



Governance and Electoral Arrangements Committee

Tuesday, 30 January 2018 at 6.30 pm

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

A G E N D A

Item

- 1 Evacuation Procedures
- 2 Apologies for Absence
- 3 Declarations of Interest
- 4 Minutes (*Pages 3 - 6*)

To agree the Minutes of the previous meeting.

- 5 Annual Review of the Council's Constitution (*Pages 7-10*)
- 6 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: Governance and Electoral Arrangements Committee CDC

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

Date of next meeting – To be arranged

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the
GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE (CDC)
held on **6 SEPTEMBER 2017**

PRESENT: Councillor D M Varley - Chairman

Councillors: J A Burton
I A Darby
M J Stannard

APOLOGIES FOR ABSENCE were received from Councillors D J Bray, A J Garth, N M Rose, M W Shaw and E A Walsh

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES

The Minutes of the meeting of the Governance & Electoral Arrangements Committee held on 12 April 2017 were agreed as a correct record.

3 JOINT WORKING - APPOINTMENT OF A JOINT OVERVIEW AND SCRUTINY COMMITTEE

The Joint Committee (JC) considered a report at the meeting held on 24 July which proposed that now Phase 2 of joint arrangements between Chiltern and South Bucks District Councils was nearing completion, that a Joint Scrutiny Committee be established to consider joint working arrangements going forward. The JC agreed that the Councils' respective Governance and Electoral Arrangements Committees consider the proposal and that Members' comments be reported back to the JC meeting on 5 October.

Members discussed the draft procedure rules for the Joint Overview and Scrutiny Committee and noted that the proposed limit on the number of occasions when a Member could call in an item was to avoid vexatious call in requests.

After noting that the Committee's recommendations would be subject to approval at both District Council meetings, the Committee then welcomed the report and agreed to recommend that the recommendations be agreed by Full Council on 17 October 2017.

RECOMMENDED:

That subject to receiving and considering comments from the Councils' respective Governance and Electoral Arrangements Committees and the agreement of both Councils:

1. That pursuant to section 102 of the Local Government Act 1972 the Councils agree to appoint a Joint Overview and Scrutiny Committee with authority to discharge the Councils' overview and scrutiny functions in relation to the functions delegated to the Chiltern and South Bucks Joint Committee as set out in the terms of reference at Appendix 1 to this report.
2. That the rules of procedure for the Joint Overview and Scrutiny Committee be agreed as set out in Appendix 3.
3. The Councils' constitutions and respective Cabinet Procedure, Access to Information and Overview and Scrutiny Procedures Rules be amended to reflect the new Joint Committee.
4. That the Head of Legal and Democratic Services be authorised to make the necessary amendments to the IAA to reflect the above decisions in consultation with the Chief Executive and Leaders.

4 POLLING DISTRICT REVIEW

The Committee received a report providing an update on the review of polling districts and polling places that was being undertaken following the Parliamentary Election held on 8 June. The review would be informed by responses received during the consultation, and a copy was circulated at the meeting. Information collected during recent elections would also be taken into account.

It was noted that Gold Hill Baptist Church Hall could no longer be used in future due to redevelopment due to take place. Parking was also restricted at that location. Members suggested that the nearby leisure centre was one possible alternative location that could be considered.

Newtown County Infant School was no longer available to use, and schools generally would be avoided to prevent disruption to pupils. Emanuel Church was currently being considered as a possible alternative location.

Little Chalfont Primary School would no longer be used in future and officers were due to visit Little Chalfont Methodist Church to check suitability as an alternative location.

Polling districts CS and CVA were both small electorates and it was proposed that these be combined into one so that Little Kingshill Village Hall could be used as a single polling station for both polling districts.

The use of temporary buildings as polling stations was suggested for locations where there were no other suitable premises. It was noted however that portable buildings were often costly and presented other practical difficulties.

The Committee would receive the final proposals arising from the review at a future meeting.

RESOLVED

That the report be noted.

The meeting ended at 6.55 pm

SUBJECT:	Annual 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 jswift@chiltern.gov.uk Tel: 01494 732761
WARD/S AFFECTED	None

1. Purpose of Report

To undertake an annual review of the Constitution to ensure it remains up to date and fit for purpose.

RECOMMENDATION

That the Committee consider and agree the proposed revisions to the Constitution as set out in the report.

2. Reasons for Recommendation

Following the detailed review of the Constitution carried out in 2016/17 the Council agreed to undertake annual reviews to ensure it remains up to date and fit for purpose.

3. Content of Report

- 3.1 A full review of the Constitution was undertaken by the Committee in 2016/17 and an updated version came into effect in June 2017. This review took account of legislative changes since the previous review in 2010, revised committee and cabinet arrangements agreed by the previous Constitutional Review Committee and Full Council in 2015, as well as incorporating shared working arrangements with South Bucks District Council in place at the time. In view of the recent update further substantial revisions should not be necessary on an annual basis. However, when adopting the revised Constitution Full Council agreed that it should be the subject of annual review by this Committee to ensure it remains fit for purpose and up to date.
- 3.2 There have been some organisational changes since last June which need to be reflected in the Constitution and also some amendments are required to clarify/update provisions. These are listed below under the relevant Part and Section of the Constitution and where necessary will be explained in more detail by the monitoring officer at the meeting.
- **Part 2 Section A Committee Organisational Structure**
The details of Cabinet portfolios need to be updated to delete Sustainable Development and insert Planning and Economic Development

- **Part 2 Section B Article 9 Audit and Standards Committee**
Delete reference in the Committee's terms of reference to dealing with politically restricted posts under the Local Government and Housing Act 1989. This was repealed by the Localism Act 2011 and the functions passed to the Head of Paid Service.
- **Part 2 Section B Article 11 Responsibilities of Directors**
Insert Planning and Economic Development under the Director of Services responsibilities
- **Part 3 Section B Responsibility for Functions – Council**
To clarify that not all the Council functions listed in the Functions and Responsibilities Regulations are the responsibility of the District Council it is proposed to insert the following words in the heading at 2.1 "in so far as the functions are not the responsibility of any other local authority".
- **Part 3 Section C Responsibility for Functions – Cabinet**
The latest agreed list of cabinet portfolios needs to be inserted in this section.
- **Part 3 Section G Terms of Reference of Standing Committees**
The terms of reference of Planning Committee need to be amended to reflect an agreed move to 4 weekly meetings which reduces the number of meetings per year from 16 to 14.
- **Part 4 Section A Council Procedure Rules**
To reflect the practise of presentations by external speakers being given at the beginning of ordinary meetings of the Council it is proposed to renumber presentations from item 7 to item 2 in the order of business (i.e. after the election of a Chairman should this prove necessary).
- **Part 4 Section G Contract Procedure Rules**
These rules are reviewed regularly by the Audit and Standards Committee and any revisions will be referred to Full Council separately for approval.
- **Part 5 Section A Code of Conduct**
The Audit and Standards Committee reviewed the wording of the Code of Conduct at their last meeting and supported the insertion of the following wording in paragraph 6 to clarify the effect of declaring a personal interest - " (6) Having declared a personal interest you may continue to speak and vote on the item of business concerned". It is therefore recommended that the Committee supports this addition.
- **Part 6 Scheme of Members' Allowances**
The Independent Remuneration Panel is currently meeting to review and make recommendations on the Scheme of Allowances for 2018/19 and this will reported separately to Full Council for approval.

- **Part 7 Staff Structure and Scheme of Delegations of Officers**

The delegations need updating to replace references to the Head of Sustainable Development with the Head of Planning and Economic Development.

The delegations to the Head of Healthy Communities need to include reference to the classification of films under the Licensing Act 2003 following approval of a policy on film classification by Licensing Committee.

The delegations to the Building Control Manager need to include provisions for the Principal Building Control Surveyor to act in the absence of the Manager to ensure resilience within the service.

3.3 Members of the Committee are also invited to consider if there are any other revisions that should be considered/ proposed as part of this annual review.

4. Consultation

The Committee is asked to consider whether it is appropriate to consult on any of the proposed revisions with members more widely, either via committees/cabinet or individually.

5. Options

The Committee is being invite to consider and agree the revisions to the Constitution and can suggest further changes if considered appropriate.

6. Corporate Implications

Financial – There are no financial implications arising directly from this report.

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

Proposed changes will be reported to Full Council on 28 February 2018 and Cabinet on 6 February 2018 for approval.

Background Papers:	None except those referred to in the report
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