

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services

TO: Civic Affairs Committee

2/6/2014

WARDS: None directly affected

PROPOSED CHANGES TO EXECUTIVE PORTFOLIOS AND SCRUTINY COMMITTEES

1 INTRODUCTION

- 1.1 The Labour Group gained a majority at the local elections on 22 May. This report outlines changes proposed by the Labour Group to Executive Councillor portfolios. It also sets out changes to scrutiny arrangements proposed by the Labour Group.

2. RECOMMENDATIONS

- 2.1 That the Committee notes the proposed revised Executive Councillor portfolios set out in Appendix 1.
- 2.2 That the Committee recommend to Council the revised scrutiny arrangements set out in Appendix 2 and the amendments to the Constitution set out in Appendix 3.

3. BACKGROUND

- 3.1 Councillor Bick will be Leader of the Council until at least the Annual Meeting. However, it is likely that there will be an election for a new Leader, given the outcome of the election.
- 3.2 Under the “strong leader” model of governance which the Council has been obliged to adopt, it is for the Leader to appoint his or her executive and to allocate responsibilities. It is not possible to settle executive responsibilities until the Annual Meeting takes place. However, Appendix 1 sets out the Labour Group’s proposals for Executive portfolios, along with revised titles.

- 3.3 It is for the Council to determine the form that scrutiny arrangements should take. The principle adopted by the Council has been that scrutiny committees should mirror the responsibilities of one or more Executive Councillors. The recommended scrutiny arrangements set out in Appendix 2 follow this principle.
- 3.4 The Labour Group is also proposing the establishment of a separate Housing Scrutiny Committee, combining the responsibilities of the Housing Management Board with the strategic housing elements of the Community Services Scrutiny Committee. The proposal is that voting rights for the tenant representatives would remain unchanged; i.e. tenant representatives would have voting rights in respect of matters that currently go before HMB but not those that currently go to Community Services Scrutiny. This would be managed through a two-part agenda.
- 3.5 Appendix 3 sets out consequential amendments to the Constitution but incorporate the election and other provisions relating to the Housing Management Board.
- 3.6 Some further updating will be needed to reflect changes in titles etc. but this does not need a Council resolution.
- 3.7 A graphical representation the proposed arrangements forms Appendix 4.

4. **CONSULTATIONS**

This report reflects the intentions of the majority group on the Council. Officers have not undertaken consultation. Given the proximity of the election to this meeting, it would not have been practical to do so.

5. **OPTIONS**

The allocation of executive responsibilities is a matter for the Leader. It is for the Council to satisfy itself that its scrutiny arrangements are appropriate.

6. **IMPLICATIONS**

- 6.1 This report proposes procedural changes. There are no financial, staffing, equal opportunities, environmental, procurement, community

safety or consultation implications. With regard to communications implications, there is a need to ensure that changes are made to the Council's website and other material to communicate the changes.

BACKGROUND PAPERS: There are no background papers to this report.

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Appendix 1

REVISED PORTFOLIOS FOR SEVEN EXECUTIVE COUNCILLORS

LEADER – STRATEGY AND TRANSFORMATION

The development, implementation and monitoring of the Council’s plans, policies and strategies relating to:

- corporate objectives, policies and strategies of the Council subject, where necessary, to the approval of the Council and excluding those objectives, policies and strategies which are the responsibility of another Executive Councillor
- corporate implementation of improvements and efficiency reviews, and the development and monitoring of core performance indicators and targets
- programmes which give direction to, and co-ordinate, the implementation of the Council's corporate policies and priorities, including detailed oversight of race equality, disability equality and equal opportunity in service delivery and Council policy
- the need for, and the development of, new services and policy not within the terms of reference of other Executive Councillors
- matters falling substantially within the Terms of Reference of more than one other Executive Councillor, where not otherwise delegated.

The exercise of the Council’s functions and the delivery of services including

- Strategy and Partnerships - including the City Deal, and the expansion of joint working with other councils, the Universities and other partners
- Business Transformation - shared services, trusts, changing the way the council works and service reviews, and joint projects with other councils and organisations which involve the responsibilities of more than one other Executive Councillor
- All matters concerning national local government associations and corporate projects with Government, including council-wide bids for resources
- The giving of any guarantee or incurring of any other commitments not specifically referred elsewhere
- The exercise of compulsory purchase powers except where these are allocated to Executive Councillors relating to their portfolio responsibilities.

The development, implementation and monitoring of the Council’s plans, policies and strategies relating to:

- Corporate and support services as exemplified under “Functions and Services” below.
- Procurement (at a strategic level - oversight of individual procurement exercises will remain with the portfolio-holder for the relevant service area).
- Data protection and freedom of information.

Functions and Services

The exercise of the Council's functions and the delivery of services in respect of the areas listed in Paragraph 1 including, by way of illustration:

Corporate And Other Services

- The Independent Complaints Investigator Service
- The Council's emergency planning functions
- Democratic Services
- The main Guildhall Reception and switchboard services
- Other responsibilities which do not fall within the remit of another Executive Councillor
Council strategy to expand trading activities and additional income generation opportunities, including responsibility for those which do not fall within the remit of another Executive Councillor.

Civic functions (insofar as these are not within the remit of the Civic Affairs Committee)

- Matters relating to the democratic functions of the Council, including
 - The mayoralty
 - Civic hospitality and town twinning
 - Relationships, including the appointment or nomination of Council representatives, with outside organisations not directly related to the programme area of any committee or other Executive Councillor.

Customer Services

- Delivery of quality customer services and the customer access centre
- Corporate telephony and IT systems to support joined up customer service delivery.
- The corporate delivery of front line services to Council customers through the Council's reception areas and telephone services

Community Safety

Including the Community Safety Partnership, work with the police and the CCTV system.

The relevant exercise of compulsory purchase powers.

EXECUTIVE COUNCILLOR FOR FINANCE AND RESOURCES

Strategic control of the use of the financial resources of the Council, (subject to the necessary financial approvals of the Council)

Treasury Management including for the Housing Revenue Account

Insurance and banking services

The approval of Council contributions towards projects being funded from the National Lottery
Supervision of the borrowing of money and management of the Council's cash flow
Management of other income and specific reserves
Other detailed financial management matters, including the writing off of debts except where the responsibility of the Executive Councillor for Housing
Collection and management of Council Tax, National Non-Domestic Rates and Housing Benefit.

Strategic information technology issues, information technology projects which either have implications for the Council as a whole or which fall significantly within the remit of more than one Executive Councillor.

Property Matters

- The freehold or leasehold disposal of land or property and the terms for disposal, except for Right to Buy dwellings sold under the Housing Act 1985, properties in shared equity schemes and other land or property held for housing purposes or for the provision of facilities and amenities for local residents or tenants.
- The development, redevelopment, change of use or other major change to land or property owned by the Council considered by the Chief Executive to be major, significant or sensitive in terms of the Council's policies and priorities.
- Any realisation of assets programme which may be considered necessary to generate capital receipts for the Council.
- The approval of any proposal to re-allocate land between functions and any formal appropriation of land or property from one purpose to another.
- Management of all land and buildings held by the Council, except for:
 - property in use for specific operational purposes which fall within the responsibility of another Executive Councillor
 - dwellings held within the Housing Revenue Account
 - land held by the Council for housing purposes used for or in connection with the provision of facilities or amenities for local tenants or residents
- The acquisition (by purchase or lease) of property by the Council.
- Management of the Council's office accommodation
- The exercise of compulsory purchase powers
- The Council's Land Charges service.

Employee And Management Matters

To establish, monitor and ensure funding for Council-wide employment and training policies

- To comply with all relevant employment legislation and the Council's corporate strategy, policies and objectives.
- To exercise strategic control of, and agree policies for, the use of the staffing, property and information technology resources of the Council.
- To co-ordinate and monitor the arrangements for employee Health and Safety at Work
- To oversee the provision of professional and central support services, including:
 - Corporate human resources support and information including training
 - Financial services

- Legal services
- Climate Change policy
- The Sharing Prosperity Fund and the anti-poverty strategy, including the powers and duties of the Council in respect of issues of welfare, disadvantage and provision of opportunities for individuals and communities in the City, including provision of advice relating to citizens' legal rights and responsibilities, welfare benefits, money advice, employment and immigration.

The relevant exercise of compulsory purchase powers.

EXECUTIVE COUNCILLOR FOR HOUSING

Plans, policies and strategies

The development, implementation and monitoring of the Council's plans, policies and strategies relating to:

- The provision of housing in the City, including the Council's Housing Investment Programme
- The provision and management of housing accommodation and associated services under the Housing Acts, including the approval of the Housing Revenue Account and the fixing of rents for Council dwellings and garages
- The Council's responsibilities towards homeless people and people in housing need
- The Council's responsibilities in respect of private sector
- The Council's responsibilities in respect of social housing and Registered Providers
- The Council's responsibilities for residential caravan sites and travellers.

Functions and Services

The exercise of the Council's functions and the delivery of services in respect of the areas listed in above including:

- The improvement and maintenance of dwellings and associated facilities funded from the Housing Revenue Account.
- The management of the Housing Revenue Account, including debts owed to it by tenants and former tenants, working with the Executive Councillor for Finance and Resources on their overall treasury management responsibility
- The making of loans for house purchase and improvement
- The giving of aid and advice in respect of housing
- The Council's powers and responsibilities under homelessness legislation. The powers and responsibilities of the Council in relation to private sector housing, including enforcement of standards and allocation of grants.
- The exercise of compulsory purchase powers
- Liaison with, and funding of, Housing Associations and other relevant outside bodies and agencies in pursuance of the housing objectives of the Council
- Formulating and implementing programmes of environmental improvements in housing estates or other land falling within the Housing Revenue Account.

The relevant exercise of compulsory purchase powers.

EXECUTIVE COUNCILLOR FOR ENVIRONMENT, WASTE AND PUBLIC HEALTH

The Executive Councillor shall be responsible for the exercise of Executive functions in the areas listed in this section.

Plans, policies and strategies

The development, implementation and monitoring of the Council's plans, policies and strategies relating to:

- Waste management and recycling
- Street services
- Environmental Health (excluding those functions which are the responsibility of the Executive Councillor for Housing).

The Council's responsibilities for food and occupational safety i.e.

- Food hygiene and safety
- Health and safety
- Health Promotion
- Drinking water
- Sale of game
- Control of infectious diseases
- Acupuncture, tattooing, ear piercing and electrolysis.

It also includes responsibility for making the Council's contribution to local, regional and national plans, policies and strategies formulated by other bodies or by joint bodies in which the Council participates.

Functions and Services

The exercise of the Council's functions and the delivery of services including

- Contaminated land; water pollution; radioactive substances
- Refuse collection, waste disposal and recycling
- Street and other public cleansing
- Public conveniences
- Abandoned vehicles
- Monitoring and control of air and noise pollution
- Control of dogs and other animals and all matters concerned with animal welfare and control
- Control of pests and nuisances

- Hackney carriage and private hire vehicles
- Fleet management.

The Council's responsibilities for public health, working with the county council and health services.

The relevant exercise of compulsory purchase powers.

EXECUTIVE COUNCILLOR FOR PLANNING POLICY AND TRANSPORT

Plans, policies and strategies

The development, implementation and monitoring of the Council's plans, policies and strategies relating to:

- Land use planning, including the new Local Plan and local planning briefs and supplementary planning guidance
- Conservation and urban design, and the sustainability of new development
- Transport and highways, working with the county council
- Tree strategy.

It also includes responsibility for making the Council's contribution to local, regional and national plans, policies and strategies formulated by other bodies or by joint bodies in which the Council participates.

Functions and Services

The exercise of the Council's functions and the delivery of services including

- Development control and building control services
- Optimising additional income and infrastructure funding generated by new development
- Powers of compulsory purchase relating to the areas listed in Paragraph 1
- Bus services and bus shelters
- Cycling provision
- Parking and off-street parking
- Schemes to provide better travel facilities for people with disabilities
- The Council's statutory responsibilities for drainage and sewerage.

The relevant exercise of compulsory purchase powers.

N.B. In discharging responsibilities relating to the formulation and issue of planning briefs and planning guidance, the Executive Councillor should seek to consult the appropriate Committee.

EXECUTIVE COUNCILLOR FOR COMMUNITY, ARTS AND RECREATION

Plans, policies and strategies

The development, implementation and monitoring of the Council's plans, policies and strategies relating to:

- The local welfare and community development needs of all neighbourhoods and the special needs of the disadvantaged throughout the City.
- The development of policies and programmes to further the Youth Development objectives of the Council, including providing direction and advice to other committees of the Council in pursuance of these aims
- the provision and promotion of leisure, sporting, artistic and cultural activities

Functions and Services

The exercise of the Council's functions and the delivery of services including

- The powers and duties of the Council in respect of children's activities and youth facilities
- Community strategy including the powers and duties of the Council in respect of opportunities for individuals and communities in the City including:
 - education and self-development
 - play programmes
 - artistic, cultural, sporting and leisure activities and entertainments
 - the provision, maintenance and management of places of public entertainment, sport and recreation (including the Guildhall Halls)
 - council owned or operated community facilities
 - museums and art galleries.

Progressing the objectives set out in this section by:

- direct provision
- grant aid and other financial assistance to voluntary sector and other agencies
- partnership, joint work and liaison with public, private or voluntary sector organisations, including community and joint use agreements, community primary school agreements and support for national lottery projects
- regenerating and encouraging the development of community life and enabling local communities to take action on their own behalf
- community consultation
- giving advice and guidance to other Executive Councillors and committees of the Council on community engagement addressing, in particular, the needs of those suffering some form of disadvantage
- advocacy.

The relevant exercise of compulsory purchase powers.

EXECUTIVE COUNCILLOR FOR CITY CENTRE AND PUBLIC PLACES

Plans, policies and strategies

The development, implementation and monitoring of the Council's plans, policies and strategies relating to:

- The city centre
 - Economic development and employment opportunities
 - Improvement of access within Cambridge for people with disabilities
 - Training, information, advice and other means to improve employment opportunities and access to employment
 - Street trading, subject to compliance with the planning policy framework set by the Executive Councillor for Planning Policy and Transport
 - The City's Markets
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- Open spaces, nature reserves, parks, recreation grounds, commons and closed churchyards, allotments, moorings, rivers and other water recreation areas
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- Tourism
 - Cemeteries and crematoria.

Functions and Services

The exercise of the Council's functions and the delivery of services including

- play facilities
- recreation grounds
- allotments
- closed churchyards
- commons, nature reserves, parks and open spaces
- rivers and other water recreation areas
- cemeteries and crematoria.

Environmental Improvements.

Public Art delivery.

Tree management and planting (linked to tree strategy led by the Executive Councillor for Planning Policy and Transport, and except for those under housing management which are within the remit of the Executive Councillor for Housing).

Council communications strategy and delivery, including the Council's website.
City Centre Management and city resident engagement in city centre decisions.

Working with the Business Improvement District (BID).

Tourist Information Centre and other tourism services.

Progressing the objectives set out in this section by:

- direct provision
- grant aid or other assistance to voluntary bodies and external organisations
- partnership delivery.

The relevant exercise of compulsory purchase powers.

Appendix 2 – Changes to Scrutiny Arrangements

SECTION 6: OVERVIEW AND SCRUTINY COMMITTEES

The Council shall have the following Overview and Scrutiny Committees. Their role and functions are set out in Article 6 of Part 2 of this Constitution and their procedure is governed by the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution.

6.1 Strategy & Resources (Scrutiny) Committee

Terms of Reference
1. Overview and scrutiny of the functions for which the Leader (and Executive Councillor for Strategy and Transformation) is responsible.
2. Overview and scrutiny of the functions for which the Executive Councillor for Finance and Resources is responsible.
3. Overview and scrutiny of any functions exercised by the Executive collectively.
4. Overview and scrutiny of any Council functions which fall outside the remit of any other scrutiny committee.
5. As required by Section 19 of the Police and Justice Act 2006 to be the crime and disorder committee with the power to review or scrutinise decisions made by the Council or by the Crime and Disorder Reduction Partnership.

6.2 Community Services (Scrutiny) Committee

Terms of Reference
1. Overview and scrutiny of the functions for which the Executive Councillors for Community, Arts and Recreation and the Executive Councillor for City Centre and Public Places are responsible
2. The Community Services Scrutiny Committee shall co-opt three tenants or leaseholders to contribute to its discussions in respect of the Committee's housing scrutiny responsibilities. The elected representatives of tenants and leaseholders on the Housing Management Board shall be invited to nominate people for co-option under this rule.

6.3 Environment (Scrutiny) Committee

Terms of Reference
Overview and scrutiny of the functions for which the Executive Councillor for Environment, Waste and Public Health and the Executive Councillor for Planning Policy and Transport are responsible.

6.3.1 Development Plan Scrutiny Sub-Committee

Terms of Reference
Overview and scrutiny of the following functions for which the Executive Councillor for Planning Policy and Transport is responsible:

The development including the assembly of necessary evidence base and monitoring of the Council's plans, policies and strategies relating to:

- Spatial planning, including the Local Development Framework, Supplementary Planning Documents and other planning guidance
- Transport
- Highways
- Climate Change
- Biodiversity
- Flooding and drainage
- Historic Environment.

It also includes responsibility for making the Council's contribution to National Planning Policy Guidance consultations, plans and studies of other bodies including Cambridgeshire County Council, local authorities in Cambridgeshire, and planning policy work relating to the City Deal.

NB. The final adoption of any plan, policy or strategy relating to the above Executive functions, or in any case where adoption is required by Council, will be within the Environment Scrutiny Committee's Terms of Reference

6.4 Housing Scrutiny Committee

Terms of Reference

- A. Overview and scrutiny of the strategic and other housing functions for which the Executive Councillor for Housing is responsible, including responsibility for the development of housing strategies and policies, tackling homelessness, the Council's housing responsibilities with regard to the private rented sector, bringing vacant homes back into use, the development of new homes and partnership working with other housing providers.
- B. Overview and scrutiny of functions relating to the management of the Council's housing stock.
- C. To be the main discussion forum between the Council, its tenants and its leaseholders for all matters relating to the landlord function of Cambridge City Council.

Membership

City Councillors (Such number as shall be decided by the Council from time to time)

Six elected tenants and leaseholders of Cambridge City Council of whom at least five shall be tenants of Cambridge City Council.

Appointment of tenant and leaseholder members

Tenant and leaseholder members shall be co-opted by the Scrutiny Committee following the procedure for election set out in the Overview and Scrutiny Procedure Rules in Part 4E.

Voting

Tenant and leaseholder members are voting members in respect of matters concerning the management of the Council's housing stock (Part 1 of the agenda.) Tenant and leaseholder members may contribute to discussion of other matters (Part 2 of the agenda) but shall not have a vote.

Appointment of Chair

The Chair of the Scrutiny Committee shall be appointed by the Council and be a councillor and shall chair Part 2. The Vice-chair shall be nominated by the elected tenants and leaseholders and shall chair Part 1 if present. If the Chair or Vice-chair is not present, a councillor shall be appointed as the Vice-chair for that meeting.

Other matters relating to elected tenants and leaseholders

These are set out in the Overview and Scrutiny Procedure Rules in Part 4E. They include information about the roles, responsibilities and training of tenant and leaseholder representatives, expenses and allowances, and the circumstances in which they may cease to be members of the Committee.
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6.5 Other Scrutiny Committees

6.5.1 The Council may appoint further scrutiny committees in accordance with Article 6 of Part 2 of this Constitution.

Appendix 3. Other amendments to the Constitution.

1. Delete Paragraph 8.4 from Section 8 of Part 3. This is the section in “Joint committees and other partnership bodies” that governs the operation of the Housing Management Board.
2. Add the following to Part 4E of the Constitution (Overview and Scrutiny Procedure Rules:

Appendix 1: Tenant and Leaseholder Members of the Housing Scrutiny Committee

1. Conduct of elections

1.1 Elections for tenant and leaseholder representatives shall be managed by the Director of Customer and Community Services and subject to independent scrutiny to be arranged by the Director of Customer and Community Services.

1.2 Elections shall be by secret postal ballot

1.3 Those eligible to vote shall be:-

- Any tenant or joint tenant of the City Council’s local authority housing stock
- Any leaseholder or named joint leaseholder of a residential property in the City Council’s local authority housing stock

1.4 Those eligible to stand for election shall be:

- Any tenant or joint tenant of the City Council
- Any leaseholder of a City Council residential property

In addition, the criteria for standing for election will be the same that applies to candidates standing for election as a City Councillor.

A former tenant or leasehold representative who ceased to be a member of the Board by virtue of Paragraph 7.3, or who has been removed from office under clause 5.3 shall not be eligible to stand for election unless the Housing Scrutiny Committee gives its consent. Such consent must be requested in writing addressed to the Director of Customer and Community Services at least 21 days before the date of the last Housing Scrutiny Committee preceding an election.

1.5 The tenants and leaseholders shall elect their representatives by the Single Transferable Vote, following the current edition of the rules laid down in the publication "How to Conduct an Election by the Single Transferable Vote", published by the Electoral Reform Society. There shall be a minimum of five tenants and a maximum of one leaseholder elected for co-option to the Housing Scrutiny Committee by this method. The one leaseholder position shall be ringfenced for a representative who is themselves a leaseholder. If posts are uncontested i.e. the number who stand is equal to the number of available positions, then candidates may be appointed without a ballot.

1.6 Tenant and leaseholder members of the Housing Scrutiny Committee shall stand down after four years and an election shall be held every four years to appoint the members of the board who are not councillors.

2. Periods of office

2.1 Tenant and leaseholder representatives shall be elected at four yearly intervals commencing in February 2008. All tenant and leaseholder representatives shall stand for re-election at the same time.

3. Links with the Cambridge Federation of Tenants Leaseholders and Residents

3.1 Tenant and Leaseholder members of the Housing Scrutiny Committee shall be members of the Tenant Forum, and shall be invited to every meeting of the Tenant Forum. By this method they will maintain links with Residents Associations, the Cambridge Federation of Tenants Leaseholders and Residents and other bodies involved in representing tenants and leaseholders of the City Council.

3.2 Tenant and Leaseholder members of the Board shall be required to attend a question and answer session at two meetings per year of the Tenant Forum, when they may be asked to discuss the business of the Housing Scrutiny Committee and their roles and decisions.

4. Restrictions on eligibility

4.1 The following shall not be eligible to serve as tenant or leaseholder representatives of the Board:

- Serving elected members of the City Council; and
- City Council employees whose jobs, in the opinion of the Director of Community Services, substantially relate to the management of the Council's housing stock or to the delivery of services to tenants or leaseholders.

5. Roles, responsibilities and training

5.1 Tenant and Leaseholder representatives shall subscribe to the Code of Conduct for Councillors adopted by the City Council, including any amendments.

5.2 The Director of Community Services shall ensure that Tenant and Leaseholder representatives are given appropriate and adequate training and support.

5.3 Tenant and leaseholder representatives who commit serious breaches of the Code of Conduct, who bring the Scrutiny Committee into disrepute or who persistently infringe minor rules may be removed from office by the Scrutiny Committee following investigation and report by the Director of Customer and Community Services and a fair hearing before the Scrutiny Committee.

6. Expenses and Allowances

6.1 The Council may agree to pay Tenant and Leaseholder representatives an attendance or other allowance for meetings and may agree to pay travel and other expenses. Claiming of such allowances will be optional.

6.2 The Director of Customer and Community Services may arrange transport to and from approved meetings for Tenant and Leaseholder representatives who do not claim their expenses payments.

7. Other Matters

7.1 If a Tenant or Leaseholder representative dies in office or resigns the Scrutiny Committee may co-opt an eligible person to fill the vacancy until the next scheduled election date.

7.2 If a Tenant or Leaseholder representative ceases to meet the eligibility criteria in paragraph 4.1, s/he shall cease to be a member of the Scrutiny Committee and the Committee may co-opt an eligible person to fill the vacancy until the next scheduled election date.

7.3 If a Tenant or Leaseholder representative fails to attend three successive meetings of the Scrutiny Committee then the Committee may remove them from office, having first taken reasonable steps to invite them to explain the reason for their absence.

7.4 If an insufficient number of candidates stand for election as tenant or leaseholder representatives the Scrutiny Committee shall have the power to co-opt eligible individuals who wish to serve on the Committee until the date of the next scheduled election.



Cambridge City Council 2014 Decision Making Structure – Labour Plan

