

Meeting: ANNUAL COUNCIL
Date: 24 MAY 2016

Agenda Item:

9

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, 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) – 13 Members (10 Labour Group, 2 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) – 13 Members (10 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Licensing Committee (Appendix E) – 13 Members (10 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- General Purposes Committee* (Appendix F) – 13 Members (10 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Appointments Committee* (Appendix G) - 8 Members (6 Labour Group, 1 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.

- 2.2 That the composition of the Executive and the Portfolios, as detailed at paragraphs 4.3 and Appendix K respectively, be noted.
- 2.3 That it be noted that the terms of reference for the Overview & Scrutiny Committee and the two Select Committees may be amended at a future Council meeting to reflect any changes in the areas of direct responsibility of the individual members of the Senior Management Board.
- 2.4 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.
- 2.5 That Council appoints 5 Members to the Housing Management Board (4 Majority Group, 1 Opposition Member).
- 2.6 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.

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 New rules relating to disciplinary action against Chief Executives, s151 Officers and Monitoring Officers (statutory officers) came into force in May 2015. They introduced a new requirement, where dismissal of a statutory officer is recommended, for an Independent Panel to report to the relevant council meeting on such recommendation. Councils are required to adopt standing orders setting out the role and process of the Independent Panel. Clarity is being sought by ALACE (Association of Local Authority Chief Executives) on the constitutional arrangements and composition of this Panel and once this is resolved and, if and when such a Panel is required, a further report will be submitted to Council.

- 4.3 It should also be noted that the term of office of Allen Holland, the current Independent Person who must be consulted on alleged breaches of a code of conduct ends in July and therefore the Council will be looking to recruit someone to this office with a report being submitted to the next ordinary Council meeting.

The Executive

- 4.4 The Leader of the Council, Councillor Sharon Taylor, has indicated that the Executive for 2016/2017 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 Sherma Batson – Communities (including 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.

Scrutiny Arrangements

- 4.6 Currently the Terms of Reference quoted for the three Scrutiny bodies are linked with the areas of direct responsibility of the Chief Executive/Strategic Directors. Over the summer a review is taking place of the Council's senior management structure and this may vary the areas of direct responsibility held by the Senior Management Board and therefore may impact on the Terms of Reference of the Overview & Scrutiny Committee and the two Select Committees. Should this be the case revised terms of reference will be submitted to a future Council meeting.

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:

- Wednesday 20 July 2016
- Tuesday 4 October 2016
- Wednesday 7 December 2016
- Tuesday 31 January 2017 (Special Meeting – Rent setting)
- Tuesday 28 February 2017
- Wednesday 17 May 2017 (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.

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.

BACKGROUND PAPERS

- The Council's Constitution
- Terms of Reference – Housing Management Board

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)