

Meeting: ANNUAL COUNCIL
Date: 23 MAY 2018

CONSTITUTIONAL ISSUES

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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 (9 Labour Group, 4 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) – 11 Members (7 Labour Group, 3 Conservative Group, 1 Liberal Democrat Group)
- Planning & Development Committee* (Appendix D) – 13 Members (8 Labour Group, 4 Conservative Group, 1 Liberal Democrat Group)
- Licensing Committee (Appendix E) – 14 Members (8 Labour Group, 5 Conservative Group, 1 Liberal Democrat Group)
- General Purposes Committee* (Appendix F) – 14 Members (8 Labour Group, 5 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, 1 Conservative Group, 1 Liberal Democrat 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, 1 Conservative Group, 1 Liberal Democrat 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, details of which to be circulated at the meeting, be noted.
- 2.3 That the various Executive bodies appointed by the Leader, details of which to be circulated at the meeting be noted. The relevant Terms of Reference for each body are shown at Appendix K.
- 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 Advisory 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.
- 2.7 That Council places on record its thanks to Brian Mitchell who has served as the Independent person on the Audit Committee since it was established in 2006. The appointment of the new independent person to serve on the Committee will be reported to Council in July.
- 2.8 That the proposed change to the Budget & Policy Framework Rules of the Council's Constitution, as set out in paragraph 4.13 – 4.1.5 be approved.
- 2.9 That the proposed additional delegations from the Planning & Development Committee to the Assistant Director (Planning & Regulatory) as set out in paragraphs 4.16 – 4.17 be approved.
- 2.10 That Standing Orders for Ordinary meetings of the Council be amended to include provision for the Chairs of Scrutiny Committees to provide a verbal update on their Committees' activities since the last ordinary meeting (up to 5 minutes per Chair).
- 2.11 That it be noted that the Leader has extended a standing invitation to Chairs of Scrutiny Committees to attend meetings of the Executive to present Minutes of their meetings when they appear on agendas.
- 2.12 That Members note the proposed arrangements for Executive Portfolio Holder Policy Advisory Groups to seek guidance and comment from relevant Scrutiny Members on policy proposals to be considered by the Executive (paragraphs 4.21 – 4.23 refers).

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.

The Executive

- 4.2 Details of the membership of the Executive appointed by the Leader and the Executive Portfolios will be circulated at the meeting.

Appointment of Executive Bodies

- 4.3 The Leader of the Council has agreed to the establishment of the following Committees of the Executive –

Joint Consultative Committee (Employers' Side)
Appeals, Grievances and Litigation Committee
Housing Development Committee
Stevenage, North Herts., East Herts. and Hertsmere Joint CCTV Committee
Stevenage and East Herts. Joint Executive Revenues and Benefits Shared Service Committee.

- 4.4 The terms of reference for these Committees may be found at Appendix K
- 4.5 As Committees of the Executive the membership of these bodies is limited to only Members of the Executive. Details of the memberships of these Committees will be set out in the schedule to be circulated at the Council meeting.

Dates of Council meetings

- 4.6 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 25 July 2018
- Wednesday 17 October 2018
- Wednesday 18 December 2018

- Wednesday 30 January 2019 (Special Meeting – Rent setting)
- Wednesday 27 February 2019 (includes Budget & Council Tax setting)
- Tuesday/Wednesday 21/ 22 May 2019 (Annual Council) (Dependent upon the date of the Town Twinning Business Meeting)

- 4.7 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.
- 4.8 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.
- 4.9 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 Advisory Board

- 4.10 The Housing Management Advisory Board 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 Advisory Management Board will be circulated at the Council meeting.

Local Community Budgets

- 4.11 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 Independent Member – Audit Committee

- 4.12 In 2017 Council agreed that from 2018 a new Independent person would be appointed to serve on the Audit Committee for a fixed 4 year term for reasons of transparency and accountability given the nature of the role. Accordingly Brian Mitchell, who has served as an independent, non-elected member on the Committee since it was established in 2006 has stood down. The Assistant Director (Finance & Estates) is in the process of recruiting to this role and will make a recommendation to Council in July.

Changes to the Constitution

- 4.13 Whilst the Monitoring Officer and Constitutional Services Manager will be undertaking a comprehensive review of the Council's Constitution in this Municipal Year several matters have been considered that for accuracy and administrative expedience Council is asked to consider on this occasion.
- 4.14 Under the Budget & Policy Framework (B&PF) rules when B&PF proposals are published by the Executive a period of not less than 3 weeks is set down for consultation on those proposals with the Overview & Scrutiny Committee. This provision has existed since the Council Constitution was first drafted following the Local Government Act 2000 and followed the broad, generic provisions of suggested content provided by the then Department of Communities and Local Government. On occasions this specific, prescriptive caused difficulties given the very tight timescales that often prevail, particularly in relation to setting the budget and rents that are dependent upon Government announcements relating thereto.
- 4.15 On all occasions where Budget & Policy Framework proposals are made by the Leader or Executive a meeting of the Overview & Scrutiny Committee is convened for the relevant consultation and discussion to take place with any comments being fed into the final report to Executive/Council. Accordingly it is recommended that the time limit on the consultation be deleted, although a meeting of the Overview & Scrutiny Committee will take place on each occasion for formal consultation to take place.

Planning & Development Committee – Delegations

- 4.16 Currently any Stevenage Borough Council (SBC) owned application where an objection has been submitted is required to be considered by the Planning & Development Committee. This results in the Planning & Development Committee having to consider very small applications such as a change of amenity or fencing where only one objection has been submitted. If these applications were on private land they would not go to the Committee but would be determined by the Assistant Director (Planning & Regulatory) who has delegated authority.
- 4.17 Accordingly it is proposed that the threshold for delegated authority for the Assistant Director (Planning & Regulatory) to determine such applications be raised to five objections (from the current one). This would free up Planning & Development Committee's time for larger, more complex applications. The option for Members to request any case to be called in to Planning & Development Committee would remain.

Scrutiny Updates

- 4.18 Members will be aware that there is provision at ordinary Council meetings under the Leader's Updates item for the Executive to briefing present details of recent developments and activities relating to the individual Portfolios.
- 4.19 It is recommended that Standing Orders be amended to include provision at ordinary Council meetings for the Chair of each Scrutiny Body to be allowed up to five minutes to update the Council on the recent activities of their Committees. The Leader of the Council will be allowed up to two minutes to comment on each update.

- 4.20 Additionally the Leader is to extend a standing invitation to Chairs/Vice-Chairs of each Scrutiny Committee to attend Executive meetings to speak to the minutes of each of their meetings when they are on the Executive agenda.

Executive Portfolio Holder Policy Advisory Groups

- 4.21 Prior to a new or revised policy being submitted to the Executive, Members of the relevant Scrutiny Committee are consulted by the Portfolio Holder and Lead Officer(s). However this arrangement is not currently regularised and views have been expressed that this consultation needs a more formal approach with meetings called in good time, documentation circulated in advance and the meetings clerked.
- 4.22 To address this issue the Leader of the Council has proposed that as and when a policy is coming forward to the Executive, prior to the draft report being finalised the relevant Portfolio Holder convenes a 'Policy Advisory Group', inviting all Members of the scrutiny body that has the particular policy matter within its remit for scrutiny. These meetings, whilst not being formal Committees of the Executive, will have agendas circulated and minutes taken by Constitutional Services. The terms of reference of the Scrutiny Committees have been amended to reflect this proposal.

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)
- Terms of Reference – Executive Bodies (Appendix K)
- Provisional Calendar of meetings (Appendix L)