

PROCEDURES COMMITTEE

7 November 2019

Present:-

Councillors J Mathews (Chair), J Hart, S Hughes, S Aves, F Biederman, R Hannaford and N Way

Apologies:-

Councillors A Connett and C Wright

* 74

Minutes

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

RESOLVED that the minutes of the meeting held on 17th September 2019 be signed as a correct record.

* 75

Items requiring urgent attention

There was no item raised as a matter of urgency.

76

Amendments to Terms of Reference for the Local Enterprise Partnership Joint Scrutiny Committee

The Committee noted that at its meeting on 17th October 2019, the Local Enterprise Partnership Joint Scrutiny Committee considered an evaluation report on the first twelve months of the committee's operation.

As part of that debate, the Committee RESOLVED

(a) that the progress of the Heart of the South West (HotSW) Local Enterprise Partnership (LEP) Joint Scrutiny Committee be noted and current arrangements be continued;

(b) that the terms of reference of the Committee be amended as outlined in Part 4 of the Report, to include proactive Scrutiny of the Local Industrial Strategy;

(c) that future meetings be webcast to continue to increase transparency of the Committee;

(d) that public participation be adopted at future Committee meetings in line with Devon County Council's public participation scheme;

(e) that the Committee write to the Ministry of Housing, Communities and Local Government (MHCLG) to express serious concerns over the confidential nature of the Local Industrial Strategy, preventing the Committee from undertaking public scrutiny;

(f) that work continued to improve the effectiveness of the Joint LEP Scrutiny Committee; and,

(g) that any changes proposed would be subject to the approval of the Constituent Authorities and may require wider consideration across the Heart of the South West Councils.

The Committee noted that the Constituent Authorities had all been asked to take this through their relevant decision-making processes.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Hannaford, and

RESOLVED that the Procedures Committee endorse the proposed changes to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee, as outlined in the revised Terms of Reference (attached), notwithstanding that agreement will be required across Constituent Authorities.

* 77

Public Questions at Council and Cabinet Meetings

The Leader had asked that the Committee and its Members reviewed the current process for public questions. The current public participation rules were attached to the agenda. At meetings of the Council and Cabinet, there had been large numbers of questions from Members of the public. Whilst public participation was always welcome, there was a concern that a lot of the questions were on the same issues, with many being duplicated.

Members commented upon and debated a number of suggestions as outlined below;

- the officer time involved in formulating responses to questions;
- public participation rules in other authorities such as appointing a spokesperson when there were groups interested in the same issues;
- limits on the numbers of questions on the same issue;
- the need to ensure all were entitled to have their say, should the current rules be amended; and
- the role of the Chair in applying the public participation rules at Committee.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Biederman, and

RESOLVED that a watching brief be kept on this issue and a Report be brought to a future meeting of the Committee if it was felt that a review of the Public participation Scheme was required.

78

Appeals (Transport) Committee (Local Government and Social Care Ombudsman Implications)

The Committee was asked to note a recent Local Government and Social Care Ombudsman case <https://www.lgo.org.uk/decisions/education/school-transport/18-015-770> relating to a school transport appeal at the City Of Bradford Metropolitan District Council.

In summary the Local Government and Social Care Ombudsman had determined that the Council's school transport appeals panel failed to properly consider an appeal for travel assistance. The outcome was that within one month of the decision the Council should arrange a fresh appeal panel with new panel members to consider the appeal again.

Whilst the Council had suggested they hold a further appeal, this was the first time (that Devon was aware of) that the Local Government and Social Care Ombudsman had stipulated the second appeal must be with new members, which accorded with the principles of natural justice.

This posed a challenge for Devon, as the current Committee was 5 Members.

Whilst it would be a rare occurrence for the Ombudsman to direct the Council to rehear such an appeal, the Procedures Committee was asked to consider this issue and suggest / recommend any changes to the current configuration of the Appeals (Transport) Committee.

The Committee also notes that the Statutory school transport guidance was brief in relation to appeals and did not refer to re-hearings and that Devon did not get the same volume of cases that Bradford did.

Potential options discussed were that substitutes be appointed to the Committee (potentially former Members who have been trained) or that the Clerk arranged for a number of Members to sit at a hearing from a pool of trained Members, similar in nature to how the Council's Personnel Panel was constituted.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Hannaford, and

RESOLVED that the Constitution of the Appeals (Transport) Committee be amended to include three substitute Members. These representatives should have previous experience of the Committee and associated training to ensure consistency of decision making and also to reflect the growing number of complex cases.

* **79** **Notice of Motions Working Group**

The first meeting of the working group was due to meet on the rising of the Procedures Committee.

The working group had originally convened due to the large number of motions being submitted, often on issues over which the Council had very little control or jurisdiction.

Members discussed the importance of meaningful motions and that officers could always support members in the drafting of motions.

RESOLVED that, in view of the current process working well at the last Council meeting, the working group do not make any recommendations at this time, but reconvene when and if required.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.24 am