

Meeting: ANNUAL COUNCIL
Date: 17 MAY 2017

Agenda Item:

10

CONSTITUTIONAL ISSUES

Author - Jackie Cansick Ext No. 2216
Lead Officer – Scott Crudgington Ext No. 2185
Contact Officer - Jackie Cansick Ext No. 2216

1. PURPOSE

- 1.1 To consider various matters relating to the member level decision making structure of the Council and the Council's Constitution for the forthcoming Municipal Year.

2. RECOMMENDATIONS

- 2.1 That the Terms of Reference, as detailed in the appendices to this report; and the size and political composition to be agreed in accordance with the rules of proportionality, where appropriate, for 94 of the Committee places, be approved for the following bodies that form the non-Executive Member level decision making structure of the Council:

- Overview and Scrutiny Committee* (Appendix A) – 14 Members (10 Labour Group, 3 Conservative Group, 1 Liberal Democrat Group)
- Community Select Committee* (Appendix B) – 10 Members (7 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Environment and Economy Select Committee* (Appendix C) - 10 Members (7 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Planning & Development Committee* (Appendix D) – 14 Members (10 Labour Group, 3 Conservative Group, 1 Liberal Democrat Group)
- Licensing Committee (Appendix E) – 14 Members (10 Labour Group, 3 Conservative Group, 1 Liberal Democrat Group)
- General Purposes Committee* (Appendix F) – 14 Members (10 Labour Group, 3 Conservative Group, 1 Liberal Democrat Group)
- Appointments Committee* (Appendix G) - 8 Members (6 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Standards Committee* (Appendix H) – 8 Members (6 Labour Group, 2 Conservative Group)
- Audit Committee* (Appendix I) – 8 Members (6 Labour Group, 1 Conservative Group, 1 Liberal Democrat Group) + 1 Co-opted non-elected member
- Statement of Accounts Committee* (Appendix J) – 8 Members (6 Labour Group, 2 Conservative Group)

* Indicates where those bodies covered by the rules of proportionality for the purposes of the Local Government (Committees and Political Groups), Regulations 1990 – total Committee places being 94

- 2.2 That the composition of the Executive and the Portfolios, as detailed at paragraph 4.4 and Appendix K respectively, be noted.
- 2.3 That Council approves the dates for Council meetings for the Municipal Year, as shown at paragraph 4.7 and notes the draft dates for other meetings as shown at Appendix L.
- 2.4 That Council appoints 5 Members to the Housing Management Board (4 Majority Group, 1 Opposition Member).
- 2.5 That it be noted that the Leader has given delegated authority to all Members regarding the spend of their £2,500 Local Community Budget and for the Youth Mayor's £3,300 Youth Community Budget.
- 2.6 That Council consider introducing a 4 year set term of office for the non-elected Independent person serving on the Audit Committee with effect from the 2018/2019 Municipal Year.
- 2.7 That the proposed changes to Council's Standing Orders, as set out in paragraph 4.14 be approved.

3. BACKGROUND

- 3.1 The appointment and the terms of reference of Scrutiny, Regulatory and Advisory Committees that have no Executive functions are matters to be determined by Council.
- 3.2 Additionally it is for the Council to agree the dates of Council meetings and changes to the Constitution.

4. REASONS FOR RECOMMENDED COURSE OF ACTIONS AND OTHER OPTIONS

Council's Committees and Panels -Terms of Reference and Composition

- 4.1 The proposed Terms of Reference for each of the bodies to be appointed by Council are set out in Appendices A-J. With the exception of the Licensing Committee the political composition of those Committees is directed by the Local Government (Committees and Political Groups) Regulations 1990.
- 4.2 Following the Senior Management Review and to reflect the threads of the Future Town, Future Council (FTFC) Programme of it has been necessary to amend the terms of reference for the Overview & Scrutiny Committee and the two Select Committees as they had previously, in their remits, responsibility for services reporting to the Chief Executive and the former posts of Strategic Director (Community) and Strategic Director (Environment).

- 4.3 Members are referred to the Senior Management Structure chart at Appendix M. To reflect the Senior Management Structure and delivery of services in line with the FTFC Programme the proposed terms of reference for the Community Select Committee include within its remit responsibility for the scrutiny of services within the 'Customers' heading i.e. those services that are the responsibility of the Assistant Director (Housing and Investment) and the Assistant Director (Communities and Neighbourhood).
- 4.4 The new terms of reference proposed for the Environment & Economy Select Committee will cover the services within 'Place' – the services that are the responsibility of the Assistant Director (Regeneration), Assistant Director (Stevenage Direct Services), Assistant Director (Housing Development) and Assistant Director (Planning & Regulatory).
- 4.5 Previously the Overview & Scrutiny Committee had within its remit responsibility for the services that reported directly to the Chief Executive. It is proposed that for 2017/2018 that Committee's terms of reference cover 'Transformation & Support' with the services that report to the Assistant Director (Corporate Services & Transformation), Assistant Director (Finance & Estates) and Assistant Director (Corporate Projects, Customer Services & Technology).

The Executive

- 4.4 The Leader of the Council, Councillor Sharon Taylor, has indicated that the Executive for 2017/2018 will comprise –

Councillor John Gardner – Deputy Leader- Environment and Regeneration

Councillor Mrs Joan Lloyd – Resources

Councillor Richard Henry – Children, Young People & Leisure

Councillor Jeannette Thomas – Housing, Health and Older People

Councillor Ralph Raynor – Economy, Enterprise and Transport

Councillor Jackie Hollywell – Communities, Safer Communities & Equalities

Councillor Simon Speller – Neighbourhoods and Co-operative Council

With the Leader holding specific responsibility for Modernisation of Local Government – new political structures and the Constitution, Media and Communications, Public Consultations, Partnerships, Town Twinning, Members' Services including the Modern Member Programme and the Civic Suite.

- 4.5 An outline of the areas included in the various Portfolios is attached as Appendix K.

Dates of Council meetings

- 4.7 To comply with Standing Orders the Council should approve its programme of meetings annually. The approval of dates for Council meetings for the year does not preclude extraordinary or special meetings being called by the Chief Executive, in consultation with the Mayor; nor for the date, time or place to be altered where a material change of circumstances makes it necessary. The dates proposed for Council are as follows:
- Tuesday 11 July 2017 (includes the presentation the late Councillor S Batson's of Freedom of the Borough Certificate to Mr. Howard Rooke)
 - Wednesday 11 October 2017 (includes a presentation from the Youth Council)
 - Wednesday 6 December 2017 (includes a presentation from the Police & Crime Commissioner for Hertfordshire)
 - Wednesday 31 January 2018 (Special Meeting – Rent setting)
 - Wednesday 28 February 2018 (includes Budget & Council Tax setting)
 - Tuesday 22 May 2018 (Annual Council)
- 4.8 A provisional calendar of formal meetings is also appended to this report. This calendar will be subject to change and any alterations to dates of meetings, additions and cancellations will be notified to Members. Previous draft versions of the calendar should be discarded.
- 4.9 It should be noted that the draft calendar includes some dates for 'Select Committees' details of which specific meetings will be held on those dates will be notified to Members as we go through the year. The draft also includes the monthly 'Modern Member Programme' (MMP) training and development events and reserved dates for All Member Briefings.
- 4.10 The calendar of formal meetings also appears on the Council's website and is regularly updated. Furthermore, following Council appointing to each body Members will be sent 'outlook' calendar invitations to the meetings that are relevant to them.

Housing Management Board

- 4.11 A Housing Management Board has been established and includes provision for 5 Councillors to serve (to include 1 Opposition Member), along with tenant, leaseholder, and officer representatives. The Councillor representatives are to be appointed each year at the Annual Council. Details of those Members who have been nominated to serve on the Housing Management Board will be circulated at the Council meeting.

Local Community Budgets

- 4.12 The Leader has agreed that all Members are to be given delegated authority regarding the spend of their £2,500 Local Community Budget and for the Youth Mayor's £3,300 Youth Community Budget.

Non-Elected Member – Audit Committee

- 4.13 The Independent person appointed to advise the Standards Committee has a fixed 4 year term and it is considered appropriate that such a fixed term be introduced for the non-elected Member who serves on the Audit Committee for reasons of transparency and accountability given the nature of the role. It is proposed therefore that this fixed term be introduced in 2018, with Brian Mitchell who has served since the Audit Committee was first established being appointed for 2017/2018 and officers seek a new, suitably qualified, Independent Member to be appointed to serve for 2018/2022.

Deadline for Questions/Motions etc. for Ordinary Council Meetings

- 4.14 Standing Orders sets out the deadlines for receipt of questions, motions and deputations as either 'midday on Friday of the working week prior to despatch of the Agenda' or 'midday on the last working day of the week prior to the despatch of the Agenda'. For the sake of consistency and to allow sufficient time for these matters to be included on agendas, particularly where a meeting is on a Tuesday, it is recommended that these provisions, where quoted in Standing Orders, be amended to allow for the deadline to be 'midday on the third clear working day before the despatch of the agenda'. Therefore, assuming no bank holidays, the deadline for an agenda despatch on a Tuesday would be the preceding Thursday at midday.

BACKGROUND PAPERS

- The Council's Constitution

APPENDICES

- Terms of Reference
 - Overview and Scrutiny Committee (Appendix A)
 - Community Select Committee (Appendix B)
 - Environment and Economy Select Committee (Appendix C)
 - Planning and Development Committee (Appendix D)
 - Licensing Committee (Appendix E)
 - General Purposes Committee (Appendix F)
 - Appointments Committee (Appendix G)
 - Standards Committee (Appendix H)
 - Audit Committee (Appendix I)
 - Statement of Accounts Committee (Appendix J)
- Executive Portfolios (Appendix K)
- Provisional calendar of meetings (Appendix L)
- Senior Officer Management Structure (M)