

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

WARD MEMBER CONSULTATION

Reason for this Report

1. To allow Members to consider constitutional provision for Ward Member consultation requirements.

Background

2. In October 2017, the Committee's Constitution Review report noted that arrangements for ward member consultation have been identified as an area for review, arising from complaints received from local Members who had not been consulted on significant issues affecting their ward. The Committee agreed to receive a further report on this matter. This is that report.

Issues

3. Local Ward Members must be aware of significant developments within their wards in order to properly discharge their role as Council representatives of their wards. In practice, local Members are routinely consulted on matters affecting their ward, however there have been occasional complaints from Members reporting that they were not consulted.

4. The Scheme of Delegations, Section 4A, Introduction to Officer Delegations, paragraph 1.5 currently states that:

'This Scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations.'

However, the Constitution contains no further rules, guidelines, or protocols on this issue.

5. It is recommended that requirements for consultation with ward members on significant issues affecting their wards should be enshrined in the officer decision making processes within the Constitution. This may be achieved by inserting into the Scheme of Delegations, after the words in paragraph 1.5, Section 4A (set out in the paragraph above) words to the effect of the

following:

'(a) When taking, or considering taking, delegated decisions all officers must have regard to the following questions:

- i. Does the decision involve significant expenditure to the service budget, or wider Council budget?*
- ii. Does the decision affect the reputation of the service and/or Council?*
- iii. Is the decision significant with regard to one or more wards?*
- iv. Does the decision carry a significant risk to the service or wider Council?*
- v. Does the decision impact reputationally or financially on service users, partner organisations or committees outside the Council?*

(b) Officers must consider the above and, where the answer to any of the above questions is yes, prepare a delegated officer decision using the pro forma, which must be presented to the relevant Cabinet member to consult with them on the decision (this can be done via email).

(c) If the matter impacts specifically on one or more wards (i.e. it is a local issue rather than council wide) and it is considered to be significant then the officer should consult ward member(s) (and consider the need to consult with any relevant Community Council).

(d) For highly significant or sensitive matters, officers must consider, in consultation with the relevant Cabinet member, whether in fact a Cabinet report should be prepared instead and the matter entered on the Cabinet Forward Plan.

(e) Day to day routine management decisions do not need to be subject to formally recorded decision procedures.'

Legal Implications

6. The Constitution Committee is authorised to review the Constitution and recommend any amendments considered appropriate to full Council for approval (subject to certain amendments which can be approved by the Committee itself). The proposed amendments to the Scheme of Delegations require the approval of full Council.

Financial Implications

7. There are no financial implications arising from the report

RECOMMENDATION

The Constitution Committee is recommended to:

Recommend to full Council the amendment of the Scheme of Delegations, Section 4A, paragraph 1.5 to incorporate the ward Member consultation requirements detailed in paragraph 5 of the report, subject to any agreed amendments.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING
OFFICER

20th February 2018

Background papers

Constitution Committee report 'Review of Constitution', October 2017