

County Council – 16 May 2013

**Proposed Changes to the Constitution –
Committee Arrangements**

Recommendations

1. That the Council be recommended to make the amendments to the Constitution as outlined in this report.
2. That the Constitution is amended to reflect changes to Cabinet titles and the Shadow Cabinet with Cabinet responsibilities being determined by the Leader following Full Council.
3. That authority is given to the Political Group Leaders to agree membership of the All Party Member Groups following Full Council.
4. That the powers of Health Scrutiny be discharged by the Healthy Staffordshire Select Committee.
5. That the Safe and Strong Communities Select Committee becomes the Council's statutory crime and disorder panel.
6. That the Director for Democracy, Law and Transformation be granted authority to make any minor subsequent changes to the Constitution as a consequence of the changes set out in this report.
7. That the Constitution, as revised, be approved by Council.

Report of the Director for Democracy, Law and Transformation

Report Summary

- 1.1. The County Council's Constitution requires amendment to reflect changes to Council structures, ensuring alignment with the priorities and ambitions of the Administration. The proposed changes are summarised in Appendix 2 attached.

The key changes are as follows:

- 1.2. **Cabinet Member responsibilities** – Cabinet will be made up of the Leader, 5 Cabinet Members and 4 Cabinet Support Members. The Cabinet Member portfolios cover Finance Resources and

Transformation, Health and Wellbeing, Learning and Skills, Economy and Infrastructure and Communities, Culture and Localism. The 4 Cabinet Support Member positions will cover Care, Public Health and Community Safety, Environment and Rural Affairs and Transport and the Connected County. The Cabinet Support Member roles have no delegated powers.

- 1.3. **Shadow Cabinet** – a Shadow Cabinet has been formed made up of 5 Shadow Cabinet Members. The role and function of the Shadow Cabinet is set out in appendix 3.
- 1.4. **Overview and Scrutiny** – a new Select Committee model consisting of a Corporate Review (13 Members) with overall responsibility for Scrutiny; a Healthy Staffordshire Select Committee (13 Members) which will be the County Council's statutory Health Overview and Scrutiny Committee; a Prosperous Staffordshire Select Committee (10 Members); and a Safe and Strong Communities Select Committee (10 Members). Corporate Review will also establish an MTFs Working Group on an annual basis to undertake scrutiny of the development of the MTFs proposals. The terms of reference for these are set out in appendix 4.
- 1.5. **All Party Member Groups** – these groups will be tasked with supporting the Council's long term policy ambitions putting forward proposals of how public services in Staffordshire could address community issues that will arise over the medium to long term. There will be 4 All Party Member Groups focussed around Health and Wellbeing, Learning and Skills, Economy and Infrastructure and Communities, Culture and Localism. They will be Chaired by the Cabinet Member or Cabinet Support Member.
- 1.6. **Regulatory Committees** – The Council will continue to have an Audit and Standards Committee (15 Members), Pensions Committee (9 Members) and a Planning Committee (15 Members).

The Background to the Changes

2.1 The changes set out in this report delivers:

- A focussed and decisive Cabinet structure.
- Cross party think tanks (All Party Member Groups) that enables Members to lead the debate about how the County Council, working with public sector partners, the private sector and the voluntary and community sector could work together to address the long term challenges and opportunities facing the communities of Staffordshire.
- Focussed scrutiny challenging the impact on communities of the services commissioned or delivered by the County Council, NHS and wider public or joint partnerships in Staffordshire.

2.2 The Cabinet model reflects the Council's major priorities around health and wellbeing, economy and infrastructure and supporting vibrant, strong and safe communities. Learning and skills is a priority area in terms of ensuring the communities of Staffordshire have the education and skills both to compete for jobs and share in the prosperity of the County but also as a fundamental foundation of health and wellbeing. Localism and culture are key components of sustaining vibrant communities. The Cabinet Member for Finance, Resources and Transformation will lead the strategic planning that will drive value for money for the citizens of Staffordshire.

2.3 Given the significance of the health and wellbeing and economy and infrastructure agendas 2 Cabinet Support Members are assigned to these portfolio areas. Whilst they will have no delegated responsibilities they will have an important role in leading specific projects and aspects of the portfolios on behalf of Cabinet.

2.4 The All Party Member Groups and the Select Committees sit as foundation stones to the Council's approach to designing services that are responsive to the needs of council customers and the citizens of Staffordshire. The fundamental starting point is to design services around the needs of local communities. The All Party Groups will be an important mechanism for Member leadership of working through long term policy implications for how services will respond to the changing needs of local communities. Chaired by the Cabinet Member or Cabinet Support Member the All Party Member Groups will investigate how the Council and its partners are able to respond to the long term needs of local communities. Members will be able to feed in the issues affecting their local communities. They will have a standing membership and will meet formally 3-4 times a year to consider the overall local and national issues that affect the remit of the APMG. They will also set up a programme of in depth investigations which will be undertaken during the course of the year, investigating one issue at a time. Their recommendations will be presented to either the Cabinet

or alternatively external bodies. APMGs will be encouraged to develop Green Paper style policy options for addressing long term needs of the communities of Staffordshire.

2.5 Scrutiny is the foundation stone at the other end of the process challenging commissioners and deliverers of services in terms of the impact of services on local communities and investigating the unintended consequences of the decisions taken by the County Council, NHS or other local or national bodies. Scrutiny will be able to establish working groups but will generally be backward looking in terms of what the impact of our actions has been. The APMGs will, on the other hand, be forward looking in terms of how do we respond to the challenges that we know we will be facing in 10-15 years plus.

2.6 MTFS Scrutiny has played an important role in providing robust scrutiny of the development of the MTFS on an annual basis. This scrutiny will continue but as a working party of Corporate Review with membership drawn from that committee.

2.7 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 were laid before parliament in February 2013. These regulations reiterate the role and importance of Health Scrutiny. The regulations provide powers to review and scrutinise any matter relating to the planning, provision and operation of health services in an area. The powers sit with Full Council but can be discharged by an overview and scrutiny committee of the local authority. In responding to the consultation that led to the regulations the former Health Select Committee argued to retain the powers with the Health Select Committee. There are 8 NHS Trusts in Staffordshire in addition to a scrutiny workload around public health, health inequalities and now accountability around the work of the Health and Wellbeing Board. The Health Accountability arrangements are also undertaken jointly with the Districts and Boroughs. Discharging these functions through a Select Committee will provide the capacity needed to undertake these responsibilities and maintain opportunities for joint accountability.

Appendix 1

3.0 Equalities Implications

3.1 All decisions of Cabinet will be accompanied by a Communities Impact Assessment setting out the impact of decisions on the people and communities of Staffordshire. Similarly any recommendations from scrutiny or an All Party Group need to be set within the context of potential equalities and community impact implications.

4.0 Legal Implications

4.1 The changes set out in this report reflect recent changes to legislation including the Local Authority Health Scrutiny Regulations 2013.

5.0 Resource and Value for Money Implications

5.1 Support to these new arrangements will be delivered through existing resources.

6.0 Risk Implications

6.1 Key to the success of these arrangements is effective work programme planning. Member led work programming, focussed upon issues for which their input will deliver a significant impact of benefit to the communities of Staffordshire and the County Council, is fundamental to the success of these arrangements.

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Appendix 2: Changes to the Constitution – Summary of Changes

Section 1 – Introduction to how the County Council Works

Para 4.1 – change to number of Select Committees to 4

Para 4.2 – Call In to be considered by Corporate Review

Para 4.3 – removal of reference to Policy Advisory Groups

Section 2 – The Council’s Constitution – Role and Purpose

Para 1.2 – removal of references to Local Member Focus Events

Section 3 – Members of the County Council

No change

Section 4 – Citizens and the County Council

No change

Section 5 – Full Council

No change

Section 6 – The Cabinet

Cabinet Member responsibilities to reflect new Cabinet structure.

Section 7 – Select Committees

Paragraphs 3-7 amended to reflect the revised Select Committee structure and membership as set out in appendix 4.

Paragraph 12 – removal of reference to Policy Advisory Groups.

Section 8 – Other Committees

No change

Section 9 – Local Member Focus Events

Removal of reference to Local Member Focus Events. Inclusion of All Party Member Groups and remit as set out in appendix 5.

Section 10 – Joint Arrangements

No change

Section 11 – Officers

Changes to officer delegations as set out in separate report on this agenda.

Section 12 – Procedural Standing Orders

Para 20 - change of committee titles and number of Members

Section 13 – Access to Information Rules

No change

Section 14 – Financial Procedure Rules

No change

Appendix 3

THE SHADOW CABINET

Composition

The Leader of the Major Minority Group may choose to form a Shadow Cabinet by his/ her nomination from amongst the members of the Council. The Leader of the Major Minority Group shall notify the Council and the Chief Executive of the names of the members nominated to form a Shadow Cabinet and of any changes in the membership of the Shadow Cabinet which may occur from time to time.

Role

The Shadow Cabinet will have collective responsibility for providing an effective challenge to the controlling Executive (Cabinet) and for contributing constructively to the achievement of the County Council's corporate and service objectives and priorities. These responsibilities should be undertaken in a positive manner, maintaining respect at all times.

Number of members

The Shadow Cabinet shall comprise no greater number of members than the number of members of the Cabinet other than the Leader of the Council.

Functions

Within the framework of the Shadow Cabinet's role described in Article 6A.2:-

(a) Effectively to call to account or challenge the Majority Group on the County Council at meetings of the County Council, Committees, Panels and on other occasions as appropriate.

(b) To meet regularly, and ensure good communications with, other members to inform the effective performance of the Shadow Cabinet's role.

(c) To maintain effective relationships with the Cabinet and their Support Members, the Corporate Directors and other relevant senior officers, and to meet them, as required, to ensure that members of the Shadow Cabinet are sufficiently and effectively briefed on service and relevant corporate areas and any other relevant issues pertaining to the County Council.

(d) To assist in ensuring effective arrangements for overview and scrutiny.

(e) To ensure effective contact with community representatives and other local stakeholders, as appropriate, and to represent their views in the performance of the Shadow Cabinet's role

Appendix 4: Select Committee Remits

The Council currently has 4 Select Committees which have the following terms of reference:

The **Corporate Review Committee** is the Council's Principal Scrutiny Committee. It is responsible for leading on the overall management and coordination of Select Committee work programmes as well as:

- Holding the Leader and Deputy Leader of the Council to account for their leadership and performance.
- Scrutiny of the Council's overall performance and approach to managing performance and Strategic Corporate Planning
- Scrutiny of the Council's ongoing programme of innovation and transformation.
- Scrutiny of the Local Enterprise Partnership
- Dealing with any Executive decisions that have been called in.
- Scrutiny of the Council's support services including Finance, ICT, Human Resources, Organisational Development, Legal and Member Services.

Corporate Review will also establish an MTFs Working Group on an annual basis. The Working Group will be responsible for the scrutiny of the development of the Council's Medium Term Financial Strategy, Annual Budget and Council Tax setting process.

The **Healthy Staffordshire Select Committee** is responsible for scrutiny of matters relating to the planning, provision and operation of health services in the Authority's area, including public health, in accordance with regulations made under the Health and Social Care Act 2001 and subsequent guidance including the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. In accordance with these Regulations the County Council has agreed for these regulations to be discharged through the designated Overview and Scrutiny Committee.

The Healthy Staffordshire Select Committee has the power to make reports and recommendations to NHS bodies conferred by the Health and Social Care Act 2001.

The Healthy Staffordshire Select Committee may, within the scope of its allocated roles and responsibilities, respond independently to health related consultations from Government and external agencies.

The Committee will take the lead in scrutinising the work of the Health and Wellbeing Board and developing a working relationship to enable this to be undertaken effectively and constructively.

The **Prosperous Staffordshire Select Committee** is responsible for scrutiny of achievement against the Council's strategic ambitions for promoting

prosperity and economic growth. The committee is also responsible for the scrutiny of highways infrastructure and connectivity.

In addition the committee will be responsible for priorities around education, learning and skills. As such the statutory education co-optees will sit on this committee.

The **Safe and Strong Communities Select Committee** will be responsible for the scrutiny of safeguarding of vulnerable people, community safety and localism. In particular it will include priorities around:

- Safeguarding children
- Safeguarding vulnerable adults
- The Council's responsibilities regarding reducing crime and the fear of crime and wider Community Safety priorities (referring matters as appropriate to the Police and Crime Panel where responsibility sits with the Police and Crime Commissioner).

There will be occasions when the committee will undertake joint working with the Healthy Staffordshire Select Committee especially in regard to safeguarding issues and the Corporate Parenting Panel in respect of safeguarding children.

Membership of Select Committee

All Councillors, except members of the Cabinet, may be members of a Select Committee.

The County Council Members of the Select Committees will be appointed, in accordance with the relevant political balance provisions, at the Annual meeting of the County Council as follows:-

- Corporate Review Committee (13 Members)
- Healthy Staffordshire Select Committee (13 Members + 8 District and Borough Members)
- Prosperous Staffordshire Select Committee (10 Member)
- Safe and Strong Communities Select Committee (10 Members)

Co-optees

The Prosperous Staffordshire Select Committee will include in its membership the following co-optees who shall have voting rights when the Committee considers education matters:

- At least one Church of England diocese representative;
- One Roman Catholic diocese representative; and
- Three parent governor representatives.

If the Prosperous Staffordshire Select Committee deals with non education matters, the co-optees shall not vote on those other matters, though they may stay in the meeting and speak.

The Healthy Staffordshire Select Committee shall have 8 co-opted members (1 per District and Borough Council, each having voting powers).

In its capacity as the Council's designated crime and disorder committee, the Safe and Strong Staffordshire Select Committee may co-opt additional members who, unless the committee decides otherwise, shall not be entitled to vote. Such a co-opted member can only be a person, who is an employee, officer or non-Executive member of a responsible authority or a co-operating body or a co-operating person.

The other Select Committees do not have any statutory arrangements for co-optees, but may appoint non-voting co-optees at any time to assist them in the completion of their work programme.

Appendix 5: All Party Member Groups

Role and Purpose of All Party Member Groups

Elected Members are at the heart of driving forward the Council's responsiveness to addressing the needs of the County Council's customers and the citizens of Staffordshire. Members have a significant knowledge of their local communities and are a conduit for bringing that knowledge into public service organisations and communicating the actions taken in response to this information back out into communities.

The All Party Member Groups have been established to provide a forum to drive the debate around the long term issues that affect the communities of Staffordshire and how public services, working with the private and voluntary and community sector can plan for and address these issues.

The All Party Groups will produce policy options and recommendations to address the long term needs of the communities of Staffordshire within the broad headings of Health and Wellbeing, Learning and Skills, Economy and Infrastructure and Communities, Culture and Localism. Their recommendations will be considered by Cabinet or the relevant Cabinet Member or presented to partner organisations as appropriate.

Membership

The All Party Member Groups are not Committees of the County Council and therefore are not subject to the formal political balance requirements. 4 APMGs will be established covering

- Health and Wellbeing
- Learning and Skills
- Economy and Infrastructure
- Communities, Culture and Localism

The membership of these will be:

- 5 Conservative members
- 4 Labour members
- 1 UKIP or Independent member

The Groups will be Chaired by the Cabinet Member or Cabinet Support Member.

Meetings

The All Party Member Groups will meet 3-4 times a year. These meetings will be an opportunity to consider new issues within the remit of Group, identify

work programme priorities and review progress against previous recommendations or proposals.

The All Party Member Groups will also be able to establish specific investigations for the purpose of developing policy proposals for the County Council and/ or partner organisations. Each All Party Member Group will be able to establish 1 investigation at a time. Each investigation will need to be effectively scoped prior to the investigation commencing.

It will be for the Group to scope the specific question that is to be answered and the timescale in which the investigation will take place. The Group will move onto its next priority once the previous investigation has been concluded and recommendations drawn up.

In addition Cabinet may commission an All Party Member Group to undertake an investigation into a particular issue.

Some meetings may be held in private depending on the nature of the evidence being gathered. All investigations will however result in a final report which will be published.

Agenda items and Work Programmes

The Chairman will be responsible for drawing up the work programme in discussion with the membership of the Group. The work programme will reflect community priorities over the medium to long term.

Any Member may request that a particular item be considered for investigation but these will be prioritised in terms of the impact the investigation will deliver.

The Group can undertake its investigation in whichever way it deems appropriate and may wish to seek evidence from a range of sources including national best practice and the views of service users to inform its findings and recommendations.

The Relationship between the All Party Member Groups and Select Committees

The simplest way of describing the difference between the All Party Member Groups and the Select Committees are that the All Party Groups are forward looking investigating the issues that will be facing the communities of Staffordshire over the next 10 to 15 years and beyond.

The Select Committees will be focussing on the here and now and be backward looking in challenging whether the County Council and its partners are delivering the outcomes for local communities that it has made a commitment to deliver against. The core role of scrutiny is around answering the question of has the Council and its partners delivered positive impact for local communities and what have the unintended consequences been.

The All Party Member Groups may use evidence collected by the Select Committees as part of the evidence base as a starting point for their investigations.

