

COUNTY COUNCIL – PROPOSED CHANGES TO THE CONSTITUTION

To: Constitution and Ethics Committee

Meeting Date: 20th June 2017

From: LGSS Director of Law & Governance
and Monitoring Officer

Purpose: To consider amendments to the Council's Constitution.

Recommendation: The Constitution and Ethics Committee is asked to consider amendments to the Constitution and recommend any changes to full Council, if appropriate.

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1. BACKGROUND

- 1.1 At its annual meeting on 23rd May 2017, Council approved a number of changes to the Constitution. It also authorised the Chief Finance Officer, in consultation with the Commercial and Investment Committee, to amend the committee's terms of reference to incorporate commercialisation within its remit, and the LGSS Director Law and Governance to take all steps necessary or incidental to implement the changes to the Constitution detailed in the report.
- 1.2 The Vice-Chairman of Council, Councillor Mac McGuire, who is also chair of the Constitution and Ethics Committee, met with the Democratic Services Manager to propose a number of further changes to the Constitution for consideration. These are detailed in Section 2.
- 1.3 Although the Chief Finance Officer was authorised to amend the Commercial and Investment Committee's terms of reference to incorporate commercialisation within its remit. It is proposed, for openness and transparency, to ask Council to agree the amended terms of reference.
- 1.4 There is one further change relating to the Combined Authority. It now has statutory responsibility for the adoption of, and any amendment or withdrawal to the Transport Plan (Local Transport Plan).

2. FURTHER CHANGES TO THE CONSTITUTION

Substitutes

- 2.1 The Council, together with many other councils, has a substitute system. Details of the Council's system are set out in the Constitution at Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules, as detailed below:

“As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for up to four members of each political group as substitute members.

Powers and Duties

Substitute members, when substituting for an ordinary member of the committee, will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Substitution

Substitute members may attend meetings in that capacity only:

- (i) To take the place of the ordinary member for whom they are the designated substitute.
- (ii) After notifying the relevant Democratic Services Officer of the intended substitution before the start of the meeting.

In the event of the ordinary member of the committee being present at the start of the meeting, the ordinary member may advise that the substitution shall not take effect. The membership of the committee shall be as constituted at the start of the meeting and substitution will not be permitted during the course of the meeting.

Substitute members are eligible for allowances in accordance with the Council's scheme of allowances as if they were appointed members of that committee."

- 2.2 The Chairman of the Constitution and Ethics Committee is proposing that instead of allocating up to four members of each political group as substitute members, the number of substitutes should reflect the proportionality of the Committee. It is proposed as a general rule to use "two-thirds, rounded up as appropriate" i.e. 1 Member = 1 sub, 2 Members = 2 subs, 3 Members = 2 subs. For General Purposes Committee it would be 6 Conservatives, 2 Liberal Democrats, 2 Labour, 1 Independent. For a 'regular' Committee like Highways and Community Infrastructure Committee, it would be 4 Conservatives, 2 Liberal Democrats, 1 Labour and 1 Independent.
- 2.3 There would need to be an exception for Staffing and Appeals Committee where the substitute members can be used to make up the Service Appeals Sub-Committee. It is therefore proposed that the substitutes for this Committee also be allocated proportionately, on the same basis as above, with the minimum number of substitutes being four.

Policy and Service Committees

- 2.4 It is proposed that the two new committees, Commercial and Investment Committee and Communities and Partnership Committee, be classified as policy and service committees. These committees will therefore have Lead Members and be subject to review of decision by General Purposes Committee.

- 2.5 The Council Procedure Rules state that the Annual Meeting will

"Receive a short (two sides of A4) report on each Policy and Service Committee. The report to be prepared by the relevant Service and not open for discussion at the meeting."

The Committee may wish to consider whether this action is still necessary, as it is time-consuming for officers to prepare this report, and all agendas and minutes are published online.

Deputy Council Leader

- 2.6 Part 2 – Articles, Article 7 – The Leader, Chairmen/women and Vice-Chairmen/women of Committees and Lead Members, of the Council's Constitution states the following:

"7.01 Council Leader

The Chairman of the General Purposes Committee shall be, ex-officio, Council Leader and shall hold office unless and until:

- (a) He/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (b) He/she ceases to be Chairman/woman of the General Purposes Committee.”

2.7 It is already in other parts of the Constitution that the Council will appoint the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee who will also fulfil the role of Leader and Deputy Leader of the Council respectively. It is therefore proposed that the Vice-Chairman/woman of General Purposes Committee shall be, ex-officio, Deputy Council Leader, be reflected within Article 7, paragraph 7.03 of the Council's Constitution.

Lead Members

2.8 The Council's Constitution states the following:

“7.05 **Lead Members**

Each of the Council's political groups may designate one of their group members as lead member for each service committee.

The Chief Executive, Executive Directors, and Directors shall hold briefing meetings with their relevant service committee Chairman/woman and Vice-Chairman/woman to plan the agenda for future service committee meetings and consider any other issues the officer may think appropriate. They will also hold briefing meetings with opposition lead members to brief them on the agenda for future service committee meetings and consider any other issues the officer may think appropriate. All these meetings will be confidential subject to any relevant legal requirements to the contrary.”

It is proposed that all opposition lead members should be briefed together on the agenda for future service committee meetings and any other issues the officer may think appropriate. This does not prevent lead members from asking for individual private and confidential briefings from Executive Directors, Directors, Service Directors, and LGSS Directors on any relevant policy matter within the remit of that Director.

Council Functions

2.9 There is a need to amend the following in Part 3A – Responsibility For Functions, Section 2(f) to reflect the fact that Council also appoints the Chairman/woman and Vice-Chairman/woman of Commercial and Investment Committee, Communities and Partnership Committee and the Health and Wellbeing Board:

Training

2.10 Part 2 – Articles, Article 7 of The Council's Constitution states the following:

"7.06 Training

The Council will hold an annual training day for Chairmen/women, Vice-Chairmen/women and lead members with a focus on their roles and remits individually and collectively."

Given the changes following the election, the Committee may wish to consider delivering training in a different way.

Timing of Council Meetings

2.11 Following a mini review of the Council's governance procedures, it was agreed that from March 2016 full Council should start at 1.30pm instead of 10.30am (except for meetings when the Business Plan is being considered, which remain at 10.30am). It is now proposed to revert to the original time of 10.30am for all full Council meetings.

3. COMMERCIAL AND INVESTMENT COMMITTEE AMENDMENTS TO TERMS OF REFERENCE

3.1 The terms of reference of the Commercial and Investment Committee have been re-drafted in light of the change of emphasis agreed by Council. The proposed terms of reference are attached as **Appendix A** to this report. These have been drafted in consultation with the Chairman of the Committee and will be considered by the Committee on 30th June.

3.2 The Chief Finance Officer has shared his suggestions with the Chair and Vice Chair of Commercial and Investment Committee but these changes will not be presented to the Committee until after the meeting of Constitution & Ethics Committee. It is therefore proposed that the Constitution and Ethics Committee agrees these changes subject to agreement by Commercial and Investment Committee.

3.3 Article 2 – Articles, Article 4 – The Full Council states the following:

"Adoption or approval of the following plans is by local choice reserved to Full Council, which will take into account the recommendation of the General Purposes Committee:

- Corporate Asset Management Plan
- Enforcement Policy
- Long Term Capital Strategy
- Procurement Strategy
- Single Equality Strategy
- Strategic Asset Development Strategy
- Workforce Strategy"

3.4 It is proposed that in relation to the Corporate Asset Management Plan and the Strategy Asset Development Strategy, Full Council should take into account the recommendation of Commercial and Investment Committee rather than of General Purposes Committee.

4. LOCAL TRANSPORT PLAN

- 4.1 The Cambridgeshire and Peterborough Combined Authority is now responsible for the adoption of, and any amendment or withdrawal to the Transport Plan (Local Transport Plan).
- 4.2 The Cambridgeshire and Peterborough Combined Authority Order 2017 states that decision on a question relating to the following matters (transport plan) requires a vote in favour at a meeting of the Combined Authority, at which all members of the Combined Authority are present, by a majority of at least two-thirds of all members appointed by the constituent councils to include the members appointed by the councils for the local government areas of Cambridgeshire and Peterborough, or substitute members acting in place of those members, present and voting on that question to be carried—
- (a) the transport plan; and
 - (b) any spending plans or plans for the allocation of transport-related funding.
- 4.3 Reference in the Constitution to approving the Local Transport Plan therefore needs to be removed. Consideration does need to be given as to how the Council can contribute to the development of the Plan.

Source Documents	Location
Council's Constitution	http://tinyurl.com/Constitution-CCC

13. COMMERCIAL AND INVESTMENT COMMITTEE**Membership**

Any ten members of Council, subject to political proportionality.

Summary of Functions

The Committee has delegated authority to exercise the County Council's functions in respect of the following:

- Creating a commercially focused organisation through the development and implementation of innovative, growth focused, commercial strategy.
- Providing strong leadership which builds a robust commercial culture.
- Encouraging the development of new opportunities through establishing a risk appetite that stimulates the evaluation of new emerging markets and opportunities.
- Oversight and operation of all property-related and traded service functions.

Delegated Authority	Delegation/ Condition
To systematically review all services to ensure that current delivering vehicles remain fit for purpose. All reviews to review markets, partnership opportunities, other delivery vehicles, rationale for in-house delivery.	
To ensure all traded activities operate within a commercial framework.	
To plan, develop and implement, a commercial strategy and other initiatives in order to maximise the potential of the Council's existing commercial activities, to support the development of a commercial culture within the organisation and to ensure commercial opportunities are maximised.	
To lead the development of new, and growth in existing, income streams that generate sufficient surplus for investment in further opportunities and to help offset costs of other activities.	
To lead the development of key relationships for the Council with external organisations to enable the delivery of effective outcomes through new business ventures and collaborations.	
To lead the planning and design for a variety of services where new partnerships and delivery vehicles can be developed to support the delivery of the best possible outcomes.	
To review the Council's asset portfolio to identify opportunities and develop policies to reduce the financial impact on the Council's operating position and strengthen its financial sustainability.	

Delegated Authority	Delegation/ Condition
To recommend to Council and monitor the Council's Asset Strategy.	
<p>To recommend to Council the Council's Asset Management Plan, annually, and as a consequence:</p> <ul style="list-style-type: none"> - Consider and recommend Asset Plans as they fall due for review - Approve annual budget proposals from applicable Asset Plans - Monitor the delivery of the asset plans throughout the year 	
To consider and evaluate investment proposals.	
To monitor all commercial and property investment proposals included within the Business Plan to ensure successful delivery.	
To consider and approve all asset disposals.	
To approve the granting of variations, renewal, and termination of leases, licenses, dedications, and easements.	
To consider and approve the use of Council owned assets by the local community and other interested parties.	
To consider, evaluate, and agree potential property disposals and investment opportunities.	
To consider business cases for the sale of assets to the Council's Property Special Purpose Vehicle (SPV) for inclusion within the Business Plan.	
To exercise all and any of the council's rights as shareholder of the Property SPV CHIC. The committee may authorise its Chairman/woman and Vice-Chairman/woman to exercise these rights in appropriate circumstances including urgency.	
To work with officers to facilitate/promote the development of proposals for sharing property with partner organisations.	
To consider and recommend property rationalisation proposals for inclusion within the Business Plan.	
To approve property rationalisation proposals that are in accordance with the Business Plan.	
To consider and make recommendations to Council for property rationalisation proposals that are outside of the agreed Business Plan.	