

**Meeting: ANNUAL COUNCIL**  
**Date: 25 MAY 2022**



## 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 100 Committee places where applicable (relevant Committees are identified thus\*) -

- Overview and Scrutiny Committee\* (Appendix A) – 14 Members (9 Labour Group, 3 Conservative Group, 2 Liberal Democrat Group)
- Community Select Committee\* (Appendix B) – 10 Members (6 Labour Group, 3 Conservative Group, 1 Liberal Democrat Group)
- Environment and Economy Select Committee\* (Appendix C) – 11 Members (7 Labour Group, 2 Conservative Group, 2 Liberal Democrat Group)
- Planning & Development Committee\* (Appendix D) – 14 Members (9 Labour Group, 3 Conservative Group, 2 Liberal Democrat Group)
- Licensing Committee (Appendix E) – 14 Members (8 Labour Group, 4 Conservative Group, 2 Liberal Democrat Group)
- General Purposes Committee\* (Appendix F) – 14 Members (8 Labour Group, 4 Conservative Group, 2 Liberal Democrat Group)

- Appointments Committee\* (Appendix G) - 8 Members (5 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Standards Committee\* (Appendix H) – 8 Members (5 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Audit Committee\* (Appendix I) – 10 Members (6 Labour Group, 2 Conservative Group, 2 Liberal Democrat Group) + 1 Co-opted non-elected member
- Statement of Accounts Committee\* (Appendix J) – 8 Members (5 Labour Group, 2 Conservative Group, 1 Liberal Democrat Group)
- Joint Consultative Committee\* (Appendix K) – 3 Members (2 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 100

- 2.2 That the membership of the Executive and the individual Portfolios, as set out at Paragraph 4.2 of the report, be noted.
- 2.3 That the various Executive bodies appointed by the Leader, detailed in Paragraph 4.3 of the report and the relevant Terms of Reference for each body set out in Appendix L to the report, be noted.
- 2.4 That Council approves the dates for Council meetings for the Municipal Year 2022/23, as shown at Paragraph 4.6 of the report, and notes the calendar of formal meetings shown at Appendix M to the report.
- 2.5 That Council notes and approves the substantive amendments to Standing Orders arising as a consequence of the motion approved by Council on 9 March 2022 as set out in paragraph 4.10.
- 2.6 That Council notes and approves the inclusion of a substitution scheme (as Standing Order 28) as set out in paragraph 4.11 and in Appendix N to the report.
- 2.7 That Council notes and approves the following minor and consequential amendments to Standing Orders, required:
- for the good conduct of Council meetings,
  - as a consequence of the substantive changes at 2.5 and 2.6 above,
  - to include appropriate reference to Herts Growth Board within the Constitution
- as set out in paragraph 4.12.
- 2.8 That Council notes the Executive's intention to establish a joint Executive Committee with East Herts District Council to support the oversight, development and delivery of the Council's joint ICT strategy, as set out in paragraph 4.13 and with the terms of reference as detailed in Appendix O to the report.

### **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.
- 3.3 Council resolved, by way of motion approved Council on 9 March 2022, to amend its Standing Orders (as set out in paragraph 4.10 below) and to complete a review of the Constitution in 2022/23.
- 3.4 Council further resolved (9 March 2022) to review the amendments to the Constitution as set out in paragraph 4.10 prior to the annual meeting in May 2023 in any event to ensure that these revised arrangements are satisfactory.

### **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-K. 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 The Leader will be appointing Members to the Executive (with Portfolios). This information will be tabled at the Annual Council 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  
Commercial and Investment Working Group  
Housing Development and Regeneration Working Group  
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 L.
- 4.5 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 circulated with the Supplementary Agenda.

## **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:
- Wednesday, 20 July 2022
  - Wednesday, 19 October 2022
  - Wednesday, 14 December 2022
  - Wednesday, 25 January 2023 (Special Meeting – HRA and Rent Setting)
  - Thursday, 23 February 2023 (Special Meeting – Budget)
  - Wednesday, 8 March 2023
  - Wednesday, 24 May 2023 (Annual Council)
- 4.7 A provisional calendar of formal meetings is also appended to this report at Appendix M. 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.
- 4.9 The calendar of formal meetings 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.

## **Standing Orders**

- 4.10 At the meeting of Council on 9 March 2022 Council approved a motion to amend Standing Order 9 to replace the provisions for a main debate with a presentation on a matter of interest to the community (Community Presentation).

Council further approved substantive amendments to:

- Standing Order 15 (motions subject to notice) limiting the number of motions that can be debated at a meeting of Council to one for each political group; and
- Standing Order 19 (rules of debate) amending the time allowed for speakers during debates, setting a maximum time allowed for debate of motions (90 minutes) and consequential rules for how motions not debated will be dealt with.

Full details of the amendments are set out in Background Document BD2, Summary of Decisions 9 March 2022.

- 4.11 In response to a question to the Leader of the Council on 13 October 2021 the Leader of the Council requested that the Monitoring Officer prepared a formal substitution scheme for consideration by Council as part of this report. The

proposed substitution scheme will be included as Standing Order 28 to the Constitution and a copy is included as Appendix N to this report.

- 4.12 It is recommended that appropriate changes be made to Standing Orders as a consequence of the changes required by the amendments outlined at 4.10 and 4.11 above and for the purposes of good conduct of Council meetings:

SO 6.a.(vi)	Amendment to text for the purposes of good conduct of Council meetings.
SO 6.a.(xvi)	Removed. This is a repeat of SO 6.a.(xiii).
SO 6.	Necessary renumbering of the standing order.
SO 6.b. (viii)	Amended as a consequence of changes to SO 9 (Community Presentation).
SO 7.k	Removed as a consequence of changes to SO 9 (Community Presentation).
SO 7.	Necessary renumbering of the standing order.
SO 10 a.	Removed as a consequence of changes to SO 9 (Community Presentation).
SO 10.	Necessary renumbering of the standing order.
SO 12.j	Removed as a consequence of changes to SO 9 (Community Presentation).
SO 13.j	Removed as a consequence of changes to SO 9 (Community Presentation).
SO 14.g	Removed as a consequence of changes to SO 9 (Community Presentation).
SO 19.d.(i)	Amendment to text for the purposes of good conduct of Council meetings.
SO 28.	Casual Appointments – replaced with SO 28 Substitutes
SO 29. – 48.	Renumbering of remaining Standing Orders as a consequence of the insertion of the Substitution Scheme
Revised SO 42.	Amendment to text for the purposes of good conduct of Council meetings.
Appendix B – Petition Scheme	Technical amendments for operation of the Council's petition scheme
Appendix C	Inserted – Hertfordshire Growth Board, Integrated Governance Framework.

### **Joint ICT Executive Committee**

- 4.13 Members are invited to note that the Executive intends to establish a joint Executive Committee with East Herts District Council, comprising of 3 Members from each Council, with terms of reference to support the oversight, development and delivery of the Council's joint ICT strategy (Appendix O).

### **BACKGROUND PAPERS**

- BD1 - [the Council's Constitution](#)
- BD2 – [Summary of Decisions 9 March 2022](#)
- BD3 – [Questions to Portfolio Holder / Committee Chairs 13 October 2021](#)

## 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)
  - Joint Consultative Committee (Appendix K)
- Terms of Reference – Executive Bodies (Appendix L)
- Provisional Calendar of Meetings 2022/23 (Appendix M)
- Standing Order 28 Substitutes (Appendix N)
- Terms of Reference – ICT Joint Executive Committee with East Herts Council (Appendix O)