

**AGENDA MANAGEMENT SHEET**

**Name of Committee**                      **Community Protection Overview and Scrutiny Committee**

**Date of Committee**                      **25 July 2006**

**Report Title**                                **Report of the Monitoring Officer - Despatch of Agendas and Reports**

**Summary**                                      At the Community Protection Overview and Scrutiny Committee meeting on 13 June 2006, when agreeing the minutes of the meeting of 2nd May 2006, the Committee asked for a report from the Strategic Director of Performance and Development (as Monitoring Officer) regarding the despatch of the agenda and reports for the Committee's meeting on 2 May 2006 in light of the requirements of Standing Orders. Appended to this report is the Monitoring Officer's written response in relation to this issue.

**For further information please contact:**

Jean Hardwick Principal Committee Administrator Tel: 01926 412476 jeanhardwick@warwickshire.gov.uk	Sarah Duxbury Corporate Legal Services Manager Tel: 01926 412090 sarahduxbury@warwickshire.gov.uk
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**Would the recommended decision be contrary to the Budget and Policy Framework?**                      No.

**Background papers**                      None

**CONSULTATION ALREADY UNDERTAKEN:-**                      Details to be specified

- Other Committees                       .....
- Local Member(s)                       .....
- Other Elected Members                       Councillors Richard Chattaway, Michael Doody, Dave Shilton and John Wells  
Councillor John Haynes
- Cabinet Member                       .....
- Chief Executive                       .....
- Legal                                       Sarah Duxbury

- Finance  .....
- Other Chief Officers  .....
- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION YES**

**SUGGESTED NEXT STEPS:**

Details to be specified

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Agenda No

# Community Protection Overview and Scrutiny Committee - 25 July 2006.

## Despatch of Agendas and Reports

### Report of the Strategic Director of Performance and Development

#### Recommendation

Members are asked to note the report attached at Appendix 1.

#### 1. INTRODUCTION

- 1.1 At the Community Protection Overview and Scrutiny Committee meeting on 13 June 2006, when agreeing the minutes of the meeting of the 2nd May 2006, the Committee asked for a report from the Strategic Director of Performance and Development (as Monitoring Officer) regarding the despatch of the agenda and reports for the Committee's meeting on 2 May 2006 in light of the requirements of Standing Orders.
- 1.2 Appended to this report is the Monitoring Officer's written response in relation to this issue.

DAVID CARTER  
Strategic Director of  
Performance and  
Development

Shire Hall  
Warwick

12 July 2006

**Despatch of Agendas and Reports- Response to Members of the  
Community Protection Overview and Scrutiny Committee**

This note follows a request made at the Community Protection OSC on 13<sup>th</sup> June for a written response from the Monitoring Officer regarding the events surrounding the despatch of the Committee's agenda and papers for its meeting on 2<sup>nd</sup> May 2006 (see Minute 5(2)).

Cabinet on 6<sup>th</sup> April referred the Fire and Rescue Service Annual Efficiency Statement report to the Community Protection OSC. As a result of confusion around the version of the report to be considered and whether it should be heard in public or private session, the Committee at its special meeting on 20<sup>th</sup> April deferred this item to its next meeting, scheduled for 2<sup>nd</sup> May. The agenda for this meeting (which didn't include this item) had already been despatched to members by this time. Unfortunately, with it being Easter week, key personnel were not available to clarify what was needed and what had been requested by Cabinet. In the absence of further clarification, with the agreement of the Chair, a revised agenda was circulated. This agenda, circulated on 20<sup>th</sup> April, catered for both scenarios – a report to be considered in open session with estimated costs of the savings options (to follow) and the exempt report presented to Cabinet on 6<sup>th</sup> April (attached).

With only 6 working days between the two meetings, attempts were made to clarify what was required and what additional papers needed to be circulated to members. The report for Committee received from the Fire and Rescue Service was drafted as a public report. It was received on the Friday (28<sup>th</sup> April) that papers had to be sent out. This was the last working day that papers could be despatched as the Committee meeting was on the following Tuesday. Cllr Haynes was in London on that day and officers were unsuccessful in contacting him to clear the agenda and papers with him. Officers were therefore faced with a dilemma; whether to send out the report as drafted on white papers with a revised agenda or to wait for clearance from the Chair.

Standing Orders require agendas to be fixed by the Chair in consultation with the Chief Executive, subject to any legal requirements. This function is discharged on behalf of the Chief Executive by the Performance and Development Directorate. On this occasion, conscious of the need to get the papers out on that day to ensure that members had the papers in advance of the meeting, a judgment was made that the report should be sent out that day on white papers which would put it in the public arena and that a revised agenda should be circulated at the same time.

The normal practice is of course to work very closely with the Chair on all matters related to committee business. However in circumstances where officers are not able to make contact at crucial times, such as on this occasion, administrative decisions do need to be taken by officers to ensure that the Council's democratic processes can continue to operate. In the event, the matter was dealt with at the meeting in the way the Chair had originally intended as the Committee reverted to the original agenda circulated on 20<sup>th</sup> April and the issue, which included the Cabinet exempt report, was discussed in open session.

The Monitoring Officer has apologised to the then Chair for the confusion around the despatch of the agenda for this meeting and having considered the matter afresh, does not feel that there was any breach of Standing Orders. We will however continue with our normal practice of working closely with elected members and ensuring that, in all but exceptional cases, agendas and papers are cleared with the Chair before they are despatched.

David Carter, Monitoring Officer  
7<sup>th</sup> July 2006