

Meeting: ANNUAL COUNCIL
Date: 20 MAY 2020

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 for the following bodies that form the non-Executive Member level decision making structure of the Council be approved subject to the rules of proportionality where appropriate for 98 Committee places where applicable (relevant Committees are identified thus*) -

- Overview and Scrutiny Committee* (Appendix A) – 14 Members (10 Labour Group, 2 Conservative Group, 2 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, 3 Conservative Group, 2 Liberal Democrat Group)
- Licensing Committee (Appendix E) – 14 Members (9 Labour Group, 3 Conservative Group, 2 Liberal Democrat Group)
- General Purposes Committee* (Appendix F) – 14 Members (9 Labour Group, 3 Conservative Group, 2 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)
- Joint Consultative Committee* (Appendix K) – 4 Members (3 Labour Group, 1 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, details of which to be circulated at the meeting, be noted.
- 2.3 That the various Executive bodies appointed by the Leader, the details of which to be circulated at the meeting, be noted. The relevant Terms of Reference for each body are shown at Appendix L.
- 2.4 That Council approves the dates for Council meetings for the Municipal Year, as shown at paragraph 4.6 and notes that a calendar of Committee meetings to the end of September will be circulated shortly to all Members.
- 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 the temporary amendments to the Constitution to reflect the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 ('the Regulations'), as shown at Appendix M, be approved for the period during which those Regulations remain in force.
- 2.8 That the protocol for virtual meetings, attached at Appendix N, be noted.
- 2.9 That the recommended amendments to Standing Orders, as outlined in paragraphs 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.

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 –

Appeals, Grievances and Litigation Committee
Housing Development and Regeneration 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 in accordance with the Regulations or where a material change of circumstances makes it necessary. The dates proposed for Council are as follows:

- 3 June 2020 (to be confirmed)
- 15 July 2020
- 14 October
- 16 December
- 28 January 2021 (Special Meeting – HRA and Rent Setting)
- 24 February 2021
- 19 May 2021 (Annual Council)

- 4.7 A provisional calendar of formal meetings was drafted before the Coronavirus Emergency was declared. It is likely that this will need to be amended with the

number of meetings limited. Work on a revised calendar is underway and this will be circulated to Members as soon as possible.

- 4.8 The calendar of formal meetings will also appear on the Council's website and will be regularly updated. Furthermore, following Council appointing to each body and dates being scheduled 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.

Temporary Changes to the Constitution

- 4.12 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 ('the Regulations') came into force on 4 April 2020. These regulations include provision for remote meetings and the 'publishing' of notices of meetings etc. to be solely on the authority's website.
- 4.13 The provisions of these Regulations relate to meetings held before 7 May 2021 and therefore temporary changes to the Council's Constitution have been drafted to account for these amended arrangements whilst the regulations remain in force. The recommended amendments are set out at Appendix L.
- 4.14 A protocol has also been drawn up for all participants in remote meetings. This is attached as Appendix M. This protocol will be reviewed and amended as necessary.

Standing Orders

- 4.14 Currently at the February Council meeting Standing Orders allows amendments to the recommended General Fund Budget for the future year to be moved without notice. This then requires the Section 151 - Chief Finance Officer to re-calculate the budget and consider the robustness of the proposals at the meeting itself without access to necessary implications and spreadsheets.
- 4.15 In order to ensure that Council is aware of all on-going implications and can make an informed decision on any budget amendments it is recommended that any such amendments be submitted by no later than 12 Noon on the Friday of the week before the date of the Council Tax and Budget Setting Council meeting. These

amendments can then be circulated to Members and Officers alike with any implications then reported to the meeting. If approved this revision will be made to the relevant Standing Order (and cross referenced where appropriate) that relates to the Budget Council meeting.

- 4.16 Standing Order 19c requires a Member to stand when addressing the Mayor. For recent Council meetings this provision has been waived, allowing Councillors to remain seated when speaking. The temporary amendments referred to in paragraphs 4.12 – 4.13 above include this provision to be amended temporarily as Councillors will not be in one venue and may be sitting at their PC or lap top. However, given the positive feedback at the Council meetings in January and February 2020 it is recommended that this requirement be deleted permanently.
- 4.17 At Annual Council in May 2018 it was agreed that updates from Scrutiny Committee Chairs be included as a standing item for Ordinary Council meetings. The order of the agenda items for Ordinary Council meetings is prescribed in Standing Order 6b and a number of Members have requested that consideration be given to bringing this item forward on the agenda and for it to immediately follow the Leader's Updates and before any submitted Motions and Questions from Members. If this proposal is agreed the relevant Standing Orders will be amended accordingly.

BACKGROUND PAPERS

- The Council's Constitution <http://www.stevenage.gov.uk/about-the-council/councillors-and-democracy/17074/>
- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 <https://www.legislation.gov.uk/uksi/2020/392/contents/made>

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)
- Temporary changes to the Constitution (Appendix L)
- Protocols for formal remote Council and Committee meetings (General) (Appendix M)