

**COUNTY COUNCIL 21<sup>st</sup> MAY 2013**  
**ITEM 9: COUNTY COUNCIL CONSTITUTION**

Proposed amendments from the Liberal Democrat Group to bring about the following:

- increase the size of committees to better reflect the political makeup of the Council
- require Committee Chairmen may not be drawn from a party group forming the Administration, in line with national guidance
- broaden representation on the Health and Wellbeing Board
- strengthen the role of Overview and Scrutiny Committees by introducing provision for Council to review Cabinet's decision on pre-or post decision scrutiny, where the recommendations of the relevant Overview and Scrutiny Committee are not supported
- reinstate Area Joint Committees where there is agreement with the district to do so
- require apartments to advisory groups to be agreed by Political Group Leaders
- remove limits on Written Questions

## **Amendment 1: Committee Size and Chairmanships**

### **PART 2 – ARTICLES OF THE CONSTITUTION**

#### **Article 9 – The Constitution and Ethics Committee**

##### **9.02 Membership [page 1]**

The Constitution and Ethics Committee will be composed of the Vice-Chairman of the Council, who shall chair the Committee and ~~eight~~ **ten** other Councillors. **Committee places will be allocated 'in accordance with political proportionality rules, including the Vice-Chairman.**

**The Chairman of the Committee shall be appointed by Council and may not be drawn from a party group forming the administration**

### **PART 3C - RESPONSIBILITY FOR FUNCTIONS – COMMITTEES OF COUNCIL**

#### **1. Planning Committee [page 1]**

Membership

~~Seven~~ **Eleven** members of the Council, (excluding any members of the Cabinet)

#### **4. Appointments and Remuneration Committee [page 3]**

Membership

Seven members of the Council (of whom no more than three shall be Cabinet members).

#### **5. Audit and Accounts Committee [page 3]**

Membership

Seven members of the County Council including the Cabinet member responsible for the resources function but not including any other member of Cabinet.

**The Chairman of the Committee shall be appointed by Council and may not be drawn from a party group forming the administration.**

#### **8. Overview and Scrutiny Committees [page 12]**

##### **Membership of Overview and Scrutiny Committees**

Overview and Scrutiny Committees shall comprise ~~13 up to 12~~ County Councillors with seats allocated to the Political Groups in proportion to the number of seats held by each Group on the Council as a whole, unless Full Council agrees otherwise following receipt of a recommendation signed by all Group Leaders.

**The Chairman of the Committee shall be appointed by Council and may not be drawn from a party group forming the administration.**

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All Councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which he/she has been directly involved.

## **8.1 ADULTS, WELLBEING AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

[page 13]

### **Membership**

- **13** ~~up to 12~~ County Councillors, appointed by Full Council as set out above.

## **8.2 CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

[page 13]

### **Membership**

- **13** ~~up to 12~~ County Councillors appointed by Full Council as set out above.

## **8.3 RESOURCES AND PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE**

[page 14]

### **Membership**

- **13** ~~up to 12~~ County Councillors appointed by Full Council as set out above.

## **8.4 ENTERPRISE, GROWTH AND COMMUNITY INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE** [page 15]

### **Membership**

- **13** ~~up to 12~~ County Councillors appointed by Full Council as set out above.

## **8.5 SAFER AND STRONGER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE** [page 16]

### **Membership**

- **13** ~~up to 12~~ County Councillors appointed by Full Council as set out above.

## PART 3D – RESPONSIBILITY FOR FUNCTIONS JOINT COMMITTEES [page 55]

### D CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD

#### TERMS OF REFERENCE (STANDING ORDERS) FOR THE CAMBRIDGESHIRE HEALTH AND WELLBEING BOARD

##### 1. Membership

Membership of the Board:

- ~~5~~ 2 County Council Cabinet Members
- ~~5~~ 4-nominated District Council representatives (supported by Senior District Council officer with Observer Status)
- 2 representatives of the Clinical Commissioning Group (CCG) (nominated by the CCG Governing Body)\*
- 1 representative of the local HealthWatch\*
- Director of Public Health\*
- Executive Director: Children, Families and Adults\*
- Local Government Shared Services: Section 151 Officer
- Representative of NHS Commissioning Board\*

\* Statutory members of the HWB. There is also a statutory requirement for at least one Local Authority Councillor to be a member of the HWB.

## PART 4: OVERVIEW AND SCRUTINY PROCEDURE RULES

##### 2 Membership of Overview and Scrutiny Committees [page 1]

Overview and Scrutiny Committee shall comprise ~~13 up to 12~~ County Councillors with seats allocated to the Political Groups in proportion to the number of seats held by each Group on the Council as a whole, unless Full Council agrees otherwise following receipt of a recommendation signed by all Group Leaders.

All Councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which he/she has been directly involved.

##### 6 Chairmen of Overview and Scrutiny Committees [page 2]

The appointment of Overview and Scrutiny Committee Chairmen and Vice-Chairman will be determined by Full Council at the annual general meeting, or at any subsequent meeting should the need arise.; ~~having regard to recommendations from the Leader of the Council.~~ **The Chairman of the Committees may not be drawn from a party group forming the administration**

## **Amendment 2: Overview and Scrutiny of Cabinet Decisions**

### **7 Work Programme**

The Overview and Scrutiny Committees shall be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest Political Group on the Council.

The Overview and Scrutiny Management Group (see below) shall propose an annual work plan to the annual meeting of Council, including recommending the setting up of any ad hoc Panels.

All Cabinet reports to be reviewed by the Overview and Scrutiny Management Group and assessed as to whether they will be required to be considered by an Overview and Scrutiny Committee before proceeding to Cabinet. It is envisaged that this will be a consultation process conducted via email as opposed to holding a meeting and decisions will be taken by majority in cases of disagreement.

In the case of reports referred to Overview and Scrutiny Committee for pre-decision scrutiny, the Overview and Scrutiny Committee shall consider the report at a meeting of the committee and decide what, if any, comments should accompany the report when it is considered by Cabinet.

In the case of urgent items of business for Cabinet, the chairman, or in their absence the vice chairman, of the relevant Overview and Scrutiny Committee must be consulted prior to the report moving forward and they are required to take all reasonable steps to consult with their committee members before providing consent for the urgent item to proceed.

In the event that Cabinet is unable to accept the recommendations arising from pre and post-decision scrutiny, the matter will automatically be referred to the next meeting of Full Council for it to review the decision and make recommendations to Cabinet and Cabinet shall not consider the item further until it has been considered by Full Council.

### **12. Consideration of Overview and Scrutiny reports by the Cabinet**

Add new (d) as follows:

- (d) In the event that Cabinet is unable to accept the recommendations arising from pre-or post decision scrutiny, the matter will automatically be referred to the next meeting of Full Council for it to review the decision and make recommendations to Cabinet.**

## CABINET PROCEDURE RULES – EXPLANATORY NOTE

8. Decisions of Cabinet may be called in for scrutiny and this could delay implementation. This must be factored into any project timetables.

### Notes

- (a) A matter for decision by Cabinet can be called-in and implementation delayed. However, the decision cannot be overturned by an Overview and Scrutiny Committee. The Committee may require the Cabinet to reconsider the matter but the final decision remains with Cabinet (provided the decision is within the locus of Cabinet).
- (b) ~~An Overview and Scrutiny Committee can only refer a matter to full Council if it considers that the Cabinet decision falls outside the approved policy framework and is, therefore, not within the locus of Cabinet. Full Council cannot arbitrarily take a matter “out of the hands” of Cabinet.~~
- (b) In the event that Cabinet is unable to accept the recommendations arising from pre- or post decision scrutiny, the matter will automatically be referred to the next meeting of Full Council for it to review the decision and make recommendations to Cabinet. However, Full Council has no authority to exercise Cabinet decision making power..**
- (c) However, if either a) or b) is invoked, it can add a considerable time to the implementation schedule.

### **Amendment 3: Area Joint Committees**

Insert new Article as Article 10 and renumber remaining Articles in Part 2.

## **ARTICLE 10 – AREA JOINT COMMITTEES**

### **10.01 Area Committees**

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

### **10.02 Form, Composition and Function**

(a) **Table of Area Committees.** The Council will appoint the Area Committees as set out in the first column of the following table and with the terms of reference set out in the second column, in areas where there is an agreement between the County and relevant City/District Council to do so..

(b) **Delegations.** The terms of reference of Area Committees are contained in the following table. The Council and the Cabinet will include further details of the delegations to Area Committees in Part 3 of this Constitution showing:

- Those functions which are the responsibility of the Cabinet and those which are not;
- The composition and membership of the Committees; and
- Relevant Budget and any limitations on delegation.

### **10.03 Conflicts of Interest – Membership of Area Committees and Overview and Scrutiny Committees**

(a) **Conflict of Interest.** If an Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the Area Committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Monitoring Officer.

(b) **General Policy Reviews.** Where the Overview and Scrutiny Committee is reviewing policy generally on matters which impact on the business of Area Committees, the member must declare his/her interest before the relevant agenda item is reached and may continue to speak and vote on the item.

### **10.04 Area Committees – Access to Information**

Area Committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution.

Agendas and notices for Area Committee meetings which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which.

10.05 **Cabinet members on Area Committees**

A member of the Cabinet may serve on an Area Committee if otherwise eligible to do so as a Councillor.

Name of Committee & Composition	Terms of Reference
<p><b>Environment and Traffic Management Area Joint Committee:</b></p> <p><b>Cambridge</b>            6 County Councillors *            6 City Councillors            * one to be a member of the County Council’s Cabinet</p>	<p>To exercise, <u>within the context of the policies of the two authorities and the budget delegated to it</u> by the two authorities, the powers of each authority, on the following issues within the area of Cambridge City:</p> <ul style="list-style-type: none"> <li>• Traffic management, including:               <ul style="list-style-type: none"> <li>○ consideration of the need for traffic regulation or the results of consultation about particularly sensitive or wide ranging issues.</li> <li>○ determining objections to advertised traffic regulation orders.</li> <li>○ consideration of off-street car parking charges.</li> <li>○ determining the detailed designs for crossing facilities.</li> <li>○ approval of the detailed designs for environmental traffic calming schemes.</li> <li>○ consideration of initiatives to assist people with mobility impairment</li> <li>○ revoking or varying any highway development line.</li> </ul> </li> <li>• Approve detailed design and consultation arrangements for improvement schemes costing between £35k and £500k (or greater value if specifically delegated by the County Council’s Cabinet).</li> <li>• Monitoring the performance of the Infrastructure Management and Operations Directorate within Cambridge.</li> <li>• Monitoring of the performance of on-street parking and enforcement.</li> <li>• Consideration of issues relating to coach parking.</li> <li>• Consideration of issues relating to bus shelters.</li> <li>• Consideration of issues relating to amenity maintenance. Determining the priorities for the local jointly funded cycleways programme.</li> </ul> <p>To advise on local air quality strategies and action plans including associated traffic management measures.</p> <p>To report to the County Council’s Cabinet and to the Cambridge City Council’s Executive as necessary.</p> <p>To address other matters specifically delegated by the two authorities from time to time.</p>



Name of Committee & Composition	Terms of Reference
	<p>A decision taken by the Committee under delegated powers may be subject to reconsideration by a constituent authority where it conflicts with the agreed policies or budget of that authority.</p>
<p><b>Traffic Management Area Joint Committees:</b></p> <p><b>East Cambs:</b>  5 County Councillors *  5 District Councillors  5 CALC (non-voting)</p> <p><b>Fenland:</b>  5 County Councillors *  5 District Councillors  5 CALC (non-voting)</p> <p><b>Huntingdon:</b>  6 County Councillors *  6 District Councillors  6 CALC (non-voting)</p> <p><b>South Cambs:</b>  5 County Councillors *  5 District Councillors  5 CALC (non-voting)</p> <p>* One member of each Area Joint Committee to be a member of the County Council's Cabinet.</p>	<p>To exercise, within the context of the policies of the two authorities and the budget delegated to it by the two authorities, the powers of each authority, on the following issues within the area of the District:</p> <p>Traffic management, including:</p> <ul style="list-style-type: none"> <li>• Consideration of the results of consultation about particularly sensitive or wide ranging traffic regulation proposals.</li> <li>• Determining objections to advertised traffic regulation proposals.</li> <li>• Determining the priorities for local minor improvements</li> <li>• Consideration of on-street parking charges.</li> <li>• Determining the detail for crossing facilities.</li> <li>• Consideration of initiatives to assist people with mobility impairment.</li> <li>• Consideration of local road safety issues</li> <li>• Revoking or varying any highway development line.</li> </ul> <p>Approving detailed design and consultation arrangements for improvement schemes costing between £35k and £500k (or greater value if specifically delegated by the County Council's Cabinet).</p> <p>Monitoring the performance of the Infrastructure Management and Operations Directorate.</p> <p>Determining the priorities for the local jointly funded cycleways programme.</p> <p>To advise on local air quality strategies and action plans.</p> <p>**To discuss specific matters of mutual concern identified by the Area Joint Committee in relation to strategic land use planning (including regional planning guidance, Structure Plans and Local Plans)+, transportation planning*, air quality*, supported bus services*, significant developments and economic development policy.</p> <p>[*In Huntingdonshire only these specific matters apply]  <b>[** This paragraph does not apply to the South Cambridgeshire AJC]</b>  <b>[+ These matters do not apply to the East Cambridgeshire AJC]</b></p>

<b>Name of Committee &amp; Composition</b>	<b>Terms of Reference</b>
	<p>To report to the County Council's Cabinet and to the appropriate District's Executive as necessary.</p> <p>To address other matters specifically delegated by the two authorities from time to time.</p> <p>A decision taken by the Committee under delegated powers may be subject to reconsideration by a constituent authority where it conflicts with the agreed policies/budget of that authority.</p>

## Amendment 4: Appointments

### Article 10 – Advisory Process

#### 10.03 Other Groups within the Advisory Process [page 1]

The Council will continue to maintain a number of County Advisory Groups (CAGs). The main purpose of CAGs will be to provide a forum to develop links with other agencies and to give a focus for specialist services. Examples of CAGs include those covering such topics as Archives and County Museums. The Council's representation will be determined taking into account the particular nature of each CAG. The Council's involvement in and representation on CAGs will be determined by the ~~Leader of the Council~~ **Political Group Leaders**.

#### 10.04 .....

#### District area-based LSPs [page1]

- A LSP Board has been established in each district except for Cambridge and South Cambridgeshire, which have merged to become one LSP. The size and exact membership of each Board reflects local circumstances/experience and therefore may vary.
- Each LSP Board will normally have one County Council Cabinet member appointed from the locality by the ~~Leader of the Council~~ **Political Group Leaders**; alternative arrangements may be agreed by the ~~Leader of the Council~~ **Political Group Leaders**.

#### Countywide LSP (Cambridgeshire Together) [page 2]

Cambridgeshire Together is accountable to the people of Cambridgeshire and has a stated aim to be open and transparent in its decisions and activities and to communicate them effectively to the public. Cambridgeshire Together's membership includes two County Councillors, ~~the Leader of the Council and one other Cabinet member~~ **as determined by the Political Group Leaders**.

#### 10.07 Arrangements for Making Appointments to the Advisory Process [page 3]

The **Political Group Leaders**, may add to, delete or vary any of the advisory groups described in paragraphs 10.03, 10.04 and 10.05 in this Article or change their composition or terms of reference.

Appointments within paragraph 10.06 which fall to be made by the Cabinet will be made by the **Political Group Leaders**.

Unless stated otherwise political balance shall be taken into account when considering the composition of, and appointments to all groups and bodies to which this Article applies. Appointments to places will be made by the appropriate Political Group Leader unless the appointment falls to be made by the Cabinet.

## Amendment 5: Written Questions

### PART 4 – RULES OF PROCEDURE

#### COUNCIL PROCEDURE RULES [page 5]

##### 9.2 Delete penultimate paragraph:

~~The maximum number of written questions submitted to any one meeting will be 13, allocated across the Political Groups taking account of proportionality.~~

#### COUNCIL WRITTEN QUESTIONS – GUIDANCE [page 1-2]

Delete section 4 and renumber remaining section:

#### ~~4. LIMIT ON QUESTIONS~~

~~4.1 The maximum number of written questions submitted to any one meeting will be 13, allocated across the Political Groups taking account of proportionality.~~

~~4.2 For the purposes of allocating questions, Groups with less than 3 Members and independent Members will be treated as one group which will be given a proportionate allocation of the total number of available questions. It will be for these Members to agree amongst themselves how to share the opportunity to ask these questions.~~

~~4.3 Group Leaders will be advised in advance of each meeting how many questions are available to their Group. If any one Group submits more than its allocated number of questions, it will be for the Group Leader to determine which question(s) to withdraw.~~