

IMPROVEMENT & REVIEW PROTOCOL-

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What is the Commission being asked to do?

The Commission is asked to consider

- (i) the two proposals put forward, as detailed in the report; and
- (ii) the attached updated Improvement and Review Protocol for referral to the Regulatory & Appeals Committee for consideration for inclusion in the Council Constitution.

Executive Summary

The Current Improvement and Review Protocol as featured in the Council's Constitution at Part 3 – E required updating, given a considerable number of out-of-date cross references and statutes found in the document. A revised protocol with deletions struck through and additions underlined is attached for Commission Members' consideration.

There have been no changes of substance which affects the current working of the Commission as a result of this updating exercise.

The new protocol was referred to the Improvement & Review Commission meeting of 12 November 2014 at which Members asked that the matter be deferred in order that it could be studied in detail. Copies of the protocol featuring changes, 'before' and 'after' were then circulated to all Commission Members.

One response has been received, from Councillor Trevor Snaith, who requests the Commission to consider making the following further changes:

1. Change to the call-in requirements so only two (not three) criteria need to be met.

The current requirement is that three from seven criteria need to be met to enable the matter to be submitted to the Improvement and Review Commission for consideration, so making such a reduction will make it easier for matters to be called-in.

The Commission has considered 16 call-ins since 2011 and, from a review of other Councils schemes, our arrangements are in line with many, although there is nothing to prevent the Commission making this change if it so wishes.

The Protocol also refers to call-ins being matters of exception, so a balance needs to be struck on the number and type of criteria to be used.

2. Call-ins to be automatically debated.

The current requirement is that the Commission is asked whether it wishes to proceed with the call-in when it comes to the meeting. It is considered good practice for the Commission to satisfy itself that the call-in request is valid. Also, with one of the seven criteria (There has been insufficient opportunity for

members to input into the decision) this could be a matter of judgement so a Commission decision would be required in those instances when that criteria is used.

Of the 16 call-ins considered since 2011, 12 have not been accepted and four moved to full debate, the last one being the reserve sites decision in November 2014.

Following consideration at the meeting the revised protocol will be referred to the Regulatory & Appeals Committee for consideration and referral to Council as it amends the Constitution.

Corporate and Financial Implications

There are no financial implications in respect of this report; however in respect of corporate implications the input of the Head of Democratic, Legal & Policy Services along with Council's Monitoring Officer (District Solicitor) has been utilised, ensuring all governance and statutory requirements have been accounted for.

Next Steps

If acceptable to the Commission, an appropriate report will be submitted to the 2 February 2015 meeting of the Regulatory & Appeals Committee for onward recommendation to Full Council in respect of the updated Protocol before the Commission.

Background Papers

Working papers in respect of the identification of the proposed amendments are held in the Democratic Services Section.