

**Meeting: ANNUAL COUNCIL**  
**Date: 22 MAY 2024**



## 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 (11 Labour Members, 2 Liberal Democrat Member, 1 Conservative Member)
  - Community Select Committee\* (Appendix B) – 10 Members (8 Labour Members, 2 Liberal Democrat Members)
  - Environment and Economy Select Committee\* (Appendix C) – 11 Members (9 Labour Members, 2 Liberal Democrat Members)
  - Planning & Development Committee\* (Appendix D) – 14 Members (12 Labour Members, 2 Liberal Democrat Members)
  - Licensing Committee (Appendix E) – 14 Members (12 Labour Members, 2 Liberal Democrat Members)
  - General Purposes Committee\* (Appendix F) – 14 Members (12 Labour Members, 2 Liberal Democrat Members)

- Appointments Committee\* (Appendix G) - 8 Members (7 Labour Members, 1 Liberal Democrat Member)
- Standards Committee\* (Appendix H) – 8 Members (6 Labour Members, 1 Liberal Democrat Member, 1 Conservative Member)
- Audit Committee\* (Appendix I) – 10 Members (8 Labour Members, 1 Liberal Democrat Member, 1 Conservative Member) + 1 Co-opted non-elected member
- Statement of Accounts Committee\* (Appendix J) – 8 Members (7 Labour Members, 1 Liberal Democrat Member)
- Joint Consultative Committee\* (Appendix K) – 3 Members (2 Labour Members, 1 Liberal Democrat Member)

\* 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, in accordance with a proposal from the Leader of the Council, the name of the “Executive” be changed to “Cabinet”.
- 2.3 That the Borough Solicitor be authorised to make consequential amendments to the Constitution to reflect the proposal set out in Recommendation 2.2 above.
- 2.4 That the membership of the Cabinet and the individual Portfolios, as set out in the document tabled at the meeting, be noted, including the addition to the Housing Portfolio of the “Member responsible for complaints”, in accordance with the Housing Ombudsman’s and the Local Government and Social Care Ombudsman’s recently published Complaints Handling Code.
- 2.5 That the various Cabinet bodies appointed by the Leader, detailed in Paragraph 4.4 of the report and the relevant Terms of Reference for each body set out in Appendix L to the report, be noted.
- 2.6 That Council approves the dates for Council meetings for the Municipal Year 2024/25, as shown at Paragraph 4.9 of the report, and notes the calendar of formal meetings shown at Appendix M 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.

## **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.

### **Cabinet (formerly the Executive)**

- 4.2 The Leader of the Council has proposed that the name of the "Executive" be changed to "Cabinet". It is therefore recommended that this name change be approved, and that, if approved, the Borough Solicitor be authorised to make consequential amendments to the Constitution to reflect this proposal.
- 4.3 The Leader will be appointing Members to the Cabinet (with Portfolios). This information will be tabled at the Annual Council meeting.

### **Appointment of Cabinet Bodies**

- 4.4 The Leader of the Council has agreed to retain the following Committees of the Cabinet –

Appeals, Grievances and Litigation Committee  
Housing Development and Regeneration Working Group  
Commercial and Investment Working Group  
Housing Working Group  
Stevenage, North Herts., East Herts. and Hertsmere Joint CCTV Committee  
Stevenage and East Herts. Joint Executive Revenues and Benefits Shared Service Committee  
Stevenage and East Herts Joint ICT Executive Committee

- 4.5 The terms of reference for these Committees / Working Groups may be found at Appendix L.
- 4.6 Membership of these bodies is limited to only Members of the Cabinet. Details of the memberships of these Committees will be set out in the schedule circulated with the Supplementary Agenda.
- 4.7 The Housing Ombudsman and Local Government and Social Care Ombudsman have recently published a Complaints Handling Code. Part 9.5 of the Code states that "a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaints-handling culture. This person is to be referred to as the Member Responsible for Complaints ('the MRC')".
- 4.8 The Housing Ombudsman's Complaint Handling Code set outs that it is a statutory requirement for a social housing landlord to appoint a member of the governing body that has lead responsibility for housing complaints. The role is responsible for ensuring the governing body receives regular information that provides insight on

the landlord's complaint handling performance and to support a positive complaint handling culture. For a local authority, the Portfolio Holder for Housing is expected to fulfil this role.

### **Dates of Council meetings**

- 4.9 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, 17 July 2024
  - Wednesday, 16 October 2024
  - Wednesday, 18 December 2024
  - Wednesday, 22 January 2025 (Regular meeting, to include HRA and Rent Setting)
  - Wednesday, 26 February 2025 (Special Meeting – Budget only)
  - Wednesday, 21 May 2025 (Annual Council)
- 4.10 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.
- 4.11 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.
- 4.12 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.

### **Constitutional Changes**

- 4.13 A review of the Council's Constitution is under way and proposals for updating will be brought before the Council in the course of 2024/25. Officers will work in consultation with a Member working group in developing proposals. There will also be some technical changes to the Constitution which the Chief Executive has delegated authority to approve.

## **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)
  - Joint Consultative Committee (Appendix K)
- Terms of Reference – Cabinet Bodies (Appendix L)
- Provisional Calendar of Meetings 2024/25 (Appendix M)