has discretion to limit the number of such items to be considered per Cabinet meeting’.

1.3 In recent years there have been two occasions when formal requests have been submitted for inclusion of items on the Cabinet agenda in accordance with Chapter 5 paragraph 82. These requests were both made by Councillor Sir Ron Watson as indicated in Appendices 1 and 2 of this report; and in both cases, the Leader of the Council exercised his right of veto.

1.4 Councillor Sir Ron Watson also put forward the following motion to full Council on 16 September 2021:

“56. MOTION SUBMITTED BY COUNCILLOR SIR RON WATSON - SEFTON CONSTITUTION AMENDMENT

Sefton Constitution Amendment

It was moved by Councillor Watson, seconded by Councillor Brough that: The current Sefton Constitution under Rule 82 enables Elected Members who are not Members of the Cabinet to submit an item to be placed on the Cabinet Agenda.

There are strict rules concerning the time frame, the relevance of the subject matter and the Councillor themselves have to submit a full written report detailing the issue.

The Councillor concerned is able to attend the Cabinet and speak and answer questions from other Members but is not allowed to vote. Under the current conditions of the Constitution the Leader of the Council is consulted when the request is received and he/she has the delegated authority to veto the item so that it does not appear on the Agenda notwithstanding the fact that all the criteria have been met.

Council now believes that this is an undemocratic and unnecessary power and resolves to remove this section of the Constitution.

This will mean that all Members of the Council can be assured that they

will have the ability to raise issues when appropriate with the main decision-making body of Sefton Council.

Following a debate and on a show of hands the Mayor declared the vote was lost by 40 votes to 16 with 0 abstentions”.

2. Proposal

- 2.1 Councillor Sir Ron Watson wishes for the Audit and Governance Committee to recommend that Council that the Leader’s veto provision for inclusion of an item submitted for consideration by Cabinet and discretion to limit the number of such items to be considered per Cabinet meeting, be removed.
- 2.2 The Council does not currently operate a criteria for approval or rejection of requests for agenda items submitted by Members for inclusion on Cabinet agendas and it is suggested that such criteria should be established and a formal record of requests be retained.
- 2.3 If the requested item fulfils established criteria then the requested item will be included on the Cabinet agenda and the Member be invited to attend the Cabinet meeting.