

**CANNOCK CHASE COUNCIL**

**COUNCIL**

**30 JUNE, 2010**

**REPORT OF THE CHIEF EXECUTIVE**

**CONSTITUTIONAL UPDATES**

**1. Purpose of Report**

- 1.1 To advise Council of amendments to the Council's Constitution arising from changes to Portfolio responsibilities as notified by the Leader of the Council to the Annual Meeting of the Council held on 19 May, 2010.

**2. Recommendation(s)**

- 2.1 That Council approves the amendments to the Constitution necessitated as a result of changes to Portfolio responsibilities, as notified to the Annual Meeting of the Council held on 19 May, 2010.
- 2.2 That Members note the proposals in respect of further review of the Constitution.

**3. Key Issues**

- 3.1 As a result of changes to Cabinet Portfolio responsibilities notified by the Leader of the Council to the Annual Meeting of the Council on 19 May, 2010, a number of amendments to the Council's Constitution are required to be implemented immediately. Specifically, amendments are required to Section 6 (Scrutiny Committee, which previously included Health Scrutiny functions that are now the responsibility of a Health Scrutiny Committee); Section 9 (Policy Development Committees); and Section 24 (Policy Development Committees Terms of Reference).
- 3.2 Recent experience has indicated that there may be some areas within the Constitution that contain apparent anomalies and / or require review and amendment experiences to better reflect current working practices. The Council Solicitor and Monitoring Officer has advised that regular review of the Constitution is good working practice, and has suggested that an all Party working group, supported by appropriate Officers, be set up to review the Constitution and report back to Council for determinations in respect of any proposed changes arising.

**4. Conclusions and Reason(s) for Recommendation(s)**

- 4.1 Changes that were made to Cabinet Portfolio responsibilities, as notified by the Leader at the Council's Annual Meeting, have necessitated a number of corresponding changes to be made to Sections 6, 9 and 24 of the Council's Constitution.

- 4.2 Additionally, it is recognised that there are a number of areas within the Constitution containing apparent anomalies and / or discrepancies that require further investigation and possible amendment. Consequently, it makes sense to undertake a full review of the Constitution. To this end, it makes sense to utilise the knowledge of Members across Parties who may have had previous involvement, and, therefore have an understanding of the logic processes that were involved in developing particular elements of the Constitution. The recommendations of the Constitution Working Group would then be reported back, in due course, to full Council for consideration and determination.

**REPORT INDEX**

<b>Background</b>	<b>Section 1</b>
<b>Details of Matters to be Considered i.e. Options Considered, Outcome of Consultations etc.</b>	<b>Section 2</b>
<b>Contribution to CHASE</b>	<b>Section 3</b>
<b>Financial Implications</b>	<b>Section 4</b>
<b>Human Resource Implications</b>	<b>Section 5</b>
<b>Legal Implications</b>	<b>Section 6</b>
<b>Section 17 (Crime Prevention)</b>	<b>Section 7</b>
<b>Human Rights Act Implications</b>	<b>Section 8</b>
<b>Data Protection Act Implications</b>	<b>Section 9</b>
<b>Risk Management Implications</b>	<b>Section 10</b>
<b>Equality and Diversity Implications</b>	<b>Section 11</b>
<b>Other Options Considered</b>	<b>Section 12</b>
<b>List of Background Papers</b>	<b>Section 13</b>
<b>Annexes to the Report i.e. copies of correspondence, plans etc.</b>	<b>Annex 1, 2, 3 etc</b>
<b>Report Author Details:</b>	
Steve Partridge, Democratic Services Manager, ext 4588	

**Section 1**

**Background**

Each year at the Annual Meeting of the Council, the Leader of the Council notifies Members of any changes to the form and composition of the Cabinet. This year there were a number of changes to Cabinet Portfolio responsibilities which have necessitated a number of amendments to the Council's Constitution.

**Section 2**

**Details of Matters to be Considered**

Specifically, amendments are required to Section 6 (Scrutiny Committee, which previously included Health Scrutiny functions); Section 9 (Policy Development Committees); and Section 24 (Policy Development Committees Terms of Reference).

**Section 3**

**Contribution to CHASE**

The Council, through its democratic process, contributes to each of the Council's strategic objectives, represented by the acronym CHASE.

**Section 4**

**Financial Implications**

There are no direct financial implications arising from this report.

**Section 5**

**Human Resource Implications**

There are no identifiable Human Resource implications arising from this report.

**Section 6**

**Legal Implications**

Council is required to amend its Constitution to properly reflect its decision making processes.

**Section 7**

**Section 17 Implications**

There are no identifiable implications in respect of Section 17 (Crime Prevention) arising from this report.

**Section 8**

**Human Rights Act Implications**

There are no identifiable implications in respect of Human Rights Act arising from this report.

**Section 9**

**Data Protection Act Implications**

There are no identifiable implications in respect of Data Protection Act arising from this report.

**Section 10**

**Risk Management Implications**

There are no identifiable implications in respect of Risk Management arising from this report.

**Equality and Diversity Implications**

**Section 11**

**Other Options Considered**

**Section 12**

**List of Background Papers**

**Section 13**

Draft Amended Sections of the Constitution:

Section 6 – Scrutiny Committee

Section 6A – Health Scrutiny Committee

Section 9 – Policy Development Committees

Section 24 – Policy Development Committees Terms of Reference

# Section 6

## Scrutiny Committee

### 6.1 GENERAL TERMS OF REFERENCE

The Council will appoint, in accordance with legislation an Overview & Scrutiny Committee (referred to as “the Scrutiny Committee”).

Every Member of Cannock Chase District Council is eligible to be member of the Scrutiny Committee except those who are members of the Cabinet.

Membership of the Scrutiny Committee will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

In accordance with the Local Government Act 1972 and the Local Government and Housing Act 1989, a member of Staffordshire County Council shall be appointed as a co-opted member to the Scrutiny Committee for the purposes of scrutinising the performance of the Staffordshire Local Area Agreement. In turn, the Chairman of the Scrutiny Committee (or his nominee) shall be appointed as a co-opted member to that Committee(s) (or relevant Sub-Committee) of Staffordshire County Council with equivalent responsibility for scrutinising the Staffordshire Local Area Agreement.

### 6.2 GENERAL ROLE

The Scrutiny Committee will:

- i) exercise the right to ‘call-in’ for consideration the decisions made but not yet implemented by the Cabinet;
- ii) be available for consultation in accordance with the Budget and Policy Framework Procedure Rules;
- iii) co-opt such representatives onto the Scrutiny Committee in accordance with (a) and (b) below:
  - (a) as the Scrutiny Committee deems appropriate, co-opt such representatives onto it membership. However, such co-optees shall not have the right to vote and shall not constitute a “member” for the purposes of a

quorum. The co-optee shall be an advisory appointment only;

- (b) if the Scrutiny Committee considers it appropriate, co-opt the SCC Performance and Policy Sub-Committee representative onto the Scrutiny Committee. The co-optee shall be an advisory appointment only.
- (iv) performance manage the Corporate Improvement Priority Delivery Plan ('PDP')
- (v) review and scrutinise current Council policies and consider future policy development particularly arising from 6.2 (iv) above;
- (vi) be available for consultation as required by the Council's Performance Management Framework concerning any proposed changes to actions and/or targets set out in any Priority Delivery Plan(s);
- (vii) receive and review, having regard to the Council's Performance Management Framework, the Council's Annual Performance Management report;
- (viii) scrutinise and review, as considered necessary, the Council's community consultation, engagement and empowerment arrangements;
- (ix) deal with any issues or matters referred to it in pursuance of the Local Government and Public Involvement in Health Act 2007 as it considers appropriate (which shall include but not be limited to establishing a 'councillor call for action' protocol);
- (x) consider any reports and/or recommendations received from a Policy Development Committee;
- (xi) monitor, review and/or scrutinise:
  - a. the performance of the Council and its Local Strategic Partners;
  - b. cross-cutting issues in relation to the discharge of the Council's functions;
- (xiii) make reports and/or recommendations to Council and/or Cabinet in connection with the discharge of any functions;

### 6.3 SPECIFIC FUNCTIONS

The Scrutiny Committee may:

- i) review and scrutinise executive decisions made by the Cabinet in accordance with the 'call-in' procedures set out in Part 4 (Section 43) of this Constitution;
- ii) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- iii) in undertaking 6.3 i) and ii), question members of the Cabinet and Chief Officers about their decisions, whether generally having regard to the District Delivery Plan, Corporate Plan, Priority Delivery Plans, service plans and targets over a period of time, or in relation to particular decisions;
- iv) question and gather evidence from any person (with their consent) deemed reasonably necessary to discharge its role and functions.
- v) consider and in its discretion support any recommendations received from a Policy Development Committee to the Cabinet, Council, and/or the Local Strategic Partnership;
- vi) As deemed necessary and appropriate:
  - a. review and scrutinise:
    - i. cross-cutting issues in relation to the discharge of the Council's functions including the Council's performance in the broadest sense;
    - ii. in accordance with the legislation other public bodies in the area (including the Local Strategic Partnership), invite reports (both written and oral) from them and invite them to address the Scrutiny Committee about their activities and/or performance;
    - iii. the performance of the Council, Cabinet and Chief Executive, Deputy Chief Executive and Directors in relation to Council priorities, policy objectives, performance targets and/or particular service areas;

- b. question members of the Cabinet and Chief Officers about their performance in relation to significant and/or major initiatives or projects;
- (viii) In discharging its performance management function: -
1. Review and scrutinise the performance of the Cabinet and Chief Officers in relation to performance & partnership matters;
  2. Review and scrutinise the performance of the Council in relation to its performance targets and/or particular service areas;
  3. Review and scrutinise the performance of the Chase Community Partnership in relation to its performance targets as set out in the Staffordshire Local Area Agreement and the Sustainable Community Strategy.
  4. Question members of the Cabinet, Chief Officers and partners about their decisions and performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular initiatives or projects.

#### **6.4 PROCEEDINGS OF THE SCRUTINY COMMITTEE**

The Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 (Section 43) of this Constitution.

# Section 6A

## Health Scrutiny Committee

### 6.1 STATUS

The Health Scrutiny Committee is a Committee of the Council with the purpose of scrutinising health provision within the District.

### 6.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Health Scrutiny Committee will comprise 7 Members of the Council. Every Member of Cannock Chase District Council is eligible to be member of the Health Scrutiny Committee except those who are members of the Cabinet.

Membership of the Health Scrutiny Committee will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

A member of Staffordshire County Council and an Independent Person shall be appointed as a co-opted members to the Committee with full voting rights.

### 6.3 GENERAL ROLE

The Health Scrutiny Committee will review and scrutinise in accordance with Regulations under the Health and Social Care Act, 2001, matters relating to the planning, provision and operation of health services in the District by organisations and institutions charged with delivering health services in pursuance of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions), Regulations, 2002 and associated legislation.

The Health Scrutiny Committee will make reports and / or recommendations to Council and / or Cabinet in connection with the discharge of its functions.

### 6.4 PROCEEDINGS OF THE HEALTH SCRUTINY COMMITTEE

The Health Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 (Section 43) of this Constitution.

*This page is deliberately not numbered. It will slot between pages 31 and 32 of the Constitution.*

# *Section 9*

## *Policy Development*

### *Committees*

#### **9.1 TERMS OF REFERENCE**

The Council will appoint the following Policy Development Committees:

- Culture and Sport Policy Development Committee;
- Economic Development and Planning Policy Development Committee;
- Environment Policy Development Committee;
- Health and Wellbeing Policy Development Committee;
- Housing Policy Development Committee;
- Town Centre Regeneration Policy Development Committee;

All members of the Council are eligible to be members of the Policy Development Committees, except Cabinet members who are eligible only to be members of the Policy Development Committee(s) relevant to their Portfolio Lead responsibilities, as the role of the Committees does not include Scrutiny.

A Policy Development Committee will comprise such Members as are appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance.

For the avoidance of doubt, the relevant Cabinet and Shadow Cabinet Portfolio Leader will be members of Policy Development Committee and their membership shall form part of the Political balance calculation.

#### **9.2 GENERAL ROLE**

The Council's Policy Development Committees will:

- i) review current Council policies and consider future policy development falling within and arising out the scope and remit of their allocated Priority Delivery Plan ('PDP') and the Performance Management Framework;
- ii) performance manage the Council's PDPs falling within their respective scope and remit in accordance with the Performance Management Framework;
- iii) consider matters referred to them by the other Committees or Cabinet.
- (iv) within the context and remit of the allocated PDP having regard for the Council's Performance Management Framework, consider any matter affecting the area or its inhabitants which contributes or assists with achieving the PDP targets.

**9.3 SPECIFIC FUNCTIONS**

**(a) Policy Development and Review**

The Policy Development Committees shall:

- i) assist the Council and Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues arising within the context and remit of the allocated PDP having regard for the Council's Performance Management Framework,
- ii) performance manage Priority Delivery Plans ('PDPs') as allocated below:

<b>COMMITTEE</b>	<b>PRIORITY DELIVERY PLAN</b>
Culture and Sport PDC	Culture and Sport PDP
Economic Development and Planning PDC	Economic Development and Planning PDP
Environment PDC	Environment PDP
Health and Wellbeing PDC	Health and Wellbeing PDP
Housing PDC	Housing PDP
Town Centre Regeneration PDC	Town Centre Regeneration PDP

- iii) review current Council policies and consider future policy development arising from (ii) above and the Performance Management Framework;

- iv) be available for consultation in accordance with the Budget and Policy Framework Procedure Rules;
  - v) be available for consultation as required by the Council's Performance Management Framework concerning any proposed changes to actions and/or targets set out in the relevant Priority Development Plan;
  - vi) consider mechanisms to encourage and enhance community participation, engagement and empowerment in the development of policy options and implement and/or recommend such mechanisms as appropriate within the context and remit of the allocated PDP having regard for the Council's Performance Management Framework;
  - vii) assist and advise members of the Cabinet about issues and proposals affecting the area as appropriate within the context and remit of the allocated PDP having regard for the Council's Performance Management Framework;
  - viii) invite to meetings such individuals and/or representatives of organisations/public bodies as they consider may be able to make a contribution to their deliberations in respect of matters falling within the context and remit of the allocated PDP having regard for the Council's Performance Management Framework;
  - ix) recommend to other Policy Development Committees area of policy review that may (as a result of the original Policy Development Committee consideration) be worthy of specific examination;
  - x) question and gather evidence from any person (with their consent) in connection with matters arising out of their allocated PDP and the Performance Management Framework;
  - xi) refer performance-related issues arising out of their allocated PDP to the Scrutiny Committee for further investigation.
- (b) To carry out its functions, a Policy Development Committee will be able to call upon any Member, Chief Officers of the Council and/or invite representative of external bodies or organisations to submit written and/or oral evidence.
- (c) The Policy Development Committees will make reports and/or recommendations to the Cabinet and/or Scrutiny Committee in

connection with matters arising out of their allocated PDP and/or related performance as appropriate.

- (d) Where a matter for consideration by a Policy Development Committee also falls within the remit of one or more other Committees, the decision as to which Committee will consider it will be resolved at a joint meeting of the Policy Development Committees and the Cabinet.

For the avoidance of doubt the Policy Development Committees shall not act in a defined scrutiny function but may review existing policy and its outcomes for the purposes of understanding how future policy should be developed.

DRAFT

# *Section 24*

## *Policy Development Committees*

### *Terms of Reference*

#### **1. STATUS**

- 1.1 The Policy Development Committees are committees of the Council with the purpose of undertaking policy review and development of service provision within the District through the performance management of the Council's Priority Delivery Plans ('PDPs') (save the Corporate Improvement PDP).

#### **2. MEMBERSHIP AND METHOD OF APPOINTMENT**

- 2.1 All members of the Council are eligible to be members of the Policy Development Committees, except Cabinet members who are eligible only to be members of the Policy Development Committee(s) relevant to their Portfolio Lead responsibilities, as the role of the Committees does not include Scrutiny.
- 2.2 A Policy Development Committee will comprise such Members as are appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance.
- 2.3 For the avoidance of doubt, the relevant Cabinet and Shadow Cabinet Portfolio Leader will be members of Policy Development Committee and their membership shall form part of the Political balance calculation.

#### **3. CHAIRMAN**

- 3.1 The Chairman and Vice-Chairman will be appointed by Council.
- 3.2 The Chairman or Vice-Chairman of the Policy Development Committee will not be a member of the Cabinet.

#### **4. ATTENDANCE BY NON-MEMBERS**

- 4.1 Council Procedure Rules 6(6) and 19 will apply.

## **5. FREQUENCY OF MEETINGS**

- 5.1 The meetings of the Policy Development Committees will be held generally every 3 months.
- 5.2 The Chairman of a Policy Development Committee shall, in consultation with the Chief Executive (or anyone duly authorised by him), be entitled in exceptional circumstances and/or in cases of urgency which cannot reasonably be considered at the next scheduled meeting of that Policy Development Committee, to convene an additional meeting(s) of that Policy Development Committee.

## **6. NOTICE OF MEETING**

- 6.1 Prior to the meeting of a Policy Development Committee the Chief Executive will circulate to all Members of the Council, Agenda and Reports to be considered by the Policy Development Committee.

## **7. MINUTES OF MEETING**

- 7.1 Reports in the form of Minutes detailing recommendations and / or resolutions will be submitted to the Cabinet which may accept, amend or reject any recommendation, but not resolutions.

## **8. FUNCTIONS**

- 8.1 Policy Development Committees may:
- (a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (b) assist the Cabinet in the development of policies as directed by the Cabinet;
  - (c) review current Council policies and consider future policy development falling within and arising out the scope and remit of their allocated Priority Delivery Plan ('PDP') having regard for the Council's Performance Management Framework;
  - (d) consider mechanisms to encourage and enhance community participation in the development of policy options and implement and/or recommend such mechanisms as appropriate within the scope and remit of the allocated PDP having regard for the Council's Performance Management Framework;

- (e) question members of the Cabinet and senior Officers about issues and proposals that affect the area as appropriate within the scope and remit of the allocated PDP;
- (f) invite to meetings of a Policy Development Committee such individuals and/or representatives of organisations/public bodies as they consider may be able to make a contribution to their deliberations in respect of matters falling within the scope and remit of the allocated PDP having regard for the Council's Performance Management Framework.;
- (g) refer performance-related issues arising out of their allocated PDP to the Scrutiny Committee for further investigation;
- (h) consider any matter affecting the area or its inhabitants as appropriate within the scope and remit of the allocated PDP having regard for the Council's Performance Management Framework;

8.2 Performance manage Priority Delivery Plans ('PDPs') as allocated below:

<b>POLICY DEVELOPMENT COMMITTEE</b>	<b>PRIORITY DELIVERY PLAN</b>
Culture and Sport PDC	Culture and Sport PDP
Economic Development and Planning PDC	Economic Development and Planning PDP
Environment PDC	Environment PDP
Health and Wellbeing PDC	Health and Wellbeing PDP
Housing PDC	Housing PDP
Town Centre Regeneration PDC	Town Centre Regeneration PDP

- i) review current Council policies and consider future policy development arising from (ii) above;
- ii) be available for consultation as required by the Council's Performance Management Framework concerning any proposed changes to actions and/or targets set out in the relevant Priority Development Plan;

8.3 To carry out its functions, a Policy Development Committee is entitled to invite any Member, Officer or representative of external bodies or organisations to submit written and/or oral evidence.

- 8.4 The Policy Development Committees will make reports and/or recommendations to Cabinet in connection with matters arising out of their allocated PDP and / or related performance, as appropriate.

## **9. DELEGATED POWERS**

- 9.1 The Policy Development Committees are empowered to deal with any functions detailed above.
- 9.2 The Policy Development Committees shall be entitled to appoint individuals and / or representatives of organisations as non-voting co-optees.

For the avoidance of doubt, the Policy Development Committees shall not act in a defined scrutiny function but may review existing policy and its outcomes for the purposes of understanding how future policy should be developed.

DRAFT

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

DRAFT

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

DRAFT

THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK

DRAFT