

Civic Affairs – Constitution Feedback

Dear all,

Before getting into the detail of the feedback below and how Officers have responded, I wanted to thank you for taking the time to go through this detailed document. Tom Lewis, Head of Legal, has also gone through the document to ensure compliance with legislation.

For awareness, the Governance Design Group has been through the feedback, challenged officers where appropriate, and we have updated the constitution in line with discussions that have taken place. As a live document, the constitution is one which is being continuously refined, and detailed changes can continue to be made after adoption via Tom Lewis as the monitoring officer.

Many thanks!

Aiesha Feldwick

| Author | Feedback | Action |
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| Karen Young | <p>1. I think we should seek to have what is legally required in the constitution and try to have this as high level as possible and then put the gory detail of financial controls in a separate document to the extent possible under the law</p> <p>2. This restates definitions of what a committees are - unnecessarily</p> <p>3. Main issues which I think are wrong (and probably do not reflect current practice) IT issues and Financial processes are the responsibility of the Directors and they need to get sign off from the CFO. I think the IT Director and CFO should have total responsibility for anything IT or Finance related.</p> <p>3. P254 - error ref source not found typo</p> | <p>All feedback shared with Jody Etherington, who is reviewing the Finance and Contract procedure rules to be completed by the end of the year.</p> <p>Head of Paid Service is responsible for organising how services are delivered and operational responsibilities unless defined by statute.</p> |
| Karen Young | <p>Budget Procedure</p> <p>This is something that does need sorting out. I found that what is written wholly confusing. It should be that:</p> <p>1. Cabinet approves a consultation</p> <p>2. Cabinet approves a draft budget and recommends it to Full Council</p> <p>2A. This needs to go to scrutiny (ideally before cabinet approves it)</p> <p>3. At Full Council the normal procedures apply i.e. there is a proposer and seconder and the opposition is entitled to amend the motion.</p> <p>4. Making the HRA separate is not necessary and should be incorporated into one budget now there is no separate committee to look at it. Maybe too much for now.</p> | <p>Feedback and section reviewed by Legal – it was determined that this is standardised wording which covers the current process outlined, as well as other eventualities such as Council rejecting the budget. We have adapted to make clearer where possible.</p> |
| Karen Young | <p>P156 section 3.3</p> <p>If Council does not approve the budget at a budget full council held in February, the idea that the council then goes out and does a consultation is wholly unrealistic. The budget needs to be approved before the start of the new financial year so that council tax demands and rent demands can be issued on time and the money flows into the council.</p> <p>Perhaps the budget needs to be separated from the policy and framework decisions.</p> | <p>This section does not relate to the Budget framework, but the Policy framework. The section has been reviewed with tracked changes for clarity.</p> |

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| | <p>This section just needs complete redrafting.</p> <p>Sections 3.7 and 3.8 are wholly redundant</p> | |
| Karen Young | 1. Opposition should be chairing the scrutiny committees - this is recognised good practice. The wording is extremely waffly - 'it is desirable that at least one'. This is not acceptable. | Opposition Chairs for Scrutiny committees have now been agreed, and wording has been updated to reflect this as best practice. |
| Karen Young | 2. Page 193 diagram. I found this very confusing especially the vertical line second from the right - if a council meeting does not take place. I think the implication is that an item goes through scrutiny and is recommended to full council but then full council does not meet and so the decision just goes ahead as if there had been no scrutiny. I might have misunderstood. | The interpretation is correct – but it is unlikely this would ever be the case as an extraordinary meeting would take place. Not only this, but officers would likely flag any Full Council decisions early and plan accordingly. |
| Richard Robertson | Pg1 CONTENTS additional listing contents is needed under each section, only in due course though. Currently the page numbering has errors | The full contents list, with all relevant subheadings, is currently 10 pages long. The contents approach we have taken is in line with what can be seen from other Council's, but if there are specific subheadings Councillors would like to see we'd request those be sent to Officers directly. Officers to check page numbers against the contents. |
| Richard Robertson | <p>Pg 8 & 32 why £600k re land? Why not £500k?</p> <p>Pg 231 7.1.20 Add "or £600k if relating to land"</p> | This was agreed in July by the Governance Design Group when we were discussing the Key Decision Framework. There was discussion on this point, as officers recommended a higher threshold for Capital projects. It is a common practice among councils to establish a distinct threshold for |

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| | | capital projects, given the unique nature and financial implications associated with such projects. |
| Richard Robertson | <p>Pg 3 Glossary of terms Dec of Interest add “and senior officers” after for Members Add new items: Equality Impact Assessment Executive Councillor Executive Assistant EXECUTIVE ASSISTANTS as suggested to the GRG using wording from Nottingham City Council</p> | <p>Included.</p> <p>Executive Councillor is listed under ‘Cabinet Member’</p> <p>Executive Assistants have been included in the glossary now also.</p> |
| Richard Robertson | <p>Pg 24 add 7.7 Executive Assistants The Leader can also choose to appoint Executive Assistants to support Portfolio Holders with their responsibilities. Executive Assistants do not have any decision making powers but can work with officers, represent Executive Councillors at meetings and offer advice and support.</p> <p>Pg141 Add to Part 4 Section 4 - Executive Procedure Rules Pg 142 insert 4.3.5 and renumber to appoint any Councillors to be Executive Assistants and identify the portfolio each is to support Pg145 insert new 4.9a Executive Assistants The Leader can choose to appoint Executive Assistants to support Portfolio Holders with their responsibilities. Executive Assistants do not have any decision making powers but can work with officers, represent Executive Councillors at meetings and offer advice and support. Key responsibilities:</p> | <p>An agreed wording from the GDG has now been included in the Functions reserved for the Leader.</p> |

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| | <ol style="list-style-type: none"> 1. Provide general political support to the Executive through supporting particular Executive Councillors' portfolios and areas of executive work. 2. Being accountable in the first instance to a named Portfolio Holder. 3. Developing policy in areas allocated by the Executive. 4. Carrying out research and providing advice on executive functions, including briefings to support portfolio decisions. 5. Supporting liaison between the Executive Councillors and other Councillors, Corporate Directors and the Overview and Scrutiny function, and external organisations. 6. Representing Executive Councillors at internal meetings and at consultation events with the voluntary sector, business and other partners, service users and the public. 7. Representing Executive Councillors and the Council at external meetings ensuring that the Council is represented at as many events as possible. 8. Developing knowledge, experience and expertise in the relevant Executive Portfolio. <p>Executive Assistants do not have delegated authority to take Executive decisions in relation to any Executive functions. An Executive Assistant may not participate in the business of Overview and Scrutiny relating to the Portfolios with which they are assisting. They may, however, be invited to attend the meeting in the capacity of expert witness.</p> | |
| Richard Robertson | <p>DELEGATION</p> <p>Pg 41 Add to: The determination of an appeal against any decision made by or on behalf of the authority "there shall be no</p> | This has been settled offline. |

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| | <p>delegation of any decision as to whether to defend a decision of the council lawfully made”</p> <p>Pg143 insert the wording again</p> <p>And where else?</p> | |
| Richard Robertson | <p>VARIOUS</p> <p>Pg 68 Leader to name Exec Cllrs as well?</p> | This is included on the next page |
| Richard Robertson | <p>Pg72 add on lines one and two missing word Overview:</p> <p>City Services Communities and Climate Overview Scrutiny Committee</p> <p>Performance and Assets Overview Scrutiny Committee</p> | Updated |
| Richard Robertson | <p>Pg105 petitions</p> <p>1.10.1 delete this item re 20?</p> <p>1.10.5 ??</p> | Deleted – instead there is reference to the Petition Scheme which will sit outside of the constitution. |
| Richard Robertson | <p>Pg161 5.8.2 selection of chair of scrutiny Labour Group to discuss</p> | Opposition Chairs for Scrutiny Committees have now been agreed and wording has been updated to reflect this. |
| Tim Bick | <p>1. Naming of O&S Committees p72/94 – p73/95</p> <p>I think the proposed names don't really fit the bill in terms of providing ready handles that people can refer to. We know portfolio definitions change over time and so defining the committees thru lists isn't going to durable. I think it's best to step back and give each a pretty general, broadly indicative title, with the constitution listing the exact portfolios that are under each.</p> | <p>O&S Committee names have now been agreed and updated.</p> <p>It should be noted that this is a challenge with two O&S committees. Each will have similar standing, and each can theoretically look at any relevant issue as part of its 'overview' responsibilities. Chairs and Vice-Chairs</p> |

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| | <p>My suggestion instead of “City Services, Communities and Climate” is “Council Services” (5.2)</p> <p>My suggestion instead of “Performance and Assets” is “Council Strategy”.</p> | will need to confer regularly to avoid duplication. |
| Tim Bick | <p>2. Joint Arrangements p77/99 onwards</p> <p>Shouldn't this section include the two GCP bodies. I think the JPAB and the GCP Assembly should say appointments from the city council are politically proportionate.</p> | Two GCP bodies have been added. At the introduction (Part 3, Section 7.1) a line has been added to reflect that Cambridge City adheres to political proportionality rules where possible and appropriate. |
| Tim Bick | <p>3. Procedure Rules</p> <p>(a) Extraordinary meetings of Committee or Subcommittee p102/124</p> <p>Not discussed by the GDG and current is 2. I suggest keeping this as two.</p> | Completed – we believe this was a drafting error |
| Tim Bick | <p>(b) Substitutes p103/125</p> <p>There should be two substitutes for each group that has 2 or more members of the committee, which is as now. There would be a big problem if this was reduced especially for Planning Committee.</p> | The GDG has agreed to formalise this way of working (previously by convention), within the proposed constitution. |
| Tim Bick | <p>(c) Duration of council meeting p104/126</p> <p>There has been discussion about the duration of the meeting, but not about the treatment of the break/adjournment. Given the overall proposition to reduce the meeting by at least an hour, surely the break (of undefined duration) should not reduce this further? Suggest changing “including” to “excluding”.</p> | The GDG has been unable to reach a consensus on this point, with recommendations to review at a later date. |

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| Tim Bick | <p>(d) Questions by members p109/131</p> <p>I don't think this reflects what we discussed and agreed. The speaking time limits for questioner and responder need inserting into this section (as they are in the public questions section) and the 15 minutes limit needs removing. We agreed to control this by number of questions, not block time allocation. It's important as the 5 questions will need to be shared out proportionately between opposition parties and so there ought to be reasonable certainty that 5 questions will be taken.</p> | Time limit has been removed |
| Tim Bick | <p>(e) Motions on Notice p111/133</p> <p>The introduction of a mayor's unilateral decision to refer a motion to the Executive or a Committee has not been discussed. It seems to be unnecessary as it can be moved from the floor but needs to be voted on. So I suggest removing.</p> | After discussion at the GDG, updated wording has been included. |
| Tim Bick | <p>(f) Rules of Debate p112/134 onwards</p> <p>1.15.5 and 1.15.6 ignore the existing practice for debating motions – namely to hold one debate for the motion and any amendments with voting for all at the end. We didn't discuss changing this and it would be surprising to do so, as it would lengthen proceedings. Could these parts be redrafted to reflect our actual procedure. (My understanding is that this applies only to debates on motions and not to debates on Committee or Executive recommendations).</p> | 1.17.4 raises the voting mechanisms at Full Council, including voting on amendments. The constitution does not change the procedure. |
| Tim Bick | <p>(g) Closure motions p115/137</p> <p>What is the effect of adjournment of debate or meeting? The term suggests there is a later resumption, but there is no mention of that.</p> | We wouldn't normally indicate specific timeframes by which matters should be brought back to Full Council, but if a meeting or item has been adjourned the Mayor should find a suitable time by which to re-engage on the matters. |

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| Tim Bick | <p>4. Access for Information Procedure Rules p121/143</p> <p>Will non-key decisions be treated differently in regard to the Forward Plan?</p> | The inclusion of Non-Key decisions being included where appropriate on the Forward Plan as best practice is now included wording. |
| Tim Bick | <p>5. Budget & Policy Framework Procedure Rules p136/158</p> <p>What exactly is the process described at 3.6.3 and 3.7.1? It does not correspond to anything we practice. We have not discussed any change to what we do. It seems to me that performing the process described would require a budget setting meeting weeks ahead of end February and probably more. If this is a statutory requirement, then I think we need to understand what part it plays. But we also need clear reference in the constitution to the actual current process of submitting the Executive's budget to the council and amendments being considered and voted on before the budget approval.</p> | It should be noted that the areas outlined are both objections to the budget – not amendments which can be made and voted on, same as the Full Council procedure rules. The constitution allows for amendments to be put forward providing they are moved and seconded as per the voting mechanisms outlined at 1.17.4. |
| Tim Bick | <p>6. Executive Procedure Rules p148/170</p> <p>4.14. does not include speaking rights for the Leader of the main Opposition group which I think was agreed in the GDG</p> | Now amended |
| Tim Bick | <p>7. Overview and Scrutiny Procedure Rules p161/183</p> <p>(a) Chairs of O&S Committees 5.8.2</p> <p>The notion of “desirability” has not been discussed by the GDG and it does not represent what is desirable to my group. Partial or subjective statements like this are probably not what should go into a constitution. There is only one external reference point worth noting by all of us which is the sector best practice that has been communicated to GDG. Why would we not observe it?</p> <p>I suggest that the clause says:</p> | Opposition Chairs for Scrutiny Committees have now been agreed and wording suggested has now been included to reflect this. |

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| | <p>“In the event that there is more than one political group within the council, in line with best practice appointment to the chairs of the Overview and Scrutiny Committees will normally be from members outside the majority group.”</p> <p>This allows for the opposition to be too small or no-one wanting to do it.</p> | |
| Tim Bick | <p>(b) Task and Finish Groups p165/187</p> <p>Could the effect of the text in 5.16.2 be better spelt out? I found the wording a bit awkward. Does this mean that nominally each O&S Committee can only commission one T&F Group per year and that they mustn't be operating at the same time? Is this a normal provision in constitutions? Could we understand the rationale? If each T&F was complete within 3 months, why couldn't there be 4 per year – so long as not simultaneous?</p> | <p>I have removed the number of T&F groups per year. It should be noted that in order for Task and Finish group to work effectively, there would be significant Officer resource to manage these projects and it is unlikely there could be one operating continuously during the year. Oxford have a similar mechanism in place to ensure a balance against officer capacity.</p> |
| General | <p>Why does the guillotine cover both Full Council and all non-regulatory committees?</p> | <p>This is seen as best practice by many Council's across the UK. It is a practice which promotes consistency across governance structures, as well as ensuring committees prioritise critical agenda items. Timings can also help to improve accessibility and engagement, supporting broader participation in local democratic processes.</p> |
| General | <p>The JSEF and Equalities Panel are missing</p> | <p>Now added.</p> |

