

## **COUNCIL CONSTITUTION COMMITTEE**

### **Minutes of a meeting of the Council Constitution Committee held on Wednesday, 15th June, 2011 at 5.00 p.m. in the Civic Offices, Telford, Shropshire**

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

**ALSO IN ATTENDANCE:** Councillor D.R.W. White (Chairman of Scrutiny Management Board)

#### **CCC-1      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Council Constitution Committee held on the 22nd February, 2011 be confirmed and signed by the Chairman.

#### **CCC-2      APOLOGIES FOR ABSENCE**

Councillor R.C. Evans, F.R. Picken

#### **CCC-3      DECLARATIONS OF INTEREST**

None.

#### **CCC-4      CHANGES TO THE COUNCIL'S CONSTITUTION TO REFLECT NEW SCRUTINY ARRANGEMENTS**

The report of the Head of Governance requested that the Committee endorse changes to the Council's Constitution in respect of the new Scrutiny arrangements and recommend those changes to Full Council. The proposed changes had been recommended to the Committee by Scrutiny Management Board who had met informally on 6 June 2011. Councillor D.R.W. White, Chairman elect of Scrutiny Management Board, presenting the report, told the Committee that key elements of the proposed changes were:

- Streamlining of relevant sections of the Constitution in line with the Council's objectives of modernising the Constitution and improving efficiency
- Retaining the key principles and core elements of Scrutiny within the constitution but operational and process elements of the Scrutiny function would be removed from the Constitution and set out in the Scrutiny Handbook.
- Allowing Governance arrangements for Scrutiny to be set out in the Constitution whilst giving flexibility for changes to be made to the operating structure and processes without the requirement to update the Constitution
- Decisions about Scrutiny structure and processes would be determined by Scrutiny Management Board in consultation with the Scrutiny Assembly

- Scrutiny Management Board would be responsible for the co-ordinating of all aspects of the Scrutiny work programme and for scrutiny of decisions called in.

Councillor I.T.W. Fletcher proposed a number of amendments to the proposals which were seconded by Councillor A.J. Eade. Councillor Fletcher had some concerns that the proposals did not require Full Council to approve changes to Scrutiny structures and processes. He felt that it would be more appropriate for Council to approve any changes recommended by Scrutiny Management Board before any changes were enacted. Councillor D.R.W. White told the Committee that wherever possible changes would be reported to Council for noting. He added that if the changes were implemented and Members felt they were not working effectively then this could be reviewed.

Following a discussion, the Committee agreed to recommend to Council the proposed constitutional changes put forward by Scrutiny Management Board with the following amendments:

- Section 5, Scrutiny Procedure Rules, Section 3.6. The following words were added: “Changes will be reported back to the next full Council meeting”.
- Section 5, Scrutiny Procedure Rules, Protocol for Call-in, Section 14.9. Deleted the words “a Chairman of a Scrutiny Committee” and replaced with “the Chairman of an appropriate Scrutiny Committee”.
- Section 5, Scrutiny Procedure Rules, Non-application of Call-in and Urgency, Section 15.1. The words “Speaker “and “Deputy-Speaker” deleted and replaced with the words “Chairman of the Scrutiny Management Board” and “Vice-Chairman of the Scrutiny Management Board”.

**RESOLVED** – that Full Council be recommended to approve the changes to the Constitution proposed by Scrutiny Management Board, attached at Appendix A, subject to the following amendments

- (a) **Section 5, Scrutiny Procedure Rules, Section 3.6. The following words were added: “Changes will be reported back to the next full Council meeting”.**
- (b) **Section 5, Scrutiny Procedure Rules, Protocol for Call-in, Section 14.9. Deleted the words “a Chairman of a Scrutiny Committee” and replaced with “the Chairman of an appropriate Scrutiny Committee”.**
- (c) **Section 5, Scrutiny Procedure Rules, Non-application of Call-in and Urgency, Section 15.1. The words “Speaker “and “Deputy-**

**Speaker” deleted and replaced with the words “Chairman of the Scrutiny Management Board” and “Vice-Chairman of the Scrutiny Management Board”.**

The meeting ended at 5.25 p.m.

**Chairman:** .....

**Date:** .....

**Powers, Functions & Duties of**

**BOUNDARY REVIEW COMMITTEE**

**NON-DELEGATED MATTERS (matters to be referred to Council for decision)**

**BOUNDARY REVIEWS**

- 1 Duty to prepare information on and to recommend consultation responses to Council on Parliamentary Boundary Reviews
- 2 Duty to prepare information on and to recommend consultation responses to Council on Periodic and further Electoral Reviews
- 3 Duty to prepare information on and to recommend consultation responses to Council on Reviews of European Parliamentary electoral regions.
- 4 Duty to prepare information on and recommend consultation responses to Council on all other electoral arrangement reviews

**DELEGATED MATTERS (matters which can be resolved)**

**COMMUNITY GOVERNANCE REVIEWS**

- 1 Dealing with all matters relating to Community Governance Reviews

**PARISHES**

- 1 Grouping parishes, dissolving groups and separating parishes from groups

**POLLING DISTRICTS**

- 1 Duty to divide the constituency in to polling districts
- 2 The power to divide electoral divisions into polling districts at local government elections.

## TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 08 NOVEMBER, 2011

### BOUNDARY REVIEW COMMITTEE TERMS OF REFERENCE - COUNCIL CONSTITUTION

#### REPORT OF THE HEAD OF GOVERNANCE

#### 1.0 PURPOSE

- 1.1 To request the Committee to recommend the Terms of Reference for the Boundary Review Committee, as outlined in Annex 1, to Full Council for approval:

#### 2.0 RECOMMENDATIONS

**Members recommend to Council that:**

- 2.1 **The Terms of Reference of the Boundary Review Committee, as set out in Annex 1, be approved and reflected in the Council's Constitution.**
- 2.2 **The Terms of Reference of Licensing Committee be amended and the Constitution amended to reflect the delegated powers being transferred to the Boundary Review Committee, shown at paragraph 3.4 of the report.**

#### 3.0 SUMMARY

- 3.1 A Boundary Review Committee was appointed at the Annual General Meeting of the Council on 26 May 2011.
- 3.2 The Committee requires a defined Terms of Reference that identifies any matters the Committee shall deal with. The proposed Terms of Reference are attached at Annex A.
- 3.3 It is proposed that the Boundary Review Committee have powers to deal with the following matters relating to **Boundary Reviews**:
- a) Duty to prepare information on and to provide consultation responses on behalf of the Council on Parliamentary Boundary Reviews
  - b) Duty to prepare information on and to provide consultation responses on behalf of the Council on Periodic and further Electoral Reviews
  - c) Duty to prepare information on and to provide consultation responses for the Council on Reviews of European Parliamentary electoral regions.

d) Duty to prepare information on and to provide consultation responses for the Council on all other electoral arrangement reviews

3.4 The following powers, which relate to **boundary matters**, are currently delegated to Licensing Committee. These powers would be more appropriately dealt with under the remit of the Boundary Review Committee. Those powers are as follows:

- a) Dealing with all matters relating to Community Governance Reviews
- b) Grouping parishes, dissolving groups and separating parishes from groups
- c) The duty to divide the constituency in to polling districts
- d) The power to divide electoral divisions into polling districts at local government elections.

If the recommendations are approved then the Terms of Reference of Licensing Committee in the Constitution would need to be amended to reflect the transfer of powers to the Boundary Review Committee.

#### 4.0 **PREVIOUS MINUTES**

4.1 None

#### 5.0 **INFORMATION**

5.1 Following appointment at 26 May Annual Council the Boundary Review Committee requires approval of Terms of Reference which will define the powers, functions and duties of the Committee.

5.2 The proposals are that the Committee has powers to make recommendations to Council on all Parliamentary, European and periodic and further electoral reviews.

5.3 The proposals are that some powers currently delegated to Licensing Committee are more appropriately dealt with by the Boundary Review Committee as they relate to boundary matters. These are shown at paragraph 3.4 of the summary section of the report.

#### 6.0 **OTHER INFORMATION**

<b>Equality &amp; Diversity</b>	Any changes to the Constitution must comply with all the equality and diversity legislation and regulations.
<b>Environmental Impact</b>	None arising directly from this report.

<b>Legal Comment</b>	The legal comment is set out within the main body of this report.
<b>Links with Corporate Priorities</b>	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
<b>Opportunities &amp; Risks</b>	The opportunities and risks associated with this process have been assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.
<b>Financial Implications</b>	The changes will be accommodated within existing budgets. .
<b>Ward Implications</b>	Borough wide

## **7.0 BACKGROUND PAPERS**

Council Constitution  
Representation of the People Act (1983)  
Local Government Act 1972  
The Local Government and Public Involvement in Health Act (2007)  
Local Democracy, Economic Development and Construction Act (2009)

Report prepared by Jonathan Eatough, Head of Governance (01952 383200)