

CHAIRMEN/WOMEN AND VICE-CHAIRMEN/WOMEN OF COMMITTEES

To: Constitution and Ethics Committee

Meeting Date: 4th April 2019

From: Director of Governance and Legal Services and
Monitoring Officer

Purpose: To consider proposed changes to the Constitution regarding the appointment and removal of the Chairmen/women and Vice-Chairmen/women of Committees.

Recommendation: The Constitution and Ethics Committee is asked to consider amendments to the Constitution, as set out in Appendices 1 to 6, and recommend any changes to full Council, if appropriate:

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1. BACKGROUND

- 1.1 Part 2 – Articles, Article 7 – The Leader, Chairmen/women and Vice-Chairmen/women of Committees and Lead Members, states the following:

“7.04 Chairmen/women and Vice-Chairmen/women of Committees

The Council shall appoint at each Annual Meeting of the Council:

- (i) the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee which roles shall include the role of Council Leader and Deputy Council Leader of the Council respectively
- (ii) the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees.
- (iii) the Chairman/woman of the Health and Wellbeing Board.

The Chairmen/women and Vice Chairman/women shall remain in office until the start of the Annual Meeting following their appointment.”

- 1.2 Part 3A – Responsibility for Functions, Allocation of Responsibility for Functions – Full Council and Committees, states the following:

“2. Council Functions

Only the Council will exercise the following functions

- (f) Appointing the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees, and the Chairman/woman of the Health and Wellbeing Board.
- (g) Appointing the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee, who will also fulfil the respective roles of Leader and Deputy Leader of the Council”

- 1.3 Part 4 – Rules of Procedure, Part 4.1 – Council Procedure Rules, states the following:

Selection of Councillors on Committees and Outside Bodies

“At the annual meeting, the Council will:

- (iv) 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.
- (v) Appoint the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees.
- (vi) Appoint the Chairman/woman of the Cambridgeshire Health and Wellbeing Board.”

2. PROPOSED CHANGES TO CONSTITUTION

- 2.1 The Committee may wish to consider whether Council should appoint the Chairmen/women of Committees where a special responsibility allowance is payable at each Annual Meeting. This will cover the following committees:

Audit and Accounts Committee
Pension Fund Committee
Planning Committee

At the moment, the Chairmen/women of these committees are elected by the relevant committees.

- 2.2 The Committee may also wish to consider that Council should have the power to remove the Chairmen/women of Committees where it has the power to appoint to these committees.
- 2.3 The Localism Act 2011 removed the ability for councillors to be suspended or disqualified (except for the statutory disqualification requirements). The Constitution has therefore been amended to remove this reference.
- 2.4 If the Constitution and Ethics Committee is minded to recommend such changes to Council, and if approved, the extracts set out in **Appendices 1 to 6** of this report will need to be amended accordingly (*see bold for additions and strikethrough for deletions*).

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



Appendix 1

ARTICLE 7 – THE COUNCIL LEADER, CHAIRMEN/WOMEN AND VICE-CHAIRMEN/WOMEN OF COMMITTEES AND LEAD MEMBERS

7.01 Council Leader

The Chairman/woman 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.~~

7.02 Role of the Council's Leader

The role of the Council's Leader is to:

- Provide a focal point for political leadership and strategic direction for the Council
- Represent the interests of the Council in circumstances where that is necessary.

The duties and responsibilities are to:

- Ensure effective decision making, including working with all political groups to seek to achieve, where possible, cross party co-operation
- Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Strategic Management Team (SMT) or Corporate Leadership Team (CLT)
- Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council within the media
- Promote the long-term financial, business and economic stability of the Council.



7.03 **Deputy Council Leader**

The Deputy Council Leader will assume the full powers of the Council Leader in any circumstances in which the Council Leader is unable to act. The Deputy Council Leader will also act as Council Leader if the Council Leader is unavailable. The Vice-Chairman/woman of General Purposes Committee shall be, ex-officio, Deputy 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) h~~He/she ceases to be Vice-Chairman/woman of the General Purposes Committee.

7.04 **Chairmen/women and Vice-Chairmen/women of Committees**

The Council shall appoint at each Annual Meeting of the Council:

- (i) the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee which roles shall include the role of Council Leader and Deputy Council Leader of the Council respectively
- (ii) the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees.
- (iii) the Chairman/woman of the Health and Wellbeing Board.
- (iv) the Chairman/woman and Vice-Chairman/woman of the Audit and Accounts Committee, Pension Fund Committee and Planning Committee.**

The Chairmen/women and Vice Chairman/women shall remain in office until the start of the Annual Meeting following their appointment **unless a resolution is proposed at full Council to remove him/her.**



7.05 **Lead Members**

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

The Chief Executive, Executive Directors, and Directors shall hold briefing meetings with their relevant policy and 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 one briefing meeting with all 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.

Lead members shall also be entitled to 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. Information shall be provided at these briefings on a confidential basis in accordance with the Guidance on Confidentiality attached to the Members' Code of Conduct. Requests for such briefings must be reasonable in extent and number, as determined by the Chief Executive in consultation with the relevant Group Leader, in accordance with paragraph 7.9 of the Protocol on Member/Officer Relations in Part 5 of the Constitution, and will only be considered for items not covered by a briefing meeting.



Appendix 2

Extract of Constitution

PART 3A – ALLOCATION OF RESPONSIBILITY FOR FUNCTIONS – FULL COUNCIL AND COMMITTEES

1. Introduction

This Part of the Constitution deals with the allocation of responsibility for undertaking the functions of the Council. Full Council is the primary decision-making body of the Council and as such is responsible for the exercise of all the functions that are the responsibility of the local authority.

However, in order to operate more effectively as an organisation, Full Council delegates many of its decision-making powers to committees, to officers, and to other local authorities.

2. Council Functions

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution
- (b) Approving or adopting the Policy Framework and the Budget
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a committee function which is covered by the Policy Framework or the Budget where the decision-making body is minded to make it in a manner which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget
- (d) Approving changes to any plan or strategy which form part of the Council's Policy Framework, unless:
 - i. that change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to him for approval, or
 - ii. Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy
- (e) Agreeing and/or amending the terms of reference for committees and deciding on their composition



- (f) Appointing the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees, ~~and the Chairman/woman of the Health and Wellbeing Board and~~ **the Chairman/woman and Vice-Chairman/woman of the Audit and Accounts Committee, Pension Fund Committee and Planning Committee.**
- (g) Appointing the Chairman/woman and Vice-Chairman/woman of the General Purposes Committee, who will also fulfil the respective roles of Leader and Deputy Leader of the Council
- (h) Appointing representatives to outside bodies unless the appointment has been delegated by the Council
- (i) Making appointments to the Fire Authority
- (j) Approving the annual Senior Officer Pay Policy Statement
- (k) Adopting a Members' Allowances Scheme
- (l) Changing the name of the area
- (m) Conferring the title of Honorary Alderman/woman
- (n) Confirming the appointment of, and dismissing, the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer)
- (o) Making any request to the Local Government Boundary Commission for England for single-member electoral areas
- (p) Passing any resolution to change the County's electoral scheme
- (q) Making an order to give effect to recommendations made in a community governance review
- (r) Making, amending, revoking, re-enacting or adopting Bylaws and promoting or opposing the making of local legislation or personal Bills
- (s) Delegating functions to other local authorities as described in Article 10 of this Constitution
- (t) Amending the Scheme of Delegation to Officers set out in Part 3D of this Constitution
- (u) Approving the Council's Petitions Scheme set out in Part 4.1 of this Constitution
- (v) All other matters which, by law, must be reserved to Council.



Appendix 3

7. AUDIT AND ACCOUNTS COMMITTEE

Seven members of the Council. ~~The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Audit and Accounts Committee.~~

The Audit and Accounts Committee shall be entitled to appoint up to three people at any one time as non-voting co-opted members of the Committee. The Committee shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items. The Committee may not co-opt any person who is an active member of any political party, defined as any person who engages in political activities which would not be permissible if that person was an officer holding a politically-restricted post within the Council. Co-options may only be made if the person co-opted has particular knowledge or expertise in the functions for which the Committee is responsible.

The Committee will meet at least 4 times a year, and will maintain the technical capability to discharge the Audit and Accounts Committee responsibilities of the Council.

Summary of Functions:

- To provide independent assurance of the adequacy of the risk management framework and the associated control environment.
- To provide independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakness of the control environment.
- To oversee the financial reporting process.
- To review matters relating to Internal Audit, external audit, risk management, governance, assurance statements, anti-fraud and anti-corruption arrangements.
- To enhance and promote the profile, status and authority of the Internal Audit function and to demonstrate its independence.
- To contribute towards making the authority, its committees and departments more responsive to the audit function.
- To review compliance with the relevant standards, codes of practice and corporate governance policies.
- To consider the extent to which the authority's control environment is successful in achieving value for money.

Delegated Authority	Delegation/ Condition
<p>1 <u>Audit Activity</u></p> <p>1.1 To approve the Internal Audit strategy and monitor its progress</p> <p>1.2 To approve, but not direct, Internal Audit's annual plan of work and monitor unscheduled work that could potentially divert audit resources away from a plan, and monitor performance against those plans, ensuring that there are no inappropriate scope or resource limitations.</p> <p>1.3 To consider the Annual Report and opinion of the Head of Audit and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements</p> <p>1.4 To consider summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary</p> <p>1.5 To consider reports dealing with the management and performance of the Internal Audit function.</p> <p>1.6 To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales</p> <p>1.7 To consider the Annual Audit Letter, relevant reports and the reports of those charged with governance</p> <p>1.8 To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales</p> <p>1.9 To comment on the scope and depth of the external audit work and to ensure it gives value for money</p> <p>1.10 To liaise with Public Sector Audit Appointments Limited over the appointment of the Council's External Auditor</p> <p>1.11 To consider the reports of inspection agencies relevant to the Council (such as Ofsted, the Information Commissioner's Office, etc.)</p> <p>1.12 To suggest work for Internal and External Audit</p> <p>1.13 To undertake an annual review of the effectiveness of the system of Internal Audit</p>	



2	<u>Regulatory Framework</u>	
2.1	To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations, codes of conduct etc.	
2.2	To review any issue referred to it by the Chief Executive or Executive Director or any Committee of the Council	
2.3	To monitor the effective development and operation of risk management and corporate governance throughout the Council	
2.4	To monitor council policies on "raising concerns at work" and anti-fraud and anti-corruption policies, including the Council's complaints process, and to approve any changes regarding the Council's Whistle-Blowing policy and arrangements	
2.5	To oversee the production of the Council's Statement of Internal Control/Governance Statement and recommend its adoption	
2.6	To consider the arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice	
2.7	To consider the Council's compliance with its own and published standards and controls	
2.8	To report as appropriate to Full Council, relevant Policy and Service Committees and the Constitution and Ethics Committee on issues which require their attention or further action	
2.9	To bring to the attention of the General Purposes Committee any issue which may warrant further consideration or review	
3	<u>Accounts</u>	
3.1	To review and approve the annual Statement of Accounts	
3.2	Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council	
3.3	To consider the External Auditor's report to those charged with the governance issues arising from the audit of the accounts	

4	<u>Risk Management</u>	
4.1	To consider the effectiveness of the Council's risk management arrangements	
4.2	To seek assurances that action is being taken on risk-related issues	
4.3	To be satisfied that the Council's assurance statements, including the Statement of Internal Control, properly reflect the risk environment and any actions required to improve it	



Appendix 4

Extract of Constitution

9. PENSION FUND COMMITTEE

Membership

Representatives of	Number of seats	Term of Appointment	Method of Appointment
Cambridgeshire County Council Members	6	4 years from County Council elections	Determined by Cambridgeshire County Council Full Council.
All other local authorities, police and fire	2	4 years	Nominations determined by a leaders/chief executives' group. Selection would be linked to the respective employers' election cycle. Details of process to be agreed by the Chairman/woman.
All other employers	1	4 years from 2014	Nominations to be determined by eligible employers. Details of process to be agreed by the Chairman/woman.
Active scheme members	1	4 years from 2014	Determined by Unison. Where Unison fails to nominate a Committee Member for any period of 6 months or more, nominations will be requested from all eligible active scheme members and a representative will be picked following interviews. Details of process to be agreed by the Chairman/woman.
Deferred and pensioner scheme members	1	4 years from 2014	Determined by Unison. Where Unison fails to nominate a Committee Member for any period of 6 months or more, nominations will be requested from all eligible deferred and pensioner scheme members and a representative will be picked following interviews. Details of process to be agreed by the Chairman/woman.
Total Committee Members	11		

Substitutes: Full Council may appoint substitute members to the Pension Fund Committee in accordance with the scheme of substitution.

~~The Chairman/woman and Vice Chairman/woman of the Committee shall be elected by the Pension Fund Committee.~~



Appendix 5

10. PLANNING COMMITTEE

Membership

Eight members of the Council. ~~The Chairman/woman and Vice-Chairman/woman of the Committee shall be elected by the Planning Committee.~~

Delegated Authority	Delegation/Condition
Authority to exercise the Council's powers and functions in relation to: <ul style="list-style-type: none">• Development Control• The Planning (Hazardous Substances) Regulations 1992• Applications under the Commons Registration Act 1965 and the Commons Act 2006• Rights of Way	See Scheme of Delegation to Officers and to Area Committees
To undertake the Council's functions in relation to Minerals and Waste Local Development Documents	Subject to approval of the policy framework by Full Council See Scheme of delegation to Officers



Appendix 6

Extract of Constitution

COUNCIL PROCEDURE RULES

These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors.

In any other year, the annual meeting will take place in May.

1.2 Business

The annual meeting will carry out the tasks listed below.

- (i) Elect a person to preside if the Chairman/woman of Council is not present.
- (ii) Elect the Chairman/woman of Council.
- (iii) Elect the Vice-Chairman/woman of Council.
- (iv) Approve the minutes of the last meeting.
- (v) Receive any announcements from the Chairman/woman and/or Head of Paid Service.
- (vi) Agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution).
- (vii) Approve a programme of ordinary meetings of the Council for the year.
- (viii) Consider any business set out in the notice convening the meeting.

In addition, the annual meeting in a year where there is an ordinary election of Councillors will receive the report of the County Returning Officer for information, and will receive the Council's Constitution for endorsement.



1.3 **Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council will:

- (i) Decide which committees and sub-committees to establish for the municipal year.
- (ii) Decide the size and terms of reference for those committees and sub-committees.
- (iii) Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.
- (iv) 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.
- (v) Appoint the Chairman/woman and Vice-Chairman/woman of each of the seven policy and service committees.
- (vi) Appoint the Chairman/woman of the Cambridgeshire Health and Wellbeing Board.
- (vii) Appoint the Chairman/woman and Vice-Chairman/woman of the Audit and Accounts Committee, Pension Fund Committee and Planning Committee.**
- (viii) Appoint to outside bodies except where appointment to those bodies has been delegated by the Council.

2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) Elect a person to preside if the Chairman/woman and Vice-Chairman/woman are not present.
- (ii) Approve the minutes of the last meeting.
- (iii) Receive any announcements from the Chairman/woman, Leader, Committee Chairmen/women or the Chief Executive.
- (iv) Subject to the consent of the person presiding at the meeting:
 - (a) receive questions from, and provide answers to, the public; and
 - (b) receive petitions in accordance with the Council's petitions scheme.
- (v) Deal with any business from the last Council meeting.



- (vi) Consider recommendations from the Council committees on matters requiring a Council decision.
- (vii) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
- (viii) Consider motions.
- (ix) Consider any other business specified in the summons to the meeting, including consideration of proposals from the General Purposes Committee in relation to the Council's budget and policy for debate.
- (x) Put questions to the Council's representatives on the Fire Authority and the Combined Authority Board and Overview and Scrutiny Committee.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) The Council by resolution
- (ii) The Chairman/woman of the Council
- (iii) The Monitoring Officer
- (iv) Any five members of the Council if they have signed a requisition presented to the Chairman/woman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Any requisition received for an extraordinary meeting must specify the business to be transacted at the meeting.

3.2 Business

The business to be transacted at an extraordinary meeting of the Council shall be restricted to those items set out in the summons.



10. MOTIONS ON NOTICE

10.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of motions for discussion at Council meetings, excluding extraordinary or special meetings of the Council or the first annual meeting of a new Council, must be delivered to the Proper Officer not later than 12.00 noon 14 days before the date of the meeting. The Proper Officer will maintain a public record of all motions submitted.

10.2 Motion set out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it.

10.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County. They may propose an addition or change to a policy framework provided that the addition or change could not reasonably have been raised when the policy framework was originally approved.