

**Meeting: COUNCIL**  
**Date: 25 MAY 2011**

**Agenda Item: 7**

## **CONSTITUTIONAL ISSUES**

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### **1. PURPOSE**

To consider various matters relating to the political management structure of the Council for the forthcoming Municipal Year.

It is a requirement that this matter be considered at the Annual Council meeting in order to set in place the political management structure of the Council for the new 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 for the following bodies that form the political management structure of the Council, be approved:

- Children, Young People, Culture ,Sport and Leisure Development and Scrutiny Committee\* (Appendix A) - 6 Members (see note below re. composition)
- Community, Health and Older People Development and Scrutiny Committee\* (Appendix B) - 6 Members (see note below re. composition)
- Economy, Enterprise and Transport Development and Scrutiny Committee\* (Appendix C) - 6 Members (see note below re. composition)
- Environment and Regeneration Development and Scrutiny Committee\* (Appendix D) - 6 Members (see note below re. composition)
- Housing Development and Scrutiny Committee\* (Appendix E) - 6 Members (see note below re. composition)
- Resources Development and Scrutiny Committee\* (Appendix F) - 6 Members (see note below re. composition)
- Safer and Stronger Communities Development and Scrutiny Committee\* (Appendix G) - 6 Members (see note below re. composition)
- Planning & Development Committee\* (Appendix H) – 13 Members (9 Majority Group, 3 Opposition Group, 1 Minority Opposition Group)
- Licensing Committee (Appendix I) – 13 Members (9 Majority Group, 3 Opposition Group, 1 Minority Opposition Group)

- General Purposes Committee\* (Appendix J) – 13 Members (9 Majority Group, 3 Opposition Group, 1 Minority Opposition Group)
- Appointments Committee\* (Appendix K) - 6 Members (4 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Standards Committee (Appendix L) – 9 Members (4 Majority Group, 1 Opposition Group, 1 Minority Opposition Group, 3 Independent non-elected)
- Audit Committee\* (Appendix M) – 6 Members (4 Majority Group, 1 Opposition Group, 1 Minority Opposition) + 1 Co-opted non-elected member
- Statement of Accounts Committee\* (Appendix N) – 6 Members (4 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Stevenage/HCC Highways Joint Member Panel (Appendix O) – 6 (1 Member from each former Action Team Area) + 6 HCC Members

\* Indicates where those bodies covered by the rules of proportionality for the purposes of the Local Government (Committees and Political Groups), Regulations 1990.

NOTE: Taking account of the rules of proportionality that apply to those Committees marked with an asterisk it is required that five of the Development and Scrutiny Committees are to comprise 4 Majority Group, 1 Opposition Group and 1 Minority Opposition Group. Two of these Committees are to be 4 Majority Group and 2 Opposition Group. Council is to determine which five Development and Scrutiny Committees are to be 4-1-1 and which 4-2-0.

- 2.2 That subject to Council's approval of 2.1 above, the relevant sections of the Council's Constitution be amended accordingly, particularly in relation to the new Scrutiny arrangements and call-in.
- 2.3 That in the event of the in-coming Leader delegating Executive budgets at a specified level to each Councillor in relation to the environment and well-being of their Wards, Council be recommended to approve the variation in the budget to transfer £97,500 from the budget head 'Neighbourhood Action Teams' and a balancing sum of £31,200 from the New Homes Bonus reserve to a new 'Locality' Budget.
- 2.4 That it be noted that Allen Holland will continue to serve as the Independent Non-Elected Chair of the Standards Committee with Ananda Hale and Emmanuel Mensah serving as Independent Non-Elected Members of that Committee and Brian Mitchell will continue to serve as the Independent Non-Elected Member of the Audit Committee.
- 2.5 That Council approves the dates for Council meetings for the Municipal Year, as shown at paragraph 4.19 and notes the draft dates for other meetings as shown at Appendix P.
- 2.6 That the Constitution be amended to include specific provision for the Youth Council to submit questions to Council.

### **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. As agreed by Council on 8 December 2011, in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 the Council adopted new arrangements for its executive governance whereby -

a) The Council appoints a Leader for a 4 year term unless he or she is removed from office, or is disqualified or ceases to be a Councillor.

(b) The Leader appoints a cabinet (Executive) of between 2 and 9 councillors and allocates any areas of responsibility (portfolios) to them. The Leader also determines the scheme of delegation for the discharge of the executive functions of the Council.

3.2 Agenda item 6 addresses the appointment of the Leader and subsequent appointments of a Deputy Leader, Executive and the discharge of Executive functions.

#### **4. REASONS FOR RECOMMENDED COURSE OF ACTIONS AND OTHER OPTIONS**

##### **Terms of Reference and Composition**

4.1 The terms of reference for the various bodies appointed by Council are detailed in Appendices A-O to this report.

4.2 The proposed composition of the Committees of the Council is based on the rules of proportionality as set out in the Local Government (Committees and Political Groups), Regulations 1990. In the event that Council decides to make amendments to any of the proposed size of these bodies, or the allocation of places to the individual political groups it may be necessary to revisit these rules to ensure compliance.

##### **Scrutiny Committees**

4.3 Members will be aware of the development over the last few years for Scrutiny and Policy Development studies to be undertaken by specifically convened Topic Groups, giving the opportunity for individual Members to both use their expertise and knowledge in different areas and/or further develop their awareness of the specific area or service scrutinised. Building on this work and to continue to embrace Policy Development (Pre-Scrutiny) within specific portfolio areas it is proposed that individual Development and Scrutiny Committees be established that mirror the Executive Portfolios.

4.4 These new Committees will allow a wider range of Members to serve directly on a formal Scrutiny body, and with the work of each Committee more specifically focussed those Members can further develop their awareness of the individual Portfolio, holding the Executive to account in relation to decisions taken affecting that area and be empowered to help the Executive Members shape future strategies and policies.

- 4.5 In accordance with the provisions of the Local Government Act 2000 there will continue to be the opportunity for Executive decisions to be called-in, but this will be outside the formal monthly overview Committee meeting. In the event that a sufficient number of Members requested the call-in of a specific decision an urgent meeting of the relevant Development and Scrutiny Committee would be convened. Cross-cutting issues will fall within the remit of the Resources Development and Scrutiny Committee.
- 4.6 This change of structure will require amendments to the Constitution which to date only recognises one Committee and one 'Chair of Scrutiny Overview Committee'. The decision making responsibilities formerly held by the one Chair will now be devolved to the 'Chair of the relevant Development and Scrutiny Committee' dependent upon what subject matter is under consideration. Again it is recommended that cross-cutting issues will fall to the Chair of the Resources Development and Scrutiny Committee.
- 4.7 It is necessary for the call-in provisions within the Constitution to be revised to take account of these new scrutiny arrangements and it is considered that, given the size of each of the new Committees, call-in be implemented when requested by three or more members of the relevant Committee within the current set deadline of five working days following the publication of the Executive decision.
- 4.8 It is proposed that each of the Committees will meet as and when required and that specific study work will continue to be undertaken by informal meetings of the relevant Members, a practice that has proved very productive as the questioning and discussion has not been constrained by set procedure and formality.
- 4.9 Recommendations from the Scrutiny studies that are currently being undertaken will be submitted to the relevant new Scrutiny & Policy Development Committee. Similarly review of previous Scrutiny recommendations to go to relevant new Committee to monitor progress and implementation.
- 4.10 Scrutiny studies will continue to be supported by the Council's Scrutiny Officer although it will be appreciated that the workplans for studies will have to be managed to ensure that there is the capacity for the required level of support to be provided. The Policy Development work undertaken will be supported directly by the relevant Head of Service / Service Delivery Unit.
- 4.11 The Council's statutory Scrutiny duties as set out in the 2006 Police and Justice Act Section 19 will fall within the remit of the Safer and Stronger Communities Scrutiny and Policy Development Committee.
- 4.12 The proposed Terms of Reference for each of the new Scrutiny & Policy Development Committees are shown at Appendices A-G.

### **Neighbourhood Budgets**

- 4.13 The Council's approach to neighbourhood working was reviewed in 2009 to encourage communities to get more involved in local planning and spend decisions through Neighbourhood Forums. However, participation at these has remained low whilst costs of administering the Forums and subsequent Neighbourhood Action Teams remain very high. The Executive, at its meeting in January 2011 agreed that

an alternative could be the introduction of locality budgets. At the time of writing this report it is understood that the prospective incoming Leader may wish to delegate Executive budgets (formerly held by the Neighbourhood Action Teams) to each Councillor in relation to the environment and well-being of their Wards. It has been suggested that each Councillor will be given authority to determine the expenditure of a total sum of £3,300 each for the benefit of the communities and/or fabric of their individual wards.

- 4.14 In the event of the in-coming Leader deciding to authorise this delegation to each Councillor a procedure will be put in place to ensure that approvals for the allocation of these budgets is in accordance with the principles of decision making and all relevant rules of procedure set out in the Constitution.
- 4.15 Furthermore it will be necessary for Council to agree the variation to the 2011/2012 budget agreed by Council on 23 February 2011 to transfer £97,500 from the budget head 'Neighbourhood Action Teams' to a new 'Locality' Budget. In addition, a balancing sum of £31,200 will need to be transferred from the New Homes Bonus reserve. With these provisions in place it would not be necessary to establish the formal Neighbourhood Action Teams.
- 4.16 The future of Neighbourhood Forums and arrangements for community engagement within Neighbourhoods/Wards is to be subject of community consultation over the summer. The Local Forums will meet before August under the current neighbourhood arrangements to launch this consultation on whether, under the more informal arrangements we will have from now on, Community Forums should operate at Ward or Neighbourhood level. It is anticipated that these first meetings of the year will be chaired by the current Local Forum Chairs but that when the Community Forums are set up, they will elect their own Chairs. Councillors will be able to use the Community Forums as a sounding board when they are considering how to spend their local budgets.

#### **Independent Members - Standards Committee/Audit Committee**

- 4.17 In order to comply with the relevant legislation the membership of the Standards Committee must include at least one-quarter non-elected independent members. With a total membership of nine three such individuals must be appointed. The non-elected independent members currently serving on the Committee are Ananda Hale, Allen Holland (Chair) and Emmanuel Mensah. The Audit Committee also has an Independent Non-Elected Member serving (Brian Mitchell). It is understood that each of these individuals is happy to continue in their current position.
- 4.18 Proposed legislation that includes changing the Standards regime and the abolition of the Audit Commission is likely to impact on the status, terms of reference and composition of both the Standards Committee and Audit Committee. Any required changes will be reported to Council.

#### **Dates of Council meetings**

- 4.19 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 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 2011
- Wednesday 27 July 2011 (Extraordinary Meeting – Housing Options)
- Wednesday 12 October 2011
- Wednesday 7 December 2011
- Wednesday 25 January 2012 (Extraordinary Meeting – Rent setting)
- Wednesday 22 February 2012

4.20 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.

4.21 It should be noted that the draft calendar does not include all the Committees established as a number will be meeting on an as and when required basis.

4.22 The calendar of formal meetings also appears on the Council's website and is regularly updated as required.

### **Youth Council**

4.23 Members will be aware that the Youth Council has a standing invitation for its members to attend and take part in the Council meetings. The Youth Council have also requested that questions raised by its members be then raised through their Chair at our Council meetings. It is considered that such provision would help engage young people in local democracy and build on the existing relations between Members and young people of Stevenage.

## **5. FINANCIAL IMPLICATIONS**

5.1 The funding of the new Locality budgets is outlined in paragraph 4.15. New Homes Bonus funding is not a ring fenced grant, and is therefore a permitted funding source for this town wide engagement initiative. In addition to these direct costs, it is expected that efficiencies will be delivered from officer time involved in administering the previous Neighbourhood Action Teams that can now be re-directed to other priority issues across the Council. A procedure for the approval and release of payments / schemes relating to individual councillor's locality budgets is currently in development, and a briefing will be provided in due course.

## **BACKGROUND PAPERS**

- The Council's Constitution

## **APPENDICES**

- Terms of Reference (Appendices A-O)

- Provisional calendar of meetings (Appendix P)