

## CHILTERN DISTRICT COUNCIL

### MINUTES of the Reconvened Meeting of the CONSTITUTION REVIEW COMMITTEE held on 2 JULY 2014

**PRESENT:** Councillor N M Rose - Chairman

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Councillors: Miss P A Appleby  
Mrs I A Darby  
D G Meacock  
D W Phillips  
M Stannard

**APOLOGIES FOR ABSENCE** were received from Councillors N L Brown, A J Garth, and M Vivis

**ALSO IN ATTENDANCE:** Councillor J Burton

#### 14 DRAFT CHANGES TO THE CONSTITUTION

The Head of Legal and Democratic Services provided a recap of discussions at the previous adjourned meeting of the Committee in respect of details of draft changes to the Constitution as a result of a previous report on options to streamline the workings of the Council in line with the work programme agreed by the Constitution Review Committee on 18 February 2014, specifically in relation to Overview and Scrutiny, and Policy Advisory Groups (PAGs). Members were advised that there would be a further meeting of the Committee to consider suggested changes for full Council.

The key areas of focus in the report were:-

- Streamlining the workings of the Council
- Policy Advisory Groups (PAGs)
- Overview and Scrutiny
- Full Council
- Regulatory Committees
- Cycle of meetings
- Outside Body appointments

The Head of Legal and Democratic Services presented the appendices to the report which detailed the Terms of Reference for the proposed committees, including amendments as a result of discussions from the previous meeting of the Committee, as follows:

- Audit and Standards Committee
- Appeals and Complaints Committee
- Governance and Electoral Arrangements Committee
- Joint Appointments and Personnel Committee
- Proposed Amendment to the Cabinet Procedure Rules for Policy Advisory Groups
- Services Overview Committee
- Resources Overview Committee

Members considered the proposed Terms of Reference in detail including the proposed amendments.

### **Audit and Standards Committee**

Members considered the merger of the Audit and Standards Committees (**Appendix 1**) to form one Committee. For clarification the role of independent persons as observers to the existing Standards Committee was explained to confirm that due to changes in legislation in 2012 the independent persons no longer had voting rights, were purely observers and were not eligible to access confidential information. The current independent persons were appointed in 2012 under the new regime and were to be reappointed in 2017. As a result of previous discussions at the adjourned Committee meeting there had been an amendment to the Terms of Reference for the Audit and Standards Committee to strengthen the requirement of a Hearing Sub-Committee formed of 3 members from the Audit and Standards Committee which would be established if required for the purpose of considering a Standards (Code of Conduct) issue.

### **Appeals and Complaints Committee**

Members considered the formation of an Appeals and Complaints Committee (**Appendix 2**) to encompass all existing appeals committees and panels to form one Committee. It was noted there was a change to reflect the responsibility of the Democratic and Electoral Services Manager rather than the Head of Legal and Democratic Services to constitute an appeals panel, in consultation with the Chairman of the Committee.

### **Governance and Electoral Arrangements Committee**

Members considered the Terms of Reference for the Governance and Electoral Arrangements Committee (**Appendix 3**) which included the deletion of paragraph 3.6 due to the proposed retention of a Personnel Committee.

### **Personnel Committee and JAIC**

Members considered the Terms of Reference for the Personnel Committee (**Appendix 4A**) which was to be retained to deal with issues specific to Chiltern District Council, while any issues in relation to joint arrangements and harmonised conditions were to be considered by the Joint Arrangements and Implementation Committee (JAIC). It was noted that the proposal was to reduce membership from 9 to 7 and that the 7 members on the Personnel Committee were to form the Chiltern members of the JAIC. A further change in membership of the Personnel Committee was to include the Leader and one Cabinet Member, rather than two Cabinet Members. During consideration of Appendix 4A discussions led onto the Terms of Reference for JAIC (**Appendix 4B**) which proposed an increase in membership of the JAIC for each authority from 5 to 7 and that the terms of reference for JAIC was to consider issues in relation to joint arrangements and employees / services

under harmonised conditions. The changes in respect of JAIC would require agreement from South Bucks District Council to amend Appendix 3 of the Inter - Authority Agreement.

### **Policy Advisory Groups**

Members considered the suggestion to establish five Policy Advisory Groups (PAGs) which would be linked to each Cabinet Portfolio Holder and would be a sounding board for the Cabinet Member. Discussions ensued in relation to the role, membership, political composition and flexibility of PAGs. The Head of Legal and Democratic Services presented the Proposed Amendment to the Cabinet Procedure Rules for Policy Advisory Groups (**Appendix 5**) for consideration; and explained that relevant officer(s) should liaise directly with the Cabinet member regarding PAG agenda planning rather than the Chairman of a PAG, if this was not the Cabinet Member. It was agreed that a Chairman could be appointed from the membership of the PAG and did not have to be the Cabinet Member. But the PAG Chairman would be invited to any officer briefings for the relevant Cabinet Member before PAG meetings. It was also agreed that the membership of the PAGs was not to be limited to the majority group although it was noted there was no legal requirement for the PAGs to be politically balanced.

### **Overview Committees**

Members considered the Terms of Reference for the Overview Committees (**Appendices 6 and 7**) and agreed to amalgamate three Overview Committees into two Overview Committees – Resources Overview Committee and Services Overview Committee. The membership of each Overview Committee was agreed at 15 members. It was noted that members could also serve on PAGs with the exception that when the overview committees were considering issues in relation to the scrutiny function eg. Call-in or scrutiny review. The differential between overview and scrutiny items would be identified on the agenda and the Committee's work programme.

### **Full Council Meetings**

Members considered options for change in respect of full Council meetings with the aim to improve the interest and public engagement with Council meetings. Particular options that considered were:-

- Questions with notice (Public Questions) with an allotted time period for questions to be answered
- Criteria for submitting questions eg. Relevant to the area; submission date prior to the meeting; complies with protocol; oral presentation of questions at the meeting and the permission of a supplementary question
- A programme of speakers to Council eg. Paradigm, with an allotted time period for presentations
- Incorporate the Chief Constable Q & A session into a future Council meeting
- Report on recommendations rather than minutes to Council

Following consideration of changes to future Council meetings it was agreed that at the next meeting of the Constitution Review Committee, members were to receive a proposed new style Council agenda for consideration to implement changes to encourage public engagement and interest in Council meetings.

## **RECOMMENDATIONS:**

### **1. Overview and Scrutiny**

- i) That the number of Overview Committees be reduced from three to two;**
- ii) That the number of members on each Overview Committee be fifteen;**
- iii) That each Overview Committee meet six times per year; and**
- iv) That the Chairman and Vice- Chairman of the Overview Committee be elected by the members of the Committee**
- v) That the terms of reference for the Services Overview Committee attached at Appendix 1 be approved**
- vi) That the terms of reference for the new Resources Committee attached at Appendix 2 be approved**

### **2. Policy Advisory Groups (PAGs)**

- vii) That five Policy Advisory Groups be established to align with the Cabinet Portfolios;**
- viii) That the number of members serving on each PAG be not less than 6 or more than 8;**
- ix) That membership of the PAGs be selected by the Cabinet Portfolio Holder;**
- x) That all meetings of the PAGs are held informally and are not public meetings, but any member of the Council can attend to observer if they wish to do so; and**
- xi) That the Chairman be nominated by the PAG**
- xii) That the consequential amendments to the Cabinet Procedure Rules attached at Appendix 3 be approved**

### **3. Council Meetings**

- xiii) That the Constitution Review Committee at a future meeting consider suggestions as to how the Council meetings can be improved.**

### **4. Regulatory Committees**

- xiv) That the Constitution Review and Boundaries and Electoral Arrangements Committees be merged into one Governance and Electoral Arrangements Committee with the terms of reference as attached at Appendix 4;**
- xv) That the merger of Homelessness and Appeals Committees to form one Appeals and Complaints Committee be approved with the terms of reference as attached as Appendix 5;**
- xvi) That the merger of Audit and Standards Committees to form one Audit and Standards Committee be approved with the terms of reference as attached at Appendix 6 ; and**
- xvii) That membership of the merged committees be drawn from the members elected to the Individual committees for the municipal year 2014/15 by election of the various groups**

### **5. Personnel Committee**

- xviii) That Chiltern District Council retain a Personnel Committee to consider personnel issues specific to Chiltern and in respect of those employees that are not part of joint arrangements or under harmonised conditions with the amended terms of reference as attached at Appendix 7;**
- xix) That the membership of the Personnel Committee be reduced from nine to seven;**
- xx) That Council's human resources functions in respect of those employees subject to Joint Arrangements with South Bucks District Council be delegated to the Joint Arrangements and Implementation Committee (JAIC**
- xxi) That the membership of the CDC Personnel Committee form the membership of the Chiltern membership of the (JAIC);**
- xxii) That the membership of the JAIC be increased from five to seven members from each authority; and**
- xxiii) That the quorum of the JAIC be increased from two to three elected members from each authority**

**xxiv) That subject to the agreement of South Bucks District Council the amended terms of reference for the JAIC attached at Appendix 8 be approved.**

**6. Number of Meetings**

**xxv) That Full Council continues to meet six time per year;**

**xxvi) That Overview Committees continues to meet six times per year;**

**xxvii) That Cabinet continues to meet six times per year;**

**xxviii) That the Planning Committee continues to meet on a three weekly cycle; and**

**xxix) That other scheduled committees meet on a quarterly basis, half yearly or as and when required.**

**7. That the Chief Executive be granted delegated authority to make any consequential amendments of the above recommendations to the Constitution as required.**

**The meeting was adjourned at 7.43pm**