

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Scrutiny and Overview Committee

4 July 2013

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### AMENDMENTS TO THE COUNCIL'S CONSTITUTION

#### Purpose

1. To recommend that Council approves the amendments to the Constitution as outlined in this report.
2. This is not a key decision but changes to the Constitution must be approved by Council.

#### Recommendations

3. That Council be recommended to: -
  - (a) Approve the revised version of Article 6 of the Constitution, as set out in **Appendix A** to the report.
  - (b) Approve the revised version of the Scrutiny and Overview Procedure Rules, as set out in **Appendix B** to the report.
  - (c) Approve the amendment of those sections of the Constitution referred to in paragraph 10.1 of the report to reflect the establishment of the Partnerships Review Committee as a second scrutiny and overview committee.
  - (d) Amend the Member role descriptions under Part 5 of the Constitution relating to the Scrutiny and Overview Committee so that they apply to both the Partnerships Review Committee and the Scrutiny and Overview Committee.
  - (e) Allocate the Partnerships Review Committee as the authority's Crime and Disorder Committee.

#### Reasons for Recommendations

4. This report suggests a number of amendments to the Council's Constitution further to the decision by Council at its Annual General Meeting on 23 May 2013 to abolish the Sustainable Energy Committee and introduce a second scrutiny and overview committee called the Partnerships Review Committee.

#### Background

5. The Council made a decision at its Annual General Meeting on 23 May 2013 to abolish the Sustainable Energy Committee and establish a Partnerships Review Committee as part of the authority's scrutiny and overview arrangements.

6. The Council also resolved “that a report be submitted to the meeting of Council on 25 July 2013, setting out the constitutional changes required as a result of the proposed changes to the committee structure being implemented”. This report sets out recommended changes to the Council’s Constitution resulting from the changes made to its committee structure.
7. The Civic Affairs Committee supported the recommendations in this report at its meeting on 20 June 2013. The inaugural meeting of the Partnerships Review Committee scheduled to be held on 11 July 2013 will also consider these recommended changes to the Council’s Constitution.

## **Considerations**

### **8. Partnerships Review Committee**

- 8.1 The Partnerships Review Committee was introduced as part of the Council’s scrutiny and overview function to scrutinise, challenge and hold decision takers to account on those issues considered as external, which may or may not involve formal partnerships. It is proposed that the committee will therefore liaise with external organisations operating in South Cambridgeshire, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- 8.2 Major projects such as the Greater Cambridge City Deal, the A14 Improvement Scheme or the Northstowe development all involve a great deal of partnership working, which the Partnerships Review Committee may wish to scrutinise or monitor.
- 8.3 The committee may also wish to consider how the Council contributes towards some of the cross-cutting issues that affect South Cambridgeshire, such as the health and wellbeing agenda, services to children and young people or crime and disorder.
- 8.4 Due to the external focus of the Partnerships Review Committee’s remit, it is recommended that the Council formally allocates the Partnerships Review Committee as its Crime and Disorder Committee.

### **9. Scrutiny and Overview Committee**

- 9.1 It is proposed that the Scrutiny and Overview Committee will continue to hold decision takers to account on those issues considered as the authority’s internal business.
- 9.2 Scrutiny monitors would continue to be allocated to specific Portfolio Holders and act as a bridge to Cabinet, promote constructive dialogue and support effective scrutiny that adds value to the work of Cabinet and its Portfolio Holders.
- 9.3 The Scrutiny and Overview Committee would also retain responsibility for considering Call Ins and Councillor Call for Actions.

### **10. Sections of the Constitution requiring changes**

- 10.1 There are a number of sections within the Constitution that refer to the Council’s scrutiny and overview function as consisting of one scrutiny and overview committee. The Partnerships Review Committee is considered as a second scrutiny and overview committee under this function, sitting alongside the Scrutiny and Overview Committee. It is therefore proposed that the following sections within the Constitution

be amended to reflect the Partnerships Review Committee as a second scrutiny and overview committee: -

- **Part 1 – Summary and Explanation** under ‘how the Council operates’;
- **Article 3: Citizens and the Council** under ‘participation’;
- **Article 4: The Full Council** under ‘participation’;
- **Article 10: Area Committees** under ‘conflicts of interest – membership of Area Committees and the Scrutiny and Overview Committee’;
- **Article 13: Decision-making** under ‘decision making by the Scrutiny and Overview Committee’;
- **Schedule 1: Description of arrangements** under “Scrutiny and Overview Committee Procedure Rules”;
- **Council Standing Orders** (throughout the Standing Orders where appropriate);
- **Access to Information Procedure Rules** (throughout the Procedure Rules where appropriate);
- **Executive Procedure Rules** (throughout the Procedure Rules where appropriate);
- **Part 5 – Procedural guidance – Public Addressing Scrutiny and Overview Committee** (throughout the procedure where appropriate);
- **Petitions Scheme** (throughout the Scheme where appropriate).

- 10.2 Article 6 of the Constitution sets out the composition, mission statement, objectives and terms of reference for the Council’s scrutiny and overview function. Taking into account the proposals for the Partnerships Review Committee and the Scrutiny and Overview Committee set out in paragraphs 8 and 9 above, attached at **Appendix A** to this report is a revised version of Article 6, showing the changes that have been made.
- 10.3 The Council’s Scrutiny and Overview Committee Procedure Rules are included under Part 4 of the Constitution and it is recommended that these be renamed to ‘Scrutiny and Overview Procedure Rules. **Appendix B** to this report sets out a revised version of the Procedure Rules, taking into account the proposals outlined in paragraphs 8 and 9 above, showing the changes that have been made.
- 10.4 Member role descriptions under Part 5 of the Constitution set out role descriptions for the Chairman of the Scrutiny and Overview Committee, the Vice-Chairman of the Scrutiny and Overview Committee and Members of the Scrutiny and Overview. The roles, duties and responsibilities included within these role descriptions apply to any overview and scrutiny committee and are not specific to the Council’s Scrutiny and Overview Committee. It is therefore proposed to amend the role descriptions to reflect that they apply to both the Partnerships Review Committee and the Scrutiny and Overview Committee.

## **Options**

11. The Council has already agreed to the establishment of a Partnerships Review Committee as part of the authority’s scrutiny and overview function.
12. The purpose of this report is to recommend a Terms of Reference for the Partnerships Review Committee and any consequential amendments to the Constitution. The proposals outlined in the report reflect the principles that were approved at the Council’s Annual General Meeting on 23 May 2013.

13. The Scrutiny and Overview Committee is invited to consider any additions, deletions or changes to the proposals put forward in this report.

### Implications

14. Financial	None specific to the content of this report.
Legal	The recommendations set out in this report ensure that the Council's Constitution is up to date and reflects arrangements and procedures agreed by Council at its Annual General Meeting on 23 May 2013.
Staffing	None specific to the content of this report.
Risk Management	None specific to the content of this report.
Equality and Diversity	The Council's Equality Impact Assessment screening process was followed in relation to this report, further to which no concerns in relation to equality and diversity were identified.
Equality Impact Assessment completed	No.
	This is primarily an administrative matter only.
Climate Change	None specific.

### Consultations

15. It is usual practice for the Civic Affairs Committee to consider changes to the Council's Constitution and submit recommendations to Council, if necessary. The Civic Affairs Committee considered this report at its meeting on 20 June 2013 and supported all of the recommendations contained within it.
16. The Partnerships Review Committee on 11 July 2013 will be invited to consider the proposals set out in this report, together with any additional recommendations from the Scrutiny and Overview Committee.

#### Consultation with Children and Young People

17. No consultation with children and young people has taken place on the content of this report.

### Effect on Strategic Aims

18. The proposed Terms of Reference for the newly established Partnerships Review Committee, as set out in this report, could support the Council's Strategic Aim 'we will work with partners to create opportunities for employment, enterprise, education and world-leading innovation'.

### Conclusions / Summary

19. The Scrutiny and Overview Committee is invited to consider the recommendations set out in this report as a basis for submitting a recommendation to the Council on amendments to the Constitution.

**Background Papers:** the following background papers were used in the preparation of this report:

South Cambridgeshire District Council Constitution.

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