

COUNCIL CONSTITUTION COMMITTEE**Minutes of a meeting of the Council Constitution Committee held on Tuesday, 19th February, 2013 at Addenbrooke House, Telford, Shropshire**

PRESENT: Councillors M.J. Smith (Chairman), K.S. Sahota (Vice-Chairman), A.J. Eade, I.T.W. Fletcher, G.M. Green, F.R. Picken and R.J. Sloan

CCC-1 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 4th September , 2012 be confirmed and signed by the Chairman.

CCC-2 APOLOGIES FOR ABSENCE

None

CCC-3 DECLARATIONS OF INTEREST

None.

CCC-4 CHANGES TO THE COUNCIL'S CONSTITUTION

The Democratic Services Manager presented the report of the Assistant Director: Law, Democracy & Public Protection which outlined a number of proposed changes to the constitution in the following areas:

a) Updates to financial regulations (Appendix B1)

These changes were required to reflect revised organisational structures and job titles and to ensure good governance. In addition, the changes reflected updated Public Sector internal audit standards and amendments to risk management and information governance.

b) Revised terms of reference for Audit Committee (Appendix B2)

This section reflected changes to governance and risk management and the inclusion of information governance

c) Revisions to Standards regime (Appendix B3)

This section showed constitution changes for the revised ethical framework which was approved by Full council in July 2012 and further details as approved by Standards Committee in September 2012.

d) Notice of Key Decisions (Appendix B4)

This section included constitution changes resulting from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 which came in to force in September 2012.

e) Chairing Full Council meetings (Appendix B5)

The changes in this section deal with the re-establishment of the role of Speaker which was discontinued prior to the current administration. Re-establishment of the role would allow for better use of the varying skills of councillors. The roles of Mayor and Speaker demanded different qualities and separating these roles would utilise these skills most effectively in order to ensure the efficient transaction of council business. The Speaker's role would be re-established from the beginning of the 2013/14 civic year and would attract a Special Responsibility Allowance of £2,616 per annum. This would be at the same level as the discontinued allowance and in line with the recommendations of the Independent Remuneration Panel. In order to ensure there was no overall increase in expenditure the exiting Mayoral civic allowance would be reduced by £2,616 per annum from the beginning of the 2013/14 civic year.

Councillor R.J. Sloan told the meeting that the current administration felt that the role should be re-established because of the unique and differing qualities required.

Councillor K.S. Sahota (Chairman) felt that both roles were extremely important and that the council would be best served by having two distinct roles. Councillor I.T.W. Fletcher queried the re-establishment of the role as he had received advice that the additional role of Speaker did not comply with legal requirements. Councillor A.J. Eade told the meeting that the Monitoring Officer had previously advised that his administration could not have two separate roles. He queried why this advice had been provided previously. Councillor Sahota told the meeting that he had checked the Constitution Committee report from February 2011 which supported discontinuation of the Speaker's role. It was clear that the report stated that the change had been proposed as 'being in line with practice with the majority of other councils. Councillor G.M. Green believed that separating the roles provided a good opportunity for different councillors to perform differing roles. Members agreed that the Monitoring Officer be asked to provide guidance on this matter when the recommendation was considered at Full Council. Councillor I.T.W. Fletcher noted a number of administrative points relating to references to the role of Speaker and Deputy Speaker that might require administrative amendment.

RESOLVED: That Constitution Committee recommend to Council;

- a) **The changes to Part 4 – Rules of Procedure, Section 6 of the Constitution, Financial Regulations, as shown in Appendix 1 of the report;**
- b) **The changes to Audit Committee Terms of Reference as set out in Appendix 2 of the report;**
- c) **The changes to the constitution reflecting the changes to the ethical framework for councillors, as shown in Appendix 3 of the report;**

- d) **The changes to the constitution reflecting new regulations regarding Notices of Key Decisions shown in Appendix 4 of the report**
- e) **The re-establishment of the Speaker's role and associated amendments to the Constitution as set out in paragraph 3.5 and Appendix 5 of the report**

CCC-5 Health & Wellbeing Board and Health Scrutiny

The Assistant Director Social Care Specialist presented the report which set out details of the regulations which applied to the Health & Wellbeing Board as a Committee of the council from 1 April when local authorities assumed responsibility for public health functions.

The report also considered Scrutiny changes resulting from the implementation of the Localism Act 2011 and Health and Social Care Act 2012. Scrutiny Management Board had considered the changes at its meeting of 16 November and commended them to Constitution Committee.

RESOLVED: That Constitution Committee recommend to Council:

- a) **To establish the Health and Wellbeing Board as a Committee of the Council , agree membership and terms of reference as set out in the report;**
- b) **That delegated authority be given to the Council's Monitoring Officer and Assistant Director: Law, Democracy and Public Protection, in consultation with the Chair of the Health and Wellbeing Board and Chair of Council Constitution Committee to make any necessary amendments and recommendations following any further regulations or guidance;**
- c) **To delegate the health scrutiny power vested in Council under the Health and Social Care Act 2012 to the relevant Scrutiny Committee and agree the changes to the constitution as set out in the report and appendices;**
- d) **To agree the changes to Scrutiny arrangements resulting from the provisions of the Localism Act 2011 as set out in the report and appendices.**

CCC-6 Substitution Arrangements

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Members briefly discussed arrangements for substitution on the various Committees of the council. The Legal Services Manager agreed for a report to be prepared on substitution arrangements and brought to a future meeting for discussion.

The meeting ended at 6.46 p.m.

Chairman:

Date: