

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 13th April, 2010 in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.K. Austin, A.J. Eade, G.M. Green, J.M. Seymour, V. Tonks and D.R.W. White

CCC-11 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on 8 December, 2009 be confirmed and signed by the Chairman.

CCC-12 APOLOGIES FOR ABSENCE

None.

CCC-13 DECLARATIONS OF INTEREST

None.

CCC-14 REVISION OF THE COUNCIL'S CONSTITUTION

The report of the Head of Governance sought the Committee's approval of the proposed changes to the Council's Constitution and their recommendation for approval by Full Council.

A number of amendments were required to Section 6 – Financial Regulations to reflect the revised organisational structures/responsibilities and to ensure good governance. In addition, following the restructuring, the deletion of Part 7 – Management Structure was proposed. The main changes to Article 12 were required to incorporate recent legislation requiring local authorities to have a designated Director of Children's Services, a Director of Adult Social Care and a Scrutiny Officer. Minor changes to the Terms of Reference of the Audit Committee were proposed to include the requirement for the Committee to monitor in addition to reviewing the Council's Treasury Management arrangements and changes for the purposes of clarification were proposed to the Terms of Reference of the Appeals Committee.

Following the consultations responses received, the final Scheme for Local Petitions was submitted to the Committee. The Democratic Services Manager informed Members that the requirement for the Council to have an e-petitions scheme in place was December 2010. As requested at the meeting of the Committee on 8th December 2009, he would continue to investigate potential software solutions but there were a limited number of available suppliers. Therefore, he was recommending that the straightforward scheme before the Committee be approved in the interim. In agreeing to this proposal, the Chairman referred to the requirement for 5% of the population of the Borough to sign a petition in order to trigger a debate at full Council, and suggested that the inclusion of the number of signatures based

upon the current population of the Borough be deleted to avoid the necessity of amending the Petition Procedure each time revised population figures were published.

With regard to the proposed Scheme for Public Speaking at Plans Board, this had been amended following consultation with the Head of Planning & Transport and the Chairman of the Plans Board. Following these the proposed Scheme had been amended to extend the period allowed for public speaking from three minutes to five and giving the Chairman discretion, in certain circumstances, to extend the time limits for speaking. The Democratic Services informed the Committee, that following approval of the Scheme by full Council, the Parish & Town Councils in the Borough would be provided with details in order that they could organise representatives to attend meetings of the Plans Board as and when required.

The Democratic Services Manager tabled a copy of the response received from Councillor J.M. Seymour relating to the 'Green Carding Process' which allowed Ward Members to ask for an application due to be determined by an officer under delegated authority to be referred to the Plans Board for determination. She said that not all applicants or other interested parties were aware of this and requested that this be made clear in the Leaflet setting out the process for Public Speaking. In addition, Councillor Seymour commented that not all Ward Members were aware that Parish & Town Councils could also 'Green Card' an application and requested that they be advised accordingly.

Councillor Seymour also raised the point that, in a single Member Ward, the Councillor could be approached to speak both for and against a planning application. In such circumstances, and also when the Member was unable to attend a meeting of the Plans Board, she would wish to see the Scheme being amended to permit any Borough Councillor to speak.

The Chairman requested that the Leaflet be amended to clarify that the five minutes allowed for public speaking was the total time for all those wishing to speak on a particular application and to include reference to the Green Card System.

RESOLVED – to RECOMMEND that Council grants approval of:

- (a) the changes to Article 12, Section 6 – Financial Regulations, the Terms of Reference of the Audit Committee, the Terms of Reference of the Appeals Committee together with the deletion of Part 7 – Management Structure within the Constitution;**
- (b) the proposed Scheme for Local Petitions, as set out in Appendix E of the report, subject to the deletion of the population figure shown on the flow chart;**
- (c) the proposed Scheme for Public Speaking at Plans Board, as set out in Appendix F of the report, subject to the amendments and clarification requested by the Council Constitution Committee.**

CCC-15 CHANGE OF EXECUTIVE ARRANGEMENTS

The report of the Head of Governance informed that Committee that Council was required to review its decision-making structures in the light of changes in the law. To do this the Council needed to approve the timetable, proposed consultation process and decision-making structures to ensure that a decision was taken by Council for implementation from May 2011.

Currently the Council elected a Leader, who could then appoint up to nine other councillors to form a Cabinet which was responsible for delivering and implementing the budget and policies that had been decided by the Full Council. Under the Local Government and Public Involvement in Health Act 2007 the Council had to reconsider its decision-making arrangements, principally the two alternative options for executive decision-making that should operate from May 2011, namely (a) Leader and Cabinet or (b) directly elected Mayor and Cabinet.

Option (a) was similar to the current arrangements whereby the Council elected a Councillor as Leader, but for a period of four years rather than just one. As currently the Leader would still appoint up to nine Councillors to act as Cabinet members. However, he would also decide upon their portfolios and the extent to which each Cabinet Member could make decisions on an individual basis. In addition, the Leader would appoint a Deputy Leader who would serve a four-year term. The Council could also make provision in its Constitution for removal of the Leader by resolution.

Under Option (b) a Mayor would be directly elected by voters at the same time as they elected the other Councillors to serve for a period of four years. The Mayor would then choose a Cabinet of not more than nine Councillors with the remaining elected Councillors continuing to have a role on the Council's Scrutiny Committees and to hold the Mayor and Cabinet to account. The Mayor would appoint a Deputy Mayor who would also serve a four-year term. If this option were chosen, the Council would have to decide whether to continue to have a traditional, civic and ceremonial Mayor and, if so, identify a way of differentiating the political Mayor's role from that of the ceremonial Mayor. Alternatively, the directly elected Mayor could carry out civic and ceremonial functions. There would be no provision for the removal of a directly elected Mayor during the four-year term of office.

Appendix 1 of the report set out a comparison between the two options and Appendix 2 provided a detailed timetable for how this matter would be progressed through to Council at the end of November 2010 with implementation under the new Council in May 2011. Following approval of the process and timetable by Council on 29th April, 2010 a further meeting of the Committee towards the end of May would be arranged to agree the consultation documents following an appropriate delegation from Council at its meeting on 29th April, 2010.

The Committee agreed that its preferred option was Leader and Cabinet and Councillor Eade stressed the importance of this option whereby it was possible to make provision for the removal by resolution of a Leader, which would not be possible under the option for a directly elected Mayor.

RESOLVED – to RECOMMEND to Council that:

- (a) the position regarding the proposed changes to the Council’s decision-making structures be noted;**
- (b) that the proposed timetable, as set out in Appendix 2 of the report,2 be approved;**
- (c) that delegated authority be granted to the Council Constitution Committee to agree the consultation documents, as outlined in the report.**

CCC-16 REVIEW OF SCRUTINY ARRANGEMENTS

The report of the Scrutiny Manager requested the Committee to consider the proposed changes to the Council’s Scrutiny arrangements, including the preferred option of the Scrutiny Leadership Board, and to make a recommendation to Full Council

The Scrutiny Leadership Board had agreed that a review of the new Scrutiny arrangements introduced in January 2009 be undertaken once they had been in operation for twelve months. Professor Steve Leach had carried out this review and his report, together with the views of the Scrutiny Assembly and the Cabinet were discussed by the Scrutiny Leadership Board at its meeting on the 25th March 2010. The Cabinet, as a consultee on the Review, had indicated its preference for Option 2, Priority-based sub-groups but the Scrutiny Assembly and the Leadership Board had both recommended Option 3 subject to the Value for Money Scrutiny Group and the Corporate Parenting Group remaining separate rather than being subsumed into the proposed Scrutiny Panels.

The report also drew the Committee’s attention to the further work required to the Constitution regarding the Scrutiny arrangements which could only be undertaken once the new Scrutiny model had been agreed by Full Council on 29th April, 2010. Currently there was no provision in the Constitution for interim Scrutiny arrangements and Appendix 3 of the report proposed an addition to the Constitution to provide for an interim Scrutiny Committee that would be politically balanced and had the power to undertake the Scrutiny function as required under legislation. This Committee would include all the Lead Scrutiny Members appointed at Annual Council on 20th May 2010 and statutory co-optees. Following Annual Council the interim Scrutiny Committee would consider the Scrutiny arrangements and make detailed recommendations to the Council Constitution Committee for subsequent recommendation to Full Council. Once the new Scrutiny arrangements had been agreed by Full Council the interim arrangements would be revoked.

At its meeting on the 30th March 2010 the Audit Committee had recommended that the Joint Health Overview & Scrutiny Committee with Shropshire Council, the Value for Money Scrutiny Group and the Corporate Parenting Scrutiny Group be retained in

their current format until the final Scrutiny structure and arrangements were agreed in order to continue to provide an interim scrutiny facility in a key risk area.

Councillor D.R.W. White, who was the Chairman of the Scrutiny Leadership Board, said that Scrutiny had been operating under its new arrangements for only one year and considered that this had not been a sufficient period of time for their impact to be gauged. He was, therefore, of the view that these existing arrangements should be left in place for a further year. In addition, he stressed the importance of scrutiny being able to look at areas outside of the Council, such as changes in the NHS, and of its strength as a non-political body. These comments were supported by Councillors R.K. Austin and G.M. Green.

Councillor A.J. Eade responded that the 7 proposed Priority based sub-groups was the logical Option to be adopted as they would both reflect and work alongside the concept of 'One Council One Vision'. Each sub-group would be politically balanced with its Chairman being appointed at Annual Council. He considered that this format would increase the accountability of Cabinet Members and Corporate Directors and also provide an opportunity for members to become pro-actively involved with policy delivery. These comments were supported by Councillor J.M. Seymour.

The Committee agreed by a majority vote, with Councillor G.M. Green abstaining, that Option 2 be recommended to Council for approval.

RESOLVED – to RECOMMEND to Council that:

- (a) the model for Scrutiny arrangements be that outlined within paragraph 4.5 (2) in Professor Steve Leach's 'Review of Scrutiny Arrangements at Telford & Wrekin' (Appendix 1), i.e. Option 2 (Priority-based sub-groups);**
- (b) that the processes set out within section 7, paragraphs 7.2 and 7.3, of the report of the Scrutiny Manager (Appendix 2) to agree any consequent changes to the Constitution be approved;**
- (c) that the interim Scrutiny Committee set up under (b) be politically balanced and comprise of 7 Conservative, 4 Labour, 2 Liberal Democrat/Independent and 1 TAWPA members;**
- (d) that the existing Scrutiny Leadership Board be dissolved by Full Council on 24th June, 2010 and the Constitution amended as required.**

The meeting ended at 6.53 p.m.

Chairman:

Date: