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CHILTERN
District Council



CDC Governance and Electoral Arrangements Committee

Wednesday, 18th January, 2017 at 6.30 pm

**Large & Small Committee Room, King George V House, King George V Road,
Amersham**

A G E N D A

- 1 Evacuation Procedures
- 2 Apologies for Absence
- 3 Declarations of Interest
- 4 Minutes (*Pages 3 - 6*)
To agree the Minutes of the previous meeting held on 30 November 2016.
- 5 Revised Work Programme (*Pages 7 - 10*)
- 6 Review of the Council's Constitution (*Pages 11 - 14*) (*Appendices to follow*)
- 7 Exclusion of the Public (if required)
To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: CDC Governance and Electoral Arrangements
Committee**

Councillors: J A Burton
I A Darby
A J Garth
P M Jones
N M Rose
M W Shaw
M J Stannard
D M Varley
H M Wallace
E A Walsh (Chairman)
D J Bray

Date of next meeting – Wednesday, 22 February 2017

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CHILTERN DISTRICT COUNCIL**MINUTES** of the Meeting of the
GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE
held on **30 NOVEMBER 2016**

PRESENT: Councillor L Walsh - Chairman

Councillors: D J Bray
I A Darby
N M Rose
M W Shaw
M J Stannard
D M Varley
H M Wallace

APOLOGIES FOR ABSENCE were received from Councillors A J Garth and P M Jones

ALSO IN ATTENDANCE: Councillors J MacBean, P Hudson, J Gladwin, C J Wertheim, P E C Martin and N Varley.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 MINUTES

The Minutes of the Committee's meeting 25th October 2016 were agreed by the Committee and signed by the Chairman as a correct record.

24 REVIEW OF POLITICAL MANAGEMENT ARRANGEMENTS

The Committee were asked to consider whether they wished to pursue possible changes to the Council's current political management arrangements alongside the review and updating of the Constitution.

The Chairman clarified that the purpose of the report was to present possible options for members to note and consider which if any they felt worth considering, and how they would consult with all members on potential changes before making any decisions. No decisions on the options were intended to be made at this meeting. Any changes would be subject to Full Council approval.

The Head of Legal and Democratic Services presented the content of the report to the Committee outlining the key areas for consideration as:

- Cycle of Meetings

Classification: OFFICIAL

- Overview and Scrutiny Committees and joint overview and scrutiny
- Policy Advisory Groups (PAGs)
- Individual Cabinet Member Decision-Making
- Personnel Committee and JAIC

It was noted that some of the areas outlined in the report had been considered previously in 2014, but it was agreed that any changes should not be considered until at least a year after the District Council Elections in May 2015. This was to allow newly elected councillors to become more familiar with the decision making structure of the Council.

Members agreed that this was a matter for consultation and consideration within individual political groups, following which any proposals for change would be brought back to the Governance & Electoral Arrangements Committee prior to any recommendations for change being made to full Council. It was however noted by Members that given the imminent move of all staff to harmonised terms and conditions the suggestions around the personnel committee and JAIC seemed entirely logical. The proposed timeline for any changes to the political management arrangements was to ensure that amended structures were in place to coincide with the commencement of the municipal year after the Annual Council meeting in May 2017.

RESOLVED:

- (i) That options (vi) and (vii) in the report be progressed as follows:**
- That the principle of establishing a joint Personnel Committee with South Bucks by extending the terms of reference of JAIC, subject to in principle agreement by South Bucks be agreed; and
 - That, if a joint Personnel Committee is established to delegate any residual personnel issues for CDC staff to Governance and Electoral Arrangements Committee
 - That, if a joint Personnel Committee is agreed that the Terms of Reference of Joint Appointments and Implementation Committee be amended to reflect this
- (ii) That the Head of Legal & Democratic Services be asked to produce further information in respect of the following possible options for consultation and consideration by members within their political groups, prior to the matter being brought back to a future meeting of the Governance & Electoral Arrangements Committee:**
- Whether to reduce the cycle of meetings from 6 to 4
 - Whether to establish a single Overview Committee
 - Whether to agree the principle of establishing joint scrutiny functions with South Bucks District Council subject to in principle agreement by South Bucks
 - Whether the current PAG arrangements require any amendment
 - Whether to introduce individual cabinet member decision-making

25 REVIEW OF THE COUNCIL'S CONSTITUTION

The Head of Legal and Democratic Services presented the report for consideration to review the Council's Constitution. In accordance with the agreed work plan members were invited to undertake a detailed review of the Introduction and Articles of the Constitution and received a report on Part 3 Roles and Responsibilities and Terms of Reference for Council Committee and Part 4 Procedure Rules for the Overview and Scrutiny function and the Budget and Policy framework.

Members were advised that the current Constitution first came into effect in May 2002 and reflected the requirements of the Local Government Act 2000. The format of the Constitution was based on a national model recommended by the government in 2000.

The Committee had agreed a work programme for reviewing and updating the Constitution at their meeting in October. The report dealt with the first two parts of the Constitution which were appended in full with proposed revisions shown in track changes. It was noted that Parts 3 and 4 were also covered in the report but full details and proposed revisions were to be considered at the next meeting of the Committee.

The Head of Legal and Democratic Services made members aware of an amendment to the Committee Organisational Structure in Appendix 2 (Page 39 of the agenda) which should be six Portfolios and not five, as the Leader now had Portfolio responsibilities. In response to a Member's query, the Head of Legal and Democratic Services explained that the deletion in paragraph 7.1.3 was proposed as this was no longer a requirement of the political management arrangements.

RESOLVED:

- i) That the proposed revisions to the Introduction and Articles of the Constitution at Appendix 1 be agreed; and**
- ii) That the position on Part 3 Roles and Responsibility and Terms of Reference for Council Committees and Part 4 Procedure Rules for the Overview and Scrutiny function at Appendix 3 and the Budget and Policy framework procedure rules at Appendix 4 be noted.**

The meeting ended at 7.21pm

CHILTERN DISTRICT COUNCIL
GOVERNANCE & ELECTORAL ARRANGEMENTS
COMMITTEE

Review of the Constitution Work Programme
2016/2017

	2016			2017	
	25 October	30 November	18 January	22 February	23 March
Meeting 1 25 October					
<ul style="list-style-type: none"> • Agree scope and principles of the review and a work programme 					
Meeting 2 30 November					
<ul style="list-style-type: none"> • Introduction and Articles of the Constitution 					
Meeting 3 18 January					
<ul style="list-style-type: none"> • Roles and Responsibilities and Terms of Reference for Council Committees 					
Meeting 4 22 February					
<ul style="list-style-type: none"> • Overview and Scrutiny and Budget and Policy Framework Procedure Rules • Council Procedure Rules • Roles and responsibilities and terms of reference of the executive • Cabinet Procedure Rules • Employment Procedure Rules 					
Meeting 5 7 March					
<ul style="list-style-type: none"> • Codes of Practice, Protocols and Local Codes • Scheme of Delegations to Officers 					
Meeting 6 23 March					
<ul style="list-style-type: none"> • Approve revised Constitution for recommendation to Full Council 16 May 2017 together with arrangements for future amendments and review 					

DRAFT

SUBJECT:	Review of the Council's Constitution
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services and Monitoring Officer
WARD/S AFFECTED	None

1. Purpose of Report

In accordance with the agreed work plan to undertake a detailed review of Part 3 of the Constitution dealing with Roles and Responsibilities and Terms of Reference for Council Committees.

RECOMMENDATION

1. **That the Committee consider and agree the proposed revisions to Roles and Responsibilities in Part 3 of the Constitution at Appendix 1.**
2. **That the Committee consider and agree the proposed revisions to Terms of Reference of Committees in Part 3 of the Constitution at Appendix 2.**
3. **That the Committee note the revised work programme at Appendix 3.**

2. Reasons for Recommendation

To ensure the Council's Constitution is fit for purpose and more user-friendly for members, staff and the public, to introduce harmonised procedures with South Bucks District Council where this will facilitate more effective running of shared services and to ensure the Council meets its statutory duty of publishing an up to date Constitution.

3. Content of Report

- 3.1 This report deals in detail with Part 3 of the Constitution which is appended in full with proposed revisions shown in track changes at Appendices 1 and 2.

Part 3 - Roles and Responsibilities and Terms of Reference for Committees

- 3.2 This part of the Constitution sets out role descriptions for council members and the different responsibilities of the cabinet and full council, details of joint arrangements and the terms of reference for the various committees and cabinet. This reflects the provisions of the Local Government Act 2000 (as amended) and the Functions and Responsibilities Regulations 2000 which specify which functions are carried out by the executive (cabinet) and which are reserved to Full Council.
- 3.3 In 2015 the government consulted on revised Functions and Responsibilities Regulations which updated the 2000 Regulations. However, these draft regulations were overtaken by the General Election in May 2015 and have not been pursued since. Revisions to this part of the

Constitution will therefore continue to refer to the Regulations issued in 2000. The terms of reference for council committees need to be updated following the changes to political management arrangements agreed by Full Council in 2014. This Part of the Constitution currently extends to 112 pages but incorporating the updated terms of reference assists in reducing its length.

- 3.4 The proposed revisions are shown in track changes at Appendix 2 and deal with legislative changes, particularly amendments made by the Localism Act 2011 and with joint projects such as Pathfinder which have since been disbanded.
- 3.5 The current format and paragraph numbering has been retained for ease of comparison but as explained at the last meeting it is intended to review this, including the use of indexing and hyperlinks once the wording itself has been agreed. It is also proposed to include a glossary of terms after the index. This will make the Constitution a lot easier to navigate and access relevant information.

Work Programme

- 3.6 A revised work programme is attached at Appendix 3. This consolidates the review of current procedure rules into one section to be considered at the next meeting as they are inter-related. Following consultation with the Chairman a further meeting of the Committee is being arranged in March.

3 Consultation

It is not considered that the proposed revisions to Part 2 of the Constitution require wider consultation and they are updating changes previously agreed by Full Council and general legislative changes.

4 Options

The Committee can decide whether to agree the proposed revisions as set out in the attached documents and suggest alternatives.

6. Corporate Implications

Financial – There are no financial implications arising directly from this report but the Committee is being invited to review the financial thresholds for making Key Decisions

Legal – As set out in the report

Risks issues – The lack of an up to date and effective Constitution could increase the risk of governance failures

Equalities - None specific

7. Links to Council Policy Objectives

There are no direct links to the policy objectives. But the Council has a statutory duty to maintain an up to date Constitution and publish this on the website.

8. Next Steps

As set out in the revised work programme.

Background Papers:	None except those referred to in the report
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