

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 8th June, 2010 at 5.30 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors S.M. Kelly (Chairman), E.J. Carter, A.J. Eade, J.M. Seymour, C.F. Smith and V. Tonks.

CCC-6 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 25th May, 2010 be confirmed and signed by the Chairman.

The Chairman requested the Head of Governance to provide an update report in connection with minute item CCC-4 and as to whether he had been in receipt of the guidance from the Department of Communities & Local Government. The Head of Governance informed Members that the requested guidance had not been received. As a consequence there would need to be a discussion as to whether the previously agreed strategy should be continued and this meeting provided an opportunity to discuss the appropriate response.

Members expressed a view that in the absence of any desire from local residents to proceed with a revised model of governance and given the cost involved in the consultation exercise that any process should be kept at minimum cost. The Head of Governance advised the Committee on the legal implications (potentially challengeable) and the likelihood of the receipt of any such challenge (low) and it was agreed that the original strategy on the consultation would be pursued except that no formal consultation would be included in the Council's "Insight" magazine.

CCC-7 APOLOGIES FOR ABSENCE

Councillors R.K. Austin and G.M. Green.

CCC-8 DECLARATIONS OF INTEREST

None.

CCC-9 CHANGES TO FINANCIAL REGULATIONS AND CONTRACT PROCEDURE RULES

The report of the Head of Governance sought the Committee's approval of proposed changes to the Financial Regulations and the Contract Procedure Rules within the Council Constitution and to recommend their approval to Full Council.

Members were referred to Annex A of the report which detailed the proposed amendments to Part 4 – Section 6 Financial Regulations as contained within the Constitution which had been amended to reflect the proposed changes to the Contract Procedure Rules, which were also to be considered within this report.

The Committee was also referred to Annex B in connection with the Contract Procedure Rules within Part 4 – Section 7 of the current Constitution. Members were informed that these procedure rules had been completely re-written in order to ensure that they reflected the rules on procurement rather than the provision of guidance on how to undertake procurement. All detail on how to conduct procurement had been deleted and replaced with a flow diagram. The rewrite which had resulted in an improvement allowed the document to flow logically, was concise, avoided duplication and included hyperlinks to allow easy access to relevant guidance

The Head of Governance referred to Annex B and stated that he wished to propose a number of additions to the proposed text. In the section which related to Special Exemptions from the Contract Procedure Rules in the “After” section in the first bullet point relating to Contracts between £5000 and £50000 he proposed that at the end of the sentence relating to the approval of variations that the addition of the words “and Finance Manager”. He also proposed a similar addition within the section that dealt with Consultants or Specialist Contractors Tendering/Quotation Procedure in relation to the approval of Waivers to be approved similarly by both the Head of Governance and Finance Manager.

RESOLVED – to RECOMMEND that Council grants approval of:

- (a) the changes to Part 4 – Section 6 – Financial Regulations as set out in Annex A of the report; and**
- (b) the changes to Part 4 – Section 7 – Contract Procedure Rules as set out in Annex B of the report subject to the addition of the words “and Finance Manager” within the section in relation to the Special Exemptions from the Contract Procedure Rules for contracts between £5000 and £50000 and within the section in relation to Consultants or Specialist Contractors Tendering/Quotation Procedure in connection with the approval of waivers.**

CCC-10 SCRUTINY ARRANGEMENTS

The Head of Governance submitted his report in connection with the proposed scrutiny arrangements following the meeting of the Interim Scrutiny Committee that had met on the 1st June in order to agree proposed Scrutiny arrangements. Members were referred to the proposed changes that had been agreed by the interim Scrutiny Committee as outlined within Appendices 1 and 2 of the report.

Councillor J Seymour commented that she felt that the proposed mix of the numbers of members for the Scrutiny Committees of 6 and 8 would result in increased workload pressures being placed on members to fulfil their respective roles for members of these committees. She felt that all the Scrutiny Committees should be a universal size of 6 members each with the overall political balance of the Council being taken into account.

Councillor A Eade also concurred with this view and the factor of additional pressure was noted and he agreed that in his view the smaller membership would be more effective.

Councillor C Smith expressed concern in relation to the amended proposal particularly when the Interim Scrutiny Committee had agreed on the individual sizes of the membership for each of the Scrutiny Committees and that the proposed view of the Interim Scrutiny Committee was that their proposal better reflected the overall political balance of the Council. He also stated that as many of the Scrutiny Committees would have elements of cross-cutting through the Council, and also made reference to the number of co-optees that would also sit on a number of the Scrutiny Committees, that the number of members reflected the importance of their work.

Councillor J Seymour expressed a view that one of the arguments of reducing the size of the Scrutiny Committees was the element of their respective scrutiny work that would cross-cut among areas of the Council and that the work of Scrutiny would be more effective if the size of the Committees were reduced to 6 and proposed that the report should be noted and referred to Full Council with a recommendation that the size of the 7 priority themed Scrutiny Committee be limited to a maximum of six members per Committee.

Councillor V Tonks stated that he agreed with the views of Councillor Smith and further questioned that the Interim Scrutiny Committee time taken to achieve a collective view had been wasted.

Councillor A Eade also stated that it was his view that the recommendation contained at 2.3 of the report should be extended to include the Scrutiny Assembly. It was further stated by Councillor J Seymour that the consideration of Statutory Health Scrutiny Functions including the appointment of Members and Co-optees to any Joint Health Scrutiny arrangements and other associated matters should fall within the remit of the Active Lifestyles, Leisure & Culture Scrutiny Committee.

The Head of Governance confirmed that the respective views of both of the Interim Scrutiny Committee and the Council Constitution Committee would be available to enable a full debate at Full Council.

RESOLVED - TO RECOMMEND TO COUNCIL

- (a) the proposed changes to the Scrutiny arrangements as recommended by the Interim Scrutiny Committee at its meeting on 1st June 2010 for approval by Council at its meeting on 24th June 2010, subject to the following proposed amendments:**
 - (i) that the membership of all seven Council priority Scrutiny Committees have a maximum membership of six members; and,**
 - (ii) that that the consideration of Statutory Health Scrutiny Functions including the appointment of Members and Co-optees to any Joint Health Scrutiny arrangements and other associated Health**

matters should fall within the remit of the Active Lifestyles, Leisure & Culture Scrutiny Committee.

- (b) that Members further note that Full Council shall at its meeting to be held on 24th June 2010 appoint the Chairmen and Vice-Chairmen of the 7 Scrutiny Committees together with the Chairman of the Scrutiny Assembly.**

CCC-11 VOTING SCHEME FOR CO-OPTES ON THE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE

The report of the Head of Governance was received which sought approval of the proposed voting scheme for co-opted members on the Joint Health Overview and Scrutiny Committee with Shropshire Council and to recommend the proposed scheme to Full council. The report also requested that the Committee should consider the elected Telford & Wrekin member representation on the Joint HOSC.

The Committee was reminded that on 29th October 2009 full Council had agreed to grant voting rights to the 3 co-opted Members of the Joint Health Overview and Scrutiny Committee. The voting rights were granted to enable the co-optees to exercise their right to vote in respect of matters relating to the re-configuration of health services that were subject to consultation by Telford and Wrekin PCT and Shropshire PCT. It was further reported that recently Shropshire Council had recently changed their membership for both the elected members and their co-optees to have similar right to vote in the re-configuration consultation including Mental Health Services.

Members were requested to confirm the voting rights for the Telford & Wrekin co-opted members of the Joint HOSC to ensure that the same rights applied to both authorities.

The Committee was further requested to consider the Telford & Wrekin elected membership on the Joint Health Overview and Scrutiny Committee. It had been agreed by the Interim Scrutiny Committee at it's meeting held on the 1st June 2010 that a discussion would be held by Group Leaders to determine the third elected member representative from Telford and Wrekin on the Joint HOSC. Members were referred to the guidance from the Department of Health which stated that appointments to Overview and Scrutiny Committees should generally reflect the political make up of the full Council. The Head of Governance stated that in accordance with the existing overall political balance of the Council that the Joint Health Overview and Scrutiny Committee would be made up of two Conservative nominations and one labour nomination members.

Councillor C Smith commented that it was important that Scrutiny should represent the whole of Council and that it would be more appropriate that the overall political balance was not taken into account and suggested that the third seat should be discussed by Group Leaders in order to agree the third member on this basis. He further stated that using one of the minor parties in this respect would widen and represent the full views of the Council.

The Chairman noted that party politics had never been introduced particularly when the Council agreed campaign had been established last year following the re-configuration of Health Services had been introduced and he hoped that the same level of support would be repeated in the future notwithstanding that the political balance of the Council was agreed to be introduced in relation to the elected member representation on the Joint Health Overview and Scrutiny Committee.

RESOLVED – to RECOMMEND that COUNCIL:

- (i) grants approval of the voting scheme for the Telford & Wrekin co-opted members of the Joint Health Overview and Scrutiny Committee as outlined within Appendix 1 of the report;**
- (ii) grants approval for the responsibility for the Statutory Health Scrutiny function including the appointment of members and co-optees to any Joint Health Scrutiny arrangements be moved from the Adult Care & Support Scrutiny Committee to the Active Lifestyles, Leisure & Culture Scrutiny Committee as shown at paragraph 2.7 of Part 4 – Overview & Scrutiny Procedure Rules;**
- (iii) that the appointment of elected members to serve on the Joint Health Overview and Scrutiny Committee be in accordance with the current overall political balance of the Council , i.e. Conservative 2 seats and Labour 1 seat.**

The meeting ended at 6.10 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE - 14TH SEPTEMBER, 2010

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – EXECUTIVE ARRANGEMENTS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 For Members to recommend to Council a preferred option for Executive Arrangements following the recent consultation process. Following a further consultation period the Council will then be required to adopt one of the following forms of executive:

- The Mayor and Cabinet model
- The Leader and Cabinet Model

2.0 RECOMMENDATIONS

Members recommend to Council that:

- 2.1 **The Leader and Cabinet model be the preferred option for Executive Arrangements;**
- 2.2 **Further consultation, as set out in Appendix 1, take place on the preferred option.**

3.0 SUMMARY

- 3.1 On the 29th April 2010 full Council approved a proposed timetable for ensuring that, as required, it could consider the final proposals before the end of this calendar year. Attached at Appendix 1 is an amended proposed timetable that will enable final proposals to be considered by Council without the requirement for an additional Council meeting in December.
- 3.2 Council also delegated the power to this Committee to review and approve the final consultation documents and approved an overview of those to be consulted.
- 3.3 Attached at Appendix 2 is the information on the differences between the two models as outlined at the previous meeting of this Committee.

- 3.4 Attached at Appendix 3 is a copy of the consultation responses. To date, a total of seven responses have been received. Four responses are from Parish Councils and were received by e-mail. One of these responses does not state a preference but states that the item will be discussed at a Parish Council meeting in September. Three responses have been received from members of the public via the Council's website. The responses are summarised below:

	Leader & Cabinet Model	Mayor & Cabinet Model
Parish Councils	2	1
Public via Website	2	1
Total	4	2

4.0 PREVIOUS MINUTES

Council's Constitution Committee – 13 April 2010 (Minute No. CCC-15)
Council - 29 April 2010 (Minute No. 106)
Council Constitution Committee 25 May 2010 (Minute No. CCC-4)

5.0 INFORMATION

- 5.1 Members, during the debate at both the Council Constitution Committee and full Council gave a very clear steer to officers that, whilst they accepted that this was a legal requirement and consultation was a crucial element of the process, the nature and level of consultation needed to be planned to be proportionate to the issue to ensure that resources diverted from delivery of Council priorities was kept as low as reasonably possible.
- 5.2 There have been very few responses to the consultation so far. The responses received show a majority in favour of the Leader and Cabinet model. At least two Parish Council's have indicated that they will be submitting responses in early September.
- 5.3 The first stage of the consultation process ended on 31st August, 2010.
- 5.3.1 There has been a very limited response to the consultation, this might indicate that there is relatively little public interest in the issue. The Authority must now draw up formal proposals. The proposals must be the subject of a Notice in a local newspaper and on the Council's Website describing the proposals and where information about them is available.
- 5.3.2 In drawing up the proposals, the Authority must consider the extent to which, if implemented, the proposals are likely to assist in securing continuous improvements in the way in which its functions are exercised and having regard to the economy, efficiency and effectiveness of the same.

5.3.4 A Resolution of the Council will be required by the end of December 2010 to implement the change to the Council's Governance arrangements.

5.3.5 Following the passing of the Resolution, a further Notice must be placed in a local newspaper with the relevant details.

5.4 A preferred solution will be identified and agreed by Council on 7th October and the same consultees will be notified of this preferred option during the period 11th October to 19th November 2010. Those who have specifically made representations will be contacted separately. The existing form of Leader and Cabinet model of governance will continue in force until after Borough elections in May 2011.

6.0 **OTHER INFORMATION**

Equality & Diversity	The consultation process will be designed to integrate equality and diversity issues.
Environmental Impact	None arising directly from this report.
Legal Comment	The legal comment is set out within the main body of this report.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with this process have been assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	There will be marginal costs of making changes to the existing Constitution to accommodate the move from the existing Leader and Cabinet Model to the new Leader and Cabinet Model. However, there will be substantially more costs of moving to any Elected Mayor and Cabinet Model from the existing Leader and Cabinet Model. Such costs are difficult to quantify, at present, or justify on value for money or in terms of any objectively quantified economy, efficiency or effectiveness of service improvement grounds. A fundamental review of the Constitution will, of course, be necessary to reflect any Elected Mayor arrangements, plus the costs associated with running an election for an Elected Mayor in May 2011, if the Council resolved to adopt, in December 2010, the Elected Mayor Model of Governance.
Ward Implications	Borough wide

7.0 BACKGROUND PAPERS

Council Constitution

Local Government Public Involvement in Health Act 2007

Report prepared by Jonathan Eatough, Head of Governance, telephone 01952 383200

Appendix 1

Timetable for Process to consider options and agree changes to the Council's Executive Governance arrangements

Date	Committee/action	Purpose
07/10/10	COUNCIL	Council Constitution Committee recommendation of preferred option
08/10/10 - 01/11/10 (3 weeks)	Further period of consultation on preferred option	To all previous consultees but particularly to those who made a comment.
07/11/10	Council's Constitution Committee (CCC)	Recommendations to Council.
25/11/10	COUNCIL	To approve future arrangements
29/11/10 to 31/12/10	Update Constitution to reflect approved arrangements	Governance
11/01/11 or 22/02/11	Council's Constitution Committee (CCC)	Review amendments to the Constitution to reflect approved arrangements
03/03/11	COUNCIL	Approve changes to the constitution to reflect the approved arrangements

Appendix 2

Leader and Cabinet Executives compared with Elected Mayor and Cabinet Executives

	Leader and Cabinet	Elected Mayor and Cabinet
Status	As now, the leader would be elected by the Council in May 2011	The mayor is not a councillor but is directly elected by voters.
Term of office	The leader's term of office would start on the day of his or her election as leader and ends four years later on the day of the post-election annual Council meeting.	The term of office of an elected mayor is expressly said to be four years.
Discharge of functions	The leader may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an employee of the Council.	The mayor may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an officer of the authority.
Appointment of Cabinet	The Council's constitution must provide for the leader to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.	The constitution must provide for the mayor to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.
Deputy	The leader must appoint a deputy leader, who will hold office as such until the end of the leader's term of office unless he or she resigns as deputy leader, ceases to be a member of the Council, or is removed by the leader. If the office of deputy leader is vacant, the leader must appoint one.	The mayor must appoint a deputy mayor, who will hold office as such until the end of the mayor's term of office unless he or she resigns as deputy mayor, ceases to be a member of the authority, or is removed by the elected mayor. If the office of deputy mayor is vacant, the mayor must appoint one.

	Leader and Cabinet	Elected Mayor and Cabinet
Provisions if unable to act	If the leader is unable to act or the office of leader is vacant, the deputy leader must act in his or her place. If neither the leader nor the deputy leader is able to act, the cabinet must act in the leader's place or arrange for a member of the cabinet to do so. .	If the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his or her place. If neither the mayor nor the deputy mayor is able to act, the cabinet must act in the mayor's place or arrange for a member of the cabinet to do so.
Removal	A local authority's constitution may provide for the council to remove the leader by resolution at any time during the term.	No provision for removal during the mayor's term of office.
Appointment of assistants	In the Leader and Cabinet model, there is not a direct equivalent to the power for the Secretary of State to provide for the appointment of a person to provide assistance to an elected mayor. However, the Local Government and Housing Act 1989 contains provisions for the appointment of assistants by political groups.	The Secretary of State may by regulations make provision for or in connection with the appointment of a person to provide assistance to an elected mayor. The (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 have been made to provide for this.

	Leader and Cabinet	Elected Mayor and Cabinet
Civic and ceremonial duties	The Council would be entitled to retain a civic and ceremonial Mayor who would also chair meetings of the full Council.	Only the directly elected Mayor could use the title of "Mayor". A councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished. The Council could decide to disestablish the position of a civic and ceremonial Mayor. In which case the directly elected Mayor would decide to what extent he or she would wish to perform civic and ceremonial functions.

Consultation Documents

Consultee	Response
Little Wenlock Parish Council	Strong Leader and Cabinet Option
Church Aston Parish Council	Strong Leader and Cabinet Option
The Gorge Parish Council	To be discussed at parish council meeting on 6 September, 2010
Rodington Parish Council	Directly Elected Mayor and Cabinet Option
On-Line Responses from members of the public	2 for Strong Leader and Cabinet 1 for Directly Elected Mayor and Cabinet

How do you want Telford & Wrekin Council to be run?

Please read the following instructions carefully before completing the questionnaire:

- Please select a box to indicate your answer
 - Please answer all questions unless asked otherwise
 - The personal information you provide to us will be treated in **STRICTEST CONFIDENCE** and in line with the Data Protection Act.
-

Please answer the following questions.

Q1 Preferred option:

Strong Leader	2 (67%)
Directly Elected Mayor	1 (33%)

Q2 Please provide one or more reasons for your choice of model and any further comments you would like to make:

3 (100%)

Monitoring Information

Please complete the following information. All responses will remain **strictly confidential** and will be securely disposed of once the Council decision has been made.

Q3 Do you live in the Borough?

Yes	3 (100%)
No	0 (0%)

All of the following marked with * are required for validation purposes.

Q4 * Name:
3 (100%)

Q5 * Address:
3 (100%)

Q6 * Postcode:
3 (100%)

Q7 * Telephone No:
3 (100%)

Q8 * Email address:
3 (100%)

If you have any questions relating to this consultation please contact Democratic Services on (01952) 383211 or democraticservices@telford.gov.uk