

**PERIODIC ELECTORAL REVIEW AND
LOCAL GOVERNMENT ACT SUB-COMMITTEE**

8 February 2002
(4.00 – 6.00pm)

PRESENT: Councillors Howarth (Chair), Bagnall, Durrant, C Rosenstiel, Taylor and Ward (alternate member for Councillor James)

ALSO PRESENT: Councillor Stuart (speaking with the Chair's permission)

FOR THE INFORMATION OF THE COUNCIL

02/q/01 **MINUTES**

The minutes of the meeting held on 20 December 2001 were confirmed as a correct record and signed by the Chair.

02/q/02 **APOLOGIES**

An apology for absence was received from Councillor James. Councillor Ward attended as an alternate member for Councillor James.

02/q/03 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

02/q/04 **PUBLIC QUESTION TIME**

No members of the public wished to address the Sub-Committee.

02/q/05 **NEW POLITICAL STRUCTURES: DRAFT
TRAINING/COMMUNICATION PLAN**

The Head of Strategy and Partnerships presented the Draft Training/Communication Plan for the introduction of the new political structures.

Councillor C Rosenstiel stated that it would be important to review members' and officers' training requirements after the new structures had been in place for about a year.

Resolved (with no votes against) that the Draft Plan attached to the agenda be approved.

02/q/06 **A NEW CONSTITUTION**

The Head of Legal and Democratic Services presented a report which included the first

draft of the Council's new Constitution.

Section 4 of the report invited the Sub-Committee to comment on specific issues. The Sub-Committee's views and comments in relation to each paragraph number as shown were as follows:

- 4.3.1 The Sub-Committee felt that the term "overview and scrutiny" was too long to include in a committee's title. Indeed, there was no need to include any extra wording in a committee's title, just a description, as at present, of each committee's area of responsibility (for instance, "Housing and Health Committee").
- 4.3.2 The Sub-Committee felt that "portfolio holders" should be known as either "executive councillors" or "executive members", as these terms would be clearer to the public. A final decision on which term to use would need to be made at a later date.
- 4.3.3 The Sub-Committee felt that the proposed committee name of "Administration, Staffing and Assets" was too long, but agreed that its name should be determined after the terms of reference had been finalised.

Similarly, the Sub-Committee was of the view that the proposed committee name of "Policy, Strategy and Community Leadership" was too long. Alternative names of "Policy Committee" and "Strategy Committee" were suggested, with the latter being the most popular, but it was agreed that the name should be finalised at a later date.

- 4.4.1 The Sub-Committee agreed that the respective roles of portfolio holders and chairs of overview and scrutiny committees would be as described in the report. However, alternative arrangements would need to be prepared in case the Council was ever in a situation of no overall control, although these alternative arrangements would not need to be included in the Constitution.

In answer to a question from Councillor Stuart, the Chair said that he did not envisage that opposition parties would be chairing overview and scrutiny committees; however, this could be considered for regulatory committees.

- 4.5 The Sub-Committee approved the draft definition of a "key decision" set out in the report, although Councillor C Rosenstiel expressed concern that item iii – "the decision is likely to be significant in terms of its effects on communities living or working in any electoral ward in Cambridge" – may need to include some specific indicators to avoid dispute. It was agreed that all decisions taken by the Executive would have to be publicised clearly, with explanations as to how the decisions had been reached.

In relation to the budget planning process, the Chair stated that it was likely that the Executive would issue a "Green Paper" each July and a "White Paper" each

November, with the final budget to be agreed each February.

- 4.6.1 The Sub-Committee agreed that paragraph 1.03 of the Constitution, setting out the purpose of the Constitution, was unnecessary and should be deleted and replaced with one line as follows: “The purpose of the Constitution is to regulate the way in which the Council works”.

The Sub-Committee agreed that the second sentence of paragraph 2.01(a) should read: “Three councillors for each ward will be elected...”

On paragraph 2.03(a), the Sub-Committee agreed that it would be helpful to the public for the roles of councillors to be set out, but was concerned that they should not be too prescriptive. Councillor C Rosenstiel therefore suggested that the introductory words “All councillors will” be replaced with “These are some of the roles that councillors perform”. Other suggestions under this paragraph were as follows:

- the term “communities” in 2.03(a)(ii) be replaced with “constituents”, as councillors represented all constituents and not just those who felt themselves part of a community;
- the words “or electoral division” be deleted from 2.03(a)(iv), as they only applied to county councils; and
- the words “be available” in 2.03(a)(vi) were too prescriptive.

The Sub-Committee asked that care was taken to ensure that paragraph 2.03(b), on the rights and duties of councillors, was not too prescriptive.

The Sub-Committee agreed that paragraph 3.02, on citizens’ responsibilities, was unnecessary and so should be deleted.

On Article 5 – “Chairing the Council”, the following suggestions were made:

- replace the word “community” with “city”;
- it was unnecessary to include “to be the conscience of the Council” as one of the responsibilities of the Mayor; and
- add “to rule on disputes of interpretation of the Constitution following advice from officers” to the list of responsibilities of the Mayor.

Councillor Bagnall suggested that the title “Mayor” should be replaced, as it could be confusing if the Council ever had an Elected Mayor in the future. This suggestion was not supported by the Sub-Committee.

Under paragraph 12.02, on principles of decision making, the Sub-Committee agreed that the term “proportionality” needed to be explained. It was also felt that some reference to subsidiarity, or “area-working”, should be included, although Councillor Stuart expressed his opposition to this.

Under paragraph 15.02, on interpretation of the Constitution, the Sub-Committee agreed that the words “shall not be challenged...” should be replaced with “shall not be overruled...”, as it was felt that members should have the right to raise points if they wished.

- 4.6.2 The Head of Legal and Democratic Services explained that this section of his report should be headed “Council Procedure Rules” rather than “Executive Procedure Rules”.

The Sub-Committee felt that the option of wearing black gowns at ceremonial Council meetings should be retained, although it was agreed that paragraph 1(5) of the Council Procedure Rules should be changed to read “Black gowns may be worn...” rather than “Black gowns will be worn...”

The Sub-Committee agreed that the “State of the Area” debate described in paragraph 15 would not be necessary or appropriate, and so should be omitted.

On paragraph 23.1, the Sub-Committee agreed that it should be specified that the suspension of the Rules must be for a specific purpose.

On section 24.9, the Head of Legal and Democratic Services explained, in response to a question from Councillor Durrant, that a procedure for “referencing up” decisions had not yet been developed. It would not apply to decisions of the Executive but might be possible for regulatory decisions.

The Head of Legal and Democratic Services stressed that members could let him have any further comments on the draft Constitution subsequent to the meeting.

Resolved (with no votes against) that members’ comments be taken into account when the next draft of the new Constitution is prepared.

02/q/07 **DATE OF NEXT MEETING**

Resolved (with no votes against) that the next meeting be held on **Tuesday 19 March 2002 at 6.00pm.**

The meeting closed at 6.00pm.

CHAIR