



Uttlesford District Council

Chief Executive: John Mitchell

Constitution Working Group

Date: Tuesday, 02 December 2014
Time: 18:00
Venue: Chief Executive's office
Address: Council Offices, London Road, Saffron Walden, CB11 4ER

Members: Councillors J Davey, I Evans, A Ketteridge, D Morson, J Menell, J Rich ,
D Watson and L Wells

AGENDA PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest.
- 2 Minutes of the meeting held on 2 October 2014 3 - 6
- 3 Issues arising from the Council meeting on 21 October 2014 (verbal report)
- 4 Structure of the Council 2015-16 7 - 16
- 5 Any other items which the Chairman considers to be urgent

For information about this meeting

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CONSTITUTION WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 6.00pm on 2 OCTOBER 2014

Present: Councillor J Menell (Chairman)
Councillors J Davey, I Evans, J Menell, D Morson and L Wells.

Also present: Councillor E Godwin.

Officers present: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive - Legal) and M Cox (Democratic Services Officer).

CWG9 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors A Ketteridge, J Rich, D Watson and S Howell.

CWG10 MINUTES

The Minutes of the meeting held on 16 September 2014 were approved and signed by the Chairman as a correct record, subject to recording that Councillor Evan's had sent apologies for this meeting.

CWG11 OVERVIEW AND SCRUTINY CAN UNDER AN EXECUTIVE SYSTEM OF GOVERNANCE

Councillor Godwin, Chairman of the Scrutiny Committee had been invited to the meeting to discuss how overview and scrutiny could work more effectively under the cabinet system.

The Chief Executive set out the background to this meeting. The working group had previously considered the operation of the cabinet system and the extent that it worked within UDC. It was recognised that it was for the new Administration to decide its governance system but for now the cabinet system would continue and the working group would report to Full Council on ways in which the opposition and backbench members could be more involved, particularly through overview and scrutiny.

Councillor Godwin gave her views on the council's current arrangements for scrutiny. She felt that the scrutiny function was hampered by the Administration's large majority. It was often difficult for majority group members on the scrutiny committee to be objective and they tended to defend rather than challenge the party line. This was why the Scrutiny Committee had tended to move away from internal matters to focus more on non – political external issues, around the provision of services which were important to the residents of Uttlesford.

She said that items were very rarely called in, as there was a perception that it was pointless to do so. Also, the reports from the scrutiny sub-groups were

not taken seriously or acted upon. The approach she would like to see was for Scrutiny Committee members to sit down with cabinet members some time before the Cabinet meeting and discuss the issues and decisions coming forward.

Councillor Wells said she had been a member of a scrutiny committee under the previous committee system. This had discussed a lot of issues but had been largely ineffective. She asked about the current system and how the committee decided what to include on the agenda. Councillor Godwin said items came forward, triggered by events or perception of need and were proposed by the Chairman and Vice Chairman in consultation with the officers. Councillor Wells questioned whether the committee had any influence in relation these subject areas. She said it was clear that scrutiny should have more of a role under the cabinet system and suggested that the Scrutiny Committee should be looking at major council decisions coming forward.

Councillor Morson said the Scrutiny Committee had looked at internal issues, but these discussions should not be in isolation but fed into future discussion at the Cabinet meeting. He questioned the current approach to managing the committee's meetings. At the beginning of the year the committee set its work schedule and he felt it was too anxious to book up reviews/presentations in advance, which allowed no room to include additional items that might arise during the year.

Although the committee still had a role in questioning outside organisations, he felt the focus should be more on the council's internal policies and decisions and understanding why these matters had come forward. He suggested that the Scrutiny Committee should have access to the Cabinet reports at least two weeks before the meeting and have the opportunity to question cabinet members.

He then mentioned the rules for call – in and said it was difficult for these arrangements not to be political. The two call-ins that had occurred had both been by opposition members. He would like to see all back bench members of the council having an opportunity to call in a cabinet decision.

The Assistant Chief Executive – Legal explained that the legislation had been drawn to ensure that call-in was not abused and disrupted the business of the council. Uttlesford was quite lenient with its drafting as many other authorities had a limit on the number of call-ins permitted. Thought might need to be given to imposing a restriction if call-in was extended to all members of the council.

Councillor Evans said she found the Cabinet meetings very formulaic and business appeared to be done and dusted beforehand. The authority gave lip service to pre scrutiny but this was not effective. For example the budget papers were given to the scrutiny committee a week before the Cabinet meeting. The information provided was extensive and detailed but the committee had no part in the preparation or any understanding of how the decisions had been arrived at.

She said the committee had received some really good scrutiny training but Uttlesford did not work to that model. It had no power to influence anything but instead was a passive group looking at a fait accompli. It should be acting as a critical friend to the Cabinet, taking a step back, asking for evidence behind a decision and questioning whether it was right.

In relation to the scrutiny task groups, she said that both members and officers had put in a tremendous amount of work on the car parking and day centre reports. It was disappointing that these reports had not been taken forward by Cabinet. She thought there should be a process to monitor the effectiveness and usefulness of the reports. The Chief Executive pointed out that under the current scrutiny rules members did have the authority to summon the relevant portfolio holder to explain the action being taken.

The Chief Executive said the council had come only recently to the cabinet system and whilst it had the systems and processes in place it had never really grasped the concept of scrutiny. There needed to be a culture change in forward planning, preparing items at an earlier stage and more appropriate timetabling of meetings.

The next stage was to prepare a report for full council recommending a way forward based on the discussion and the suggestions made at the last three meetings of the working group.

Councillor Howell the Chairman of the Performance and Audit Committee had unfortunately been unable to attend the meeting but the Chief Executive would ask for his views and feed this into the report.

It was AGREED that the draft report be circulated to Members of the working group for comment and a further meeting be arranged if necessary.

CWG11 NEW STRUCTURE OF THE COUNCIL FROM MAY 2015

The working group agreed that a meeting should be arranged for December 2015 to receive the following information as agreed at the last meeting

- 1) The council's committee structure, setting out the current committees and working groups for members to review.
- 2) A propose new structure based on 39 seats to include
 - Suggested committees and working groups
 - The number of members on each committee on the basis that there was at least one seat for each member.
 - A timetable for the frequency of meetings.

The meeting ended 7.00 pm

Committee: Constitution Working Group

Agenda Item

Date: 2 December 2014

4

Title: Council Structure 2015/16

Author: Maggie Cox Democratic Services Officer

Item for decision

Summary

1. The working group agreed at the last meeting to review the Council's current committee structure and to consider a proposal for a new structure for 2015/16 based on the reduction in the number of members from 44 to 39.

Recommendations

2. To consider the options set out in the report and make a recommendation to the Full Council meeting on 18 December 2014

Financial Implications

3. None at this stage. There will be implications for members' allowances from May 2015:

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	n/a
Community Safety	n/a
Equalities	n/a
Health and Safety	n/a
Human Rights/Legal Implications	To comply with the legal framework in relation to decision making Changes to the council's constitution will be required
Sustainability	n/a
Ward-specific impacts	n/a
Workforce/Workplace	n/a

Situation

6. At the previous meeting on 2 October 2014, the working group agreed that it would review the Council's current structure of committees and working groups and consider a new structure based on 39 seats following the district election in May 2015, to include the following:-
 - Suggested committees and working groups.
 - The number of members on each committee.
 - A timetable for the frequency of meetings.
7. It is noted that the council structure for 2015/16 will be determined at the first meeting of the new council in May 2015 and any proposal put forward at this stage will not be binding on the new council. However, it is useful now to consider the committees which will still be required and how the reduction of members from 44 to 39 can be accommodated within the structure. It is also necessary for a draft timetable to be developed and meetings scheduled, so that at least in initial stages of the new council, the day to day business of the council can continue.
8. Council structure

Appendix 1 - sets out the existing council structure and the number of seats on each committee. Taking the main committees (Council, regulatory and overview and scrutiny) 44 members provide each councillor with 2.02 seats.

Appendix 2 – sets out the suggested changes to the new council structure

- i) To remove the Staff Appeals Committee. This committee has not met for over 6 years, as the council has changed the way that it deals with appeals from its employees. It does not seem sensible to appoint members to a group that is not likely to meet. However, in future, if member involvement is required, a committee could be established by the council.
- ii) The main committees (Planning, Licensing and EH, Performance and Audit and Scrutiny) should each comprise 10 members. The existing membership of Planning and Licensing is a historical legacy and it would seem sensible to adopt a consistent approach.

These two suggested changes would still provide each member with 2.02 seats on the main committees.

9. Terms of reference

It is suggested that the terms of reference for the main committees should be left for the new council to consider. Appendix 3 sets out the terms of reference for the Council and Cabinet working groups. As the work undertaken by the council working groups is ongoing, these should remain in the structure. Some changes will probably need to be made to the Cabinet working groups but this should probably be left for the new Cabinet to determine.

10. Frequency of meeting

Appendix 4 sets out the frequency of the main committee meetings. The timetable of meetings has been based on these principles for the last four years. Many of the dates are determined by operational deadlines, particularly in relation to budget setting.

It is proposed that the timetable of meetings for 2015/16 is prepared on a similar basis to previous years. In the light of previous discussion on the role of the Scrutiny Committee, members may wish to consider the most appropriate way to timetable these meetings.

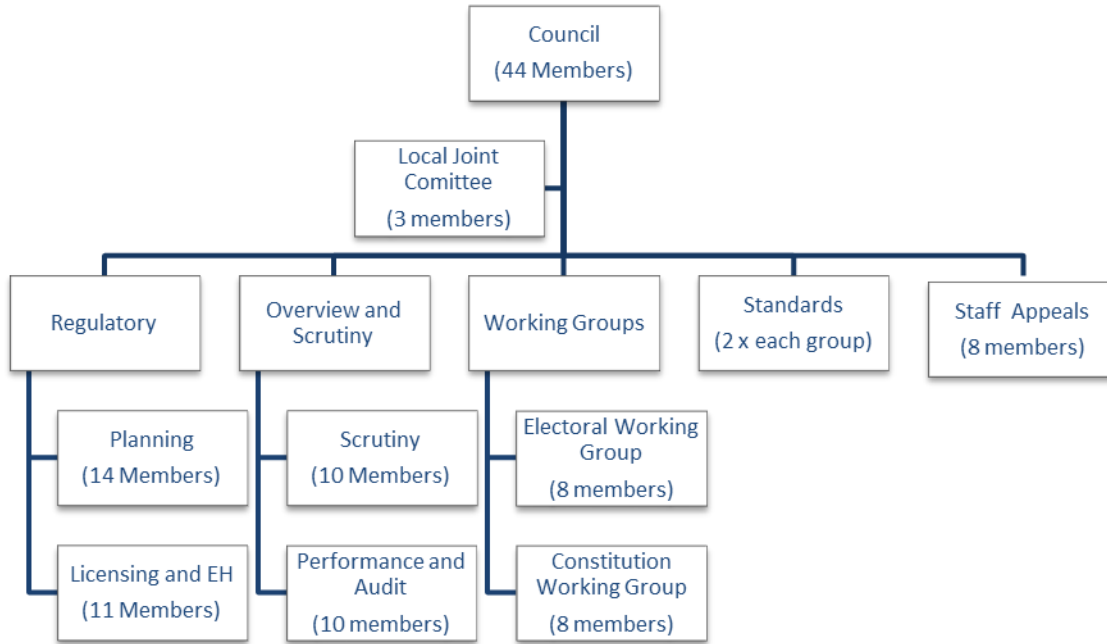
11. Matters to consider

- 1) The proposed structure of the Council based on 39 members set out in appendix 2.
- 2) Whether any changes are required to the terms of reference.
- 3) A basis for the preparation of a timetable of meetings for 2015/16.

Risk Analysis

12. None at present

Current Council Structure (44 members)



Committee seats available

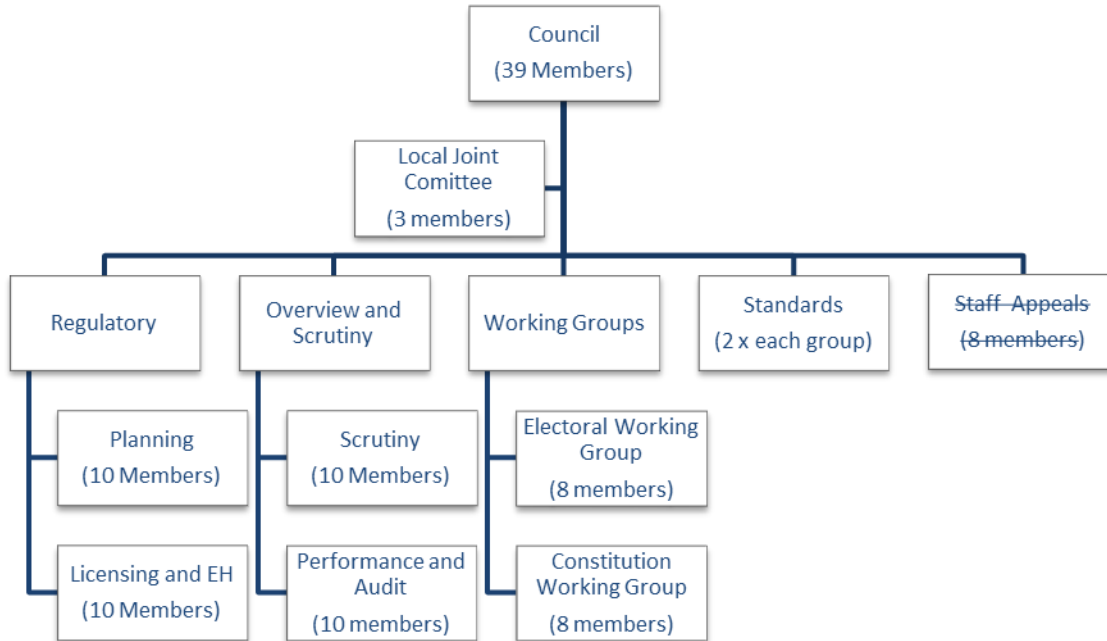
Council	44
Regulatory	25
Overview and Scrutiny	20
Staff appeals	8
Standards	8
Working groups	19
Total	124

No of Seats per member

2.8 - seats available per member

2.02 – seats on main committees Council, regulatory, overview and scrutiny.

Proposed Structure (39 members)



Seats available

Council	39
Regulatory	20
Overview and Scrutiny	20
Working groups	19
Standards	8
Total	106

No of seats per member

2.7 seats per member

2.02 – seats on main committees (council, regulatory, overview and scrutiny)

COUNCIL WORKING GROUPS 2014/15

Name of Group	Terms of reference	No of Members
Electoral working Group	To consider all electoral, polling and community governance reviews, and necessary arrangements for the administration of elections, and to make recommendations to the council.	8
Constitution Working Group	To keep the working of the Council's Constitution under review and make recommendations from time to time to the Council on potential improvements	8
Local Joint Committee	To help to promote good industrial relations through effective communication. To enable the employers to inform employees on matters which concern them. To enable staff representatives to raise employment issues on behalf of its members with the employers	5

CABINET WORKING GROUPS 2014/15

Name of Group	Terms of reference	No of Members
Community Achievement Panel	To oversee the organisation of the Community Achievement Awards scheme and make recommendations on the recipients of those awards.	5
Highways Panel	1) Prioritise and make recommendations for projects/schemes for the matters listed below to the ECC Cabinet Member for Highways and Transportation within the allocated budget: <ul style="list-style-type: none"> •Traffic management improvements •Tackling congestion Safer roads (including casualty reduction) <ul style="list-style-type: none"> • Public rights of way improvement • Cycling programme • Passenger transport improvement programme • Minor improvement schemes 	4 + 4 County members

Name of Group	Terms of reference	No of Members
	<p>2) Have regard to the advice from ECC officers on relevant statutory/duty of care requirements.</p> <p>3) Oversee and set priorities for schemes funded through the localism process and the work of the Highways Ranger Service.</p> <p>4) Monitor the delivery of the agreed programme and raise issues and concerns through agreed procedures.</p> <p>5) Consider any other Highways and Transportation matter referred to the panel from time to time by other council constituted bodies, panels or groups</p> <p>6).Make recommendations to ECC Cabinet Member for Highways and Transportation to amend targets or discretionary policies and/or amend budget allocations between programmes if necessary to meet local priorities</p> <p>7) To advise the Cabinet on all of the above matters before recommendations are referred to the ECC Cabinet Member</p> <p>8).Take a lead role in liaison with town and parish councils</p> <p>9)To monitor spending/progress to delivery and make recommendations in relation to S106 highway contributions collected from planning applications</p> <p>0) To advise the Cabinet on any matters to be raised with the North Essex Parking Partnership regarding parking proposals, off and on street controlled car parking and any proposed Traffic Regulation Orders</p>	
Housing Board	<p>1. Inform on and monitor the performance and delivery of all Council housing related strategies and policies</p> <p>2. Monitor housing related performance indicators</p> <p>3. Inform on and monitor the Council's Housing</p> <p>4. Monitor the Council's Housing Revenue Account</p> <p>5. Monitor and inform on the delivery of affordable housing units in the District</p> <p>6.Consider the use of existing housing stock and other housing assets</p>	10 + 2 tenant reps
Local Plan Working_group	To give advice and guidance to officers in progressing the Local Plan and other planning guidance and report recommendations to Cabinet.	12

Name of Group	Terms of reference	No of Members
Stansted Airport Advisory Panel	1) Form an overview of policy and operational issues in relation to Stansted 2) Monitor the activities of the airport in the interests of the people of the district. 3) Monitor the implementation of Section 106 agreements and related undertakings by MAG and others 4) Review and anticipate future developments at the airport and in aviation policy.	10
Waste Strategy Panel	To monitor the implementation of the waste strategy and the inter authority agreement between collection and disposal authorities. To consider the need for review of policies and procedures, and enable members to contribute to resolution of recycling and street cleansing service delivery issues.	10

Frequency of meetings

Meeting	No. per year	Frequency
Council	5 + Annual Council	May, July, October, December, February, April
Cabinet	10 (but at Leader's discretion)	Approximately every 6 weeks
Planning	14	Every 4 weeks (5 weeks over Christmas)
Licensing	4 times per year (including budget setting meeting)	July, October, January, March Panel meetings arranged on an ad hoc basis (around 10 per year)
Scrutiny	6	Generally 2 weeks before Cabinet Dates also reserved for potential call in 10 days following the Cabinet meetings
Performance and Audit	5	May, July, September, November, February Timetabled to comply with performance reporting and approval of the Statement of Accounts
Standards	3	June, October, March Hearings arranged on an Ad hoc basis (av. 1-2 per year)

