

## CONSTITUTION WORKING PARTY

5 February 2019

Present: Councillor K Hastrick (Chair)  
Councillor S Bolton (Vice-Chair)  
Councillors N Bell, S Johnson, A Khan and I Sharpe

Officers: Head of Democracy and Governance  
Committee and Scrutiny Officer  
Democratic Services Manager

### 1 **Apologies for absence**

No apologies were received. Councillor Walford was absent.

### 2 **Disclosure of Interest (if any)**

There was no disclosure of interest.

A late item for discussion had been received from Councillor Bell, the committee agreed to include it in the meeting.

### 3 **Constitution Review**

Councillor Bolton introduced the report and explained the scope of his review of the constitution.

The working party supported the change of name of Major Projects Board to Major Projects Forum and thought a meeting frequency of every four months was suitable unless there was an issue which the Managing Director wished to bring to the Forum in between meetings.

It was noted that there were revised terms of reference for Major Projects Board, Planning Policy Advisory Group (PPAG) and Housing Policy Advisory Group (HPAG). It was also supported to abolish the Highways Forum as it had not met for some time.

Following questions by members the Head of Democracy and Governance explained that scrutiny of the Croxley Business Park would be carried out by regular reports to the Property Investment Board and an annual report to

Cabinet and Budget Panel (or Financial Scrutiny if the name change was agreed). There would be executive oversight of Croxley Business Park through Property Investment Board. The Audit Committee would receive information as part of a wide range of capital investments.

The Head of Democracy and Governance responded to questions to explain that whilst it was recognised that the work of Planning Policy Advisory Group was cyclical it would assist members to have the dates in the diary for regular meetings of PPAG. At present meetings were set up ad hoc which made it harder for members to plan their diaries. If meetings in the calendar were not required they could be cancelled. PPAG meetings were open to all members to attend.

Councillor Bolton explained that with the proposed changes to scrutiny it was recognised that scrutiny had a vitally important function in scrutinising the administration. Presently, however, the Overview and Scrutiny Committee was spending 30-40% of time receiving reports from other committees and only 15-30% of time carrying out substantive scrutiny. Therefore, the proposal was to merge the Outsourced Services Scrutiny Panel and Community Safety Partnership Task Group into Overview and Scrutiny Committee and for there to be nine main meetings per year. Presently some meetings were cancelled as they were only for hearing called in decisions, however, there had been very few called in decisions in recent years.

Councillor Bolton continued that it was proposed to make better use of task groups and for them to have a more strategic use. Budget Panel would be retained but would be called Financial Scrutiny Committee given the importance of council finances going forward. It was proposed to reduce the number of members on the committee from nine to seven. The reduction of the OSSP committee meant a saving on a Special Responsibility Allowance (SRA), there was no recommendation to review SRA at present. Councillor Bolton concluded that the proposed changes were not about having less scrutiny but ensuring that what was in place was effective.

The Constitution Working Party (CWP) discussed the scrutiny proposals and supported changing the name of Budget Panel to Financial Scrutiny Committee. It was considered important to maintain scrutiny of outsourced services such as SLM and HQ Theatres through Overview and Scrutiny Committee. Focussed task and finish groups were supported as members of the public could suggest topics or members may have interests which they wished to focus upon. Combining OSSP and CSP into Overview and Scrutiny Committee was considered positive as Overview and Scrutiny had recently had lighter agendas for scrutiny.

With regards to the proposed forums on Health and Wellbeing and Sustainability the CWP considered that these needed terms of reference in order to be considered at Full Council. The terms of reference needed to be focussed on outcomes from the forums. It was recognised that there were Health and Wellbeing forums at other district authorities and it would enable a closer working relationship with the Herts Valleys Clinical Commissioning Group. The Sustainability Forum would look at various aspects of environmental and sustainability issues e.g., electric cars, use of plastics etc. it would be a forum to bring together discussion. It was proposed that these Forums would meet once or twice a year.

The Head of Democracy and Governance explained that the forums proposed could not be part of scrutiny as the Mayor wished to be involved.

The CWP discussed the changes proposed to the constitution on amendments negating the motion. The additional wording was considered to help crystallise what would be considered negating a motion thus reducing the scope of subjective argument or interpretation.

When considering the proposal to allow supplementary questions to the Mayor's report at Full Council the CWP considered that a supplementary question should be permitted for the Leader of the main Opposition group on the Council when asking their question. It was discussed that the Mayor could ask a Portfolio Holder to answer a question if he wished to do so during the Mayor's report item. If the Opposition Leader was not present at the meeting then the Deputy Opposition Leader could ask the supplementary question.

Councillor Bolton outlined the selection of the Vice Chairman section of the report which suggested moving to a system of majority vote at Council instead of the present seniority system. The advantages of the proposed system were that it gave the opportunity for a variety of councillors to put themselves forward. The Head of Democracy and Governance explained that at present there were a large number of members who had not been members of the council for a significant period of time, and who had also been elected at the same time. The issue was then how to choose between them based on the current seniority system. It was considered that a supporting statement put forward with nominations would help members to choose a suitable candidate.

CWP discussed that there were members on the council who did not wish to take on the role of Chairman. The proposal would allow for those willing to take on the role regardless of service to put themselves forward. It was suggested that the vote on Vice Chairman could be carried out by a secret ballot.

The role description for the Chairman was discussed and it was agreed that clarity would be sought from the Elected Mayor on the distribution of invitations following the Elected Mayor receiving first refusal.

The CWP discussed SRA but considered not to put forward a proposal for review at this time.

RESOLVED –

That Constitution Working Party recommends the report to Council with the updates requested.

#### 4 **Report and Recommendations in relation to PAS Review of Development Management Committee**

The Constitution Working Party (CWP) received a report of the Deputy Managing Director which would also be presented to the Development Management Committee (DMC) on 6 February 2019. The CWP were invited to make any comments on the recommendations which would then be forwarded to DMC.

The CWP discussed the report and recommendations from the Peer Review. It was considered that there needed to be a balance on the committee between the strategic view from Portfolio Holders and ward councillors with local knowledge and understanding. Increasing the number of members on the committee could lengthen meetings and would still need to be politically balanced. Decisions had to be made based on planning policy and law regardless of whether a member of the committee was also a Portfolio Holder.

RESOLVED –

That Constitution Working Party supports the officer recommendations and forwards comments for consideration by the Development Management Committee.

Chair

The Meeting started at 6.30 pm  
and finished at 8.00 pm