

Meeting: COUNCIL
Date: 22 MAY 2013

Agenda Item:
5

CONSTITUTIONAL ISSUES

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1. PURPOSE

- 1.1 To consider various matters relating to the political management 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 under the alternative arrangements provisions (to be confirmed), for the following bodies that form the political management structure of the Council, be approved:

- Overview and Scrutiny Committee (Appendix A) – 12 Members (9 Majority Group, 2 Opposition Group, 1 Minority Opposition Group)
- Community Select Committee (Appendix B) – 8 Members (6 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Environment and Economy Select Committee (Appendix C) - 8 Members (6 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Housing Select Committee (Appendix D) - 8 Members (6 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Planning & Development Committee (Appendix E) – 13 Members (10 Majority Group, 2 Opposition Group, 1 Minority Opposition Group)
- Licensing Committee (Appendix F) – 13 Members (10 Majority Group, 2 Opposition Group, 1 Minority Opposition Group)
- General Purposes Committee (Appendix G) – 13 Members (10 Majority Group, 2 Opposition Group, 1 Minority Opposition Group)
- Appointments Committee (Appendix H) - 7 Members (5 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Standards Committee (Appendix I) – 7 Members (5 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)
- Audit Committee (Appendix J) – 7 Members (5 Majority Group, 1 Opposition Group, 1 Minority Opposition Group) + 1 Co-opted non-elected member
- Statement of Accounts Committee (Appendix K) – 7 Members (5 Majority Group, 1 Opposition Group, 1 Minority Opposition Group)

NOTE: The size and composition of the Committees as quoted above is subject to there being no dissent to the proposed appointment by alternative arrangements for the purposes of the Local Government (Committees and Political Groups), Regulations 1990, Regulation 20 and the Licensing Act 2003

- 2.2 That Council approves the dates for Council meetings for the Municipal Year, as shown at paragraph 4.14 and notes the draft dates for other meetings as shown at Appendix L.
- 2.3 That it be noted that the Leader has indicated that she does not propose to change the Executive Portfolios and existing delegations to take executive decisions which are set out in the Constitution.
- 2.4 That the Leader's appointments to the Executive and allocation of Portfolios as set out at paragraph 4.13 be noted.
- 2.5 That the Rules of Procedure for Scrutiny in the Council's Constitution be amended as follows –
- to account for all changes as a result of the revised member level structure for Scrutiny
 - exclude Local Community Budget Decisions from Call-in
 - that to initiate a Call-in at least 4 Members of the Overview & Scrutiny Committee are required to notify the Proper Officer or if it is so decided by a simple majority of those Members voting at a meeting of that Committee
 - that the Chair of the Overview & Scrutiny Committee must agree to a waiver to the call-in procedure.
- 2.6 That the Access to Information Procedure Rules in the Council's Constitution be amended to identify the Chair of the Overview & Scrutiny Committee to be the person whose permission is sought for the Executive to consider a Key Decision and/or take a decision in private when that decision has not been given 28 days notice in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012.

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 terms of reference for the various bodies appointed by Council are detailed in Appendices A-K to this report. These terms of reference reflect new arrangements for Member level scrutiny as detailed in paragraphs 4.3 – 4.11 below.

- 4.2 It is understood that the political groups on the Council are to agree* to the appointment of Committees and their composition, as recommended, by alternative arrangements for the purposes of the Local Government (Committees and Political Groups), Regulations 1990, Regulation 20 and the Licensing Act 2003. The composition of each Committee quoted in the recommendations reflects these arrangements.

* to be confirmed

Scrutiny Arrangements

- 4.3 In preparation for the Scrutiny Work Plan and Evaluation Day in February, Scrutiny Members completed an Evaluation Questionnaire.
- 4.4 In responding to the questionnaire Members often praised the dedicated officer support provided but it was recognised that there were limitations detailed, in depth study by each of the 7 Development & Scrutiny Committees for their chosen topics. Also those who marked it as average or poor provided commentary that this was either based on a small exposure to Scrutiny at SBC (i.e. new Members) or that it was the structure they disliked.
- 4.5 Members who supported the 7 Committee model commented that rather than just having the one Scrutiny & Overview Committee (the SBC model 2006/2011) having a range of Committees allowed more Members to take part as of right; a full range of topics could be addressed; and there was clear accountability for each of the Executive Portfolios. However, some Members preferred the previous structure with studies undertaken by topic groups and Members could be involved with the individual studies in which they were particularly interested or had expertise. Some members were of the view that with the 7 Committee model, resources were spread too thinly and studies could not go into much depth with the number of meetings limited. It was also considered that the one Committee provided a stronger challenge to the Executive collectively, particularly with the decisions of the Executive routinely being reported formally.
- 4.6 Furthermore the Independent Remuneration Panel in its last report whilst accepting that its remit did not include consideration of the Council's Scrutiny structure, did nonetheless query the 7 Committee structure that was in place and considering Special Responsibility Allowances (SRAs) for the Chairs of the seven D&S Committees the Panel stated that responsibility was spread very thinly i.e. across seven committees; and some committees appear to undertake little work. The Panel also considered that the number of Committees and the level of SRAs paid compared to those in other authorities across the County.
- 4.7 The comments made by Members and the Independent Remuneration Panel prompted an options paper circulated for consideration by all Non-Executive Members. The paper outlined four possible models for Scrutiny –

A - 7 Committees whose individual remits mirror the Executive Portfolios

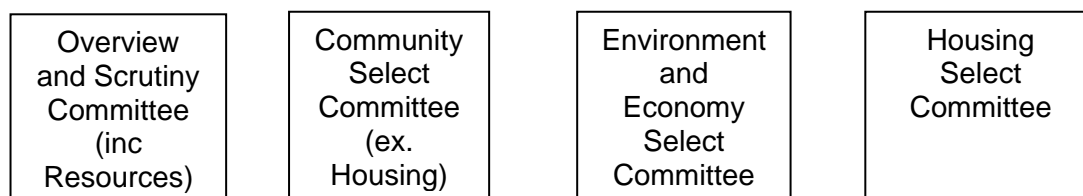
B - 1 Overarching Committee with up to 3 Topic Groups

C - 4 Committees aligned with the service/policy areas of the three Strategic Directors plus separate Housing Committee

D - 1 Overview and Scrutiny Committee + 3 Select Committees

4.8 Option D proved to be the most popular but one particular concern that was repeated related to arrangements for the scrutiny of housing. It was commented that the remit of the Communities Select Committee was too big, covering 4 portfolios it would severely limit the opportunity for Members to scrutinise housing services, the Council's highest resourced activity. Additionally, it was questioned whether it would be effective to bring 4 of the previous 7 Committees into one committee that would also be required to sit as the Council's Crime and Disorder Committee at least once per year. In response to these comments it is considered that Option D could be amended, without losing the rationale of the proposed new working arrangements.

4.9 Over the last 2 years the majority of meetings of the Resources Development & Scrutiny Committee had been to consider Budget & Policy Framework matters. Under Option D consideration of this work will fall to the Overview & Scrutiny Committee. This being the case, and recognising that housing should perhaps be the subject of a Select Committee on its own, it is considered that this model would benefit from an amendment and therefore it is recommended that Model D be adopted, with amendment, as follows –



4.10 The draft terms of reference shown at Appendices A-D support this proposed structure. Changes are also required to the Council's Constitution to address this change to the Member level Scrutiny Structure.

4.11 Subject to Council adopting the new terms of reference and revisions to the Constitution the first meeting of the Overview and Scrutiny Committee will be held within the 5 day call-in period of the 28 May 2013 Executive. There will also be early meetings of the three Select Committees to consider the proposals for scrutiny studies proposed for the coming year by the relevant Development & Scrutiny Committees in 2012/2013 to determine which of the individual studies they wish to timetable. Consequently, no further specific dates are quoted in the attached calendar of meetings for Select Committees, but a number of dates have been provisionally booked.

Executive Delegations

4.12 In May 2011 the Council appointed Councillor Sharon Taylor OBE CC as Leader for a 4 year term of office. The Leader has indicated that she does not propose to

change the Executive Portfolios and existing delegations to take executive decisions which are set out in the Constitution.

- 4.13 Notification has been received from the Leader of the following appointments to the Executive for the 2013/2014 Municipal Year and the allocation of Portfolios –

Councillor John Gardner- Environment and Regeneration

Councillor Howard Burrell - Children and Young People, Culture, Sport and Leisure

Councillor Sherma Batson MBE DL CC - Community, Health and Older People

Councillor Richard Henry CC - Safer and Stronger Communities

Councillor Mrs Joan Lloyd – Resources

Councillor Ralph Raynor - Economy, Enterprise and Transport

Councillor Ann Webb - Housing

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

- 4.14 Members' will be aware that the Leader has given delegated responsibility to each individual Member to allocate a Local Community Budget (LCB) to projects or activities that benefit their Wards. It is being recommended that Local Community Budgets (LCB) are made exempt from call-in. Given that individual LCBs are capped at £3,300 for each Member and each approval goes through a review process by officers it is not considered necessary or cost effective to have such decisions as subject to call-in. This is supported by the provision that call-in arrangements should only be used in exceptional circumstances.

Dates of Council meetings

- 4.15 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 17 July 2013
- Wednesday 9 October 2013
- Wednesday 4 December 2013
- Wednesday 29 January 2014 (Special Meeting – Rent setting)
- Wednesday 26 February 2014

- 4.16 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.

4.17 It should be noted that the draft calendar includes 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' training and development events.

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

BACKGROUND PAPERS

- The Council's Constitution

APPENDICES

- Terms of Reference (Appendices A-K)
- Provisional calendar of meetings (Appendix L)