NOTICE IS HEREBY GIVEN that a meeting of **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **BURGESS HALL, ST IVO LEISURE CENTRE, WESTWOOD ROAD, ST IVES, PE27 6WU** on **WEDNESDAY, 22 APRIL 2009** at **2:30 PM** and you are requested to attend for the transaction of the following business:-

A G E N D A

PRAYER

The Reverend Brian Atling, Rural Dean of Huntingdon will open the meeting with prayer.

APOLOGIES

CHAIRMAN'S ANNOUNCEMENTS

1. MINUTES (Pages 1 - 16)

To approve as a correct record the Minutes of the meeting held on 18th February 2009.

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 below.

3. BY-ELECTION - 2ND APRIL 2009

The Returning Officer to report that Councillor A Monk has been elected to the Office of District Council for the Ramsey Ward at the by-election held on 2nd April 2009 and to appoint Councillor Monk to Committees, Panels, etc.

4. REVIEW OF DEMOCRATIC STRUCTURE (Pages 17 - 126)

To review the Council's democratic structure with the assistance of a report of the Democratic Structure Review Working Group. The Cabinet, Overview & Scrutiny Panels and Corporate Governance Panel have considered the findings and a further report will be submitted on their recommendations subsequent to the despatch of the agenda. *(See Cabinet supplementary report of the meeting held on 17th April 2009.)*

5. REPORTS OF THE CABINET, PANELS AND COMMITTEES

(a) Cabinet (Pages 127 - 138)

(b) Standards Committee (Pages 139 - 140)

(c) Overview and Scrutiny Panel (Service Delivery) (Pages 141 - 146)

(d) Overview and Scrutiny Panel (Service Support) (Pages 147 - 154)

(e) Development Control Panel (Pages 155 - 156)

(f) Licensing and Protection Panel (Pages 157 - 158)

(g) Corporate Governance Panel (Pages 159 - 228)

(h) Elections Panel (Pages 229 - 230)

6. ORAL QUESTIONS

In accordance with the Council Procedure Rules (Section 8.3) of the Council's Constitution, to receive oral questions from Members of the Council

7. LOCAL GOVERNMENT ACT 1972: SECTION 85

The Chief Executive to report on absences of Members from meetings.

Dated this 14th day of April 2009

David Marks

Chief Executive

Notes

1. A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –

(a) the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;

(b) a body employing those persons, any firm in which they are a partner and any company of which they are directors;

(c) any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) the Councillor's registerable financial and other interests.

2. A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk *(under Councils and Democracy).*

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Si vous voulez une traduction de ce document, veuillez nous contacter au 01480 388388 et nous ferons de notre mieux pour satisfaire à vos besoins.

Jeigu norite gauti šio dokumento išverstą kopiją arba atspausdintą stambiu šriftu, prašau kreiptis į mus telefonu 01480 388388 ir mes pasistengsime jums padėti.

Jeśli chcieliby Państwo otrzymać tłumaczenie tego dokumentu, wersję dużym drukiem lub wersję audio, prosimy skontaktować się z nami pod numerem 01480 388388, a my postaramy się uwzględnić Państwa potrzeby.

Se quiser uma tradução desse documento, por favor, contate o número 01480 388388 e tentaremos acomodar as suas necessidades.

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in the Burgess Hall, St Ivo Leisure Centre, St Ives on Wednesday, 18 February 2009.

PRESENT: Councillor J W Davies – Chairman.

Councillors J D Ablewhite, K M Baker, M G Baker, Mrs M Banerjee, I C Bates, J T Bell, Mrs B E Boddington, P L E Bucknell, K J Churchill, W T Clough, S J Criswell, P H Dakers, Mrs J A Dew, D B Dew, P J Downes, R S Farrer, J E Garner, P Godley, A Hansard, D Harty, C R Hyams, Mrs P A Jordan, Ms S Kemp, L W McGuire, P G Mitchell, M F Newman, R Powell, D J Priestman, Mrs D C Reynolds, T V Rogers, T D Sanderson, M F Shellens, L M Simpson, G S E Thorpe, R G Tuplin, P K Ursell, P R Ward, J S Watt and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors E R Butler, Mrs K E Cooper, J J Dutton, R W J Eaton, A N Gilbert, P M D Godfrey, J A Gray, J M Sadler and C J Stephens.

53. PRAYER

The Bishop of Huntingdon, the Right Reverend Doctor D Thompson opened the meeting with prayer.

54. CHAIRMAN'S ANNOUNCEMENTS

(a) **Councillor I R Muir**

The Chairman paid tribute to Councillor I R Muir who had died on 9th December 2008, having served as a District Councillor for a total of 20 years during which time he had held a variety of positions including the Chairman of the Finance and General Purposes Committee, Portfolio Holder for Finance and Deputy Leader. Councillors I C Bates, Leader of the Council, P J Downes, Leader of the Opposition and P L E Bucknell, Executive Councillor for Planning Strategy and Transport paid tribute to Councillor Muir commending his contribution to both the Council, his community as Ward Councillor for Ramsey and more widely in pursuit of his leisure pursuits. Particular mention was made to Councillor Muir's courage and determination in continuing to attend Council meetings as his health began to deteriorate. After a prayer by the Bishop of Huntingdon, Members stood and observed a minute's silence in Councillor Muir's memory.

(b) **Accommodation Changes**

The Chairman encouraged Members to be guided by their agenda as meetings of Council and Committees would be held in various venues across the District over the next 12 – 18 months pending the completion of the new accommodation project.

(c) **Eastfield House**

The Chairman reported that he had been pleased to represent the Council at the official opening in January of Eastfield House by the Lord Lieutenant of Cambridgeshire.

(d) **Pathfinder House**

On behalf of the Council, the Chairman thanked those who had been involved in the development, construction and transition of staff to the new Pathfinder House without major disruption of services.

(e) **Priory Park Pavilion**

The Chairman reported that he had welcomed Sir Trevor Brooking to St. Neots on 12th February to perform the official opening of the new pavilion at Priory Park which had attracted a grant of £300,000 from the Football Foundation.

(f) **Call Centre**

The Chairman indicated that he was pleased to announce that the District Council's call centre had retained its accreditation for customer service excellence following a recent inspection which was the replacement for the Charter Mark Award held previously.

55. MEMBERS' INTERESTS

Councillors K M Baker, M G Baker, Mrs M Banerjee, K J Churchill and P K Ursell, declared a personal interest in Minute No. 58 (a) (Item No. 77 of the Cabinet Report) and a personal and prejudicial interest in Minute No. 58 (a) (Item No. 75 of the Cabinet Report) by virtue of their appointment as District Council representatives to the Luminus Homes Group.

Councillors D Harty, G S E Thorpe and P K Ursell declared a personal interest in Minute No. 58 (a) (Item No. 61) and Minute No. 58 (c) (Item No. 30) by virtue of their membership of St. Neots Town Council.

Councillor L W McGuire declared a personal and prejudicial interest in Minute No. 58 (f) (Item No. 21) as the owner of a boat at Hartford Marina and having had a close association with a number of people affected by the enforcement action.

56. MINUTES

The Minutes of the meeting of the Council held on 3rd December 2008 were approved as a correct record and signed by the Chairman.

57. FINANCIAL PLAN, MEDIUM TERM PLAN, 2009/10 BUDGET AND ASSOCIATED MATTERS

In conjunction with a report by the Head of Financial Services (a copy of which is appended in the Minute Book) and Item Nos. 58 and 59 of the Report of the Cabinet, the Executive Councillor for Finance and Environment, Councillor T V Rogers, addressed the Council on the financial plan, medium term plan 2010 to 2014, 2009/10 budget and related prudential indicators contained in the Treasury Management Strategy. In accordance with Section 30 (2) of the Local Government and Finance Act 1992, the Council also considered proposals as to the levels of Council Tax in 2009/2010 for the various parts of the Huntingdonshire District.

In his opening remarks, Councillor Rogers drew Members' attention to the pay award of 2.2% for employees which was less than anticipated and the overspend of £150,000 on the concessionary bus fare scheme which he suggested could be offset by the award of LAGBI funding in the order of £150,000. He acknowledged the contributions made by the Overview and Scrutiny Panels and members of the Business Community to the budgetary process.

Councillor Rogers drew Members' attention to key issues and a series of changes which had occurred as a result of the economic downturn which had had an effect on the budget. These included depletion of the capital and revenue reserves and falls in income from planning applications, industrial rentals and land charges. He added that the Council would be operating in a period of uncertainty for some time as the length and severity of the current economic downturn could not be predicted. He added that further resources might be required to cope with a growing homelessness problem and to meet any further variations in income.

Members were advised that the Council expected to end the current financial year with revenue reserves of £19m, that it was the expectation that £12.6m in revenue support would be received from the Government and that £3.7m from the reserves would be used to fund services and maintain a low Council Tax in the financial year 2009/2010. Councillor Rogers emphasised that the Council would continue to search for efficiency savings and other sources of income. Despite these initiatives, Councillor Rogers forecasted that revenue reserves would be exhausted by approximately 2013. In addition to Cabinet measures to address these issues, Councillor Rogers informed the Council that a Working Party comprising Councillors K J Churchill, P J Downes, J E Garner, L W McGuire, T V Rogers and R J West had been appointed by the Overview and Scrutiny Panel (Corporate and Strategic Framework) to identify options for further budget savings and opportunities for new funding.

In terms of the Treasury Management Strategy, Councillor Rogers reported that the Cabinet had indicated support for corporate bonds and that the strategy was recommended to Council with this addition

or its equivalent.

Before concluding, Councillor Rogers reported that if supported by Council, the budget would increase by 4.38% resulting in a Band D Council Tax of £121.15 or £2.33p per week, the 19th lowest district tax level of the 238 districts. He commended the recommendations of the Cabinet to Council as set out in the report of the Head of Financial Services.

In response to Councillor Rogers' address, Councillor P J Downes, on behalf of the Liberal Democrat Group, acknowledged the difficulties faced by the Council given the current unpredictable nature of the economy and the saving adjustments to the budget which needed to be identified by 2013/2014. Referring to the financial summary on page 17 of the agenda, Councillor Downes considered whether it was prudent to propose a Council Tax increase of 4.99% given the uncertainty of capping. Mindful not to disrupt frontline services, he proposed that the Leader of the Council and Portfolio Holder for Finance and the Environment review the content of the Corporate Services budget to achieve a reduction in expenditure consistent with the difference in income between a Council Tax of 4.99% and one of 3.9%.

Councillor I C Bates reminded the Council that the budgetary process had commenced in the Autumn, that the Overview and Scrutiny Panels had had ample opportunity to discuss the budget in detail and that it was not conducive to the Council's business to make suggestions at such a late stage without a full understanding of the consequences. A number of Members spoke in the ensuing debate. In response to questions, Councillor Rogers informed the Council that funding of housing benefit claims was reimbursed by central government, that the cost of a re-billing exercise should the Council be capped for setting a Council Tax in excess of the Government's expectations would be £60,000 and that it would have been preferable for detailed proposals to have been raised at the Overview and Scrutiny Panel meeting to allow time for proper debate and consideration.

Councillor Downes moved an amendment to the Motion and it was duly seconded –

> "that a Council Tax increase of 3.9% for 2009/2010 be approved in principle, that the Leader of the Council, Portfolio Holder for Finance and Transport and the Chief Executive seek to identify and recommend savings of £66,000 from the Corporate Services budget, and if supported by the Council, subsequent amendments be made to the Council's budget and Council Tax resolutions".

Upon being put to the vote, the amendment was declared to be LOST.

Whereupon, it was

RESOLVED

(a) that the proposed budget for 2009/2010, Medium Term

Plan for 2010/2014 and Financial Strategy as set out in Annexes (a), (b), (c) and (d) to the Report now submitted be approved;

(b) that the Treasury Management Strategy and Prudential Indicators, as set out in Appendix A to the Report of the Cabinet now submitted be approved subject to the inclusion of corporate bonds;

(c) that a Council Tax increase of 4.99% representing a Council Tax of £121.15 for a Band D property in 2009/2010 be approved;

(d) that the following amounts be calculated by the Council for 2009/2010 in accordance with Sections 32 and 36 of the Local Government and Finance Act 1992:-

		£
(i)	the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act ***Gross revenue expenditure including benefits and Town/ Parish Precepts***	**73,486,453**
(ii)	the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act ***Gross revenue income including reimbursement of benefits and use of reserves***	**49,949,498**
(iii)	the amount by which the aggregate at (b) (i) above exceeds the aggregate at (b) (ii) above in accordance with Section 32 (4) of the Act ***Budget requirement plus Parish/Town Precepts (item i minus item ii)***	**23,536,955**
(iv)	the aggregate of the amounts payable into the General Fund for the items set out in Section 33 (1) of the Act ***Government support***	**12,572,251**
(v)	the aggregate of the amounts payable to the General Fund for the items set out in Section 33 (3) of the Act ***Collection Fund surplus***	**27,882**
(vi)	the basic amount of Council Tax for 2009/10 in accordance with Section 33 (1) ***District plus average Town/ Parish Council Tax***	**188.70**

(vii)	the aggregate of special items referred to in Section 34 (1) ***Total Town and Parish Council precepts***	**3,914,987**
(viii)	the basic amount of Council Tax for 2009/10 for those parts of ` the District to which no special item relates ***District Council Tax***	**121.15** ***per band D property***

(ix) the basic amounts of Council Tax for 2009/10 for those parts of the District to which one or more special items relate in accordance with Section 34 (3) of the Act are shown by adding the Huntingdonshire District Council amount to the appropriate Parish Council amount in column "band D" set out in table 1 attached.

(x) the amounts to be taken into account for 2009/10 in respect of categories of dwellings listed in the different valuation bands in accordance with Section 36 (1) of the Act are shown by adding the Huntingdonshire District Council amount to the appropriate Parish Council amount for each of the valuation bands in the columns "bands A to H" set out in table 1 attached.

(e) that the amounts of precept issued to the Council by Cambridgeshire County Council, Cambridgeshire Police Authority and Cambridgeshire and Peterborough Fire Authority for each of the categories of dwellings listed in different valuation bands in accordance with Section 40 of the Act shown in table 1 attached be noted; and

(f) that, having regard to the calculations above, the Council, in accordance with Section 30 (2) of the Local Government and Finance Act 1992, hereby sets the figures shown in table 2 as the amounts of Council Tax for 2009/2010 for each of the categories of dwelling shown.

TABLE 1	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
Cambridgeshire County Council	678.18	791.21	904.24	1,017.27	1,243.33	1,469.39	1,695.45	2,034.54
Cambridgeshire Police Authority	109.80	128.10	146.40	164.70	201.30	237.90	274.50	329.40
Huntingdonshire District Council	80.77	94.23	107.69	121.15	148.07	174.99	201.92	242.30
Cambridgeshire Fire Authority	37.56	43.82	50.08	56.34	68.86	81.38	93.90	112.68
PARISH COUNCILS :-								
Abbotsley	42.55	49.65	56.74	63.83	78.01	92.20	106.38	127.66
Abbots Ripton	21.00	24.50	28.00	31.50	38.50	45.50	52.50	63.00
Alconbury	37.37	43.60	49.83	56.06	68.52	80.98	93.43	112.12
Alconbury Weston	16.55	19.30	22.06	24.82	30.34	35.85	41.37	49.64
Alwalton	13.55	15.81	18.07	20.33	24.85	29.37	33.88	40.66
Barham & Woolley	12.35	14.40	16.46	18.52	22.64	26.75	30.87	37.04
Bluntisham	78.28	91.33	104.37	117.42	143.51	169.61	195.70	234.84
Brampton	55.95	65.28	74.60	83.93	102.58	121.23	139.88	167.86
Brington & Molesworth	18.01	21.02	24.02	27.02	33.02	39.03	45.03	54.04
Broughton	22.49	26.23	29.98	33.73	41.23	48.72	56.22	67.46
Buckden	40.94	47.76	54.59	61.41	75.06	88.70	102.35	122.82
Buckworth	54.41	63.48	72.55	81.62	99.76	117.90	136.03	163.24
Bury	18.24	21.28	24.32	27.36	33.44	39.52	45.60	54.72
Bythorn & Keyston	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Catworth	37.56	43.82	50.08	56.34	68.86	81.38	93.90	112.68
Chesterton	11.49	13.41	15.32	17.24	21.07	24.90	28.73	34.48
Colne	31.47	36.71	41.96	47.20	57.69	68.18	78.67	94.40
Conington	6.39	7.46	8.52	9.59	11.72	13.85	15.98	19.18
Covington	20.63	24.07	27.51	30.95	37.83	44.71	51.58	61.90
Denton & Caldecote	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Diddington	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Earith	34.91	40.72	46.54	52.36	64.00	75.63	87.27	104.72
Easton	20.53	23.96	27.38	30.80	37.64	44.49	51.33	61.60
Ellington	25.31	29.53	33.75	37.97	46.41	54.85	63.28	75.94
Elton	23.81	27.77	31.74	35.71	43.65	51.58	59.52	71.42
Eynesbury Hardwicke	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Farcet	32.76	38.22	43.68	49.14	60.06	70.98	81.90	98.28
Fenstanton	28.77	33.56	38.36	43.15	52.74	62.33	71.92	86.30
Folksworth & Washingley	35.87	41.85	47.83	53.81	65.77	77.73	89.68	107.62
Glatton	12.92	15.07	17.23	19.38	23.69	27.99	32.30	38.76
Godmanchester	33.63	39.23	44.84	50.44	61.65	72.86	84.07	100.88
Grafham	27.66	32.27	36.88	41.49	50.71	59.93	69.15	82.98
Great & Little Gidding	52.32	61.04	69.76	78.48	95.92	113.36	130.80	156.96
Great Gransden	26.43	30.84	35.24	39.65	48.46	57.27	66.08	79.30
Great Paxton	25.36	29.59	33.81	38.04	46.49	54.95	63.40	76.08
Great Staughton	23.13	26.99	30.84	34.70	42.41	50.12	57.83	69.40
Haddon	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hail Weston	43.06	50.24	57.41	64.59	78.94	93.30	107.65	129.18
Hamerton	8.33	9.72	11.11	12.50	15.28	18.06	20.83	25.00

TABLE 1 Cont.	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
Hemingford Abbots	29.56	34.49	39.41	44.34	54.19	64.05	73.90	88.68
Hemingford Grey	26.95	31.44	35.93	40.42	49.40	58.38	67.37	80.84
Hilton	30.11	35.13	40.15	45.17	55.21	65.25	75.28	90.34
Holme	25.21	29.42	33.62	37.82	46.22	54.63	63.03	75.64
Holywell-cum-Needingworth	66.60	77.70	88.80	99.90	122.10	144.30	166.50	199.80
Houghton & Wyton	36.77	42.90	49.03	55.16	67.42	79.68	91.93	110.32
Huntingdon	64.47	75.21	85.96	96.70	118.19	139.68	161.17	193.40
Kimbolton & Stonely	52.70	61.48	70.27	79.05	96.62	114.18	131.75	158.10
Kings Ripton	35.09	40.93	46.78	52.63	64.33	76.02	87.72	105.26
Leighton Bromswold	30.00	35.00	40.00	45.00	55.00	65.00	75.00	90.00
Little Paxton	40.40	47.13	53.87	60.60	74.07	87.53	101.00	121.20
Morborne	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offord Cluny & Offord D'arcy	25.18	29.38	33.57	37.77	46.16	54.56	62.95	75.54
Oldhurst	28.37	33.09	37.82	42.55	52.01	61.46	70.92	85.10
Old Weston	7.75	9.05	10.34	11.63	14.21	16.80	19.38	23.26
Perry	18.11	21.13	24.15	27.17	33.21	39.25	45.28	54.34
Pidley-cum-Fenton	13.25	15.45	17.66	19.87	24.29	28.70	33.12	39.74
Ramsey	28.69	33.48	38.26	43.04	52.60	62.17	71.73	86.08
St.Ives	59.41	69.31	79.21	89.11	108.91	128.71	148.52	178.22
St.Neots	58.37	68.09	77.82	87.55	107.01	126.46	145.92	175.10
St.Neots Rural	11.30	13.18	15.07	16.95	20.72	24.48	28.25	33.90
Sawtry	52.97	61.80	70.63	79.46	97.12	114.78	132.43	158.92
Sibson-cum-Stibbington	34.92	40.74	46.56	52.38	64.02	75.66	87.30	104.76
Somersham	46.62	54.39	62.16	69.93	85.47	101.01	116.55	139.86
Southoe & Midloe	37.97	44.30	50.63	56.96	69.62	82.28	94.93	113.92
Spaldwick	27.73	32.35	36.97	41.59	50.83	60.07	69.32	83.18
Steeple Gidding	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stilton	44.96	52.45	59.95	67.44	82.43	97.41	112.40	134.88
Stow Longa	33.90	39.55	45.20	50.85	62.15	73.45	84.75	101.70
Tetworth	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
The Stukeleys	18.05	21.06	24.07	27.08	33.10	39.12	45.13	54.16
Tilbrook	18.52	21.61	24.69	27.78	33.95	40.13	46.30	55.56
Toseland	9.01	10.51	12.01	13.51	16.51	19.51	22.52	27.02
Upton & Coppingford	19.61	22.87	26.14	29.41	35.95	42.48	49.02	58.82
Upwood & the Raveleys	22.53	26.29	30.04	33.80	41.31	48.82	56.33	67.60
Warboys	27.02	31.52	36.03	40.53	49.54	58.54	67.55	81.06
Waresley	10.67	12.44	14.22	16.00	19.56	23.11	26.67	32.00
Water Newton	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Winwick	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wistow	26.35	30.75	35.14	39.53	48.31	57.10	65.88	79.06
Woodhurst	17.09	19.94	22.79	25.64	31.34	37.04	42.73	51.28
Woodwalton	20.63	24.07	27.51	30.95	37.83	44.71	51.58	61.90
Yaxley	49.78	58.08	66.37	74.67	91.26	107.86	124.45	149.34
Yelling	7.35	8.58	9.80	11.03	13.48	15.93	18.38	22.06

TABLE 2	TOTAL CHARGE							
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
Abbotsley	948.86	1,107.01	1,265.15	1,423.29	1,739.57	2,055.86	2,372.15	2,846.58
Abbots Ripton	927.31	1,081.86	1,236.41	1,390.96	1,700.06	2,009.16	2,318.27	2,781.92
Alconbury	943.68	1,100.96	1,258.24	1,415.52	1,730.08	2,044.64	2,359.20	2,831.04
Alconbury Weston	922.86	1,076.66	1,230.47	1,384.28	1,691.90	1,999.51	2,307.14	2,768.56
Alwalton	919.86	1,073.17	1,226.48	1,379.79	1,686.41	1,993.03	2,299.65	2,759.58
Barham & Woolley	918.66	1,071.76	1,224.87	1,377.98	1,684.20	1,990.41	2,296.64	2,755.96
Bluntisham	984.59	1,148.69	1,312.78	1,476.88	1,805.07	2,133.27	2,461.47	2,953.76
Brampton	962.26	1,122.64	1,283.01	1,443.39	1,764.14	2,084.89	2,405.65	2,886.78
Brington & Molesworth	924.32	1,078.38	1,232.43	1,386.48	1,694.58	2,002.69	2,310.80	2,772.96
Broughton	928.80	1,083.59	1,238.39	1,393.19	1,702.79	2,012.38	2,321.99	2,786.38
Buckden	947.25	1,105.12	1,263.00	1,420.87	1,736.62	2,052.36	2,368.12	2,841.74
Buckworth	960.72	1,120.84	1,280.96	1,441.08	1,761.32	2,081.56	2,401.80	2,882.16
Bury	924.55	1,078.64	1,232.73	1,386.82	1,695.00	2,003.18	2,311.37	2,773.64
Bythorn & Keyston	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Catworth	943.87	1,101.18	1,258.49	1,415.80	1,730.42	2,045.04	2,359.67	2,831.60
Chesterton	917.80	1,070.77	1,223.73	1,376.70	1,682.63	1,988.56	2,294.50	2,753.40
Colne	937.78	1,094.07	1,250.37	1,406.66	1,719.25	2,031.84	2,344.44	2,813.32
Conington	912.70	1,064.82	1,216.93	1,369.05	1,673.28	1,977.51	2,281.75	2,738.10
Covington	926.94	1,081.43	1,235.92	1,390.41	1,699.39	2,008.37	2,317.35	2,780.82
Denton & Caldecote	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Diddington	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Earith	941.22	1,098.08	1,254.95	1,411.82	1,725.56	2,039.29	2,353.04	2,823.64
Easton	926.84	1,081.32	1,235.79	1,390.26	1,699.20	2,008.15	2,317.10	2,780.52
Ellington	931.62	1,086.89	1,242.16	1,397.43	1,707.97	2,018.51	2,329.05	2,794.86
Elton	930.12	1,085.13	1,240.15	1,395.17	1,705.21	2,015.24	2,325.29	2,790.34
Eynesbury Hardwicke	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Farcet	939.07	1,095.58	1,252.09	1,408.60	1,721.62	2,034.64	2,347.67	2,817.20
Fenstanton	935.08	1,090.92	1,246.77	1,402.61	1,714.30	2,025.99	2,337.69	2,805.22
Folksworth & Washingley	942.18	1,099.21	1,256.24	1,413.27	1,727.33	2,041.39	2,355.45	2,826.54
Glatton	919.23	1,072.43	1,225.64	1,378.84	1,685.25	1,991.65	2,298.07	2,757.68
Godmanchester	939.94	1,096.59	1,253.25	1,409.90	1,723.21	2,036.52	2,349.84	2,819.80
Grafham	933.97	1,089.63	1,245.29	1,400.95	1,712.27	2,023.59	2,334.92	2,801.90
Great & Little Gidding	958.63	1,118.40	1,278.17	1,437.94	1,757.48	2,077.02	2,396.57	2,875.88
Great Gransden	932.74	1,088.20	1,243.65	1,399.11	1,710.02	2,020.93	2,331.85	2,798.22
Great Paxton	931.67	1,086.95	1,242.22	1,397.50	1,708.05	2,018.61	2,329.17	2,795.00
Great Staughton	929.44	1,084.35	1,239.25	1,394.16	1,703.97	2,013.78	2,323.60	2,788.32
Haddon	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Hail Weston	949.37	1,107.60	1,265.82	1,424.05	1,740.50	2,056.96	2,373.42	2,848.10
Hamerton	914.64	1,067.08	1,219.52	1,371.96	1,676.84	1,981.72	2,286.60	2,743.92
Hemingford Abbots	935.87	1,091.85	1,247.82	1,403.80	1,715.75	2,027.71	2,339.67	2,807.60
Hemingford Grey	933.26	1,088.80	1,244.34	1,399.88	1,710.96	2,022.04	2,333.14	2,799.76
Hilton	936.42	1,092.49	1,248.56	1,404.63	1,716.77	2,028.91	2,341.05	2,809.26

TABLE 2 Cont.	TOTAL CHARGE							
	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£
Holme	931.52	1,086.78	1,242.03	1,397.28	1,707.78	2,018.29	2,328.80	2,794.56
Holywell-cum-Needingworth	972.91	1,135.06	1,297.21	1,459.36	1,783.66	2,107.96	2,432.27	2,918.72
Houghton & Wyton	943.08	1,100.26	1,257.44	1,414.62	1,728.98	2,043.34	2,357.70	2,829.24
Huntingdon	970.78	1,132.57	1,294.37	1,456.16	1,779.75	2,103.34	2,426.94	2,912.32
Kimbolton & Stonely	959.01	1,118.84	1,278.68	1,438.51	1,758.18	2,077.84	2,397.52	2,877.02
Kings Ripton	941.40	1,098.29	1,255.19	1,412.09	1,725.89	2,039.68	2,353.49	2,824.18
Leighton Bromswold	936.31	1,092.36	1,248.41	1,404.46	1,716.56	2,028.66	2,340.77	2,808.92
Little Paxton	946.71	1,104.49	1,262.28	1,420.06	1,735.63	2,051.19	2,366.77	2,840.12
Morborne	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Offord Cluny & Offord D'arcy	931.49	1,086.74	1,241.98	1,397.23	1,707.72	2,018.22	2,328.72	2,794.46
Oldhurst	934.68	1,090.45	1,246.23	1,402.01	1,713.57	2,025.12	2,336.69	2,804.02
Old Weston	914.06	1,066.41	1,218.75	1,371.09	1,675.77	1,980.46	2,285.15	2,742.18
Perry	924.42	1,078.49	1,232.56	1,386.63	1,694.77	2,002.91	2,311.05	2,773.26
Pidley-cum-Fenton	919.56	1,072.81	1,226.07	1,379.33	1,685.85	1,992.36	2,298.89	2,758.66
Ramsey	935.00	1,090.84	1,246.67	1,402.50	1,714.16	2,025.83	2,337.50	2,805.00
St.Ives	965.72	1,126.67	1,287.62	1,448.57	1,770.47	2,092.37	2,414.29	2,897.14
St.Neots	964.68	1,125.45	1,286.23	1,447.01	1,768.57	2,090.12	2,411.69	2,894.02
St.Neots Rural	917.61	1,070.54	1,223.48	1,376.41	1,682.28	1,988.14	2,294.02	2,752.82
Sawtry	959.28	1,119.16	1,279.04	1,438.92	1,758.68	2,078.44	2,398.20	2,877.84
Sibson-cum-Stibbington	941.23	1,098.10	1,254.97	1,411.84	1,725.58	2,039.32	2,353.07	2,823.68
Somersham	952.93	1,111.75	1,270.57	1,429.39	1,747.03	2,064.67	2,382.32	2,858.78
Southoe & Midloe	944.28	1,101.66	1,259.04	1,416.42	1,731.18	2,045.94	2,360.70	2,832.84
Spaldwick	934.04	1,089.71	1,245.38	1,401.05	1,712.39	2,023.73	2,335.09	2,802.10
Steeple Gidding	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Stilton	951.27	1,109.81	1,268.36	1,426.90	1,743.99	2,061.07	2,378.17	2,853.80
Stow Longa	940.21	1,096.91	1,253.61	1,410.31	1,723.71	2,037.11	2,350.52	2,820.62
Tetworth	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
The Stukeleys	924.36	1,078.42	1,232.48	1,386.54	1,694.66	2,002.78	2,310.90	2,773.08
Tilbrook	924.83	1,078.97	1,233.10	1,387.24	1,695.51	2,003.79	2,312.07	2,774.48
Toseland	915.32	1,067.87	1,220.42	1,372.97	1,678.07	1,983.17	2,288.29	2,745.94
Upton & Coppingford	925.92	1,080.23	1,234.55	1,388.87	1,697.51	2,006.14	2,314.79	2,777.74
Upwood & the Raveleys	928.84	1,083.65	1,238.45	1,393.26	1,702.87	2,012.48	2,322.10	2,786.52
Warboys	933.33	1,088.88	1,244.44	1,399.99	1,711.10	2,022.20	2,333.32	2,799.98
Waresley	916.98	1,069.80	1,222.63	1,375.46	1,681.12	1,986.77	2,292.44	2,750.92
Water Newton	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Winwick	906.31	1,057.36	1,208.41	1,359.46	1,661.56	1,963.66	2,265.77	2,718.92
Wistow	932.66	1,088.11	1,243.55	1,398.99	1,709.87	2,020.76	2,331.65	2,797.98
Woodhurst	923.40	1,077.30	1,231.20	1,385.10	1,692.90	2,000.70	2,308.50	2,770.20
Woodwalton	926.94	1,081.43	1,235.92	1,390.41	1,699.39	2,008.37	2,317.35	2,780.82
Yaxley	956.09	1,115.44	1,274.78	1,434.13	1,752.82	2,071.52	2,390.22	2,868.26
Yelling	913.66	1,065.94	1,218.21	1,370.49	1,675.04	1,979.59	2,284.15	2,740.98

58. REPORTS OF THE CABINET, PANELS AND COMMITTEES

(a) Cabinet

Councillor I C Bates, Leader and Chairman of the Cabinet presented the Report of the meetings of the Cabinet held on 18th December 2008 and 29th January 2009.

.....

In connection with Item Nos. 58 and 59, it was noted that the recommendations had been considered previously under Minute No. 57.

.....

In connection with Item No. 61 and in response to a question from Councillor G S E Thorpe, Councillor Bates reported that St. Neots Town Council would be consulted shortly on the possible relocation and development of customer services in St. Neots.

.....

(Having declared a personal and prejudicial interest, Councillors K M Baker, M G Baker, Mrs M Banerjee, K J Churchill and P K Ursell left the meeting during discussion of the following item).

In connection with Item No. 75 and in response to questions from Councillors G S E Thorpe and M F Shellens on the legality and ethnics of the proposed remuneration of Councillors appointed to represent the District Council on the Luminus Board, Councillor Bates replied that this type of arrangement was becoming less unusual and was a matter for the registered social landlord and not the District Council. However, Councillor Bates undertook to arrange for a written reply to be sent to the questioners.

.....

In connection with Item No. 77 and in response to a question from Councillor P J Downes with regard to the transfer of the leasehold interest in Council-owned land fronting St. Mary's Street, Huntingdon to the Luminus Group, Councillor Bates indicated that he would reply to the questioner in writing.

.....

Whereupon, it was

RESOLVED

that, subject to the foregoing paragraphs, the Report of the meetings of the Cabinet held on 18th December 2008 and 29th January 2009 be

received and adopted.

(b) Standards

Mr D L Hall presented the Report of the meeting of the Standards Committee held on 4th December 2008.

.....

Further to Item No. 13, Mr Hall advised the Council that since the transfer of responsibility for handling code of conduct complaints from the Standards Board for England to local authorities in May 2008, the Sub-Committee had considered eleven complaints and only one had been required to be referred for investigation. He considered that this represented a good indication of the understanding among Councillors of the Code locally.

.....

Whereupon, it was

RESOLVED

that the Report of the meeting of the Standards Committee held on 4th December 2008 be received and adopted.

(c) Overview and Scrutiny Panel (Service Delivery)

Councillor S J Criswell presented the Report of the meetings of the Overview and Scrutiny Panel (Service Delivery) held on 2nd December 2008, 6th January and 3rd February 2009.

.....

In connection with Item No. 35 and in response to questions from Councillors P J Downes and J E Garner, Councillor Criswell confirmed that the Government was responsible for selecting the preferred option for the future governance and operation of Hinchingbrooke Hospital, that the proposals had been presented to the Panel as part of the consultation arrangements and any indication of the cost of the process to date was considered to be commercially sensitive information.

.....

In connection with Item No. 39, Councillor Criswell drew Members' attention to the conclusion of the study into disability access across the District and the approval of the Panel's recommendations by the Cabinet. He thanked all those involved in the undertaking of the study on behalf of the Panel.

.....

Whereupon, it was

RESOLVED

that the Report of the meetings of the Overview and Scrutiny Panel (Service Delivery) held on 2nd December 2008, 6th January and 3rd February 2009 be received and adopted.

(d) Overview and Scrutiny Panel (Service Support)

Councillor R J West presented the Report of the meetings of the Overview and Scrutiny Panel (Service Support) held on 9th December 2008 and 13th January 2009.

.....

In connection with Item No. 31 and in response to a question from Councillor P J Downes, the Executive Councillor for Planning and Transport, Councillor P L E Bucknell updated the Council on progress of discussions held thus far with the bus companies to align the connections between train and bus services operating from Huntingdon and St. Neots stations.

.....

Whereupon, it was

RESOLVED

that the Report of the meetings of the Overview and Scrutiny Panel (Service Support) held on 9th December 2008 and 13th January 2009 be received and adopted.

(e) Overview and Scrutiny Panel (Corporate and Strategic Framework)

Councillor S J Criswell presented the Report of the meeting of the Overview and Scrutiny Panel (Corporate and Strategic Framework) held on 27th January 2009.

.....

Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Corporate and Strategic Framework) held on 27th January 2009 be received and adopted.

(f) Development Control Panel

Councillor P G Mitchell presented the Report of the meetings of the Development Control Panel held on 15th December

2008 and 19th January 2009.

.....

(Having declared a personal and prejudicial interest, Councillor L W McGuire left the meeting during discussion of the following item.)

In connection with Item No. 21, Councillor Mitchell drew Members' attention to the decisions of the Panel to establish a Working Group to seek to resolve the question of possible unauthorised occupation of the various accommodation units at Hartford Marina, to defer the proposed enforcement action for six months and to prepare supplementary planning guidance on marinas.

.....

Whereupon, it was

RESOLVED

that the Report of the Development Control Panel held on 15th December 2008 and 19th January 2009 be received and adopted.

(g) Corporate Governance Panel

Councillor M G Baker presented the Report of the meeting of the Corporate Governance Panel held on 10th December 2008.

.....

Whereupon, it was

RESOLVED

that the Report of the meeting of the Corporate Governance Panel held on 10th December 2008 be received and adopted.

(h) Employment Panel

Councillor Mrs B E Boddington presented the Report of the meeting of the Employment Panel held on 3rd February 2009.

.....

Upon being put to the vote, the recommendations contained Item No. 15 were declared to be CARRIED.

.....

Whereupon, it was

RESOLVED

that, subject to the foregoing paragraph, the Report of the meeting of the Employment Panel held on 3rd February 2009 be received and adopted.

59. ORAL QUESTIONS

In accordance with the Council's Procedure Rules (paragraph 8.3 of the Rules), the Chairman proceeded to conduct a period of oral questions addressed to Executive Councillors and Panel Chairmen as follows:-

Question from Councillor J D Ablewhite to the Executive Councillor for Planning Strategy and Transport, Councillor P L E Bucknell

In response to a question regarding reports that Marshalls Aerospace had discontinued their interest in relocating to the airfield at Mildenhall, Councillor P L E Bucknell indicated that he was unable to confirm whether the company would renew their interest in relocating to RAF Wyton. However if this should be case, he undertook to pursue the possible relocation to Huntingdonshire having regard to the importance of the additional employment opportunities which might be generated.

Question from Councillor M G Baker to the Executive Councillor for Operational and Countryside Services, Councillor C R Hyams

In response to a question regarding the effect on gate fees at recycling centres of the lower resale values for recyclables, Councillor Hyams replied that although negotiations were continuing with various companies and Cambridgeshire County Council, there was likely to be an increase in gate fees with the date for implementation having yet to be decided.

Question from Councillor M G Baker to the Executive Councillor for Planning Strategy and Transport, Councillor P L E Bucknell

(Councillor P L E Bucknell declared a personal interest in the following matter as a Member of the East of England Regional Assembly).

In response to a question regarding the suggestion that a development of 20,000 homes had been proposed for the Alconbury Airfield site, Councillor Bucknell assured the questioner that the District Council would continue to object to any proposal for housing development of that size at that location.

60. LOCAL GOVERNMENT ACT 1972: SECTION 85

The Chief Executive reported that there were no absences of Members from meetings for consideration in accordance with Section 85 of the Local Government Act 1972.

The meeting concluded at 4.05 pm.

Chairman

This page is intentionally left blank

REVIEW OF DEMOCRATIC STRUCTURE
(Report of the Structure Review Working Party)

1. Introduction

1.1 Councillor K J Churchill, the special adviser to the Cabinet, has been invited by Cabinet to conduct a review of the Council's democratic structure, with the assistance of a working party established by Cabinet at its meeting held on 4th September 2008.

1.2 The working party comprised Councillors K J Churchill (Chairman), Mrs M Banerjee, W T Clough, S J Criswell, T D Sanderson, Ms M J Thomas, G S E Thorpe and R G Tuplin and met on a total of 11 occasions. The working party undertook a visit to Basingstoke and Deane District Council to discuss the constitutional arrangements of a similarly sized shire district. The Chairman attended a seminar in Birmingham presented by the Institute of Local Government Studies of Birmingham University on the role of the Council meeting.

1.3 The Chairman conducted an extensive series of interviews with members of the Cabinet, chairmen of panels, individual councillors, directors and heads of service. An open invitation was extended to all members to raise issues with the Chairman at the outset of the review. The comments raised in those interviews were considered as part of the review exercise.

1.4 The final report itself is unashamedly lengthy which reflects the length of time, range of subject areas and depth of scrutiny given to the subject by the working party. The Presentation on the findings has been given to all Members over 2 separate evenings in March. An executive summary also has been prepared which contains the working party's recommendations which is attached as Annex A.

1.5 The working party is grateful to the staff of the Democratic Services Section for their support in undertaking this extensive review.

2. Background

2.1 The Council's existing democratic structure that had emerged as a result of the constitutional changes introduced by the Local Government Act 2000 had been in place for some 6 years when the review began, with a trial having operated for 2 years prior to that. The new arrangements had represented a fundamental change from the committee structure that preceded it but, although annual and subsequently biennial reviews of the constitution have been undertaken, the Council had yet to commission a comprehensive review of the democratic and decision making arrangements to review their effectiveness and ensure that they are fit for purpose.

2.2 Since that time there has been a proliferation of partnership working which has created issues of accountability and transparency which have yet to be addressed fully. The development of Local Area Agreements and Local Strategic Partnerships do not sit comfortably with a need for greater clarity in

decision making and their deliberations have yet to be held to account satisfactorily.

2.3 Further constitutional change was introduced by the Local Government and Public Involvement in Health Act 2007 as a response to a Government white paper 'Strong and Prosperous Communities' published in October 2006. A further white paper, 'Communities in Control: Real People, Real Power' published in July 2008, contains proposals for additional change which are currently before parliament in the shape of the Local Democracy, Economic Development and Construction Bill. The bill will place a duty on the Council to promote understanding among local people of the authority's functions and democratic arrangements and explain how members of the public can take part in those arrangements. The working party has endeavoured, where possible, to anticipate the implications of the bill in its deliberations and recommendations.

2.4 In order to undertake the review, the working party has had to familiarise itself thoroughly with the legislation that determines the way in which the Council is structured in terms of its decision making. A number of briefing papers were submitted to assist the working party in its deliberations which are listed as background documents to this report. The working party's attention also was drawn to the existing terms of reference of the Cabinet, panels and committees etc. that are reproduced in the Council's constitution. Details of the democratic structures of a number of comparably sized shire districts, together those of the other districts in Cambridgeshire, were obtained and considered. The working party had intended to undertake visits to two district councils to learn from the experience of others but a number of those contacted were in the process of reorganisation as a result of the unitary authority changes introduced by the 2007 Act and felt unable to accommodate a visit. As a result, the only authority that was visited was Basingstoke and Deane Borough Council, a similarly sized shire district in Hampshire.

2.5 Coincidentally, the Institute of Local Studies hosted a seminar at the University of Birmingham on the role of the Council in the new local government structure while the review was being undertaken. This was attended by the Chairman and the Head of Democratic and Central Services and proved particularly helpful in identifying ideas to re-invigorate Council meetings.

3. Changing Roles

3.1 Recurrent themes throughout the review were the need to promote community engagement and the changing role of the local authority councillor.

3.2 Part of the rationale for the Local Government Act 2000 was the Government's desire to modernise local democracy and encourage people to play a more active role in local decision making. Electorate turnout at local elections has been a growing cause for concern, political party membership is falling, parties struggle to interest persons in becoming candidates, councillors are not representative of their communities in terms of their age profile etc. and a relatively high proportion of councillors choose not to stand for re-election after their initial term of office comes to an end.

3.3 Although the 2000 Act introduced fundamental changes to the way in which local authorities are administered, concerns have remained that there is insufficient interest in local democracy, that local people do not engage sufficiently in their local communities and that there is insufficient encouragement for people to become and remain councillors.

3.4 In reviewing the structure of the Council, the working party was conscious of the need to address the role of the councillor in a wider context than simply attendance at meetings of the Council. Increasingly, councillors need to act as local community advocates for their wards and parishioners, respond to the new 'councillor call for action' agenda, and represent the views of their constituents with other service providers. In so doing, they have the potential to raise the profile of the authority with their constituents and encourage greater public participation and involvement in the democratic process.

4. Review Methodology

4.1 The working party divided the task of reviewing the structure into the following broad headings –

- Executive and scrutiny arrangements
- Council and non-executive structure
- Partnerships, joint committees and other issues
- Community engagement and neighbourhood management
- The role of the councillor

4.2 Some changes have been necessitated by recent legislative developments. Others have emerged from the experience of operating an executive/scrutiny structure for a number of years. To put those into context, the working party's report lists the changes that have and are taking place before explaining the reasons for its recommendations or why no change to the present arrangement is proposed.

5. Legislative Position

5.1 The Local Government Act 2000 was intended to modernise and expedite decision making and replace what had become to be regarded as an out-moded committee system. However it was superimposed on the 1972 Local Government Act framework rather than replacing it. A series of regulations and guidance provide a framework for the new structural arrangements. These define a fairly extensive range of functions and responsibilities that are not the responsibility of the executive, with the list being added to from time to time by ensuing legislation. By omission, those functions and responsibilities that are not included on that list are the responsibility of the executive. Failure to attribute a function to the correct decision-making element of the Council will render a decision ultra vires and subject to a potentially successful challenge in the courts.

5.2 The 2000 Act introduced the concept of an executive and scrutiny arrangements to hold that executive to account. The powers of executive and scrutiny are defined in the legislation and are not delegated by the Council, a significant departure from previous legislative provision where all powers rested with the Council and decision making was delegated to individual committees and officers.

5.3 The Local Government and Public Involvement in Health Act 2007 has introduced further change to the way in which the Council can be structured but has not altered the fundamental split in responsibility between the executive and non-executive elements of the authority. Further change will be introduced by the Local Government, Economic Development and Construction Bill which the working party has tried to anticipate as far as is possible at this early stage of the bill's progress through parliament.

6. The Executive

Current Arrangements

6.1 The 2000 Act requires the Council to operate one of three types of executive – an elected mayor and cabinet, an elected mayor and council manager, or a leader and cabinet. Under the latter, the cabinet is chosen either by the leader (referred to as the 'strong leader' model) or by the Council (the 'weak leader' model). The Council operates the latter. Inclusive of the mayor or leader, a cabinet must have a minimum of 2 and a maximum of 10 councillors. Scrutiny members cannot sit on cabinet and vice versa but both can sit on other committees and panels, subject to certain restrictions as to chairmanship. The chairman and vice chairman of the Council cannot be members of the cabinet.

6.2 The vast majority of councils operate under the leader and cabinet model. Despite consistent Government support for directly elected mayors, there are only 12 currently throughout the country. Only one authority is currently operating the mayor and manager model but it is in the process of reverting back to a leader and cabinet. If 5% of the electorate sign a petition in favour of an elected mayor, the Council must hold a referendum to obtain the public's reaction. If a majority vote in favour of a mayoral system, the Council must introduce that form of administration. Once a mayoral system had been introduced, it was not possible, prior to the 2007 Act, for an authority to return to a leader and cabinet system.

6.3 Since the implementation of the present arrangements, the Council has operated under the leader and cabinet model, with cabinet members appointed by the Council (the 'weak' leader model). The rules of proportionality do not apply to executives and the Council has operated a single party cabinet which has fluctuated in size between 8 and 9 members inclusive of the leader.

Local Government and Public Involvement in Health Act 2007

6.4 The 2007 Act has narrowed the choice of executive arrangements open to local authorities to

- an elected mayor and cabinet appointed by him, or
- an executive leader appointed by the Council from amongst its membership and a cabinet executive appointed by that leader.

6.5 In either case the cabinet still must comprise between 2 and 10 councillors inclusive of the mayor or executive leader.

6.6 The Act has introduced significant changes to the current leader and cabinet system which are dealt with in the following paragraphs.

6.7 The executive leader must be elected at the first annual meeting of the Council following the transition to the new executive leader and cabinet executive model. He holds office until the annual meeting after his normal date of retirement as a councillor. In the case of an authority operating partial-council elections such as Huntingdonshire, that period could therefore be up to 4 years in length or such lesser period when the leader's term of office as a councillor comes to an end. If an executive leader would normally have ceased to be a councillor when his term of office comes to an end (because he has decided not to stand again or is not elected), he nevertheless will remain as executive leader and a councillor until the ensuing annual meeting when a new executive leader is appointed.

6.8 The Council can resolve to remove an executive leader from office at any time and appoint a replacement either when the executive leader is removed from office or at a later meeting.

6.9 The executive leader must appoint one of the members of the cabinet executive to be the deputy executive leader who shall serve for the same period of office as the executive leader, unless he resigns as either deputy executive leader or as a councillor in the interim or he is removed as deputy executive leader by the executive leader. The deputy executive leader will act in place of the executive leader if the latter position is vacant or the executive leader is unable to act. If both are unable to act or both positions are vacant, the cabinet must act in the place of the executive leader or can appoint a member of the cabinet to do so.

6.10 The Act effectively gives the executive leader the same powers as a mayor in terms of the discharge of the executive functions of the Council. The leader can discharge any of those functions himself or can arrange for them to be discharged by the cabinet, by a member of the cabinet, by a committee of the cabinet or by an officer. That choice is his and not the Council's. The Act enables the cabinet, a committee of the cabinet or an executive member to further delegate any executive power delegated to them to an officer but gives the leader a right of veto over any such further delegation.

6.11 The Council must decide which form of executive it wishes to operate by the end of the transitional period specified in the Act. A resolution to change the governance arrangements must be made no later than 31st December 2010 with the new arrangements coming into effect no later than the third day after the day of elections to the Council in May 2011. If a resolution is not passed by the due date, the Council must implement the executive leader and cabinet executive arrangements. The Council's existing arrangements will remain in place until the new arrangements are implemented.

6.12 The Council can change governance arrangements subsequently only during a permitted resolution period which extends from the date of the annual meeting in 2014 until the end of that year and a similar period every 4 years thereafter. The change would come into effect on the third day after the day of election in 2015 and any fourth year thereafter. It is open now for an authority to move back from an elected mayor and cabinet system to an executive leader and cabinet executive system.

6.13 Before passing a resolution as to which new form of executive to adopt, the Council must take reasonable steps to consult the electorate and other interested parties. The Council must then draw up proposals for change in order to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The Council has discretion to make a decision on the choice of executive the subject of approval by a referendum, If a referendum is held, the result is binding on the authority. The proposals must be published both before and after the resolution has been passed to change the governance arrangements.

6.14 The change introduced by the Act does not affect the opportunity for the electorate to petition for the introduction of a mayor and cabinet under the 2000 Act which would not follow the above timetable. However where a change to a mayoral system has been made as a result of a referendum, either as a result of a petition or by choice on the part of the authority, the Council cannot resolve to change governance arrangements again without another referendum being held. If a referendum is held as a result of a petition, another referendum cannot be held until a period of 10 years has elapsed.

Communities in Control White Paper

6.15 Further change was heralded in the recent White Paper with the Government indicating that it wants to make it easier for people to demand a mayor through a referendum. The Government is currently consulting on allowing the use of on-line petitions to register support for a referendum, a reduction in the trigger threshold for a referendum from 5% of voters to possibly as low as 2% and a reduction in the period between referenda from 10 to 4 years.

Options

6.16 Fundamental therefore to the review of the Council's structure was the choice of governance arrangements in response to the 2007 Act. This must be in place by 2011 but can be implemented earlier if the Council so decides. Any changes to the Council's existing arrangements in terms of size of cabinet membership, frequency and timing of meetings etc. emerging from the review will only apply from the annual meeting in 2009 until the new governance arrangements of an executive leader or mayor apply. After that date, it will be for the executive leader or mayor to determine all matters relating to the discharge of executive functions over which the Council itself will have no jurisdiction (other than to remove the leader from office or change to the alternative form of executive). In practice, the powers of an elected mayor and an executive leader are broadly similar with the only principal difference being that the mayor is elected for a four year term of office by the electorate whereas the executive leader is appointed by the Council from amongst its membership and can be similarly removed from office.

6.17 The two principal issues that the working party therefore needed to address were which form of executive should be introduced in response to the 2007 Act and whether any changes to the present arrangements should be recommended to Council in the interim.

Choice of Executive

6.18 Addressing the long term future governance arrangements of the Council first, the working party considered whether an elected mayor or executive leader should be adopted, what consultation arrangements should be implemented with electors and interested parties and whether a referendum should be held. The Government is clear in its support for directly elected mayors. Nevertheless, nine years after the 2000 Act, there are still only 12 elected mayors in the country, excluding London itself, which reinforces the view that there is little public appetite or support for elected mayors, notwithstanding the publicity attaching to last year's London mayoral elections.

6.19 The new governance arrangements in 2011 will require a resolution to be passed no later than the Council meeting in December 2010. A decision to hold a referendum will clearly lengthen the timetable for implementation but the latest that the consultation itself should begin is June of that year with a referendum in November and a resolution to adopt the new governance arrangements being made within 28 days of the date of that referendum. To provide sufficient time for consideration prior to the consultation arrangements, the Council would need to begin the process not later than March 2010.

6.20 The working party took the view that there was no useful purpose in delaying consideration of the decision. In terms of the choice of an elected mayor or executive leader, the working party acknowledged -

- the lack of support nationally for the mayoral model,

- that the public consultation that was undertaken on the choice of executive in Huntingdonshire when the 2000 Act was implemented favoured the leader and cabinet model,
- that the County Council (which had to move to the new arrangements earlier in the statutory timescale) has adopted the executive leader model with effect from May 2009 in response to its public consultation on the choice,
- an apparent lack of enthusiasm both in Huntingdonshire and elsewhere within Cambridgeshire for an elected mayor, and
- that the Council's existing leader and cabinet arrangements are understood and have been embedded in the organisation since their initial implementation.

6.21 The working party recognised that the mayoral system enables an individual person to become elected, potentially on the basis of a populist electoral campaign or a single contentious issue of concern, without the benefit of support from one of the political parties. This has the potential to lead to tensions between the mayor and elected councillors from whom the cabinet would be chosen and to consequential operational and practical difficulties in terms of working relationships. Members felt that there was little to be gained and potentially much to be lost if a mayoral system was introduced.

6.22 The working party is of the opinion that the present executive arrangements have worked well and can see no useful purpose in moving toward a mayoral system. In view of the lack of public interest, there also seems little justification in holding a referendum on the choice, as opposed to a public consultation exercise which will give local people an opportunity to express their views. If the latter results in strong support for an elected mayor, the Council can reconsider whether to hold a referendum.

6.23 The working party therefore recommends that the Council undertakes a public consultation exercise as soon as practicable with the intention of implementing an executive leader form of executive in response to the 2007 Act. Following completion of that exercise, the Council is invited to move to the new system with effect from the annual meeting in 2010 or earlier if practicable.

Interim Arrangements

6.24 Pending the implementation of the elected mayor or executive leader arrangements, the working party reviewed the present leader and executive arrangements and addressed a series of questions about the current structure and ways of working of the cabinet. The working party found the views expressed by existing Cabinet members to the Chairman in the course of his interviews as part of the review to be particularly helpful in this context.

6.25 The working party concluded that the present range of executive functions did not appear to be evenly divided, with some executive councillors having extensive portfolios which were difficult to manage effectively. In a large and progressive authority of Huntingdonshire's size, the working party felt that the opportunity should be taken to make maximum use of the size constraint for the executive permitted by the legislation by increasing the size of the Cabinet to 10 from its current number of 9. **The working party recommends that the size of the Cabinet be increased to 10 members, inclusive of the Leader.**

6.26 The working party looked at different ways of structuring the Cabinet to provide continuity and cover in the unavoidable absence of an executive councillor through illness or holiday and to enable new executive councillors to become effective as early as possible. The idea of a two tier system of

senior and junior Cabinet members with a shared portfolio was discussed, as was the possibility of executive councillors being 'shadowed' by another councillor who could substitute for them in an emergency. For a variety of reasons, these were discounted. As cabinet membership is restricted to a maximum of 10, it was felt that combining all executive responsibilities into no more than 4 portfolios shared by a pair of executive councillors (excluding the leader and deputy leader from portfolio responsibility) would result in the portfolios themselves being too large. Confusion might arise as to who was taking the lead on individual functions within each enlarged portfolio. The working party was attracted to the idea of 'shadow' executive councillors who could step in when existing Cabinet Members were unavailable but the restriction on being a member of both the executive and scrutiny and the resources required in keeping 'shadow' executive councillors informed made this a somewhat impractical proposition and it was discounted during the working party's deliberations.

6.27 The working party also considered the role of the deputy leader. Currently the postholder has responsibility for a portfolio which limits his ability to deputise for the leader or for any other executive councillor who is absent. In the absence of a satisfactory alternative to provide cover for executive councillors as outlined above, the working party concluded that both the leader, as currently, and the deputy leader should not be burdened with portfolio responsibilities. It was felt that the deputy leader's primary responsibilities should be to provide the necessary support and assistance to the leader and to be able to stand in for other executive councillors who are absent thereby overcoming the issues of continuity and cover. Later in its report, the working party's views on support for Members are expressed but it was felt that this is a critical function that should also be led by the deputy leader. **The working party therefore recommends that the deputy leader should not have responsibility for a portfolio of executive functions but should be responsible for deputising and supporting the leader and other executive councillors, as necessary, and for a Member training and mentoring programme on a cross party basis.**

6.28 The rules of proportionality in terms of membership reflecting the political composition of the Council do not apply to local authority executives. Since the inception of the present arrangements however, the Council has operated a single party Cabinet comprising members of the majority party only. Practices vary in other authorities but some continue to operate a multi-party executive that reflects the political composition of the Council. The working party discussed whether a single party cabinet should be retained but the minority party members who sat on the working party expressed the view that if the party were to be represented in cabinet, this would constrain their ability to challenge and scrutinise cabinet decisions. They were not therefore in favour of change. **As a result, the working party recommends that the Cabinet should continue to contain members of the majority political party only.**

6.29 The working party considered the frequency and timing of meetings of the cabinet in an attempt to ascertain whether this was restricting membership through an inability of some members in full time employment to become executive councillors. Historically, the Cabinet has met roughly every three weeks on Thursday mornings, with a briefing meeting comprising Cabinet members only earlier that day. The new municipal year will see a move to meetings on a monthly basis on the third Thursday of each month with the timing of meetings remaining unchanged.

6.30 The working party came to the conclusion that the present arrangements do tend to preclude members in full time employment from becoming executive councillors. Although employment legislation entitles employees to

reasonable time off work to undertake Council business, the working party felt that this was still not sufficiently conducive to attract career minded councillors to become executive councillors, nor was the special responsibility allowance sufficient to compensate for the loss of earnings from normal employment. The working party supported the move towards monthly meetings of the cabinet but felt that the present timing of meetings was unsatisfactory on the basis that it did militate against those members in full time employment. **The working party therefore recommends that meetings of the Cabinet should be held in the late afternoon or early evening.**

6.31 Whilst accepting that it is a matter for the Cabinet to determine, the working party did not feel that the present briefing arrangements for Cabinet meetings are particularly helpful. There was a perception that the present system of discussing Cabinet business earlier in the morning of a meeting can create an impression for the watching public of a lack of effective debate and that decisions have been taken in advance. While a preliminary meeting to discuss procedural issues is justifiable, the working party felt that it would be more useful for Cabinet to have a briefing by appropriate officers some 2 or 3 days prior to the monthly meeting. It was also felt that that the Cabinet should introduce more informal meetings at regular intervals to discuss issues of topical or future importance with other panel chairmen, including those of the overview and scrutiny panels. In so doing, cabinet can obtain the views of others on future policy direction, with officers invited where appropriate. **The working party recommends that short briefings of Cabinet members be held prior to Cabinet meetings only with a formal briefing by officers some 2/3 days previously. In addition, regular member only 'blue sky' meetings should be convened by Cabinet at regular intervals involving, where appropriate, other non-executive members.**

7. Overview and Scrutiny

Current Arrangements

7.1 Overview and scrutiny as a concept was applied to local government by the Local Government Act 2000. The Act requires a local authority operating under executive arrangements to appoint one or more overview and scrutiny committees and defines the functions of that committee(s) as –

- to review or scrutinise decisions made or action taken by the executive in discharging its functions
- to make reports and recommendations to the authority or the executive about the discharge of executive functions
- to review or scrutinise decisions made or action taken in the discharge of non-executive functions
- to make reports and recommendations to the authority or the executive about the discharge of non-executive functions
- to make reports and recommendations to the authority or the executive on matters that affect the authority's area or its inhabitants
- to conduct best value reviews if included within its terms of reference by the authority.

7.2 The Act prohibits an overview and scrutiny committee from discharging any other function (with the exception of a county or unitary authority which can scrutinise matters relating to the health service).

7.3 No member of an executive can be a member of an overview and scrutiny panel. Subsequent legislative change enables the co-option of persons who are not members of the Council to an overview and scrutiny committee in a non-voting capacity. If a scheme has been approved and advertised by the

Council in relation to co-option arrangements, a co-opted person can vote at scrutiny committee meetings.

7.4 Scrutiny committees are subject to the normal rules of proportionality. They can require attendance at their meetings by cabinet members, other members and officers but can only invite representatives of external organisations to attend.

7.5 Scrutiny has offered probably the most challenging aspect of the new governance arrangements. The concept is still relatively new to local government, although based on the parliamentary select committee model. It requires scrutiny to challenge and hold to account not only the authority's own executive and other parts of an authority's administration, but also external organisations contributing to the economic, social and environmental well-being of the District.

7.6 How scrutiny addresses those responsibilities is a matter for an individual authority and a range of differing structures have been adopted by authorities to suit their own circumstances. An on-going issue is the need to overcome the perception that scrutiny is an activity for backbench councillors, struggling to find a role for themselves with the demise of the committee system. In reality, scrutiny enables councillors to set their own agenda, to choose which topics they want to study in depth and to take a broader approach to the issues facing the District and their constituents. To operate successfully, it requires scrutiny councillors to take a far more pro-active approach and rely less upon the support of the officer structure.

7.7 Scrutiny is not merely a vehicle for challenging the executive. It can become involved in policy formulation, with topics of its own choosing or which have been referred by the executive for a more in-depth review and investigation. Recommendations that are well argued and evidence based can be constructive and difficult to refute. Scrutiny therefore should not be regarded as threatening by the remainder of the administration although, without some tension and challenge, scrutiny does not function effectively. The phrase most often used to describe effective scrutiny is a 'critical friend'.

7.8 Since the introduction of the new governance arrangements, the Council has appointed two overview and scrutiny panels. Although their titles have changed from time to time (currently service delivery and service support), they have effectively mirrored a split in Cabinet portfolios, each scrutinising roughly half of the Cabinet membership. Suggestions have been made from time to time by scrutiny councillors that there is a need for a third panel to be established because of workload volumes. While that has not found general support within the Council in the constitutional reviews that have taken place to date, a composite of the two panels has been established to deal with the budget, corporate framework and issues of major importance which, in the past, had tended to be submitted to both scrutiny panels.

7.9 The panels originally comprised 12 Members which subsequently was felt to be too small to create a sufficient pool of councillors to sit on the working groups established to undertake detailed studies and reviews. Their size was increased to a maximum of 16 councillors, although in practice only 15 have been appointed to each. The Corporate and Strategic Framework Panel also has a membership of 15 but it is drawn from the 2 existing overview and scrutiny panels, including both chairmen and vice chairmen.

7.10 Although the panels are proportionately balanced to reflect membership of the political parties, they tend not to be arena for political debate, the more appropriate forum for which is the Council meeting. The panels appoint their own chairmen and vice chairmen. During the two year trial prior to

implementation of the 2000 Act, one of the panels was chaired by a member of the opposition. More latterly one of the vice chairmen was a member of the opposition. All of the chairmen and vice chairmen are currently members of the majority party.

7.11 The panels arrange their own work programmes but do not tend to plan ahead for twelve months, as some commentators suggest is advisable. The panels' opinion is that the latter would lose flexibility, make it more difficult to respond to local circumstances and the changing content of the Forward Plan, stifle spontaneity and interest and also alert the Cabinet which might pre-empt any proposals that might be forthcoming.

7.12 The constitution permits non-scrutiny councillors to raise items on panel agenda and speak at panel meetings. Non-scrutiny councillors can be appointed to the ad hoc working groups established from time to time by the panels to undertake investigations and reviews but in practice this has happened rarely.

7.13 One of the major challenges for scrutiny is to raise the awareness of scrutiny councillors and develop their expertise with a wholly different skill set required. A scrutiny councillor is unlikely to be effective if he lacks knowledge of the Council's policy and budgetary framework, how those policies are being implemented, how effectively the Council is performing against target and the growing trend towards partnership delivery. In the wider context, this also requires a sound knowledge of the economic, environmental and social circumstances applying in the district and where local needs and priorities are not being addressed effectively.

7.14 Scrutiny can 'call in' executive decisions made by the executive, irrespective of whether they are made by the cabinet itself, a sub committee of the cabinet, a joint committee exercising executive responsibilities or an individual cabinet member. Key decisions made by officers also can be called in, although in practice all key decisions are dealt with by members. A minimum of three members of the relevant panel is required to trigger the call in mechanism.

7.15 The scrutiny panels have reviewed their working practices and terms of reference on a number of occasions since the present governance arrangements were first introduced and have produced action plans for change and improvement which has produced the present arrangements.

Local Government and Public Involvement in Health Act 2007

7.16 Both the 2007 and the earlier Police and Justice Act 2006 have enhanced the role of overview and scrutiny. The majority of the 2007 Act changes will come into force in April 2009 but those contained in the Police and Justice Act have yet to be implemented by parliament. The changes reflect the importance that Government attaches to role of scrutiny and also the need to secure effective scrutiny of partnership working in the new era of local area agreements, community safety partnerships etc.. The key developments can be summarised as follows –

- provision for any member of an overview and scrutiny committee to refer to the committee any matter of relevance to the functions of the committee;
- provision for any member of the Council to refer to an overview and scrutiny committee any matter of relevance to the functions of the committee that affects his/her ward;

- a requirement to establish a crime and disorder committee to review, scrutinise and make reports and recommendations to authorities responsible for crime and disorder strategies;
- provision for any member of the Council to refer to a crime and disorder committee any matter of relevance to the functions of the committee that affects his/her ward;
- power to scrutinise the discharge of functions by individual councillors in their wards if the Council devolves decision making to ward councillors under the 2007 Act;
- power for an overview and scrutiny committee to require information from the County Council and certain partner authorities;
- power for a crime and disorder committee to similarly require information and also require attendance at committee meetings by responsible authorities;
- power to co-opt additional persons to a crime and disorder committee;
- discretion for an overview and scrutiny committee to publish its report and recommendations to the executive;
- a duty for the executive to respond in writing to an overview and scrutiny's report and recommendations within 2 months and to publish the response if the committee's report was published;
- power for a county council and partner district councils to establish a joint overview and scrutiny committee to scrutinise the attainment of local improvement targets specified in a local area agreement;
- power for a district council to make reports and recommendations to a partner county council relating to the attainment of local improvement targets specified in a local area agreement; and
- power for councils responsible for crime and disorder strategies to appoint a joint crime and disorder committee to exercise scrutiny functions.

Communities in Control White Paper

7.17 The White Paper heralds the Government's intention to raise the visibility of the scrutiny function to ensure that local people are aware that this is at their disposal if they have issues of concern that they want to raise.

7.18 The Government has announced that it intends to do this by –

- encouraging a more creative involvement by the public, for example by holding 'deliberative events';
- moving meetings into the local community and considering webcasting;
- greater public involvement in suggesting and selecting topics for review;
- making information more readily available and accessible on websites and at council offices;
- further enhancing the powers of overview and scrutiny committees to require information from partners on a broader range of issues;
- if necessary providing councils in two tier areas with the power to combine resources in 'area' scrutiny committees; and
- requiring some dedicated scrutiny resource in county and unitary councils.

Some of the above are contained in the Local Democracy, Economic Development and Construction Bill.

Options

7.19 The working party was conscious that the existing overview and scrutiny panels have undertaken a number of reviews of their own structure and working practices since the introduction of the scrutiny principle. With the added emphasis generated by recent legislation, the working party acknowledged that scrutiny's role and significance will continue to grow. It

was felt that perhaps its function was still not appreciated fully, either within the Council or the local community, notwithstanding the efforts of the existing panels to encourage greater participation and awareness in their business. In particular it was suggested that the scrutiny panels are an underused resource that Cabinet do not always take full advantage of to assist in policy formulation.

7.20 The working party was aware that other authorities have found several different ways of structuring their scrutiny arrangements, some having separated the overview and scrutiny functions while others undertake pre-scrutiny of all cabinet items as opposed to post scrutiny. Of particular interest from the discussions with Basingstoke and Deane Borough Council was the fact that, based upon its experience, it was proposing to change its existing arrangements of 3 overview committees and 1 scrutiny committee to a model that comprised committees that undertook both functions. On the whole, the working party concluded that the Council's existing arrangements had largely worked well since their inception.

7.21 In considering whether further change is required, the working party had sympathy with previous suggestions that there should be more than two panels. Although the corporate and strategic panel has provided a forum for discussion of principally budgetary and strategic issues, the working party came to the conclusion that it could at best be regarded as a compromise. The working party therefore looked at the number and size of the panels in the context of the enhanced role of scrutiny. With a current membership of 30 in the existing two panels, the working party agreed that it was impractical for additional Members to become 'scrutineers' and that if the panels' membership was too small, this would lead to insufficient numbers being available to undertake the ad hoc studies through which most of the work of the panels is undertaken.

7.22 In particular, the working party was conscious that scrutiny's role in holding the local strategic partnership to account had not been fully developed to reflect the significance of the recent expansion of partnership working. Currently the work of the Huntingdonshire Strategic Partnership and the various thematic groups that have been formed are not being scrutinised. With the allocation of LPSA reward grant through Cambridgeshire Together (the County LSP), the working party was concerned that there is an absence of transparency and accountability in the process. The 2007 Act does make provision for joint county and district scrutiny of performance achievement and officers of the authorities in the county are currently exploring ways in which this can be achieved whilst safeguarding the role and independence of each authority's own scrutiny arrangements.

7.23 In the interim, the working party considered how best to scrutinise the LSP and its thematic groups. While it seemed clear to the working party that the thematic groups could be aligned to the terms of reference of scrutiny panels, it was less clear how best to hold the Huntingdonshire Strategic Partnership itself to account. The working party concluded that, as the Sustainable Community Strategy is approved by full Council, it would be more appropriate for the LSP to be held to account through the mechanism of the Council itself. This is referred to again later in the section of this report dealing with the role and business of the Council itself.

7.24 The working party therefore concluded that there was sufficient work to justify the creation of an additional panel to replace the corporate and strategic framework panel but with an adjusted re-alignment of responsibilities. In so doing, the working party has used the opportunity to highlight within the panels' terms of reference the corporate priorities and goals of not only the Huntingdonshire Sustainable Community Strategy and the Council's

Corporate Plan but also those of the Countywide Sustainable Community Strategy (Cambridgeshire's Vision) given the new shared responsibility for scrutinising the attainment of local improvement targets.

7.25 The working party therefore recommends that the present scrutiny arrangements be replaced by three new overview and scrutiny panels with the following titles and terms of reference -

Social Well-Being

- **District Council portfolios - housing & public health and leisure;**
- **Cambridgeshire's Vision priorities – equality & inclusion and safer & stronger communities;**
- **Huntingdonshire Sustainable Community Strategy themes - children & young people, health & well-being and inclusive, safe & cohesive communities;**
- **Huntingdonshire Strategic Partnership thematic groups - children & young people, health & well-being and inclusive, cohesive & safe communities; and**
- **Council's corporate plan 'Growing Success' aims - housing that meets individuals' needs, safe, vibrant & inclusive communities and healthy living.**

Environmental Well-Being

- **District Council portfolios - planning strategy & transport, operational & countryside services and the environment aspects of finance and environment;**
- **Cambridgeshire's Vision priorities – environmental sustainability and managing growth;**
- **Huntingdonshire Sustainable Community Strategy theme – environment;**
- **Huntingdonshire Strategic Partnership thematic groups - environment forum and growth & infrastructure; and**
- **Council's corporate plan 'Growing Success' aims - a clean, green & attractive place and developing sustainable communities.**

Economic Well-Being

- **District Council portfolios – resources & policy, customer services & information technology and the finance aspects of finance & environment;**
- **Cambridgeshire's Vision priorities – economic prosperity;**
- **Huntingdonshire Sustainable Community Strategy theme – economic prosperity & skills;**
- **Huntingdonshire Strategic Partnership thematic groups - economic skills & prosperity; and**
- **Council's corporate plan 'Growing Success' aims - a strong local economy and improving systems & practices, learning & developing and maintaining sound finances.**

7.26 If each of the panels contains 10 members, this will not increase the existing number of scrutiny councillors. However the working party felt that the rules on co-option offer an exciting opportunity to encourage members of the public to become more directly involved in participation in Council business which will help promote an involvement in local democracy which is one of the key aims of the current Local Democracy, Economic Development and Construction Bill. The principle of independent persons on the Council's Standards Committee already works well and the working party sees this as a

valuable way of encouraging others to take part in local democracy. The working party therefore suggests that 2 persons should be co-opted to each of the panels with voting rights but without the right of call-in. This could offer practical benefits for each of the panels if co-opted persons have suitable experience in some of the functions or areas being scrutinised by each panel and also provide a useful introduction to local government for prospective election candidates. Another option might include the co-option of young people as a way of encouraging younger individuals to become more involved in local democracy. If Council is agreeable to the proposal, a co-option scheme needs to be formally adopted in accordance with the formal legislation. **The working party recommends that each of the overview and scrutiny panels comprises 10 members plus 2 co-opted persons with voting rights but without a right of call-in and that arrangements be made for a formal co-option scheme to be adopted to this effect.**

7.27 The working party addressed the issue of substitution which has been advocated from time to time as a means of ensuring full attendance at meetings. The practice tends to be used most in authorities with close political control to ensure that a majority party can be assured its policies are carried when a vote is required. Such circumstances tend not to apply to scrutiny where discussion is cross party and divisions on party grounds have been rare. For a variety of reasons, including the fact that the system can be open to political abuse, together with the practicalities of a lack of continuity, inexperience and repetition of debate, the working party did not support the idea of substitution for scrutiny panel membership. **The working party recommends that no change be made to the present system of no substitution on scrutiny panels.**

7.28 The working party considered the role of the chairmen and the vice chairmen of the overview and scrutiny panels and whether specific provision should be made for positions to be offered to members of minority political groups. It was the unanimous view of the working party, which comprised members of both parties and an independent councillor, that chairmanship and vice chairmanship should be undertaken by the best persons for the job, irrespective of party, and also that there should no stipulation as to the length of time that a person should serve in each position. **The working party therefore recommends that no change should be made to the present arrangements in terms of the appointment and length of office of the chairmen and vice chairmen of the panels.**

7.29 In terms of the frequency and timing of meetings, the working party found that the present arrangement of monthly meetings (with the exception of May and August) starting at 7.00 p.m. appears to suit those councillors who sit on the panels and **it is recommended therefore that no change be made to the frequency and starting time of meetings of the panels.**

7.30 The working party was conscious of the need to enhance the profile of scrutiny in the context of recent legislative change but was aware that this has featured often in the deliberations of the panels themselves. Press releases, articles in Districtwide, better use of the Council's website all can play their part but the working party was less than enthusiastic of the Government's proposal that meetings should be webcast to the general public. While supporting the idea that the new civic suite to be constructed as part of the new accommodation project should contain provision for webcams in the event that the Government introduces a statutory requirement to this effect, the working party felt that there was insufficient evidence currently to suggest that the investment required to webcam meetings could be justified. **Nevertheless the working party recommends that every effort be made to highlight the importance of scrutiny and encourage both members and the wider public to play an active role in the scrutiny process.**

7.31 The working party considered the present call-in arrangements and whether they were thought to be working satisfactorily. Call-ins have tended to be infrequent with historically no more than 2 or 3 in total per annum. A requirement for 3 Members of the relevant panel to trigger a call-in appears to offer the right balance and the working party cannot see any reason for change. **It recommends that no change be made to the present arrangements for the call-in of executive decisions contained in the constitution.**

7.32 The changes proposed will create a requirement for additional scrutiny support from the officer structure. Previous suggestions for a dedicated scrutiny resource have not been accepted by the Council and support has been provided by the staff of the Democratic Services Section of the Central Services Directorate. The Local Democracy, Economic Development and Construction Bill makes provision for county and unitary authorities to have a dedicated 'scrutiny officer' which cannot be filled by one of the existing three statutory posts of head of paid service, monitoring officer and section 151 officer. Although this does not extend to district councils, increasingly the partnership agenda will involve scrutiny staff in maintaining close contact with the statutory scrutiny officer at county level.

7.33 Coincidental to the working party's review, the Director of Central Services, following his recent appointment, has undertaken a review of his directorate structure. Through a redistribution of staffing resources, it has been possible to propose the creation of a post of Scrutiny Manager. The restructuring has now been approved by the Employment Panel and the working party welcomes the creation of a dedicated post of Scrutiny Manager to support the scrutiny process.

8. The Non-Executive Structure of the Council

8.1 Regulations made under the 2000 Act list a range of functions that are defined as non-executive. Some are specifically reserved to Council by the regulations and other legislation but for the remainder, the Council can delegate responsibility to committees or officers under the pre-2000 Act arrangements. The functions can be grouped together under the following headings –

- functions relating to town and country planning and development control
- licensing and registration functions
- functions relating to health and safety at work (other than in relation to the Council as an employer)
- functions relating to elections
- functions relating to the name and status of areas and individuals
- functions relating to changing governance arrangements
- functions relating to community governance
- power to make, etc. byelaws
- functions relating to smoke free premises
- power to promote or oppose local or personal Bills
- functions relating to pensions etc.
- functions relating to public rights of way
- duty and power to designate certain officers
- power to appoint staff and determine their terms and conditions
- various other miscellaneous functions

8.2 In addition there are a number of other functions, referred to as local choice functions, that the Council has a choice of determining as executive or non-executive. Those that affect the Council are –

- determination of appeals against decisions made by the authority
- functions relating to contaminated land
- functions relating to the control of pollution or air quality
- functions relating to statutory nuisances
- appointment of individuals to other offices and bodies
- functions relating to local area agreements.

8.3 Some committees (standards and licensing) are statutory and must be established but, those apart, it is a matter for the Council's discretion as how it undertakes non-executive decision making. The working party looked at the remit of each of the panels and committees that have been established.

9. The Council

9.1 Article 4 of the constitution lists the powers that have been reserved to the Council which principally relate to the approval of the budget and various policies and strategies that together make up the Council's policy and budgetary framework. Once those have been approved, it is for the Cabinet to carry out their detailed implementation. Any proposed decision that is contrary to the framework requires reference to Council for determination.

9.2 The Council currently meets 6 times per annum at 2.30 p.m. This includes the statutory annual meeting in May.

9.3 Of all the parts of the democratic structure, the Council has probably changed the least as a result of the implementation of the 2000 Act and attracted the least attention from local government commentators. At the time of the Act, a leading academic of the Institute of Local Government Studies commented in an article that 'under existing structures the Council meeting has become in most authorities an unsatisfactory occasion. Its business consisted largely of reports from committees…….That business covered ground already gone over in committee. The Council meeting became in many authorities little more than a formality.'

9.4 Members will recognise that little has changed in the intervening years, despite various attempts to enliven Council meetings and encourage public attendance which has included –

- introduction of the state of the district debate;
- holding meetings at alternative venues;
- an opportunity for the public to present petitions containing more than 50 signatures;
- introduction of a period for oral questions by councillors to the executive and other chairmen and
- changing the layout of the chamber.

9.5 The Council meeting should be the main forum for debate on the policy and budgetary framework but robust debate is handicapped when policies and strategies have been the subject of prior public consultation, agreement with partners and discussion at scrutiny and cabinet en route to Council for approval. Often there is little left to discuss or time in which to do so. With cabinet being single party, scrutiny tending to be cross party and regulatory committees not the vehicles for party politics, the Council meeting should provide the principal opportunity for political debate.

9.6 The White Paper 'Communities in Control' is largely silent on the role of the Council but the proposed new duty of promoting democracy and involving local people in key decisions has been carried forward in the Local

Democracy, Economic Development and Construction Bill. So too has the introduction of electronic petitions to make it easier for local people to petition the Council but this latter initiative has already been implemented by the Council.

9.7 The working party was faced with the choice of accepting that Council meetings are a rather uninteresting necessity or proposing more radical change. It chose the latter, prompted by some thought-provoking ideas that emerged from the seminar attended by its Chairman that was organised by the Institute of Local Government Studies.

9.8 The 2000 Act superimposed a parliamentary model on local government with an executive (cabinet) and overview and scrutiny committees (parliamentary select committees). The working party looked at the scope for remodelling Council meetings to more closely resemble parliament with debates on the stages of policy formulation, opposition debate days (supply days), question time, early day motions and a speaker. In addition to the Council's existing terms of reference, the working party addressed a number of questions, namely –

- how does the Council hold the executive to account?
- can the Council play a part in supporting the role of the authority in community leadership?
- how can the relationship between the Council, the executive and scrutiny be configured so Council is both supportive and critical of those roles?
- will policy and budgetary proposals be considered at a single meeting or through a series of events?
- are the present arrangements for chairing meetings satisfactory?

9.9 The working party concluded that the Council should become a new democratic forum. While there is a place for ceremony and symbolism, the working party also found a need for flexibility and creativity to stimulate a healthy local democracy and generate debate and deliberation. The Council should be a place for representation and government, for the elected representatives of the people to conduct the politics of the locality and for the people of the locality to conduct their political activity.

9.10 The working party felt that the present reporting arrangements at Council meetings provide an opportunity for not only executive councillors but also scrutiny and the other committees/panels to be held to account and should not therefore be changed. Similarly it considered that the opportunity for the submission of petitions and Members' question time had worked well.

9.11 Conversely the working party regarded the current arrangements for the approval of major policy documents to be unsatisfactory. The statutory guidance on new constitutions envisaged a situation where new policy initiatives are debated first in Council before being the subject of consultation and then final approval by Council. As explained earlier, there is currently little opportunity for debate if the first occasion that a document is presented to Council is after its content has been agreed with partners, discussed by Cabinet and/or scrutiny and is too close to the deadline for approval. Moreover the sheer scale of some of the policy documents means that it is unrealistic for them to be the subject of meaningful debate by Members who may only be aware of the subject area on receiving the meeting agenda. The working party favoured a move towards the parliamentary approach of white and green papers whereby new policies and proposals are raised in Council on a more informal basis.

9.12 The working party suggests a new approach is needed whereby major policy initiatives are discussed first in Council with Members being briefed in

innovative ways to stimulate questions and debate. Meetings could comprise single issue debates on matters of topical importance to the district with external speakers/organisations invited to brief Members on issues of relevance and significance. They could also be used as a forum for local accountability involving outside bodies or partners. As part of those arrangements, the working party was attracted to the idea of the opposition being invited to choose a theme for debate at one meeting each year and for individual Members to be encouraged to make use of the current notice of motion arrangements to identify subjects for discussion either in Council or by reference to cabinet or panel. By so doing, the Council can become a forum for the community and other agencies to debate important local issues with their elected councillors. **The working party therefore recommends that major policy decisions that are reserved to Council should be the subject of debate at Council meetings before public consultation and innovative ways used to brief Members on the subjects to stimulate debate. Arrangements should be made for single issue debates (in addition to normal business), with the opposition political party invited to choose the subject for debate at one meeting per annum.**

9.13 Earlier in its report, the working party touched on the difficulty in effectively scrutinising and holding to account the Huntingdonshire Strategic Partnership. The overarching importance of the LSP and the achievement of targets through the local area agreement suggests that this is a role for the Council itself, especially as the Sustainable Community Strategy which the LSP is responsible for delivering is approved by Council. **The working party recommends that the annual refresh of the strategy and periodic reports on the performance of the LSP should be submitted to Council for consideration and approval, with any detailed scrutiny referred to the relevant panel for investigation.**

9.14 The success of the new format will be dependent to some degree on the skill and expertise of the person chairing the meeting, who will need to be able to exercise a degree of independence of party political control and be answerable only to the Council. The working party was attracted to the idea of meetings being chaired by a speaker along similar lines to parliament. Currently meetings are chaired by the Chairman of the Council who is elected annually but historically tends to serve in that position for two years. The choice of chairman derives largely from seniority and length of service, together with that person's ability to act as the ambassador for the Council at civic functions. An ability to chair meetings is of relatively minor significance and it is often difficult for incoming chairmen to familiarise themselves quickly with the Council's constitution, conduct meetings effectively and stimulate debate.

9.15 The working party accepts that the Chairman's role in undertaking civic duties should remain unaltered but suggests that, other than chairman's announcements, the chairing of meetings of the Council should be undertaken by a speaker elected by the Council and accountable only to that body as a whole. With the exception of executive councillors who will be appointed in future by the leader and therefore could have a conflict in allegiance, the working party suggests that the position of speaker should be open to all, irrespective of whether that person is holding another position within the authority. In the absence of the speaker, it is suggested that his or her place is filled by the Chairman. **The working party recommends that meetings of the Council are chaired by a speaker elected by the Council itself at its annual meeting and that the position be open to any Member irrespective of any other position already held, with the exception of membership of the Cabinet.**

9.16 The working party considered whether an opportunity should be provided for public question time at meetings of the Council. Currently this is limited to Members only, although organisers of petitions can present and speak to their petition at meetings. To encourage public engagement, the working party was of the view that any person who lived, worked or owned property in the district should be able to ask a question at meetings of the full Council using the same criteria as the existing Members' question time but subject to notice of the question being submitted at least one week prior to the meeting, both to ensure that the question is acceptable and to present the person to whom the question is addressed an opportunity to prepare an answer. **The working party recommends that public question time be introduced at Council meetings as set out in the procedure attached as annex B.**

9.17 Bearing in mind the changes proposed, the working party discussed the frequency and timing of meetings. If the new arrangements work successfully, there may be a need for additional meetings but in the first instance, **the working party recommends that the number of meetings of the Council be increased from 5 plus the annual meeting to six plus the annual meeting each year.** Meetings are currently held at 2.30 p.m. but this may present attendance problems for members in full time employment, guest speakers from partner and other organisations and members of the public. **The working party therefore recommends that meetings should commence at 6.30 p.m. for a trial period of twelve months.**

9.18 A suggested format for a new look Council meeting is attached as annex C.

10. Other Non-Executive Functions

10.1 The 2000 Act rules in terms of decision making do not apply to non-executive functions. Hence the previous 1972 Act and associated legislation remain applicable. Delegation can be to a committee and subsequently to a sub committee (as opposed to an individual member) or to an officer. Committees must be politically balanced.

10.2 Statutory guidance on the implementation of the 2000 Act to which the Council has to have regard states that, in the Secretary of State's view, the number of committees to which decision making is delegated should be kept to a minimum, as should the number of members on committees which should be proportionate to the size of the authority. In addition, the membership of committees should be kept under review in line with the principles of efficiency, transparency and accountability.

10.3 How the Council structures its non-executive decision making is a matter for local discretion. The statutory guidance refers only to development control and licensing, registration and health and safety at work functions. The working party was reminded that, if a non-executive decision is not delegated to a committee or to an officer, it must be taken by the full Council itself. While this may enhance the role of the Council as described above, there are some decisions that require detailed investigation, others that are relatively insignificant and others that are simply inappropriate for discussion in a public forum which comprises all members.

10.4 Some specific non-executive functions relating to licensing and standards are derived direct from the relevant legislation and different procedures therefore apply in the case of those committees.

10.5 Before addressing the current way in which non-executive decision making is structured, the working party discussed the issue of substitution in the event of a councillor being unable to attend a committee meeting of which he or she is a member. This has become a relatively common practice within local

government, particularly in authorities where political parties are closely balanced. It does provide an opportunity to ensure full membership of a committee, to share responsibilities and potentially to bring a fresh perspective to a debate. Substitution tends to be attractive if a party's majority is small and there is a danger of being outvoted in committee if one of its members is unable to attend. Similarly if committee membership is small and an opposition party is entitled only to a single seat, an inability of its appointee to attend would leave the party unrepresented at that meeting.

10.6 In discussing substitution, the working party considered the functions of the committees to which it might be applied. Cabinet has been dealt with earlier in the report with the working party concluding that this should remain single party with no opportunity for 'shadow' Cabinet members. Similarly the working party felt that substitution was inappropriate for scrutiny. Party politics should play no part in the deliberations of the regulatory committees where decisions should be free of political bias and the current format of the Standards Committee is not appropriate for substitution, containing as it does a number of independent persons and parish council representatives.

10.7 The working party did not find the idea of substitution attractive. It did not consider that the business and conduct of the Council has been unduly hampered by the absence of substitutes to date and felt that substitution has less relevance in the current constitutional climate. **The working party therefore recommends that substitution is not introduced for non-executive meetings of the Council.**

11. Development Control Panel

11.1 The Council has delegated non-executive functions relating to town and country planning, public rights of way and trees and hedgerows to the Development Control Panel. The Panel is authorised to determine applications and make orders within the local development framework approved by Council and acts as a consultee when LDF policies are being formulated by Cabinet for submission to Council for approval. Where decisions are proposed that are contrary to policy, these must be referred to Council for approval. In the case of planning applications, the Council in effect assumes the Panel's role in determining an application and procedures have been implemented to address this concept.

11.2 The Panel itself currently comprises 16 members, meeting monthly at 7.00 p.m.. In accordance with statutory guidance, the constitution currently provides for the relevant executive councillor to be an ex officio member of the Panel to provide a link with the policy formulators in Cabinet but there is no restriction in terms of the maximum membership of the Panel by executive councillors. The guidance also suggests that the executive councillor who sits on the Panel should not be its chairman.

11.3 An extensive system of delegation to the Head of Planning Services is in place (which is listed in the constitution) to help ensure that the Council meets its statutory target of determining applications within the required timescales and keep meetings to manageable proportions. Nevertheless all Members do have an opportunity within 21 days of the publication of the weekly planning list to ask for an individual application to be determined by the Panel as opposed to an officer, provided that material planning reasons are submitted by the Member to accompany the request.

11.4 The Panel has introduced a system of public speaking at its meetings which has proved popular without elongating meetings unduly. High levels of public attendance are the norm with over 50 people being a regular occurrence. The public speaking arrangements were reviewed last summer by the

Overview and Scrutiny Panel (Service Support) and by the Development Control Panel itself and minor changes made to a system that has been a notable success.

11.5 The working party looked at the size of the panel, the level and nature of representation of executive councillors, the frequency, time, length and venue of meetings, bearing in mind their popularity with the public. Evidence suggests that the level of Member attendance at panel meetings is high with usually only 2 or 3 absentees per meeting. In terms of executive councillor attendance, the working party queried whether there might be a perception that the portfolio holder might be inclined to regularly support planning officers' recommendations on development applications. However the working party did not find any evidence to this effect and felt that the presence of the executive councillor's experience of planning policy was valuable in debate. With regard to the timing etc. of meetings, the working party was satisfied that the present arrangements are working well and **it therefore recommends that no change be made to the terms of reference, composition etc. of the Development Control Panel.**

12. Licensing and Protection Panel and Licensing Committee

12.1 Licensing, registration and health and safety are the only other non-executive functions mentioned in the statutory guidance. In addition to those listed specifically as non-executive in the regulations, the Council has chosen to designate a number of the local choice functions as non-executive and these have been grouped together within the responsibilities of the Licensing and Protection Panel

12.2 Most decision making for licences, registrations and the enforcement of health and safety is delegated to officers, often after consultation with the Chairman and Vice Chairman, as set out in the constitution. The principal function of the Panel is policy formulation and, unlike development control, most applications that require member decisions are dealt with by application sub groups.

12.3 The Panel therefore meets relatively infrequently on three occasions per annum, usually at 2.30 p.m. It comprises 12 members with the relevant executive councillor again being an ex officio member. The Panel must be politically balanced. Public speaking is not permitted at panel meetings but, as the determination of applications is delegated to sub groups, there are few occasions when this would be relevant

12.4 The Licensing Committee, on the other hand, is a statutory committee, the terms of reference of which are determined by the Licensing Act 2003 and subsequently the Gambling Act 2005. It must comprise 12 members and be politically balanced. The Committee must appoint at least one sub committee of 3 members to determine applications at hearings when representations have been received. Most decision making has been delegated to officers or is dealt with by the sub committees.

12.5 As a result of a quirk in the legislation, it is not possible for the Licensing Committee to incorporate the functions of the Licensing and Protection Panel and vice versa. The practical answer has been for the Committee to replicate the membership, chairmanship etc. of the Panel and for its meetings to immediately follow those of the Panel.

12.6 The Working Party looked at the frequency, timing and venue for meetings and the balance between executive and non-executive members of both the Committee and the Panel. It found that the current arrangements are working well and the time and frequency of meetings to be appropriate for its business

and conduct. The working party found that there was therefore little opportunity or need for any amendments and **recommends that no change be made to the terms of reference, composition, etc. of the Licensing and Protection Panel and Licensing Committee.**

13. Standards Committee

13.1 The Standards Committee similarly is a statutory committee but derived from the 2000 Act with subsequent regulations defining its membership and the delegation of functions to a variety of sub committees.

13.2 The Committee must comprise at least 25% independent persons who are not elected members. In addition it must comprise at least one representative of parish councils who must be present when issues relating to parish councils are being discussed. Two mandatory sub committees must be appointed to deal with allegations of breaches of the Members Code of Conduct and each of the sub committees, as well as the committee itself, must be chaired by an independent person. If a sub committee is dealing with an issue relating to parish councils, a parish council member of the Committee must be present. To have sufficient numbers to appoint to and chair the sub committees, it is necessary for the Committee to comprise at least three independent persons and three representatives of town and parish councils. The Committee may include one or more executive councillors.

13.3 The current membership of the Committee is therefore 7 councillors, 4 independent persons and 3 parish council representatives, although it has only recently been possible to attract a full complement of parish councillors on the Committee. Meetings are held quarterly, usually at 4.00 p.m.

13.4 When the Committee was first established, its terms of reference included a number of other miscellaneous non-executive functions in the absence of an alternative decision making forum, e.g. complaints handling, whistleblowing procedure, constitutional matters. However it became apparent that it was inappropriate for independent persons and parish councillors to be taking decisions on matters of Council business of this nature and those functions have now been transferred to the Corporate Governance Panel. This has meant that the terms of reference of the Standards Committee are limited solely to those that specifically derive from the 2000 Act and subsequent regulations.

13.5 The working party found little opportunity to suggest any change to the Standards Committee whose business is heavily constrained by regulation, other than a change in the time of its meetings to an early evening which might be of assistance to the independent persons and parish council representatives who sit on the committee. **The working party recommends that no change be made to the terms of reference, composition, etc. of the Standards Committee, other than a change in the time of its meetings to 6.30 p.m..**

14. Corporate Governance Panel

14.1 The Panel is a relatively recent innovation. It fulfils the role of the Council's audit committee and deals with issues relating to the Council's governance arrangements, internal and financial controls, customer feedback and whistleblowing.

14.2 The Panel comprises 7 members, of which at least one and no more than three should be members of the executive. In practice the Panel has contained 3 members of the Cabinet since its inception. It meets quarterly, usually at 6.00p.m.

14.3 The Panel recently reviewed its own effectiveness in association with the external auditors and prepared an action plan for improvement which contains two issues that were referred to the working party for consideration as part of the review. The first relates to its membership. A quorum for meetings is three Members and the Panel was concerned that this could create a possibility that on rare occasions only Cabinet Members need be present to meet the quorum requirements.

14.4 The second matter related to the Panel's terms of reference. In reviewing its effectiveness, the Panel considered whether these followed the CIPFA model. The Panel had concluded that they did but referred the matter to the working party for consideration as part of its wider review.

14.5 The Panel is not a statutory committee and is not referred to in the statutory guidance for local authority constitutions. However, the Corporate Governance Panel does represent good practice and the Council scores well in terms of its annual use of resources assessment by having invested in the establishment of a panel of this nature.

14.6 In terms of membership, the working party discussed the relationship between the Panel and both the Cabinet and the Overview and Scrutiny Panel (Service Support) as three members of the former and the chairman of the latter are currently members of the Panel. The working party acknowledged the separate roles of the Corporate Governance and Scrutiny Panels but did not consider that this gave rise to a conflict of interest if a Member sat on both. However the working party did think that a maximum of three executive councillors was too high in a panel size of 7. It was felt that the practice of development control and licensing should be followed with those executive councillors with responsibility for finance and corporate governance being ex officio members of the Panel. It was also felt that co-option of external persons might be beneficial on an ad hoc basis in a non-voting capacity. **The working party therefore recommends that the executive councillors whose portfolios include finance and corporate governance should become ex officio members of the Corporate Governance Panel in place of the present arrangements for a maximum of 3 Cabinet members.**

14.7 Having reviewed the Audit Commission's suggested terms of reference for the Panel in comparison to those approved by Council, the working party found that these largely coincided. **However for the sake of clarity, the working party recommends that the following be added to the terms of reference of the Panel –**

- **comment on the scope and depth of external audit work and ensure it gives value for money**
- **liaise with the Audit Commission over the appointment of the Council's external auditor**
- **commission work from internal and external audit**
- **monitor the Council's policies on 'Raising Concerns at Work', the Anti-Fraud and Corruption Strategy and the Council's customer feedback process.**

14.8 With the exceptions referred to above, the only other change considered by the working party was the time of meetings and, for consistency, **it is recommended that meetings of the Corporate Governance Panel commence at 6.30 p.m.**

15. Employment Panel

15.1 The Council's workforce are employees of and accountable to the Council as a whole, not the executive. The functions and responsibilities regulations specifically define the appointment and terms and conditions of staff as non-executive functions which must therefore be dealt with either in full Council or by delegation to a committee or officer.

15.2 The Council has chosen to establish an Employment Panel, whose terms of reference also include responsibility for determining the Employees Code of Conduct, the Protocol on Member/Employee Relations and Officer Employment Procedure Rules. It is not a statutory committee, nor is there any reference in the statutory guidance as to how such matters should be dealt with in a Council's constitutional arrangements.

15.3 The Panel currently comprises 8 Members, including at least one member of the Cabinet, and meets quarterly, usually at 3.00 p.m.

15.4 Although aware of a view that the Panel's existence was unnecessary, the working party found a need for a mechanism to deal with employment issues. The working party acknowledged that it would be inappropriate for staffing matters to be discussed in full Council, nor for issues of such significance as the negotiation of the annual salary award to be delegated to officers. Some form of Member decision making forum is therefore inevitable and the working party found the present arrangements to be working satisfactorily. **The working party therefore recommends that no change be made to the terms of reference, composition, etc. of the Employment Panel.**

16. Appointments Panel

16.1 The Local Authorities (Functions and Responsibilities) Regulations 2000 define the following functions of the Council as not being the responsibility of the executive –

- power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal),
- power to appoint officers for particular purposes (appointment of 'proper officers'),
- duty to designate officer as head of the authority's paid service and to provide staff etc.
- duty to designate an officer as the monitoring officer and to provide staff etc., and
- duty to provide staff etc. to person nominated by the monitoring officer.

16.2 The Local Authorities (Standing Orders) (England) Regulations 2001 require an authority to include in its standing orders certain procedures for the appointment and dismissal of staff.

16.3 The statutory guidance for the implementation of the Local Government Act 2000 also makes provision as to how the appointment and dismissal of staff must be dealt with by an authority.

16.4 There is a perception that the current arrangements, contained in the Officer Employment Procedure Rules in the constitution, are unwieldy in terms of the appointment of the Chief Executive, directors and heads of service. For all other employees, both the Regulations and the Rules require the appointment of employees below head of service level to be the responsibility of the Chief Executive or his nominee and this cannot be undertaken by councillors. The working party's review therefore dealt only with employees at head of service level and above.

16.5 In the case of the head of paid service (the Chief Executive), the Employment Procedure Rules require the full Council to approve the appointment, following a recommendation by a panel appointed by the Council which must include the relevant executive councillor. In the case of chief officers (directors) and heads of service, responsibility for their appointment is delegated to a panel (the Appointments Panel) which must include the relevant executive councillor in relation to the post to be filled.

16.6 The Rules stipulate that an offer of appointment by the Council or the Panel cannot take place until –

(i) the Council or Panel has supplied the Chief Executive with details of the proposed appointment,
(ii) the Chief Executive has supplied members of the Cabinet with details of the proposed appointment and allowed a period for objection to the offer by the leader on behalf of the Cabinet, and
(iii) the leader has informed the Chief Executive that -

- there is no objection to the offer,
- such an objection has not been received within the requisite period, or
- the Council or Panel is satisfied that such objection is not material or well-founded.

16.7 In any case, the final decision as to the offer of appointment is the respective responsibility of the Council or Panel. The same situation applies in the case of the dismissal of employees.

16.8 The Local Authorities (Standing Orders) (England) Regulations 2001 define the procedure for the appointment and dismissal of the head of paid service, statutory and non-statutory chief officers and deputy chief officers. Other than the fact that the Council has delegated to the Appointments Panel responsibility for the interviewing of candidates, the Council's Officer Employment Procedure Rules exactly mirror the requirements contained in the Regulations.

16.9 The Appointments Panel is appointed by the Council each year at the annual meeting. Its size is not defined in the constitution and can therefore be varied at each annual meeting, subject to it always including at least one member of the Cabinet and being politically balanced. Historically, the Panel has comprised four members including the deputy leader, the relevant executive councillor in relation to the post to be filled, the chairman of the Employment Panel and a member of the majority opposition party.

16.10 The working party acknowledged that the only flexibility effectively available is the size of the Appointments Panel. The working party had intended to recommend that membership of the panel comprise the chairman and vice chairman of the Employment Panel, deputy leader, relevant executive councillor and one member of the opposition which would provide a balanced cross section of executive and non-executive members of both parties. However before the completion of the review, a further vacancy for a head of service position has highlighted the problem of finding dates when the existing membership are available which can slow the recruitment process. An alternative approach has been mooted whereby a pool of Members is established from which a panel of 5 is appointed on an ad hoc basis. The approach could lead to a potential imbalance in membership in comparison to the working party's original concept. The working party acknowledged the potential problem but was opposed to the idea of a pool of members for the same reasons as it had discounted substitution. The Working Party felt that a solution to this situation would be for each of the members appointed to the

Appointments Panel to be able to nominate an alternative representative who could attend a meeting on their behalf if they were unable to participate in the interview meeting. **The working party therefore recommends that membership of the Appointments Panel comprise the chairman and vice chairman of the Employment Panel, deputy leader, relevant portfolio holder and the Leader of the majority opposition party (or their respective nominees).**

17. Elections Panel

17.1 Finally the working party reviewed the position of the Elections Panel. Functions relating to elections, the name and status of areas and individuals, governance arrangements and community governance are defined as non-executive. The establishment of a panel to deal with such matters has been a relatively recent development that reflected the need for detailed debate on a number of electoral matters in recent years such as boundary reviews and electoral cycles. In the absence of a panel, such matters would need to be discussed in full Council.

17.2 The terms of reference of the Panel will require some amendment to include the new provisions introduced by the 2007 Act which will be dealt with in the biennial review of the constitution which is currently taking place.

17.3 The Panel comprises 7 Members and meets on an ad hoc basis as and when the need arises. The working party found that the Panel provides a practical way of dealing with electoral matters in an informal manner which aids discussion of detailed issues. **The working party therefore recommends that no change be made to the terms of reference, composition, etc. of the Elections Panel.**

18. Other Committees, Panels and Groups

18.1 There remained a number of joint committees, sub and advisory groups and working parties that have been established by Cabinet or panels. These can be summarised as follows –

Cabinet

Hinchingbrooke Country Park Joint Liaison Group
Huntingdonshire Traffic Management Area Joint Committee
Safety Advisory Group
Customer First and Accommodation Advisory Group
Environment Strategy Working Group
Car Parking Working Group

Overview and Scrutiny Panels

Performance Review Working Group

Development Control Panel

Development Plan Policy Advisory Group
Section 106 Agreement Advisory Group
Tree Preservation Order Sub Group

Licensing and Protection Panel/Licensing Committee

Applications Sub Groups
Licensing Sub Committees

Employment Panel

Employees Liaison Advisory Group
Appeals Sub Group

Standards Committee

Referrals (Assessment) Sub Committee
Review Sub Committee

18.2 Some of the sub committees are required by statute. Others have been established to undertake specific functions, either internally or jointly with external partners, by the parent Cabinet or panel. Some are time limited but they are all subject to change at the discretion of the parent body, as in the case of the recent decision to wind up the leisure centre management committees. They therefore were omitted from its review by the working party which left only the question of area committees.

19. Area Committees

19.1 The statutory guidance that was issued by the Secretary of State to accompany the Local Government Act 2000 recognised that area committees or forums could have an important role to play in bringing decision making closer to people and helping to give local people a say in how a local authority works. The Secretary of State therefore encourages local authorities to consider the use of such decentralised arrangements for consultation or decision making or both.

19.2 Area committees or forums can take many forms and undertake a variety of roles. They can include councillors or be comprised of councillors and representatives of other public, private and voluntary sector bodies in the area. They can have delegated functions and budgets or they can be purely advisory or consultative.

19.3 The Council previously had four area consultative committees that comprised ward councillors but these ceased to exist in the mid 1990s because of lack of business and interest. The only restriction in terms of decision making now is that if an area committee is to exercise delegated executive decision making, it must not exceed 40% of the size of the authority in terms of either area or population. In establishing the new structure in response to the 2000 Act, the Council decided not to introduce the concept of area committees at that time.

19.4 Since then, there has been considerable emphasis on community engagement and neighbourhood management and the question of areas committees is dealt with below.

20. Community Engagement and Neighbourhood Management

20.1 A brief report jointly authored by the Heads of Administration, Community and Environmental Health and Policy and Strategic Services was submitted to both Overview and Scrutiny Panels in November which referred to initial discussions into the question of community engagement and neighbourhood management. As the review of the constitution was in progress, it was agreed to refer the matter to the working party for consideration as part of its wider remit.

20.2 The need for closer engagement with local communities and encourage people to participate in local activities have featured strongly in recent Government white papers and legislation. Both the Strong and Prosperous Communities and Communities in Control white papers have recurrent

themes of engaging with communities and engendering a greater involvement and interest on the part of individuals in local decision making and creating a sense of place.

Local Aims and Objectives

20.3 The development of neighbourhood management is a key objective in both County and District sustainable community strategies and in the Council's own corporate plan.

20.4 'Cambridgeshire's Vision', the Cambridgeshire Sustainable Communities Strategy, contains 5 key themes –

- Managing Growth
- Equality & Inclusion
- Safer & Stronger Communities
- Environmental Sustainability
- Economic Prosperity

Effective neighbourhood engagement and management can play a significant role in delivering against the key themes.

20.5 One of the six strategic themes of the Huntingdonshire sustainable community strategy is inclusive, safe and cohesive communities which lists a number of outcomes, one of which is effective neighbourhood management in appropriate communities by

- implementing neighbourhood management in Ramsey, Oxmoor and Eynesbury,
- investigating neighbourhood management in other communities, and
- promoting the engagement of communities in the provision and running of services.

20.6 The Council's own corporate plan, 'Growing Success' lists empowerment as one of the Council's roles by 'helping and empowering local people and acting as their advocate and working closely with town and parish councils, communities and neighbourhoods; listening and communicating with local residents and supporting the representative role of local councillors'. The community aims include safe, vibrant and inclusive communities, one of the objectives of which is to enable residents to take an active part in their communities –

- by encouraging them to take part in representative and democratic activities, and
- by assisting communities to resolve community issues locally and adopting a neighbourhood management approach in the neediest communities.

Current Arrangements

20.7 Neighbourhood police panels, formerly safer neighbourhood panels, have been operating in Cambridgeshire since 2006, concentrating on establishing priorities for community safety issues in localities. They have been serviced by the Police with the support of the Council's community safety team and are public meetings, open to county, district, town and parish councillors as well as the wider community. Sitting alongside each panel is a joint action group of officers from the Police, community safety and others to agree actions to meet the priorities set by the panel and report back. Seven panels in Huntingdonshire cover

- North and West Huntingdonshire
- Ramsey and District
- Huntingdon and District
- Oxmoor and Hartford
- St Ives and District
- Eynesbury
- St Neots and District

20.8 A recent national review of policing undertaken by Sir Ronnie Flanagan has recommended a closer link between local police forces and other partner organisations at a neighbourhood level on the basis that 'neighbourhood policing should exist within a wider context of collaboration and joint working, with police officers working in partnership with a wide range of local agencies, from councils to primary care trusts to schools'.

20.9 In addition to the police panels, there are locality groups operating in those wards with higher levels of deprivation in Huntingdonshire in Eynesbury, Oxmoor and Ramsey.

20.10 Town Centre management groups have been established in each of the four market towns in the District but while they bring together local authority representation and business interests, their principal function is to promote the economic vitality of the towns and their role should not be confused with neighbourhood management.

Developments in Cambridgeshire

20.11 The County Council's Cabinet approved recommendations contained in a report on 'Taking Forward Neighbourhood Management in Huntingdonshire' in July 2007 which facilitated the neighbourhood management initiatives being implemented in Oxmoor, Eynesbury and Ramsey.

20.12 The County Council is also working more widely across Cambridgeshire to develop neighbourhood management with the key aims of –

- improving outcomes for local people by bringing agencies together to address problems in a joined up way,
- helping citizens engage with and influence public service delivery and democratic governance, and
- supporting local communities in taking local action.

20.13 Two neighbourhood panel liaison officers have been appointed in recent months to support the County Council and its members at neighbourhood panel meetings. The officer responsible for the panels in the north of the County has given a presentation on the proposals to County and District members at a Huntingdonshire In Your Patch meeting in December 2008.

20.14 Elsewhere in the County, Fenland District Council recently agreed a proposal for enhanced neighbourhood engagement and management. Building on a pilot scheme that has been operating in Fenland and an extensive consultation exercise, the Council will be developing 5 neighbourhood management boards and 7 forums. The boards are likely to comprise councillors from Fenland, Cambridgeshire, town and parish councils, youth district councillors, Cambridgeshire Constabulary, the local PCT, a housing association and the local secondary school head teacher and will be attended by officers from the District and County Councils.

20.15 The boards will have the following key roles –

- setting local priorities for partner agencies, including safety and policing policies, linked to the Fenland sustainable community strategy and LAA,
- engaging with the community on local planning issues (where appropriate),
- providing grants to voluntary and community organisations,
- seeking accountability of local service providers,
- developing and commissioning local community initiatives such as projects to develop local skills, raise aspirations, improve quality of life etc., and
- helping to enable town and parish plan development and integrate town and parish priorities into area action plans.

20.16 The neighbourhood forums will include the public, Fenland ward councillors and County Council electoral division councillors from the forum catchment area, the chairmen of town and parish councils, representatives of local tenant and residents associations, local youth councillors and the voluntary sector.

20.17 In East Cambs District Council, a review of its neighbourhood panel project was considered in October 2008. A pilot has been trialled in the Soham area since November 2006 and was extended to cover all parts of the District in January of last year with 5 panels currently in operation. Each panel comprises elected members from all 3 tiers of local government with up to 4 community representatives being co-opted. Parish council representatives provide a regular community viewpoint, augmented by contributions from other panel members and the public who are encouraged to attend. The panel is provided with reports on the local issues facing service providers and meets in public to prioritise the actions necessary to address the issues, taking advice from officers of the public service providers. Actions prioritised at each panel meeting are reported back to the panel and public at the next meeting. The process is supported by a neighbourhoods panel co-ordinator, funded through LPSA reward grant.

Neighbourhood Management in Huntingdonshire

20.18 Neighbourhood management is clearly high on the political agenda nationally and forms part of the Council's aims and objectives.

20.19 The Council needs to consider how best to take this forward. To be effective, it requires commitment and support with significant resource implications, both at member and officer level. There are no additional resources available currently and against a background of financial restraint with budgetary cuts required, it is unlikely that any new funding can be found, other than possibly from existing partners. It seems sensible therefore to build on existing neighbourhood management in the District by expanding the role of the police panels which are already attended by representatives of the three local government tiers, the police and the public. Membership could be expanded to include NHS, education and Luminus representation with servicing of the panels transferring from the police to the District Council.

20.20 The working party had a particularly lengthy debate on this subject. If neighbourhood meetings are to be meaningful, it is clear that strong leadership will be required to encourage public involvement and ensure that issues raised are dealt with by relevant bodies. Bearing in mind the developments elsewhere and the commitments expressed in the sustainable community strategy and corporate plan, the working party concluded that the District Council should take the lead in Huntingdonshire by building on the existing foundations of the police panels. Having regard to the specialist nature of the neighbourhood management initiatives in Oxmoor, Eynesbury

and Ramsey, it was felt that these should continue unchanged by any proposals for neighbourhood forums with a wider remit both geographically and in their terms of reference.

20.21 The working party felt that the fundamental principle for the forums should be the provision of an opportunity for members of the public to raise issues of concern with relevant authorities and public bodies. Therefore the forums should not be too remote from local people, nor should there be so many that it would be impossible for them to be serviced satisfactorily. Although a number of different scenarios were considered, the working party concluded that a total of 6 forums meeting on a quarterly basis would be manageable. Parishes have been nominally allocated to each forum area based on ward and electoral division boundaries and what are perceived to be local communities of interest. This is shown on the map attached as annex D. Some variation may be appropriate as a result of local representation or with partners and indeed initial discussions with Cambridgeshire Constabulary suggest that, for operational reasons, they favour retention of the existing neighbourhood police panels boundaries as shown on annex E, with the exception of those at Oxmoor & Hartford and Eynesbury. The working party believes that local communities of interest should be the priority, otherwise the public are unlikely to attend.

20.22 Although the forums will be open meetings, the working party proposes that a panel be established for each area that will comprise a 'top table' at forum meetings with the purpose of presenting information, resolving issues raised from the floor, moderating any requests for information/action that need to be referred elsewhere, monitoring, progress chasing and reporting back to ensuing meetings. As each forum area will vary in terms of its priorities and circumstances, the working party felt that it would inappropriate to predetermine the composition of the panels, subject only to a membership not exceeding 10 and chairmanship by a district councillor from within the catchment area. Dependent on the length of the forum meeting, a separate meeting of each panel might be required either after the forum discussion or on an ensuing date to action issues raised by those attending.

20.23 In terms of the reporting arrangements, the working party proposes that the forums/panels feed into the appropriate thematic groups of the Huntingdonshire Strategic Partnership with any issues of concern with regard to membership, attendance by public bodies, investigation of issues etc. being reported through the HSP itself to the LSP partners. Operational issues would be referred to and dealt with by the appropriate local authority or public sector body with the outcome reported back to the next ensuing forum meeting. A diagram showing the various proposed linkages is attached as annex F.

20.24 **The working party therefore recommends that 6 neighbourhood forums open to the public be established in Huntingdonshire, chaired by district councillors and serviced by the District Council for the areas of Huntingdon, St Neots, St Ives, Ramsey, North Huntingdonshire and West Huntingdonshire with the catchment areas shown on the plan attached as annex D to this report and the following terms of reference –**

- **advising on the setting of local priorities for partner agencies, including safety and policing policies, linked to the Huntingdonshire sustainable community strategy and local area agreement,**
- **engaging with the community on local planning issues (where appropriate),**
- **seeking the accountability of local service providers,**

- **developing and commissioning local community initiatives such as projects to develop local skills, raise aspirations, improve quality of life etc.,**
- **helping to enable town and parish plan development and integrate town and parish priorities into area action plans' and**
- **expressing views in response to consultation on proposals under the Sustainable Communities Act 2007** (see below).

20.25 **The working party recommends that a panel should be established for each forum, chaired by a district councillor and serviced by the District Council, with the composition of each panel being a matter for local determination subject to a ceiling of 10 representatives of local authorities and other public sector bodies active in the area of that forum and with the following terms of reference –**

- **presenting information at forum meetings,**
- **resolving issues raised at forum meetings,**
- **moderating any requests for information/action that need to be referred elsewhere,**
- **monitoring the performance of the forum,**
- **progress chasing requests for information/action, and**
- **reporting back to ensuing meetings.**

The panels and forums will feed into the appropriate thematic group of the Huntingdonshire Strategic Partnership.

21. Sustainable Communities Act 2007

21.1 The principal aim of the Act is to promote the sustainability of local communities by encouraging the improvement of the social, economic and environmental well-being of an authority's area, including participation in civic and political activity. The Act requires the Secretary of State to invite local authorities to submit proposals to promote the sustainability of local communities which can include a transfer of functions between local and public authorities. Before doing so, an authority must consult with the transferor authority and a panel of representatives of local people, including, specifically, under-represented groups. Regulations on the implementation of Act were published only recently by Secretary of State in November 2008.

21.2 For the purposes of the review, the working party considered the composition of the panel required under the Act. Some authorities already have established citizens panels and there is no necessity for such to be duplicated for the purposes of the Act. Where those do not exist, an authority that wishes to submit proposals under the Act must consult a panel, including representatives of persons from under-represented groups. The latter are not defined and it is a matter for each local authority to decide upon reasonable steps to identify under-represented groups if a new panel is to be established.

21.3 The steps should include –

- identifying communities of interest in the area, and
- working with colleagues, the voluntary sector and other service providers on which communities of interest may be under-represented in civic and political activity, in particular those that are hardest to reach

and then ensuring that they are represented on the panel. Once the panel has been established, the authority must take a view as to whether those under-represented groups are sufficiently represented.

21.4 Further consideration of the implementation of the Act will be dealt with elsewhere but the working party can see no reason to establish a separate panel for consultation on proposals coming forward under the legislation. **The working party therefore recommends that any proposals under the Act should be subject to consultation with the neighbourhood forums.**

22. Exercise of Functions by Individual Councillors

22.1 Although the working party's remit related to a review of the constitution, it was conscious of recent legislative change intended to raise the profile of the ward councillor in the community and also enable councillors to take delegated decisions on an individual basis. The working party felt that it would have been remiss of them not to have therefore also addressed the role of the councillor as part of its review.

22.2 Constituency work has long been an important element of a councillor's duties. Indeed one of the aims of the Local Government Act 2000 was to free up councillors' time from committee attendance to allow them to concentrate more on working in their constituencies, previous surveys having suggested that this was what was regarded by councillors as one of their more important and valuable roles. In practice, there has been no less 'committee' work with the creation of overview and scrutiny and other non-executive decision making than was the case with the old committee system. The role of the councillor as a community leader has however increased with recent white papers and legislation. The need for better communication with members has been the subject of separate discussions involving members and officers that has been running parallel to the review which has culminated in a recently produced 'Communicating with Councillors' protocol, available on the Council's intranet site.

22.3 The white paper 'Strong and Prosperous Communities' acknowledged that councillors will often be able to solve a community's problem themselves. A councillor's ability to do so was strengthened in two ways in the 2007 Act. The first was the introduction of the councillor's 'call for action' which enables a councillor to raise an issue on behalf of a constituent through an authority's overview and scrutiny panel. The second, which was considered by the working party, is the ability to delegate decision making to individual councillors.

22.4 Prior to the 2000 and 2007 Acts, as referred to earlier in the report, legislation only enabled decision making to be delegated to committees, sub committees and officers. As a committee cannot comprise one person, individual councillors could not have decision making delegated to them. The 2000 Act introduced executive decision making by executive councillors if the responsibility was delegated to them by the Cabinet or leader. The 2007 Act takes this further and enables both the leader and the Council to delegate responsibility for the discharge of executive and non executive functions respectively to councillors for the wards that they represent. This will not apply where it is expressly prohibited by other legislation (e.g. a hearing to determine an application under the Licensing Act 2003 must be heard by a sub committee comprising three members of a licensing committee). The Secretary of State by order may also limit the functions that can be discharged and any such delegation, as normal, does not prevent the discharge of the function by the person or body that has authorised the delegation.

22.5 Although the discharge arrangements are not limited other than as referred to in the preceding paragraph, it is expected that authorities wishing to make use of the new power will do so to delegate a budget to local councillors for expenditure in their wards to promote social, economic and environmental

well-being. Any decisions made by an individual councillor will have to be recorded and retained for inspection for six years and a councillor can be called to account by an overview and scrutiny panel for his or her actions in this respect.

22.6 Some authorities have found ways of delegating small budgets to individual councillors in the past but the 2007 Act introduced a far more wide ranging ability to facilitate local decision making. Clearly this works best in single member wards where there is more transparent local accountability as in two and three member wards the views of ward members may be divergent.

22.7 If expenditure was to be delegated, budgetary provision would need to be made. Even allowing for a modest sum of say £2,000 per annum for each councillor, this would amount to in excess of £100,000 per annum which would be available for expenditure by individual councillors. The feasibility of this would have to be considered in the context of the Council's current financial position.

22.8 The other consideration is the question of resources. Although decisions would be taken by individual councillors, these would have to be recorded and retained for public inspection, advice may be required from officers on the advisability of certain proposed decisions, actions would have to be monitored etc.

22.9 The working party balanced the benefits of the local discharge of functions against the resource implications and budgetary considerations involved. While superficially attractive, the working party foresaw numerous problems with delegated budgets to individual councillors. The view was taken that any scheme would be difficult and time consuming to administer, it may be tempting for members to take a less than partial view of applications and the effort involved could not be justified by the relatively small amounts of money that might be made available for each member to allocate. **The working party therefore was not persuaded to the idea and recommends that no action be taken to implement delegated decision making, including delegated budgets, to ward councillors under the 2007 Act.**

23. Outside Bodies

23.1 Another significant role for individual councillors is representation on external organisations, the value and extent of which is often underestimated. The latter can be summarised as –

- enabling the Council to maintain close liaison with bodies helping to deliver shared aims and objectives, especially where they are in receipt of Council funding;

- enabling the Council to influence service delivery by other public and voluntary sector organisations;

- providing public and voluntary organisations better access to the Council; and

- adding kudos to the management of an organisation by having an elected representative on its management committee or board.

23.2 The Council has historically encouraged councillors to play an active role in the wider community in this way. In certain limited cases, the representation is statutory (for example internal drainage boards) or the subject of formal agreement (for example East of England Regional Assembly or the Luminus Group). In the majority of cases however, representation is voluntary.

Reviews are undertaken periodically of organisations to which appointments are made to ensure that the Council's representation remains appropriate and adds value.

23.3 Working party members themselves sit on a number of external organisations and therefore had experience of representing the Council in this way. The working party acknowledged the value that representation can bring but did feel that insufficient support was available from the Council to assist councillors who represent it on external organisations in this way. In relatively few cases is a briefing provided of the organisation to which a Member is being appointed for the first time, nor is it often clear where guidance is available if required. There is little opportunity for a representative to report back on matters of interest, particularly when the person appointed to represent the Council is not a member of the authority. The working party was of the opinion that there was scope for a number of improvements in the way that this is handled by the Council which should have relatively minor resource implications. **The working party therefore recommends**

- **that there should be an annual review of the organisations to which representatives are appointed by the Council, prior to new or re-appointments being made;**

- **that cross party discussions should take place between a representative of each of the political parties on the Council and the independent councillors before new or re-appointments are made annually;**

- **that councillors or members of the public newly appointed to an external organisation should receive a briefing note prepared by the Democratic Services Section before attending their first meeting of that organisation, explaining the implications of representation, the aims of the organisation etc.;**

- **that external organisations to which representatives are appointed be requested to provide an induction process for those persons;**

- **that an officer be named in respect of each external organisation to which the Council makes an appointment to whom the representative can turn for advice and support about membership of that body; and**

- **that representatives be encouraged to produce a short report at regular intervals of their membership of external organisations and a page be established on the intranet to enable such reports to be posted.**

24. The Role of the Councillor

The Councillors Commission

24.1 Early in 2007 and in response to the Strong and Prosperous Communities white paper, the Secretary of State established an independent Councillors Commission to -

- encourage people who are able, qualified and representative to be candidates to serve as councillors;

- retain and develop them once they are elected (or appointed under the Local Government Act 2000); and

- enable them to secure public interest and recognition for the work they carry out for their communities.

24.2 The Commission's final report was published in December 2007 and can be found on http://www.communities.gov.uk/documents/localgovernment/pdf/583990.pdf. It contains over 60 far reaching recommendations to address the Commission's underlying principles that –

- local authorities are key to promoting local democratic engagement;
- promoting a sense of efficacy – the feeling that an individual is able to influence the democratic process and the course of events – is key for better engagement;
- councillors are most effective as locally elected representatives when they have similar life experiences as those of their constituents;
- key to local effective representation is the relationship and connections between councillors and their constituents; and
- it should be less daunting to become a councillor, better supported once elected as a councillor, and less daunting to stop being a councillor.

24.3 Several of the recommendations were incorporated in the subsequent Communities in Control white paper and the Local Democracy, Economic Development and Construction Bill will place a duty on Councils to promote an understanding of its functions and democratic arrangements and how members of the public can take part in those arrangements and what is involved in doing so. That understanding must include how to become a member of the Council, what members do and what support is available for them. The duty also extends to promoting a similar understanding of a range of other public sector organisations.

24.4 The working party addressed a number of recommendations that had emerged from the Commission's report which it thought were relevant to its review.

Role Descriptions

24.5 One of those recommendations proposed that descriptions be prepared of the role that councillors play. Political parties tend to struggle to attract people to stand for election and there are few independent candidates. Most candidates are unlikely to have much advance knowledge of what being a councillor entails, other than what is provided to them by the party for which they are standing. Once elected, there is no formal description as to the expectations and duties of councillors in their many and diverse roles. The same applies when members are elected to positions of chairmanship, membership of the Cabinet etc.

24.6 Examples are available of good practice elsewhere where role descriptions have been produced. The working party felt that the adoption of a similar approach would be helpful for both existing members and electoral candidates. **The working party therefore recommends that job or role descriptions should be introduced for all positions that attract a special responsibility allowance, for an individual member, mentors** (see below) **and political group leaders as set out in annex G and that these be updated regularly.**

Training

24.7 Another of the Commission's recommendations was improved member training and mentoring.

24.8 The training provided for councillors now is more extensive than previously with a formal induction process in place and detailed training for membership of the executive, development control, overview and scrutiny, licensing, standards, corporate governance, etc. A Members Training Programme has been prepared and councillors are consulted regularly as to the courses that they would like to see provided, the intention being to offer a minimum of three training opportunities for each councillor annually. Briefings also are given on topical subject areas and the Council's service delivery arrangements on a regular basis.

24.9 What has not proved possible however within existing resources, is the preparation of individual personal development plans for all councillors which is one of the objectives in the learn and develop priority of the Council's corporate plan 'Growing Success'. An earlier overview and scrutiny study that investigated support for councillors recommended that each of the parties appoint 'training champions' but this has met with limited success.

24.10 Nationally the Improvement and Development Agency has initiated a Member Development Charter which a number of authorities have signed up to. Further details can be found on the IDeA website at http://www.idea.gov.uk/idk/core/page.do?pageId=773091 and a self assessment template has been produced which is attached as annex H to this report which illustrates what this entails. The working party endorsed the principles of the charter as a way of demonstrating the significance of a councillor's role and the investment and support which should be provided by an authority to help them in their work as representatives of the local community. **The working party recommends that the Council signs the IDeA Member Development Charter and arranges for its implementation.**

24.11 The working party sees a key place for councillors in mentoring newly elected persons. Notwithstanding the current induction arrangements, the working party is firmly of the view that ongoing support should be available throughout a new councillor's first year of office. To that end, the working party felt that 'mentors' should be nominated by each of the political groups to assist their newly elected councillors throughout their first year. **The working party therefore recommends that the political parties and independent councillors be invited to nominate one or more mentors to assist newly elected councillors to familiarise themselves with their role and to provide support and advice in their first year of office.**

24.12 The appointment of mentors will replace the previous role of training champions which prompted the working party to look at the growth in the number of 'champions' that have been appointed by the Council. The working party felt that this was a somewhat populist terminology for responsibilities that were already being undertaken by the relevant executive councillor or chairman and that its use added little value to the work of the Council. **The working party recommends that the use of the term champion be dispensed with and their roles absorbed in the existing responsibilities of executive councillors, chairmen and ward councillors.**

24.13 Additional support for councillors as proposed above will have resource implications. However the restructuring of the Central Services Directorate, referred to previously in the report, has made provision for a Members Support Officer which the working party welcomes and supports.

25. Financial Implications

25.1 Clearly there are cost implications if the working party's recommendations are accepted by Council. These comprise primarily the additional special responsibility allowances from the increase in the membership of the Cabinet and the extra overview and scrutiny panel, the additional meetings which will need to be supported and the proposals for neighbourhood engagement. Some of the working party's recommendations reflect legislative change while others implement policies approved by Council in the sustainable communities strategy and corporate plan. If the Council is to enhance its community leadership role and comply with its forthcoming statutory responsibilities to promote understanding of local democracy, some additional cost is inevitable. However it can be argued that councillors are an under-valued resource in terms of the volume of work that they undertake which is expected to increase in response to legislative change.

Special Responsibility Allowances

25.2 Any change to the nature of the allowances paid by the Council will need to have regard to the Members Independent Remuneration Panel, although such approval would not normally be required simply for an additional chairmanship or member of the Cabinet. The cost of the proposals recommended by the working party can be summarised as follows -

SRA	£
1 additional Cabinet member	8,394
1 additional Chairman of an Overview & Scrutiny Panel	6,311
1 additional Vice Chairman of an Overview & Scrutiny Panel	2,837
6 O & S co-optee's allowances @ say £224	1,344
Speaker of the Council (say)	2,000
Total	20,886

25.3 The total budget for basic and special responsibility allowances in the current year is £372,000. Budgetary provision has been made of an increase of 3% for 2009/10. The Members Allowances scheme makes provision for an annual adjustment in line with RPI which is currently less than the budgetary allowance. Depending upon the final rate, it is possible that a saving in the region of £7,500 might be achieved against the budget provision which would be transferred to the Council's contingency fund.

25.4 If costs are not to be increased, this can only be achieved by a redistribution of SRAs which would require a meeting of the Members Independent Remuneration Panel which normally carries a cost of £5,000 per review.

25.5 Depending upon the level of increase in allowances for 2009/10, **the working party recommends that the Council approves a supplementary estimate to meet the cost of the additional allowances emerging from the review.**

Resources

25.6 The additional resources required in servicing meetings can be summarised as amounting to one extra Council meeting; a standing overview and scrutiny panel as opposed to the Corporate and Strategic Framework Panel which currently meets on the same evening as the service support or service delivery panels; evening as opposed to day time meetings for Council, Cabinet and some other panels; and the proposed neighbourhood forums and panels. Additional resource will be required to provide the enhanced support and training recommended for Members.

25.7 Reference has been made earlier in the report to the restructuring of the Democratic Services Section of the Central Services Directorate to establish posts of Scrutiny Manager and Members Support Officer. Elsewhere the Cabinet has dispensed with the 5 leisure centre management committees which will generate some savings in staff support costs. Officers attending evening meetings will be taking time off in lieu as opposed to the payment of overtime. It should be possible therefore to absorb the costs of servicing the additional meetings internally.

25.8 Support for the introduction of neighbourhood forums and panels is more difficult to quantify. The concept will only succeed if it is publicised and administered well and local people can see value in attending. It should be possible to absorb the cost of servicing the meetings themselves but other costs will be incurred in terms of room hire, publicity, printing etc.. Although officers will be taking time off in lieu for attending the evening meetings, there will be a cost in terms of lost productivity. Mentioned has been made earlier in the report of the County Council's support for improved neighbourhood engagement and the resources required by the Police to service meetings of the existing Policing Panels. It is possible that those and other partners might be prepared to contribute towards the cost involved in the new forums. **The working party therefore recommends that the Cabinet explore the possibility of financial contributions from partners towards the new neighbourhood engagement process.**

25.9 In terms of support for Members, a training budget currently exists but this may not be sufficient to accommodate fully the steps required to achieve and maintain charter status. The additional support costs can be absorbed by the staffing changes recently approved by the Employment Panel. Any additional training costs from the adoption of the Member Development Charter that cannot be absorbed will need to be the subject of future MTP bids in the normal way.

26. Implementation Timetable

26.1 If the working party's recommendations are accepted in full, some of the changes can be implemented quickly. Others will involve public consultation or discussions with partners before new procedures can be introduced.

26.2 To assist in a better understanding of the proposals, two presentations will be given to all Members which have been scheduled for 17th and 24th March. The working party's report will be considered by Cabinet on 2nd April as the body that initially commissioned the review. It will then be submitted to the Overview and Scrutiny Panels (Service Delivery and Service Support) at their meetings on 7th and 14 April. As any changes to the constitution require previous consideration by the Corporate Governance Panel, a special meeting of that Panel will be required to which the comments of the Cabinet and Overview and Scrutiny Panels will be submitted. Final consideration will be given to the report by the Council at its meeting on 22nd April. If approved, those internal changes will come into effect from the beginning of the new municipal year. Annex I lists the timetable proposed.

27. Conclusion

27.1 The working party's review has been thorough. It has looked at best practice elsewhere and at Huntingdonshire's neighbours. Its members have visited a comparable authority and observed how that is currently structured and how it is proposing to change. Its chairman has undertaken extensive interviews with councillors and senior officers to obtain their thoughts about past performance and whether change is required. An open invitation was

extended to all members to submit any comments to the chairman for consideration as part of the review. In total, 11 meetings of the working party have been held.

27.2 On the whole, the working party has found that the structure implemented by the Council in response to the 2000 Act has worked well. Members have played a more active role than hitherto, both in the executive and scrutiny and have enjoyed a higher profile in the local community. Although minor changes have been made from time to time in the intervening years, this is the first occasion when a fundamental review has been undertaken of the Council's democratic structure. Where parts of the structure are considered to be working satisfactorily, no change is recommended. However legislative change does require the Council to amend some of its working practices and formats and these have been accommodated as part of the review. The working party believes that its recommendations will place the Council in a position to respond well to the legislative changes and further promote its leadership role in the community and engage with local neighbourhoods and the public.

27.3 There are costs attached to the proposals which the working party is conscious of in the current financial climate but these are relatively minor and are considered to represent good value for money having regard to the benefits that will be achieved in terms of access to local democracy and more efficient and effective councillors. The working party believes that this is a small price to pay for a healthy local democracy.

28. Recommendations

28.1 The working party's recommendations are dealt with in the body of the report but are reproduced in full below. The working party commend them to the Cabinet, Overview and Scrutiny Panels, Corporate Governance Panel and the Council.

(a) that the Council undertakes a public consultation exercise as soon as practicable with the intention of implementing an executive leader form of executive in response to the 2007 Act. Following completion of that exercise, the Council is invited to move to the new system with effect from the annual meeting in 2010 or earlier if practicable; (paragraph 6.23)

(b) that the size of the Cabinet be increased to 10 members, inclusive of the leader; (paragraph 6.25)

(c) that the deputy leader should not have responsibility for a portfolio of executive functions but should be responsible for deputising and supporting the leader and other executive councillors, as necessary, and for a Member training and mentoring programme on a cross party basis; (para. 6.27)

(d) that the Cabinet should continue to contain members of the majority political party only; (para. 6.28)

(e) that meetings of the Cabinet should be held in the late afternoon or early evening; (para. 6.30)

(f) that short briefings of Cabinet members be held prior to Cabinet meetings only with a formal briefing by officers some 2/3 days previously. In addition, regular member only 'blue sky' meetings should be convened by Cabinet at regular intervals involving, where appropriate, other non-executive members; (para. 6.31)

(g) **that the present scrutiny arrangements be replaced by three new scrutiny panels with the following titles and terms of reference -**

Social Well-Being

- **portfolios for housing and public health, leisure and operational and countryside services;**
- **health & well-being and inclusive, safe & cohesive communities thematic groups of the Huntingdonshire Strategic Partnership;**
- **safer & stronger communities priority of Cambridgeshire Vision (the local area agreement); and**
- **the housing that meets individuals' needs, safe, vibrant & inclusive communities and healthy living aims of the Council's corporate plan 'Growing Success'.**

Environmental Well-Being

- **portfolios for resources & policy and planning strategy and transport;**
- **children & young people, environment, and growth & infrastructure thematic groups of the Huntingdonshire Strategic Partnership;**
- **managing growth and environmental sustainability priorities of Cambridgeshire Vision; and**
- **a clean, green & attractive place and developing sustainable communities aims of the Council's corporate plan 'Growing Success'.**

Economic Well-Being

- **portfolios for customer services & information technology and finance & environment;**
- **economic prosperity and equality & inclusion thematic groups of the Huntingdonshire Strategic Partnership;**
- **a strong local economy, improving systems & practices, learning & developing and maintaining sound finances aims of the Council's corporate plan 'Growing Success'** (para. 7.25)

(h) **that each of the overview and scrutiny panels comprises 10 members plus 2 co-opted persons with voting rights but without a right of call-in and that arrangements be made for a formal co-option scheme to be adopted to this effect;** (para. 7.26)

(i) **that no change be made to the present system of no substitution on overview and scrutiny panels;** (para. 7.27)

(j) **that no change should be made to the present arrangements in terms of the appointment and length of office of the chairmen and vice chairmen of the overview and scrutiny panels;** (para. 7.28)

(k) **that no change be made to the frequency and starting time of meetings of the overview and scrutiny panels;** (para. 7.29)

(l) **that every effort be made to highlight the importance of scrutiny and encourage both members and the wider public to play an active role in the scrutiny process;** (para. 7.30)

(m) **that no change be made to the present arrangements for the call-in of executive decisions contained in the constitution;** (para. 7.31)

(n) **that major policy decisions that are reserved to Council should be the subject of debate at Council meetings before public consultation and innovative ways used to brief Members on the subjects to stimulate debate. Arrangements should be made for single issue debates (in addition to normal business), with the opposition political party invited to choose the subject for debate at one meeting per annum;** (para. 9.12)

(o) **that the annual refresh of the sustainable community strategy and periodic reports on the performance of the LSP should be submitted to Council for consideration and approval, with any detailed scrutiny referred to the relevant panel for investigation;** (para. 9.13)

(p) **that meetings of the Council are chaired by a speaker elected by the Council itself at its annual meeting, that the position be open to any Member irrespective of any other position already held with the exception of membership of the Cabinet;** (para. 9.15)

(q) **that public question time be introduced at Council meetings as set out in the procedure attached as annex B;** (para. 9.16)

(r) **that the number of meetings of the Council be increased from 5 plus the annual meeting to six plus the annual meeting each year;** (para. 9.17)

(s) **that meetings of the Council should commence at 6.30 p.m. for a trial period of twelve months;** (para. 9.17)

(t) **that substitution is not introduced for non-executive meetings of the Council;** (para. 10.7)

(u) **that no change be made to the terms of reference, composition etc. of the Development Control Panel;** (para. 11.5)

(v) **that no change be made to the terms of reference, composition, etc. of the Licensing and Protection Panel and Licensing Committee;** (para. 12.6)

(w) **that no change be made to the terms of reference, composition, etc. of the Standards Committee, other than a change in the time of its meetings to 6.30 p.m.;** (para. 13.5)

(x) **that the executive councillors whose portfolios include finance and corporate governance should become ex officio members of the Corporate Governance Panel in place of the present arrangements for a maximum of 3 Cabinet members;** (para. 14.6)

(y) **that the following be added to the terms of reference of the Corporate Governance Panel –**

- **comment on the scope and depth of external audit work and ensure it gives value for money**
- **liaise with the Audit Commission over the appointment of the Council's external auditor**
- **commission work from internal and external audit**
  monitor the Council's policies on 'Raising Concerns at Work', the Anti-Fraud and Corruption Strategy and the Council's complaints process; (para. 14.7)

(z) **that meetings of the Corporate Governance Panel commence at 6.30 p.m.;** (para. 14.8)

(aa) **that no change be made to the terms of reference, composition, etc. of the Employment Panel;** (para. 15.4)

(bb) **that membership of the Appointments Panel comprise the chairman and vice chairman of the Employment Panel, deputy leader, relevant portfolio holder and the Leader of the majority opposition party (or their respective nominees);** (para. 16.10)

(cc) **that no change be made to the terms of reference, composition, etc. of the Elections Panel;** (para. 17.3)

(dd) **that 6 neighbourhood forums open to the public be established in Huntingdonshire, chaired by district councillors and serviced by the District Council for the areas of Huntingdon, St Neots, St Ives, Ramsey, North Huntingdonshire and West Huntingdonshire with the catchment areas shown on the plan attached as annex D to this report and the following terms of reference –**

- **advising on the setting of local priorities for partner agencies, including safety and policing policies, linked to the Huntingdonshire Sustainable Community Strategy and Local Area Agreement,**
- **engaging with the community on local planning issues (where appropriate),**
- **seeking the accountability of local service providers,**
- **developing and commissioning local community initiatives such as projects to develop local skills, raise aspirations, improve quality of life etc.,**
- **helping to enable town and parish plan development and integrate town and parish priorities into area action plans' and**
- **expressing views in response to consultation on proposals under the Sustainable Communities Act 2007;** (para 20.24)

(ee) **that a panel should be established for each forum, chaired by a district councillor and serviced by the District Council, with the composition of each panel being a matter for local determination subject to a ceiling of 10 representatives of local authorities and other public sector bodies active in the area of that forum and with the following terms of reference –**

- **presenting information at forum meetings,**
- **resolving issues raised at forum meetings,**
- **moderating any requests for information/action that need to be referred elsewhere,**
- **monitoring the performance of forum,**
- **progress chasing requests for information/action, and**
- **reporting back to ensuing meetings.**

The panels and forums will feed into the appropriate thematic group of the Huntingdonshire Strategic Partnership; (para 20.25)

(ff) **that any proposals under the Sustainable Communities Act should be subject to consultation with the neighbourhood forums;** (para 21.4)

(gg) **that no action be taken to implement delegated decision making, including delegated budgets, to ward councillors under the 2007 Act;** (para 22.9)

(hh) **that there should be an annual review of the organisations to which representatives are appointed by the Council, prior to new or re-appointments being made;** (para 23.3)

(ii) **that cross party discussions should take place between a representative of each of the political parties on the Council and the independent councillors before new or re-appointments to external organisations are made annually;** (para 23.3)

(jj) **that councillors or members of the public newly appointed to an external organisation should receive a briefing note prepared by the Democratic Services Section before attending their first meeting of that organisation, explaining the implications of representation, the aims of the organisation etc.;** (para 23.9)

(kk) **that external organisations to which representatives are appointed be requested to provide an induction process for those persons;** (para 23.3)

(ll) **that an officer be named in respect of each external organisation to which the Council makes an appointment to whom the representative can turn for advice and support about membership of that body;** (para 23.3)

(mm) **that representatives be encouraged to produce a short report at regular intervals of their membership of external organisations and a page be established on the intranet to enable such reports to be posted;** (para 23.3)

(nn) **that job or role descriptions should be introduced for all positions that attract a special responsibility allowance, for an individual member, mentors and political group leaders as set out in annex G and that these be updated regularly;** (para 24.6)

(oo) **that the Council signs the IDeA Member Development Charter and arranges for its implementation;** (para 24.10)

(pp) **that the political parties and independent councillors be invited to nominate one or more mentors to assist newly elected councillors to familiarise themselves with their role and to provide support and advice in their first year of office;** (para 24.11)

(qq) **that the use of the term champion to describe positions filled by councillors be dispensed with and their roles absorbed in the existing responsibilities of executive councillors, chairmen and ward councillors;** (para 24.12)

(rr) **recommends that the Council approves a supplementary estimate to meet the cost of the additional allowances emerging from the review;**(para 25.5) and

(ss) **that Cabinet explore the possibility of financial contributions from partners towards the new neighbourhood engagement process.** (para. 25.8)

Contact Person

Roy Reeves,
Head of Administration

01480 388003

roy.reeves@huntsdc.gov.uk

Background Papers

The Council's Constitution
Secretary of State's guidance on implementation of new constitutions in accordance with the Local Government Act 2000
The Local Government Acts 1972 and 2000
The Local Government and Public Involvement in Health Act 2007
Sustainable Communities Act 2007, associated regulations an statutory guidance
The Local Democracy, Economic Development and Construction Bill
Strong and Prosperous Communities White Paper
Communities in Control: Real People, Real Power White Paper
DCLG consultation paper on Improving Local Accountability
DCLG consultation paper on Local Petitions and Calls for Action
Constitutions of Cambridgeshire County Council and the City and District Councils in Cambridgeshire
Council Structures of Basingstoke and Deane Borough Council, North Wiltshire District Council, Colchester Borough Council, Cherwell District Council and Mid Beds District Council.
Report to Cambridgeshire County Council Cabinet on 2nd July 2007 on Taking Forward Neighbourhood Management in Huntingdonshire
Progress report to Huntingdonshire In Your Patch meeting on 8th December 2008 on Neighbourhood Panels
Report to Cabinet of Fenland District Council on 20th November 2008 on Effective Three Tier Working in Cambridgeshire
Report to Community Services Committee of East Cambs District Council on Neighbourhood Panels in October 2008
Institute of Local Government Studies presentation on the Role of the Council
Report of the Councillors Commission
Improvement and Development Agency Member Development Charter
Report by Director of Central Services to Employment Panel on restructuring of Directorate.
Report on Community Engagement and Neighbourhood Panels by Heads of Community and Environmental Health, Administration and Policy & Strategic Services to Scrutiny Panels in November 2008.

Annex A

REVIEW OF DEMOCRATIC STRUCTURE

EXECUTIVE SUMMARY

A working party chaired by Councillor K J Churchill, the special adviser to the Cabinet, has undertaken an extensive review of the Council's democratic structure. The review is the first comprehensive, formal analysis of the Council's democratic arrangements since it was implemented in accordance with the Local Government Act 2000. The review also had regard to recent and forthcoming legislative change that will necessitate some modification to the Council's executive and scrutiny arrangements.

The working party's final report is lengthy which reflects the depth of its investigations and discussions. This brief executive summary therefore accompanies the report and reproduces its recommendations.

The working party met on a total of 10 occasions, including a visit to a similarly sized shire district in Hampshire. Copious background information was obtained on the arrangements in comparable authorities, best practice, legislative requirements and Government proposals. Interviews were held with Chairmen, Members and officers to obtain their views on the current structure of the Council and how this might be improved.

The working party has found that the structure generally has performed well since its implementation. It found that Cabinet, committees and panels have been monitoring their own performance and changes and improvements have been made periodically to improve performance and effectiveness. Where further change was not thought to be necessary, the working party has said so in its report.

Elsewhere, the working party found scope for improvement, particularly in the functions and responsibilities of the executive, scrutiny, Council, partnerships, neighbourhood management and the role of the councillor. A series of recommendations have been made to propose improvements in Council effectiveness and promote the role of the Council as a community leader and enhance local democratic engagement.

The working party commends its recommendations to Cabinet, Overview and Scrutiny Panels, Corporate Governance Panel and Council as follows –

(a) that the Council undertakes a public consultation exercise as soon as practicable with the intention of implementing an executive leader form of executive in response to the 2007 Act. Following completion of that exercise, the Council is invited to move to the new system with effect from the annual meeting in 2010 or earlier if practicable; (paragraph 6.23)

(b) that the size of the Cabinet be increased to 10 members, inclusive of the leader; (paragraph 6.25)

(c) that the deputy leader should not have responsibility for a portfolio of executive functions but should be responsible for deputising and supporting the leader and other executive councillors, as necessary, and for a Member training and mentoring programme on a cross party basis; (para. 6.27)

(d) that the Cabinet should continue to contain members of the majority political party only; (para. 6.28)

(e) that meetings of the Cabinet should be held in the late afternoon or early evening; (para. 6.30)

(f) that short briefings of Cabinet members be held prior to Cabinet meetings only with a formal briefing by officers some 2/3 days previously. In addition, regular member only 'blue sky' meetings should be convened by Cabinet at regular intervals involving, where appropriate, other non-executive members; (para. 6.31)

(g) that the present scrutiny arrangements be replaced by three new scrutiny panels with the following titles and terms of reference -

Social Well-Being

- portfolios for housing and public health, leisure and operational and countryside services;
- health & well-being and inclusive, safe & cohesive communities thematic groups of the Huntingdonshire Strategic Partnership;
- safer & stronger communities priority of Cambridgeshire Vision (the local area agreement); and
- the housing that meets individuals' needs, safe, vibrant & inclusive communities and healthy living aims of the Council's corporate plan 'Growing Success'.

Environmental Well-Being

- portfolios for resources & policy and planning strategy and transport;
- children & young people, environment, and growth & infrastructure thematic groups of the Huntingdonshire Strategic Partnership;
- managing growth and environmental sustainability priorities of Cambridgeshire Vision; and
- a clean, green & attractive place and developing sustainable communities aims of the Council's corporate plan 'Growing Success'.

Economic Well-Being

- portfolios for customer services & information technology and finance & environment;
- economic prosperity and equality & inclusion thematic groups of the Huntingdonshire Strategic Partnership;
- a strong local economy, improving systems & practices, learning & developing and maintaining sound finances aims of the Council's corporate plan 'Growing Success' (para. 7.25)

(h) that each of the overview and scrutiny panels comprises 10 members plus 2 co-opted persons with voting rights but without a right of call-in and that arrangements be made for a formal co-option scheme to be adopted to this effect; (para. 7.26)

(i) that no change be made to the present system of no substitution on overview and scrutiny panels; (para. 7.27)

(j) that no change should be made to the present arrangements in terms of the appointment and length of office of the chairmen and vice chairmen of the overview and scrutiny panels; (para. 7.28)

(k) that no change be made to the frequency and starting time of meetings of the overview and scrutiny panels; (para. 7.29)

(l) that every effort be made to highlight the importance of scrutiny and encourage both members and the wider public to play an active role in the scrutiny process; (para. 7.30)

(m) that no change be made to the present arrangements for the call-in of executive decisions contained in the constitution; (para. 7.31)

(n) that major policy decisions that are reserved to Council should be the subject of debate at Council meetings before public consultation and innovative ways used to brief Members on the subjects to stimulate debate. Arrangements should be made for single issue debates (in addition to normal business), with the opposition political party invited to choose the subject for debate at one meeting per annum; (para. 9.12)

(o) that the annual refresh of the sustainable community strategy and periodic reports on the performance of the LSP should be submitted to Council for consideration and approval, with any detailed scrutiny referred to the relevant panel for investigation; (para. 9.13)

(p) that meetings of the Council are chaired by a speaker elected by the Council itself at its annual meeting, that the position be open to any Member irrespective of any other position already held with the exception of membership of the Cabinet; (para. 9.15)

(q) that public question time be introduced at Council meetings as set out in the procedure attached as annex B; (para. 9.16)

(r) that the number of meetings of the Council be increased from 5 plus the annual meeting to six plus the annual meeting each year; (para. 9.17)

(s) that meetings of the Council should commence at 6.30 p.m. for a trial period of twelve months; (para. 9.17)

(t) that substitution is not introduced for non-executive meetings of the Council; (para. 10.7)

(u) that no change be made to the terms of reference, composition etc. of the Development Control Panel; (para. 11.5)

(v) that no change be made to the terms of reference, composition, etc. of the Licensing and Protection Panel and Licensing Committee; (para. 12.6)

(w) that no change be made to the terms of reference, composition, etc. of the Standards Committee, other than a change in the time of its meetings to 6.30 p.m.; (para. 13.5)

(x) that the executive councillors whose portfolios include finance and corporate governance should become ex officio members of the Corporate Governance Panel in place of the present arrangements for a maximum of 3 Cabinet members; (para. 14.6)

(y) that the following be added to the terms of reference of the Corporate Governance Panel –

- comment on the scope and depth of external audit work and ensure it gives value for money
- liaise with the Audit Commission over the appointment of the Council's external auditor
- commission work from internal and external audit
  monitor the Council's policies on 'Raising Concerns at Work', the Anti-Fraud and Corruption Strategy and the Council's complaints process; (para. 14.7)

(z) that meetings of the Corporate Governance Panel commence at 6.30 p.m.; (para. 14.8)

(aa) that no change be made to the terms of reference, composition, etc. of the Employment Panel; (para. 15.4)

(bb) that membership of the Appointments Panel comprise the chairman and vice chairman of the Employment Panel, deputy leader, relevant portfolio holder and a member of the majority opposition party; (para. 16.10)

(cc) that no change be made to the terms of reference, composition, etc. of the Elections Panel; (para. 17.3)

(dd) that 6 neighbourhood forums open to the public be established in Huntingdonshire, chaired by district councillors and serviced by the District Council for the areas of Huntingdon, St Neots, St Ives, Ramsey, North Huntingdonshire and West Huntingdonshire with the catchment areas shown on the plan attached as annex D to this report and the following terms of reference –

- advising on the setting of local priorities for partner agencies, including safety and policing policies, linked to the Huntingdonshire Sustainable Community Strategy and Local Area Agreement,
- engaging with the community on local planning issues (where appropriate),
- seeking the accountability of local service providers,
- developing and commissioning local community initiatives such as projects to develop local skills, raise aspirations, improve quality of life etc.,
- helping to enable town and parish plan development and integrate town and parish priorities into area action plans' and
- expressing views in response to consultation on proposals under the Sustainable Communities Act 2007; (para 20.24)

(ee) that a panel should be established for each forum, chaired by a district councillor and serviced by the District Council, with the composition of each panel being a matter for local determination subject to a ceiling of 10

representatives of local authorities and other public sector bodies active in the area of that forum and with the following terms of reference –

- presenting information at forum meetings,
- resolving issues raised at forum meetings,
- moderating any requests for information/action that need to be referred elsewhere,
- monitoring the performance of forum,
- progress chasing requests for information/action, and
- reporting back to ensuing meetings.

The panels and forums will feed into the appropriate thematic group of the Huntingdonshire Strategic Partnership; (para 20.25)

(ff) that any proposals under the Sustainable Communities Act should be subject to consultation with the neighbourhood forums; (para 21.4)

(gg) that no action be taken to implement delegated decision making, including delegated budgets, to ward councillors under the 2007 Act; (para 22.9)

(hh) that there should be an annual review of the organisations to which representatives are appointed by the Council, prior to new or re-appointments being made; (para 23.3)

(ii) that cross party discussions should take place between a representative of each of the political parties on the Council and the independent councillors before new or re-appointments to external organisations are made annually; (para 23.3)

(jj) that councillors or members of the public newly appointed to an external organisation should receive a briefing note prepared by the Democratic Services Section before attending their first meeting of that organisation, explaining the implications of representation, the aims of the organisation etc.; (para 23.9)

(kk) that external organisations to which representatives are appointed be requested to provide an induction process for those persons; (para 23.3)

(ll) that an officer be named in respect of each external organisation to which the Council makes an appointment to whom the representative can turn for advice and support about membership of that body; (para 23.3)

(mm) that representatives be encouraged to produce a short report at regular intervals of their membership of external organisations and a page be established on the intranet to enable such reports to be posted; (para 23.3)

(nn) that job or role descriptions should be introduced for all positions that attract a special responsibility allowance, for an individual member, mentors and political group leaders as set out in annex G and that these be updated regularly; (para 24.6)

(oo) that the Council signs the IDeA Member Development Charter and arranges for its implementation; (para 24.10)

(pp) that the political parties and independent councillors be invited to nominate one or more mentors to assist newly elected councillors to familiarise themselves with their role and to provide support and advice in their first year of office; (para 24.11)

(qq) that the use of the term champion to describe positions filled by councillors be dispensed with and their roles absorbed in the existing responsibilities of executive councillors, chairmen and ward councillors; (para 24.12)

(rr) recommends that the Council approves a supplementary estimate to meet the cost of the additional allowances emerging from the review;(para 25.5) and

(ss) that Cabinet investigates the possibility of additional funding from the LPSA reward grant to support the neighbourhood engagement process. (para. 25.8)

Your right to **speak** at meetings of the District Council

This leaflet explains how you can speak directly to Councillors at meetings of the District Council.

If you would like a translation of this document, a large text version or an audio version, please contact us on ☎ **01480 388388** and we will try to accommodate your needs.

If you wish to take part by speaking at meetings and you have special needs and requirements, please let us know beforehand.

This page is intentionally left blank

This leaflet explains how you can address meetings of the District Council. It outlines the Council's public participation policy and answers some questions you may have about procedures, and what to expect at the meeting itself. It is based on some simple rules formulated by the Council to make the system as fair and as easy to operate as possible.

What issues can I refer to?

So long as you live, work or own property in the District you may ask a question on any topic if there is no suspicion that the question is improper *(i.e. offensive, slanderous or might lead to disclosure of exempt or confidential information)*. Furthermore, they should be capable of being adequately answered in 5 minutes.

When does Council meet?

Full Council meet on Wednesdays. There are 6 meetings each year plus the annual meeting in May. The meetings are held in various venues around the District, starting at 6.30 pm. The Agenda is published a week before the meetings, and can be viewed on the Council's website www.huntsdc.gov.uk.

What do I do if I wish to raise a question or make a statement to Council?

Members of the public wishing to ask a question at Council should provide the following details to the Council's Democratic Services Section by **no later than 7 days before the meeting** -

- Name and address and contact details of the person asking the question.
- The name of the organisation if the question is being asked on their behalf.
- Details of the question to be asked.
- The name or the position of the Member of the Council to whom it is to be put.
- Brief information about how the subject of the question relates to the person asking the question *(e.g. as a resident of the area, as a recipient of a service, the owner of a property affected by a proposal)*.

Only one question may be asked by each member of the public or organisation and the question must relate to a single topic.

To whom may I address the question to

Questions may only be asked of the following:

- The Leader of the Council.
- A portfolio holder *(Cabinet Member).*
- The Chairman of a Scrutiny Committee.
- The Chairman of another Committee or Panel.

NB *You cannot ask a question about an individual planning or licensing application or case or an investigation into a Member or Officer Code of Conduct issue.*

What will happen at the meeting?

The following process will apply at the meeting:

- The Chairman will invite questions to be asked at the meeting in the order in which they are received by Democratic Services.
- The Chairman of the Council will invite the member of the public to put his/her question from the floor using the microphone provided.
- The member of the public will then ask their question. Up to a maximum of 2 minutes will be allowed in which to ask the question.
- The named Member will respond to the question which may take the form of –

  (a) a direct oral response of up to a maximum of 2 minutes;

  (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

  (c) where the reply cannot conveniently be given orally, a written response circulated later to the questioner and made available to all Members of the Council and to the public.

- After the response has been given, the questioner has up to a further minute in which to put 1 supplementary question or seek clarification of the response to the original question. The supplementary question must arise directly out of the original question or the reply and must not introduce new material.
- The recipient of the original question then has up to a further 2 minutes in which to reply to the supplementary question.
- The Chairman of the Council may, in exceptional circumstances, extend the time either for a question or its response. The timing of questions and responses is controlled by the system of lights in the room.

- Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written response.
- No debate will be allowed on any question or the response.

Will I receive a transcript of the response?

Yes, a transcript of Public Question Time will be made available to all Members of the Council and to the public following the meeting.

For further information please contact –

The Democratic Services Section
Central Services Directorate
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon, PE29 3TN

For a location map of the District Council Offices please see the back page of this leaflet.

74

Huntingdonshire District Council Offices 01480 388388

This map was produced using aerial photography © Huntingdonshire District Council.

A NEW LOOK COUNCIL MEETING

Programme Meeting

Frequency:	6 meetings per annum in the intervening months between Council meetings.
Attendees:	Speaker of the Council, Deputy Leader of the Council, Leaders of opposition parties and independent councillors, appropriate officers.
Purpose:	To devise a forward plan of business for meetings of the Council on a rolling twelve months basis for approval by the Council.

The Council Meeting

Frequency:	6 meetings per annum plus the annual meeting of the Council
Time:	Commencing at 6.30 p.m.
Expected duration:	No longer than 3.5 hours
Venue:	The Civic Suite, Pathfinder House

The Council Agenda

1.	Opened by the Chairman of the Council, accompanied by any guests.	6.30 p.m.
2.	Prayers	5 minutes
3.	Chairman's Announcements	5 minutes
4.	Hand over to Speaker of the Council to lead the remainder of the business.	
5.	Presentation of Petitions (if any).	10 minutes
6.	Public Question Time to the Council. Questions to be answered by appropriate Member at invitation of Speaker.	15 minutes
7.	Debate on choice of subject included in Council forward plan/Opposition debate day.	1 hour
8.	White Paper proposals by the Executive/launch of policy initiative prior to consultation.	30 minutes
9.	Any other business reserved to Council.	15 minutes
10.	Monitoring of performance against local area agreement targets (half yearly)	15 minutes
11.	Notices of Motion by Members	10 minutes
12	Reports and recommendations (if any) by Cabinet, committees, etc., providing opportunity to hold executive and other committees etc. to account.	30 minutes
13.	Member Question Time (written or oral)	15 minutes
14.	Close	10.00 p.m.

POSSIBLE SUBJECTS FOR DEBATE

Healthy Living

The future of hospital services in Huntingdonshire (guest speaker from NHS)
NHS proposals for 'super clinics' in Huntingdonshire (guest speaker from NHS)
How can we promote active lifestyles

A Clean, Green and Attractive Place

How do we deal with waste in Huntingdonshire
The impact of climate change in Huntingdonshire

Developing Communities Sustainably

What are the implications for growth in Huntingdonshire
How can we tackle highway congestion in Huntingdonshire
The impact of the guided bus in Huntingdonshire
The future of RAF Alconbury
The future of RAF Wyton

Housing That Meets Individuals' Needs

How can we tackle the problem of affordable housing

Safe, Vibrant and Inclusive Communities

Fear of crime in Huntingdonshire (guest speaker from Cambridgeshire Constabulary)
Anti-social behaviour in Huntingdonshire (guest speaker from Cambridgeshire Constabulary)

A Strong Local Economy

Employment opportunities in Huntingdonshire
Retail opportunities in Huntingdonshire (guest speaker from major retailer)
Improving the skills base of Huntingdonshire residents (guest speaker from Huntingdon Regional College)

Improving Systems and Practices

How can we promote local democracy
How can we promote community engagement
The role and effectiveness of the voluntary sector in Huntingdonshire (guest speaker from the voluntary sector)

Maintaining Sound Finances

The Council's financial strategy

Opposition Debate Day

Subject of choice by the Opposition party

Huntingdonshire
DISTRICT COUNCIL

Panel Boundaries

Areas

- Huntingdon
- North
- Ramsey
- St Ives
- St Neots
- West

February 2009

Neighbourhood Panel Boundaries

Maps reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Officer (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution of civil proceedings. HDC 100022322.

This page is intentionally left blank

Huntingdonshire
DISTRICT COUNCIL

Neighbourhood Policing Panel Boundaries

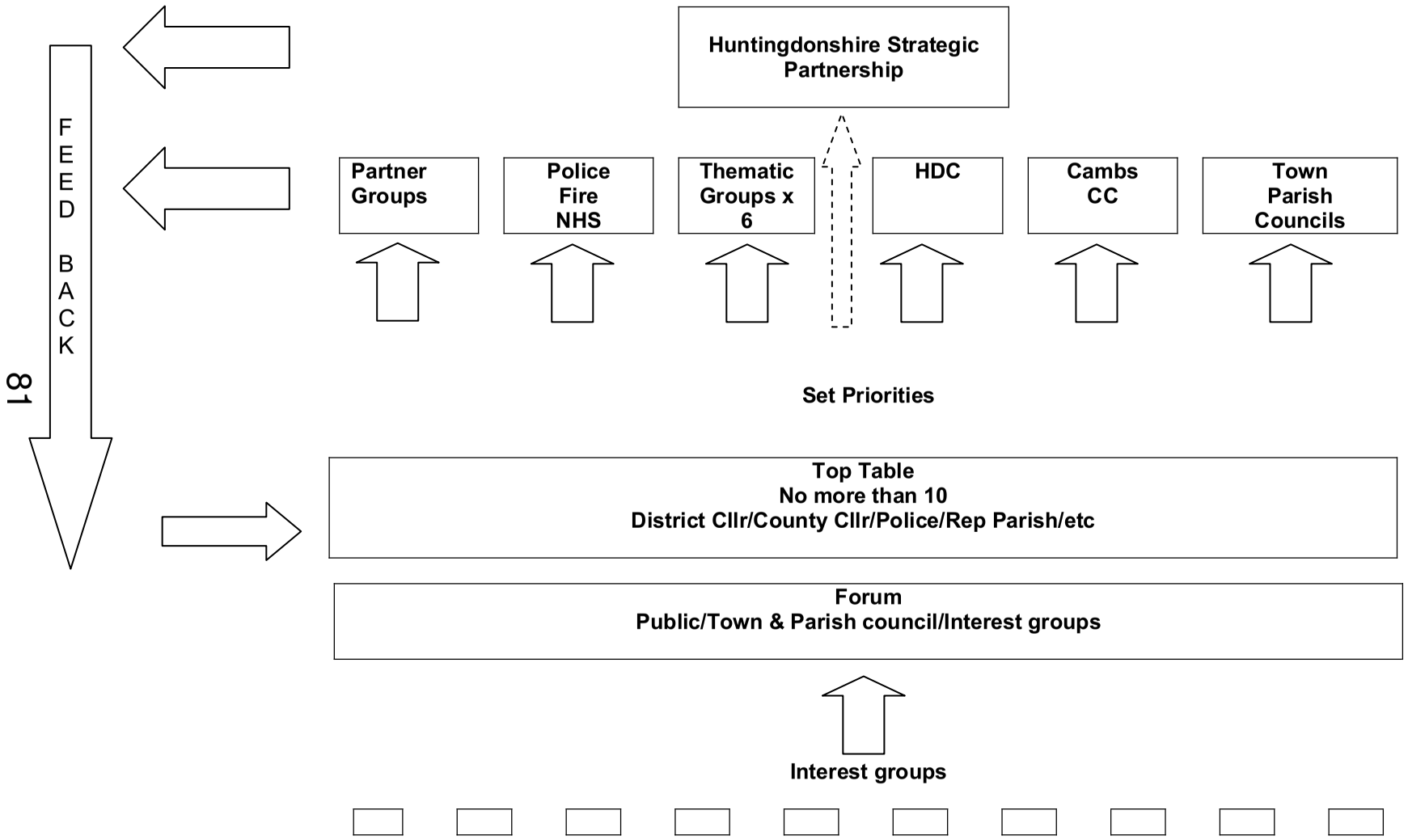
Parishes

Wards

Maps reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Officer (C) Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution of civil proceedings.
HDC 100022322.

This page is intentionally left blank

Annex F


Huntingdonshire Strategic Partnership
Partner Groups
Police Fire NHS
Thematic Groups x 6
HDC
Cambs CC
Town Parish Councils
FEED BACK
Set Priorities
Top Table
No more than 10
District Cllr/County Cllr/Police/Rep Parish/etc
Forum
Public/Town & Parish council/Interest groups
Interest groups

Annex G

COUNCILLORS

All Councillors, during the course of their term of office, will aim to acquire the following knowledge and skills which they will develop as their experience grows:

Knowledge – General

Huntingdonshire District Council

- An introduction to the Council, its democratic and directorate structures and relevant strategies and plans.

Code of Conduct

- The current Members Code of Conduct and the role of the Standards Committee in ensuring that the Code is adhered to.

The Constitution

- The Council's rule book of protocols and procedures.

Scrutiny

- The scrutiny procedure and the role of the Overview and Scrutiny Panels.

Partnerships

The local area agreement and partnership working through local strategic partnerships.

The Forward Plan

- The Cabinet's agenda for the ensuing four months.

Equalities, Customer Care and Risk Management

- Policies implemented by the Council.

Knowledge – Specific

Budgets and Finances

- Members should have a working knowledge of the Council's finances as they collectively have responsibility for approving the budget.

Planning

- Members should have a working knowledge of planning legislation, policies and procedures with Development Control Panel members having a more extensive and detailed knowledge.

Licensing

- Members should have a working knowledge of licensing legislation, policies and procedures and a knowledge of the various licensing functions that the Council is responsible for.

SKILLS

ICT – Word, Excel, Powerpoint, Email and Internet

- All Members should be able to make full use of technology, not only as a tool for preparing reports, researching topics of interest or making presentations but also for contacting their constituents, colleagues and officers.

Communication – Presentational Skills, Questioning Skills and Listening Skills

- Communication is used in every aspect of Members' roles and they should have the skills necessary to put across their point of view, the wishes of their constituents and information generally in a clear, concise and well planned manner that will make it easy to understand.

Written – Report Writing

- All Members should be able to prepare reports in a clear, concise and well planned format.

Media

- The ability to make use of the various forms of media, how to react to approaches from the media and when to encourage or discourage media interest.

Officers within the Democratic Services Section will assist Members to develop their abilities to meet the demands of their individual roles.

Desirable Skills and Abilities

Members should have the necessary attributes and skills -

- to represent the District Council and explain the policies and decisions affecting the individuals and communities in their ward,

- to represent their ward and the District Council on a range of external bodies,

- to communicate effectively with the local community, other councillors and Council officers,

- to be aware of the nature, scale and scope of the District Council and to develop and maintain a knowledge of its services, management arrangements, powers, duties and constraints,

- to develop good working relationships with other councillors and relevant officers of the Council,

- to participate in meetings of the Council and committees/panels as required, so ensuring the effective and efficient operation of the Council,
- to act as ward representative and advocate for people resident in the ward and to undertake a councillor's call for action to bring forward issues on behalf of their constituents,
- to undertake casework for ward residents,
- to contribute to policy and strategy review and development,
- to act as a community leader,
- to support local partnerships and organisations,
- to campaign on local issues,
- to work in collaboration with officers to achieve solutions to local issues, and
- to use ICT effectively to communicate with officers and others.

Profile

A Member should:

- ensure that constituents have access to him/her by way of surgeries, use of modern technology, letter and telephone,
- develop and maintain links as required with the local MP, MEPs, county councillors and the towns or parishes situated in his/her electoral ward,
- participate in any political group to which he/she belongs, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

A Member should have:

- an ability to manage and prioritise workloads effectively,
- an ability to work to deadlines,
- effective communication skills including written, spoken and ICT, and
- an ability to network and develop relationships within the Council, ward and wider community.

HUNTINGDONSHIRE DISTRICT COUNCIL

LEADER OF THE COUNCIL

The Leader of the Council will be appointed by the District Council in accordance with its Constitution and current legislation.

The Leader of the Council will represent the Council at all levels and will be an ambassador and its principal spokesman, representing the views of the Council at local, regional and Government forums.

Responsibilities

- chairing meetings of the Cabinet,
- creating and amending portfolios of executive responsibilities,
- allocating portfolios to executive councillors,
- acting as lead member on the Council's overall strategy,
- having overall responsibility for:
    - policy development,
    - the Council's budget and its expenditure,
    - effective and efficient delivery of the Council's corporate plan,
- promoting corporate membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Council's own priorities,
- ensuring the work of the Cabinet is co-ordinated and progressed effectively,
- reporting on the work of the Cabinet to Council and responding to questions by Members in that forum,
- maintaining a cordial, effective and efficient working relationship with leaders of opposition groups, other Members and Council officers,
- ensuring that the Executive responds to reports of the Overview and Scrutiny Panels,
- chairing the Huntingdonshire Strategic Partnership,
- representing the Council at partnership meetings as appropriate, and
- carrying out the duties set out in the job description of a councillor.

Profile

The Leader of the Council should:

- lead by example in accordance with the highest standards of probity in public life in all matters relating to the Council's Code of Conduct, related protocols and supporting guidance,

- comply with any relative legislative provisions, best practice and good governance arrangements with regard to local government,

- be aware of any personal training needs and of other executive councillors and liaise with the relevant officers to ensure those needs are addressed,

- keep abreast of national best practice and new initiatives relating to local government so ensuring the continuous improvement of Council services, and

- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Leader of the Council should have:

- an ability to manage and prioritise workloads effectively,

- an ability to work to deadlines,

- effective communication skills, including listening, written, spoken and ICT,

- effective leadership skills,

- effective chairmanship skills,

- an ability to engage with the media including television, radio and press to promote the Council's profile,

- an ability to act as a mentor to other executive councillors,

- an ability to think analytically and make effective decisions, and

- an ability to read and assimilate copious amounts of information.

HUNTINGDONSHIRE DISTRICT COUNCIL

EXECUTIVE COUNCILLORS AND MEMBERS OF THE CABINET

Each member of the Executive shall be referred to as an executive councillor and shall be allocated by the Leader a specific area of responsibility known as his portfolio.

The executive councillor will take the leading role in the development and implementation of the policies covered by his/her portfolio.

Shared Responsibility as a Member of the Cabinet

Each executive councillor has shared responsibility for:

- the co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's objectives, and priorities,

- the oversight, development, monitoring and promotion of all services provided by the Council within the appropriate performance management framework,

- ensuring that suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to executive functions which are provided by or under contract to the Council,

- the promotion of the economic, social and environmental well-being of Huntingdonshire, its residents, businesses and other organisations,

- promoting the Council as a community leader within the public, voluntary and business sectors, including the development of good and effective working links and partnerships with all sectors,

- the promotion and implementation of an effective equal opportunity policy in relation both to the Council's employees and the delivery of services by the Council and other agencies,

- the promotion of services which:
    - improve the safety and well being of the community,
    - secure a sustainable and attractive environment,
    - create a prosperous local economy,
    - raise corporate standards and efficiency, and

- improving arrangements for communicating, consulting and maintaining a dialogue with residents and service users.

Responsibilities as an Executive Councillor

- to represent the Council or arrange for it to be represented in all national, regional and local forums relevant to the duties of the portfolio,

- to liaise with other executive councillors as required,

- advising the Council, Cabinet or Overview and Scrutiny Panels on matters concerning the implementation, monitoring and performance of services, initiatives and projects relating to the executive councillor's portfolio,

- to bring forward revenue and capital budget proposals relevant to the responsibilities of the portfolio,

- to monitor the performance of portfolio functions and activities to ensure corporate objectives and targets are achieved,

- to represent the Council's views relating to the executive councillor's portfolio to other agencies, community interests and local media,

- to attend and answer questions at meetings of the Overview and Security Panel relevant to the executive councillor's portfolio,

- liaising with other Members and officers on strategic matters to ensure proper co-ordination, consistency and seamless delivery of services within Council policy,

- to chair, when required, meetings of Members and officers and Council partners,

- to assist in the development of work programmes, forward plans and the setting of agenda,

- to be consulted as part of any decision-making processes within the portfolio which have been delegated to Officers,

- reporting on the portfolio responsibilities to Council and responding to questions by Members in that forum,

- to be aware of the best practice of other leading authorities and to promote best practice and best value in the areas covered by the portfolio, and

- to carry out the duties set out in the job description for a Councillor.

Profile

An executive councillor should:

- comply with any legislative provisions, best practice and good governance arrangements with regard to his portfolio,

- Keep abreast of national best practice and new initiatives relating to the executive councillor's portfolio, and

- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

An executive councillor should have:

- an ability to prioritise workloads effectively,

- an ability to work to deadlines,

- effective communication skills including listening, spoken, written and ICT,
- a keen knowledge and interest in the areas of his own portfolio,
- effective chairmanship skills,
- an ability to read and assimilate information quickly and effectively,
- an ability to discuss financial matters and the Council's budget with confidence, and
- an ability to engage effectively with the media.

HUNTINGDONSHIRE DISTRICT COUNCIL

DEPUTY LEADER OF THE COUNCIL

Responsibilities

In addition to his shared responsibility as an executive councillor, the Deputy Leader shall have the following specific responsibilities

- to deputise for the Leader of the Council in the latter's absence,
- to undertake the individual responsibilities of any executive councillor in his/her absence,
- to monitor on behalf of the Leader the corporate performance of the Cabinet and executive councillors;
- to organise the appointment of representatives to external organisations and bodies within the remit of the Cabinet,
- to liaise with the Leaders of opposition parties on the choice of representatives to external organisations and bodies,
- to liaise with the Speaker of the Council on the business to be conducted at Council meetings,
- to be a member of the Appointments Panel for the appointment of directors and heads of service, and
- to ensure that a Member mentoring and training programme is provided for all Members of the District Council.

The Deputy Leader shall not have individual responsibility for a portfolio, other than by way of undertaking the responsibilities for an executive councillor who is absent.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF THE COUNCIL

The role of the Chairman is to act as the leading citizen in Huntingdonshire and to represent the Council at the various functions which the Council might host or to which it might be represented of a civic nature.

The main areas of duty are:

- Ceremonial
- Procedural

Ceremonial

- to act as the Council's civic head and represent the Council during the Chairman's term of office,
- to promote public involvement in the Council's activities,
- to act as an ambassador for the Council and for Huntingdonshire both inside and outside the District and to attend such civic and ceremonial functions as the Council and he determines appropriate.
- to promote the Council and Huntingdonshire in a positive manner,
- to act as a link between the Council and various groups and organisations,
- to fund raise for a charity or charities of his/her choice during his/her term of office,
- to attend civic functions as the Council's representative,
- to liaise with the Lord Lieutenant and High Sheriff on visits by members of the Royal Family to the District, and
- to perform opening ceremonies as appropriate.

Procedural

- to open meetings of the Council and to make civic announcements,
- to deputise for the Speaker of the Council in his absence by chairing meetings of the Council, and
- to exercise a casting vote at meetings of the Council where there is otherwise an equality of votes.

Profile

The Chairman of the Council should:

- have excellent speaking skills to enable him/her to make speeches at formal and public ceremonies, and

- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The **Chairman of the Council** should have:

- an ability to chair meetings effectively,
- an ability to assimilate information swiftly and effectively,
- excellent interpersonal skills and an ability to deliver speeches effectively,
- an ability to take an active part in functions managed by other authorities, organisations and individuals and to host those run by the Council,
- effective communication skills including listening, written, spoken and ICT,
- a keen knowledge of and interest in the District and its people, and
- a willingness to mentor the Vice-Chairman as his successor.

HUNTINGDONSHIRE DISTRICT COUNCIL

SPEAKER OF THE COUNCIL

The role of the Speaker of the Council is to encourage and promote high standards of debate in meetings of the Council and to promote the role of the Council as the forum for local democracy in Huntingdonshire.

Responsibilities

- to promote meetings of the Council as the focus for local democracy in Huntingdonshire,
- to liaise with the Deputy Leader of the Council and the leaders of opposition groups and the independent councillors on the business to be conducted at Council meetings,
- to manage the agenda for meetings of the Council in a flexible and creative manner to stimulate healthy debate and encourage public attendance,
- to encourage the public to deliver and speak to petitions submitted to the Council,
- to encourage and promote public question time at meetings of the Council,
- to act as an independent and impartial arbiter of discussion at meetings of the Council, irrespective of political affiliation,
- interpret and apply the Council Procedure Rules at meetings of the Council,
- to be accountable to the Council as a whole,
- to work effectively with the Leader, Chairman, Members and officers of the District Council,
- to attend briefings for meetings convened by appropriate officers supporting the Council, and
- to carry out the duties set out in the job description for a councillor.

Profile

The Speaker of the Council should:

- thoroughly familiarise him/herself with the Council's constitution and in particular the Council Procedure Rules,
- have excellent chairmanship skills,
- have an ability to encourage participation to promote high standards of debate, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Speaker of the Council should have:

- effective leadership skills,
- effective chairmanship skills,
- an ability to assimilate information swiftly and effectively,
- excellent presentational and motivational skills, and
- effective communication skills including listening, written, spoken and ICT.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF OVERVIEW AND SCRUTINY PANEL

The Chairman of an Overview and Scrutiny Panel is responsible for the effective management and running of the Panel's business which is:

- to hold the executive to account,
- to make a pro-active and positive contribution to policy development, and
- to monitor the performance of the Council and other partners contributing to the sustainable community strategy.

Responsibilities

- to effectively chair meetings of the Overview and Scrutiny Panel, ensuring effective management of the Panel's deliberations,
- to direct the Panel's work programme,
- to present to the Cabinet reports of individual scrutiny reviews,
- to present and monitor progress in respect of the Overview and Scrutiny Panel's work programme,
- to consider decisions and relevant reports from the Cabinet,
- In conjunction with the Scrutiny Manager, to lead the Panel in the drawing up of terms of reference for individual scrutiny reviews,
- to encourage involvement from all Members of the Panel and to promote participation in scrutiny reviews.
- to facilitate access to the necessary information for any review, namely:
    - research facilities
    - expert witnesses
    - specialist advice
    - comment and representation from the public
    - officer support,
- to ensure that Panel Members benefit from appropriate training and development to deal effectively with the Panel's business,
- to meet at pre-arranged intervals with Chairmen and Vice-Chairmen of other Scrutiny Panels to ensure that work programmes are properly co-ordinated, cross-panel working is facilitated and that there is no duplication of topic matter at review level,
- to ensure that reports are drafted to a high standard, focused, relevant and timely and presented to Cabinet, the public, other stakeholders and the media,

- reporting on the work of the Panel to Council and responding to questions by Members in that forum,

- to attend briefings for meetings convened by appropriate officers supporting the panel,

- to develop and maintain effective links with his/her Vice Chairman, the executive, the Chairmen and Vice Chairmen of other Scrutiny Panels, other Members of the Council, the Council's officers, the public and stakeholders, and

- to carry out the duties set out in the job description for a Councillor.

Profile

The Chairman of an Overview and Scrutiny Panel should:

- keep abreast of the Council's policies, plans and strategies within the remit of his/her Panel,

- be aware of any personal training needs and those of other members of the Panel and ensure that appropriate training is provided and taken up by Overview and Scrutiny Panel members,

- encourage use of the councillor's call for action to raise awareness of issues of local concern, and

- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of an Overview and Scrutiny Panel should have:

- an ability to prioritise workloads effectively,

- an ability to work to deadlines,

- an ability to judge when to close down an issue or inquiry and move on to the next,

- effective communication skills, including listening, written, spoken and ICT,

- a keen knowledge and interest in the areas of his/her own Panel's remit,

- an ability to challenge constructively and an inquiring mind, and

- chairmanship skills specifically relevant to Scrutiny Panels.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF THE DEVELOPMENT CONTROL PANEL

The Chairman of the Development Control Panel will be appointed to chair, lead and co-ordinate the Panel in an effective, open and transparent way. He/she will be expected to structure the business of the Panel and determine priorities in the light of the volume of work presented to the Panel.

Responsibilities

- to effectively chair meetings of the Development Control Panel,
- to understand the national, regional and local planning perspectives,
- to develop a thorough understanding of the:
    - development process
    - transportation issues
    - sustainability issues
    - legal and probity framework relating to planning and development,
- to encourage consultation with the public and special interest groups within the context of the Council's planning policies,
- to communicate constructively with Members of the Council with regard to development proposals that impact on their area,
- to work effectively with the Leader, relevant executive councillor, Members and officers of the District Council,
- reporting on the work of the Panel to Council and responding to questions by Members in that forum,
- to attend briefings for meetings convened by appropriate officers supporting the Panel,
- to be consulted as part of any decision-making processes within the remit of the Panel which have been delegated to officers,
- to ensure that planning matters are dealt with in a positive, constructive and non-partisan manner which enhances the image and reputation of the Council, and
- To carry out the duties set out in the job description for a Councillor.

Profile

The Chairman of the Development Control Panel should:

- keep abreast of and promote compliance with current legislation,
- be aware of any personal training needs and those of other members of the Panel and ensure that appropriate training is provided and taken up by Development Control Panel members, and

- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of the Development Control Panel should have:

- effective leadership skills,
- effective chairmanship skills,
- an ability to assimilate information swiftly and effectively,
- effective decision making skills,
- an ability to engage with and manage the public during meetings of the Development Control Panel, and
- effective communication skills including listening, written, spoken and ICT.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF LICENSING COMMITTEE/LICENSING AND PROTECTION PANEL

The Chairman of the Licensing Committee and Licensing and Protection Panel will be appointed to chair, lead and co-ordinate the Committee and Panel in an effective, open and transparent way. He/she will be expected to structure the business of the Committee and Panel and to determine priorities in the light of the volume of work presented to those bodies.

Responsibilities

- to effectively chair the Licensing Committee and Licensing and Protection Panel,
- to effectively structure the business of the Committee and Panel,
- to determine priorities in the light of the volume of work presented to the Committee and Panel,
- to understand the context and legislative framework in relation to the Council's responsibilities for licensing, including alcohol licensing, gambling, taxis, public charitable collections, animal welfare and food,
- to understand the context and legislative framework in relation to statutory nuisances, air quality and contaminated land;
- to encourage consultation with the public and special interest groups within the context of the Council's policies,
- to determine, through the medium of sub committees and sub groups, applications for licences,
- to ensure that licensing matters are dealt with in a positive, constructive and non-partisan manner which enhances the image and reputation of the Council,
- to attend briefings for meetings convened by appropriate officers supporting the Committee or Panel,
- reporting on the work of the Committee and Panel to Council and responding to questions by Members in that forum,
- to be consulted as part of any decision-making processes within the remit of the Committee and Panel which have been delegated to officers,
- To work effectively with the Leader, relevant executive councillor, other Members and officers of the District Council, and
- To carry out the duties set out in the job description for a Councillor.

Profile

The Chairman of the Licensing Committee and Licensing and Protection Panel should:

- keep abreast of and promote compliance with current legislation,
- be aware of any personal training needs and those of other members of the Committee and Panel and ensure that appropriate training is provided and taken up by Committee and Panel members, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of the Licensing Committee and Licensing and Protection Panel should have:

- effective leadership skills,
- effective chairmanship skills,
- an ability to assimilate information swiftly and effectively,
- effective decision making skills,
- an ability to engage with and manage applicants and the public during meetings of sub committees and sub groups, and
- effective communication skills including listening, written, spoken and ICT.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF THE EMPLOYMENT PANEL

The Chairman of the Employment Panel will be appointed to chair, lead and co-ordinate the Panel in an effective, open and transparent way. He/she will be expected to structure the business of the Panel and determine priorities in the light of the volume of work presented to the Panel.

Responsibilities

- to effectively chair meetings of the Employment Panel,
- to represent the Council as the employer at meetings of the Employment Liaison Advisory Group and to chair meetings of that body as appropriate,
- to have an understanding of employment legislation,
- to promote effective communications and joint consultation between the Council as an employer and its employees,
- to assist in the resolution of differences between the Council and its employees,
- to promote the training, development and welfare requirement of the Council's employees,
- to promote high standards of conduct by the Council's employees and compliance with the Employees Code of Conduct,
- to work effectively with the Leader, Members and officers of the District Council,
- reporting on the work of the Panel to Council and responding to questions by Members in that forum,
- to attend briefings for meetings convened by appropriate officers supporting the Panel,
- to be consulted as part of any decision-making processes within the remit of the Panel which have been delegated to officers,
- to be a member of the Appointments Panel for the appointment of directors and heads of service,
- to ensure that employment matters are dealt with in a positive, constructive and non-partisan manner which enhances the image and reputation of the Council, and
- to carry out the duties set out in the job description for a councillor.

Profile

The Chairman of the Employment Panel should:

- keep abreast of and promote compliance with current legislation,
- be aware of any personal training needs and those of other members of the Panel and ensure that appropriate training is provided and taken up by Employment Panel members, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of the Employment Panel should have:

- effective leadership skills,
- effective chairmanship skills,
- an ability to assimilate information swiftly and effectively,
- effective decision making skills,
- an ability to engage with employees during meetings of the Employees Liaison Advisory Group, and
- effective communication skills including listening, written, spoken and ICT.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF THE CORPORATE GOVERNANCE PANEL

The Chairman of the Corporate Governance Panel will be appointed to chair, lead and co-ordinate the Panel in an effective, open and transparent way. He/she will be expected to structure the business of the Panel and determine priorities in the light of the volume of work presented to the Panel.

Responsibilities

- to effectively chair meetings of the Corporate Governance Panel,
- to ensure that the financial management of the Council is adequate and effective,
- to ensure that the Council has a sound system of internal control, including arrangements for the management of risk,
- to consider the Council's code of corporate governance and approve the annual statement and statement of accounts,
- to monitor the internal and external audit plans and liaise with the external auditors on the Council's internal controls and corporate governance arrangements,
- to monitor compliance with the Council's customer feedback procedure and consider reports emerging either through the feedback system or the Local Government Ombudsman,
- to monitor the effectiveness of and compliance with the Council's whistleblowing policy,
- to oversee the Council's constitutional arrangements,.
- to work effectively with the Leader, Members and officers of the District Council,
- to attend briefings for meetings convened by appropriate officers supporting the Panel,
- reporting on the work of the Panel to Council and responding to questions by Members in that forum,
- to be consulted as part of any decision-making processes within the remit of the Panel which have been delegated to officers, and
- to carry out the duties set out in the job description for a councillor.

Profile

The Chairman of the Corporate Governance Panel should:

- keep abreast of and promote compliance with current legislation,

- be aware of any personal training needs and those of other members of the Panel and ensure that appropriate training is provided and taken up by Corporate Governance Panel members, and

- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of the Corporate Governance Panel should have:

- effective leadership skills,

- effective chairmanship skills,

- an ability to assimilate information swiftly and effectively,

- effective decision making skills,

- an ability to engage with internal and external auditors, and

- effective communication skills including listening, written, spoken and ICT.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF STANDARDS COMMITTEE

The Chairman of the Standards Committee will be an independent person who is not an elected Member of the District Council, nor a member or employee of another local authority. He/she will be expected to structure the business of the Panel and determine priorities in the light of the volume of work presented to the Panel.

Responsibilities

- effective chairing of meetings of the Standards Committee.
- effective chairing of hearings into cases of alleged breaches of the Members Code of Conduct,
- ensuring high standards of behaviour by District Council Members and members of town and parish councils in Huntingdonshire,
- maintaining effective and proper links with the Leader of the Council, leaders of opposition groups, all Members, other Independent Members and parish council representatives of the Standards Committee, the Chief Executive, the Monitoring Officer and Deputy Monitoring Officer,
- liaising with the Monitoring Officer and Deputy Monitoring Officer as appropriate,
- to attend briefings for meetings convened by appropriate officers supporting the Committee,
- reporting on the work of the Committee to Council and responding to questions by Members in that forum,

Profile

The Chairman of the Standards Committee should lead by example in accordance with the highest standards of probity in public life in all matters relating to the Council's Members Code of Conduct, related protocols and supporting guidance. In particular he should -

- have accurate and current knowledge of legislation relating to Members and the Code of Conduct,
- have accurate and current knowledge of the policies covering gifts and hospitality and notification of financial and other interests, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of the Standards Committee should have:

- an ability to prioritise workloads effectively,

- the flexibility to make provision for unplanned issues,
- effective communication skills including listening, written, spoken and ICT,
- effective chairmanship skills,
- an understanding of the relevant legislation and how to carry out investigations and determinations in relation to breaches of the Members Code of Conduct,
- effective leadership skills,
- an ability to think analytically, and
- effective decision-making skills.

The Chairman of the Standards Committee needs to undertake the following functions of the Committee -

- interview witnesses and others,
- ensure the production of appropriate recommendations to the Council,
- ensure changes in legislation are considered by the Committee and necessary arrangements are put in place,
- be aware of any personal training needs and those of other members of the Committee and ensure that appropriate training is provided and taken up by Standards Committee members,
- promote the highest standards of behaviour of the elected Members of the District Council and all town and parish councils in Huntingdonshire, and
- encourage and assist in the provision of training in the Members Code of Conduct for all elected councillors of the District Council and town and parish councillors in Huntingdonshire.

HUNTINGDONSHIRE DISTRICT COUNCIL

CHAIRMAN OF THE ELECTIONS PANEL

The Chairman of the Elections Panel will be appointed to chair, lead and co-ordinate the Panel in an effective, open and transparent way. He/she will be expected to structure the business of the Panel and determine priorities in the light of the volume of work presented to the Panel.

Responsibilities

- to effectively chair meetings of the Elections Panel,
- to monitor the electoral arrangements of the District Council and the town and parish councils in Huntingdonshire,
- to ensure the promotion of high standards of electoral probity at elections in Huntingdonshire,
- to encourage high levels of turnout at elections in Huntingdonshire,
- to liaise with the Returning Officer and Electoral Registration Officer on the efficient conduct of elections in Huntingdonshire,
- to work effectively with the Leader, Members and officers of the District Council,
- to attend briefings for meetings convened by appropriate officers supporting the Panel,
- reporting on the work of the Panel to Council and responding to questions by Members in that forum,
- to be consulted as part of any decision-making processes within the remit of the Panel which have been delegated to officers, and
- to carry out the duties set out in the job description for a councillor.

Profile

The Chairman of the Elections Panel should:

- keep abreast of and promote compliance with current legislation,
- be aware of any personal training needs and those of other members of the Panel and ensure that appropriate training is provided and taken up by Elections Panel members, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively.

The Chairman of the Elections Panel should have:

- effective leadership skills,

- effective chairmanship skills,
- an ability to assimilate information swiftly and effectively,
- effective decision making skills,
- an ability to engage with internal and external auditors, and
- effective communication skills including listening, written, spoken and ICT.

HUNTINGDONSHIRE DISTRICT COUNCIL

VICE CHAIRMEN

A Vice Chairman shall be appointed by the Council and by each of the Council's committees and panels, with the exception of the Cabinet in which case the Vice Chairman shall be the Deputy Leader who shall be appointed by the Council. The Vice Chairman of the Standards Committee shall be a member of the Council.

Responsibilities

In addition to his shared responsibility as a member of the Council and the appropriate committee or panel, the Vice Chairman shall have the following specific responsibilities -

- to deputise for the Chairman of the Council, committee or panel in the latter's absence,

- to undertake the individual responsibilities of the Chairman of the Council, committee or panel in the latter's absence, and

- to attend briefings for meetings convened by appropriate officers supporting the Council, committee or panel.

HUNTINGDONSHIRE DISTRICT COUNCIL

GROUP LEADERS

The Council recognises the key leadership role played by the leaders of all political groups on the Council and the importance of their commitment to cross-party working.

Responsibilities

- to provide leadership in their own party group,
- to act as principal political spokesman for their group,
- to nominate Members of their group to serve on committees and panels in accordance with proportionality rules.
- To take part in cross party discussion on the appointment of representative to outside bodies,
- to consult with other group leaders as required,
- to ensure high standards of probity and conduct by members of their group and levels of attendance are maintained,
- to encourage healthy debate at meetings of the Council and in committees and panels,
- to promote compliance with the Code of Recommended Local Authority Publicity by members of their group,
- to ensure that mentors are nominated by their group to assist newly elected councillors in their first year of office, and
- to carry out duties set out in the job description of a councillor.

Profile

The Group Leader should:

- keep abreast of and comply with current legislation,
- be aware of any training needs of himself/herself and other members of the Group and ensure that appropriate training is provided and taken up, and
- devote as much time as is necessary and reasonable to fulfil the requirements of the role effectively

The Group Leader should have:

- effective leadership skills, and
- good communication skills.

This page is intentionally left blank

MEMBER DEVELOPMENT CHARTER
SELF ASSESSMENT TEMPLATE

This template aims to help councils that sign up to aspire to the principles of the Charter for Member Development. It provides a guide for self assessment and for drawing up the action plan that must accompany the statement of commitment. Councils wanting to use their own action planning format should do so.

Whichever style of action plan is used it should identify:

- future planned action
- when action is expected to be completed
- who is responsible for the action
- who is responsible for monitoring implementation of the action plan

Councils may find it useful to have a team of people responsible for pulling the action plan together, such as the all party member development group with officer support.

Those responsible for drawing up the action plan should look at each point on the 'Guidelines' and 'What this means in practice' and ask

1. 'What evidence do we have that suggests we are following good practice?'
2. What action do we need to take, if any, to follow good practice or continuously improve? (Taking account of any resource implications and constraints)
3. When will this action be taken by?
4. Who will be responsible for the action?

A named person should be identified as being responsible for monitoring the action plan.

The 'Examples of Evidence' given in the Good Practice Guidance may help in identifying action to take, however the examples are not a requirement and councils must decide on action that best fits their particular circumstances.

SELF ASSESSMENT TEMPLATE

1. Commitment to member development

GUIDELINES	WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
Top political and managerial leadership commitment to development of elected members	The political and managerial leadership can describe strategies put into place to develop elected members in order to improve the council's performance.	*Evidence:* *Action:*		
Policy statement	The council has a written statement, issued to all members, specifying its policy on member development in terms of equality of opportunity, priority development areas and named member and officers responsible.	*Evidence:* *Action:*		
Equality of opportunity and access to learning and development	The political and managerial leadership can describe specific actions that they take to ensure equality of opportunity, and access to learning, in the development of elected members.	*Evidence:* *Action:*		
Budget	The council has allocated a budget for member development which is adequate to address priority and other development needs.	*Evidence:* *Action:*		

GUIDELINES	WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
Officer resource support	An officer of the council has responsibility, which is time resourced and in their job description, for co-ordinating member development.	*Evidence:* *Action*		
Dissemination of learning	The political and managerial leadership can provide examples of learning among elected members, and of promoting exchange of information, as part of encouraging a learning organisation culture.	*Evidence:* *Action*		

2. Strategic approach to member development

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
2.1	Member led strategy	Representative members are involved in the formulation, implementation, monitoring and evaluation of member development strategies, possibly through an established all party task group or other all party committee.	*Evidence:* *Action*		
2.2	Linkage to council corporate plan	Political and managerial leadership are actively involved in identifying priority organisational development needs which link council's aims and objectives to the development of elected members.	*Evidence:* *Action*		
2.3	Member roles clearly set out	The various representative roles of elected members are clearly specified and members are able to describe how they contribute to achieving the council's objectives.	*Evidence:* *Action*		
2.4	Process for identification of needs at individual and Council wide level	The council has a structured process for regularly assessing elected member development needs at the individual and council wide levels.	*Evidence:* *Action*		

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
2.5	Structured and timely approach to promoting development opportunities	Members confirm that they receive appropriate and adequate notice of development opportunities to allow them to plan in advance.	*Evidence:* *Action*		
2.6	Appropriately learn with external partners	Political and managerial leadership can provide examples of action taken to encourage joint development opportunities for elected members and external partner organisations.	*Evidence:* *Action*		
2.7	Strategy for Induction	Elected members who are new to the council, and those new to a particular role, confirm that they received a structured and effective induction.	*Evidence:* *Action*		
2.8	Addresses political leadership and team development	Top political leadership are actively involved in defining the council's approach both to effective political leadership (for current and prospective leaders) and to team development.	*Evidence:* *Action*		

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
2.9	Mechanisms for evaluation, and informing future plans, identified.	The council has systems in place that effectively evaluate the benefits from elected member development and identify areas for improvement.	*Evidence:* *Action*		

3. Member learning and development plan in place

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
3.1	Addresses development priorities	The council draws up plans to meet, training and development needs identified as a priority in helping it to achieve corporate aims and objectives.	*Evidence:* Action		
3.2	Identify what development activities should achieve	The council can demonstrate that elected member training and development activities have well defined and focused objectives.	*Evidence:* Action		
3.3	Sets out how, when, where and who is responsible	The elected member training and development plan follows a developed planning process including who is responsible for implementing, monitoring and evaluating the plan.	*Evidence:* Action		

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
3.4	Takes account of access to development opportunities	The council organises events at various times, to allow for access by those with work or family commitments, and utilises a range of methods to meet learning needs.	*Evidence:* Action		
3.5	Linkage between Individual plans and the council's corporate and other plans	Individual elected members can describe their learning needs and how these link into function and corporate aims and objectives.	*Evidence:* Action		
3.6	Representative elected members consulted	The council has an open and constructive relationship on elected member development with representatives from the various political / non-political groups.	*Evidence:* Action		

4. Learning and development is effective in building capacity

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
4.1	Members learn and develop effectively	The top political and managerial leadership can consistently give tangible examples of how development of elected members has improved the performance of the council, functions and individuals.	*Evidence:* Action		
4.2	Learning is shared with other elected members and where appropriate with officers and stakeholders.	Elected members can give examples of how they have been encouraged to learn, and to share the learning with others, so as to improve their own performance and that of others.	*Evidence:* Action		
4.3	Investment in learning and development is evaluated in terms of benefits and impact	The council can demonstrate that it periodically evaluates the cost and benefits of member training and development and the impact it has had on performance.	*Evidence:* Action		

4.4	Identifies (and implements) improvements to learning and development activities	People confirm that the council is genuinely committed to the continuous development of elected members and can give examples of relevant and timely improvements that have been made to development activities.	*Evidence:* Action		

5. Elected Member Development promotes work life balance and citizenship

GUIDELINES		WHAT THIS MEANS IN PRACTICE	EVIDENCE / ACTION	BY WHEN	BY WHO
5.1	Assists those with family responsibilities.	The council regularly assesses how it can assist those with family responsibilities in terms of suitable allowances and support.	*Evidence:* Action		
5.2	Reviews how council business is conducted to allow for equality of access to key political decision making mechanisms	The council regularly reviews how it conducts its business, in terms of when meetings are held and access based on a clear understanding of diversity, so that elected members or potential members, are able to take part in the democratic process.	*Evidence:* Action		
5.3	Holds events for the community to encourage people to become community leaders.	The council actively encourages citizenship, and publicises the role of elected members as community leaders, as part of promoting local democracy and encouraging under represented groups to take up office.	*Evidence:* Action		

This page is intentionally left blank

DEMOCRATIC STRUCTURE REVIEW

Timetable for Implementation

Despatch of draft report to all Members	6th March 2009
Member seminars on contents of report	17th & 24th March 2009
Cabinet	2nd April 2009
Overview & Scrutiny Panel (Service Delivery)	7th April 2009
Overview & Scrutiny Panel (Service Support)	14th April 2009
Corporate Governance Panel	16th April 2009
Cabinet	17th April 2009
Council	22nd April 2009
Implementation of changes with the exception of –	13th May 2009

Start of consultation process on choice of elected mayor/executive leader

(Commencement in April with final decision in September.)

Adoption of proposals for the co-option of independent persons to the Overview & Scrutiny Panels

(Commencement in April with adoption and implementation in September.)

Adoption of Member Development Charter

(July)

Consultation on proposals for neighbourhood engagement

(Commencement in April with final proposals in September.)

This page is intentionally left blank

Cabinet

Report of the meeting held on 19th February, 12th March and 2nd April 2009

Matters for Information

78. LEISURE CENTRES MANAGEMENT ARRANGEMENTS

The Cabinet has been acquainted with the key elements of a proposal to change the funding and management arrangements for the District's jointly provided leisure centres, which has arisen as a result of changes affecting the way the education service operates and in the management corporately of various aspects of the leisure service.

The proposals will bring to an end the existing joint provision arrangements, with direct management by the District Council which will result in savings on audit fees and the administrative costs associated with servicing the current joint meetings. As part of the new proposals, a Councillor within the notional catchment area of each centre will become the "advocate" for that centre, representing community interests and becoming the person to whom the manager and his staff will turn in the first instance for Member support.

Each of the advocates will sit on a new Active Leisure Forum, together with the Executive Member for Leisure, a County Councillor, a representative of each of the secondary school governing bodies where the leisure centres are situated to discuss leisure provision across the District. As the lease between the District Council and the Town Council for the sports hall at Huntingdon contains provision for a management committee on which the Town is entitled to a number of voting representatives, membership of the Forum has been widened to include a Town Council representative and discussions are continuing with the Town Council on the amendment to the lease. The Cabinet therefore has -

- endorsed proposals to change the way in which the District's joint provision leisure centres are managed and funded in the future;
- agreed that responsibility for the leisure centres be undertaken by the District Council with effect from the new financial year;
- agreed that the existing five management committees be wound up with effect from the end of the current financial year;
- endorsed the establishment of an Active Leisure Forum;

- agreed that Huntingdon Town Council can nominate one representative to the leisure forum;
- agreed that the existing management agreements be substituted by new arrangements to be determined with the County Council and individual secondary school governing bodies, plus an amendment to the lease of Huntingdon Sports Hall and authorised the Head of Democratic and Central Services to determine the final content of the Agreements, after consultation with the Executive Councillor for Leisure and the General Manager, Leisure; and
- requested that future levels of performance for the Centres be reported to Cabinet on a six monthly basis.

79. REVIEW OF CENTRAL SERVICES

(The following Item was considered as a confidential item under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

Having noted the approval of the Employment Panel to a new establishment structure for the Central Services Directorate, the Cabinet has endorsed the associated financial implications of the changes. The revised structure reflects the outcome of a review of the Directorate following the recent appointment to the post of Director of Central Services and addresses a number of staffing matters, together with new opportunities which have arisen in terms of the structure and management of the Directorate. In approving the financial implications, the Cabinet has been pleased to note that the review has produced significant savings towards the Council's overall targets and that the initial findings of the review of the Democratic Structure Working Group have also been taken into consideration.

80. PERFORMANCE MONITORING

The Cabinet has reviewed the Council's performance against targets within the Corporate Plan - "Growing Success", together with a summary of achievements, service performance, data for priority objectives, progress against the council's improvement plan and the deliberations of the Overview and Scrutiny Panels (Service Support and Service Delivery) on the matter.

81. LOCAL INVESTMENT FRAMEWORK

The Cabinet has been acquainted with the development of a Huntingdonshire Local Investment Framework which has been compiled to determine the level of local and strategic infrastructure required to meet the target for new homes identified in Huntingdonshire in the Core Strategy up to 2026.

In discussing future initiatives, Members have supported the proposed creation of a St. Neots Delivery Board, similar to the boards set up to deliver growth in the Cambridge area. The new board will consider social infrastructure requirements and how delivery options associated with potential housing development can be located, based

on existing facilities and accessibility levels. It was noted that Member involvement will be crucial in the deliberations of such a board.

82. ST. NEOTS MARKET TOWN STRATEGY

The Cabinet has approved the contents of the St. Neots Market Town Transport Strategy, which forms part of the Cambridgeshire Local Transport Plan (LTP) 2006 - 2011.

In considering the key aspects of the document, Members have raised concerns over the lack of bus lay-over space and the impact of congestion generally in terms of air quality. The Cabinet has been informed that initial discussions have been held with local bus operators with regard to known problems, specifically the absence of any link between bus and train timetables. At the same time, the Executive Councillor for Resources and Policy has recorded his concern that the Strategy does not address future transport needs given the predicted population levels for the area. In that respect, the Cabinet has been reassured that the strategy will be reviewed between now and 2011 to take into account emerging pressures and possible development scenarios around St. Neots.

83. PROPOSED SERVICE ENHANCEMENTS – THE TRANSFORMATION FROM DEVELOPMENT CONTROL TO DEVELOPMENT MANAGEMENT

A proposal to formalise the transformation of the development control function to one of development management has been endorsed by the Cabinet. In so doing, Members have noted that the nature of the local development framework has prompted a change in emphasis with focus now being placed on the importance of a sustainable and deliverable development in the District as opposed to the more negatives and reactive perception held currently in some quarters about the development control function. At the same time, attention has been drawn to the issue of targeted funding arising from which the Cabinet has requested the Head of Planning Services to investigate the possibility of introducing charges for pre-application discussions and advice. In recognising the importance of ensuring that all stakeholders understand and sign up to the new approach, the Cabinet has requested that town and parish councils be invited to a series of planned workshops on the new arrangements.

84. REVIEW OF SECTION 106 AGREEMENTS

The Cabinet has been acquainted with the findings of a study by the Overview and Scrutiny Panel (Service Support) regarding the Council's Section 106 process. Particular reference was made to the potential impact of the proposed Community Infrastructure Levy and variable infrastructure tariff expected to be implemented in the near future. Executive Councillors have been advised that the introduction of the levy will empower local authorities to place a new charge on most types of developments in their area with the proceeds being spent on local and sub-regional infrastructure to offset the impact of

the development. Having been advised of new legislation which enables local planning authorities to request developers to submit draft heads of terms for Section 106 Agreements as part of the application validation process, the Cabinet has -

- requested that a guidance note be prepared and drawn to the attention of Members to illustrate how they can comment on applications and the potential heads of terms for Section 106 Agreements by reference to the weekly planning list notification;
- agreed to give clear guidance to town and parish councils on how to comment on the potential content of agreements for development in their areas as part of the normal consultation arrangements and speaking at Development Management Panel meetings;
- requested that town and parish councils be advised of the introduction of a marker on the planning weekly list relating to applications likely to generate a Section 106 Agreement and reminded to review these on a regular basis with a view to making comments on the potential heads of terms of Agreements in their areas;
- suggested that copies of the quarterly report prepared by the People, Performance and Partnership Division detailing income and expenditure from the Section 106 money be provided to all Members and changes to the content of the report implemented at the earliest opportunity;
- approved the expansion of the remit and terms of reference of the Section 106 Advisory Group to include monitoring of agreements and meetings convened on a more regular basis with dates reserved in the Council's calendar one week prior to each Development Management Panel meeting;
- agreed to submit copies of the monitoring report to the Section 106 Advisory Group on a quarterly basis and also to the Development Management Panel with any comments from the Advisory Group;
- agreed to the Executive Councillor for Finance and the Environment becoming responsible for ensuring the effectiveness of processes for securing payments and the expenditure of receipts under Section 106 Agreements, with individual Executive Councillors remaining accountable for the delivery of benefits and projects relevant to their portfolios; and
- invited the Section 106 Working Group to consider the likely effects of the introduction of the Community Infrastructure Levy and make recommendations on processes to implement the system.

85. CONSULTATION ON CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

The Cabinet has endorsed the contents of a suggested response on behalf of the Council to a consultation paper issued by the Department of Communities and Local Government on proposed changes to the Code of Recommended Practice on Local Authority Publicity. The Code was first issued in 1988 to cover the content,

style, distribution and cost of local authority publicity, from public meetings to council publications, advertising and the website. In reviewing the code, Members have recorded their concern that the code offers no specific guidance in relation to individual Ward members who may not hold a particular responsibility with the Council, but whose work with their constituents is of significant importance. Nor does the Code address the recent growth in electronic communication.

86. REVIEW OF DEMOCRATIC STRUCTURE

A Working Party chaired by the Special Adviser to the Cabinet has reported on its findings after a wide-ranging review of the Council's democratic structure and the role of Members. The report and recommendations themselves are dealt with by way of a separate item on the agenda for the Council meeting, where the report can be found in full.

Presentations to which all Members were invited have been provided by the working party over two sessions to give an opportunity for detailed discussion on the findings. Following consideration by Cabinet, the report has been submitted to meetings of both of the Overview and Scrutiny Panels and the Corporate Governance Panel in terms of the changes proposed to the Council's constitution. The Cabinet will be meeting again after those Panels have discussed the report to finalise its recommendations to Council. These, together with the views of the Panels, will be assimilated into a final report by Cabinet that will be submitted to Council after the agenda has been despatched.

I C Bates
Chairman

This page is intentionally left blank

Cabinet - Supplementary Report

Report of the meeting held on 17th April 2009

87. REVIEW OF DEMOCRATIC STRUCTURE

Item No. 4 on the Council's agenda relates to a review of the Council's democratic structure that has been undertaken by a working party appointed by the Cabinet and chaired by Councillor K J Churchill.

The report and recommendations have been the subject of extensive discussion, including presentations to all Members. Following initial consideration by the Cabinet, the recommendations have been discussed by both Overview and Scrutiny Panels and by the Corporate Governance Panel. There has been little divergence of opinion on most of the recommendations. Where views have differed, the Cabinet has reviewed those recommendations again before reaching agreement on the changes to be submitted to Council.

A matrix is attached which summarises the views of the various bodies that have considered the report thus far.

Much debate has taken place on the financial implications of the recommendations, particularly in terms of the additional special responsibility allowances (SRAs) listed in paragraph 25.2 of the report. The only SRAs that are now being recommended by Cabinet are those for the chairman and vice chairman of the additional overview and scrutiny panel that is being proposed. These will amount to £9,148 per annum at current rates.

Provision of 3% has been made in the Council's budget for the current year for an increase in Members' Allowances. The current scheme provides for an annual increase in allowances as at the date of the Annual Meeting based upon the inflationary increase in the retail price index each year. With RPI currently standing at zero, no increase in allowances will be possible in 2009/10. This will save £11,160 per annum. The additional SRAs can therefore be funded from the existing budget and still allow for a small saving to be made in the overall Members Allowances budget in the current year.

Responsibility for implementation of the changes being proposed by the working party rests variously with the Council, Cabinet, Overview and Scrutiny Panels, the Leader and, to a lesser extent, other panels. For convenience they are collectively being recommended by Cabinet to Council for approval or otherwise.

The Cabinet therefore

RECOMMEND

that the recommendations contained in paragraph 28.1 of the working party's report (pages 57 – 61 inclusive of the Council's agenda pack) be approved, subject to the following changes –

recommendation (b) – approved in principle but deferred for one year and reviewed again at that time;

recommendation (e) – approved, with a starting time of 6.30 p.m.;

recommendation (h) – approved for a trial period of one year, but with co-optees not being permitted to vote and not in receipt of a co-optee's allowance;

recommendation (o) – approved, subject to the deletion of the reference to an 'annual' refresh of the LSP;

recommendation (p) – refusal of the recommendation;

recommendation (w) – approved, subject to the meeting time remaining at 4.00 p.m. with committee flexibility to change;

recommendation (aa) – deferral recommended for further consideration by the working party relating to membership and to consultation with the Employees Liaison Advisory Group,

recommendation (dd) – approved, subject to negotiation with partners,

recommendation (ee) – approved, subject to negotiation with partners,

recommendation (hh) – approved, with the exclusion of significant partnerships where other arrangements apply,

recommendation (rr) – special responsibility allowances be approved for the chairman and vice chairman of the proposed additional overview and scrutiny panel, to be funded from the existing Members Allowances' budget.

These recommendations are summarised in the attached matrix.

In addition to the above, the Cabinet has decided to retain the working party with its current membership in the forthcoming municipal year to implement the changes, subject to their approval by the Council.

I C Bates
Chairman

Democratic Structure Review - Panel Progress

Recommendations	Cabinet - 02.04.09	O&S Service Delivery - 07.04.09	O&S Service Support - 14.04.09	Corporate Governance Panel - 16.04.09	Cabinet - 17.04.09	Final Responsibility for Implementation
a	Agreed	Agreed	Agreed	Agreed	Agreed	Council
b	Agreed subject to funding of financial implications	Agreed subject to funding of financial implications	Not agreed	Not agreed	Agreed in principle but deferred for one year and subject to review again at that time	Council
c	Agreed	Agreed	Agreed	Agreed	Agreed	Leader
d	Agreed	Agreed	Agreed	Agreed	Agreed	Council
e	Agreed subject to better balance between daytime and evening meetings	Agreed	Agreed	Agreed	Agreed, with a start time for Cabinet meetings of 6.30 p.m.	Cabinet
f	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
g	Agreed	Agreed	Agreed	Agreed	Agreed	Council
h	Agreed subject to no voting rights for co-opted persons	Agreed	Not agreed	Not agreed	Agreed, without voting rights and without a co-optee's allowance, for a trial period of one year	Council
i	Agreed	Agreed	Agreed	Agreed	Agreed	Council
j	Agreed	Agreed	Agreed	Agreed	Agreed	Council
k	Agreed	Agreed	Agreed	Agreed	Agreed	O&S Panels
l	Agreed	Agreed	Agreed	Agreed	Agreed	O&S Panels
m	Agreed	Agreed	Agreed	Agreed	Agreed	Council
n	Agreed subject to opportunity for independent councillors to choose debate	Agreed subject to opportunity for independent councillors to choose debate	Agreed	Agreed	Agreed	Council
o	Agreed subject to deletion of reference to 'annual' refresh of LSP	Agreed subject to deletion of reference to 'annual' refresh of LSP	Agreed subject to deletion of reference to 'annual' refresh of LSP	Agreed subject to deletion of reference to 'annual' refresh of LSP	Agreed subject to deletion of reference to 'annual' refresh of LSP	Council
p	Not agreed	Not agreed	Not agreed	Not agreed, but Working Party invited to investigate further as part of wider review of rules of debate at Council meetings	Not agreed	Council

Recommendations	Cabinet - 02.04.09	O&S Service Delivery - 07.04.09	O&S Service Support - 14.04.09	Corporate Governance Panel - 16.04.09	Cabinet - 17.04.09	Final Responsibility for Implementation
q	Agreed subject to questions being addressed to any Member	Agreed	Agreed	Agreed	Agreed	Council
r	Agreed	Agreed	Agreed	Agreed	Agreed	Council
s	Agreed subject to an evaluation of results after trial period	Agreed subject to an evaluation of results after trial period	Agreed	Agreed	Agreed	Council
t	Agreed	Agreed	Agreed	Agreed	Agreed	Council
u	Agreed	Agreed	Agreed	Agreed	Agreed	Council
v	Agreed	Agreed	Agreed	Agreed	Agreed	Council
w	Agreed subject to meeting time remaining at 4pm with committee flexibility to change	Agreed	Agreed	Agreed subject to meeting time remaining at 4pm with committee flexibility to change	Agreed subject to meeting time remaining at 4pm with committee flexibility to change	Council/Stand Comm
x	Agreed	Agreed	Agreed	Agreed	Agreed	Council
y	Agreed	Agreed	Agreed	Agreed	Agreed	Council
z	Agreed subject to meeting time remaining at 6pm with committee flexibility to change	Agreed	Agreed	Agreed	Agreed	Corp Gov Panel

Democratic Structure Review - Panel Progress

Recommendations	Cabinet - 02.04.09	O&S Service Delivery - 07.04.09	O&S Service Support - 14.04.09	Corporate Governance Panel - 16.04.09	Cabinet - 17.04.09	Final Responsibility for Implementation
aa	Deferred for further consideration by WP relating to membership and consultation with ELAG	Deferred for further consideration by WP relating to membership and consultation with ELAG	Agreed	Agreed	Deferred for further consideration by WP relating to membership and consultation with ELAG	Council
bb	Agreed	Agreed	Agreed	Agreed	Agreed	Council
cc	Agreed	Agreed	Agreed	Agreed	Agreed	Council
dd	Agreed	Agreed	Agreed, subject to negotiation with partners	Agreed, subject to negotiation with partners	Agreed, subject to negotiation with partners	Council
ee	Agreed	Agreed	Agreed, subject to negotiation with partners	Agreed, subject to negotiation with partners	Agreed, subject to negotiation with partners	Council
ff	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
gg	Agreed	Agreed	Agreed	Agreed	Agreed	Council/Cabinet
hh	Agreed but excluding application to significant partnerships where other arrangements apply	Agreed but excluding application to significant partnerships where other arrangements apply	Agreed but excluding application to significant partnerships where other arrangements apply	Agreed but excluding application to significant partnerships where other arrangements apply	Agreed but excluding application to significant partnerships where other arrangements apply	Cabinet
ii	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet/Other Panels
jj	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
kk	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet/Other Panels
ll	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
mm	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
nn	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
oo	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
pp	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet
qq	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet/Other Panels

rr	Deferred for further consideration of funding options	Deferred for further consideration of funding options	Deferred for further consideration of funding options	Deferred for further consideration of funding options	Special Responsibility Allowances for chairman and vice chairman of additional overview & scrutiny panel to be met from existing Members Allowance budget	Council/Cabinet
ss	Agreed	Agreed	Agreed	Agreed	Agreed	Cabinet

Standards Committee

Report of the meeting held on 5th March 2009

Matters for Information

17. REFERRALS (ASSESSMENT) SUB-COMMITTEE

The Chairman of the Referrals (Assessment) Sub-Committee has reported on five cases which have been considered recently and the Committee has noted that no further action was required to be taken by the Monitoring Officer in each case.

18. APPOINTMENT OF STANDARDS (CONSIDERATION AND HEARING) SUB-COMMITTEE

The Committee has appointed the Chairman, Councillors J D Ablewhite and Mrs B E Boddington, Parish Councillor M J Reece and Mr P Boothman to the Standards (Consideration and Hearing) Sub-Committee which will consider reports arising from the investigation of complaints involving breaches of the code of conduct. The Sub-Committee will also hold determination hearings as necessary.

19. ETHICAL STANDARDS REGIME IN LOCAL GOVERNMENT AND HUNTINGDONSHIRE

In accordance with Standards Board guidance, the Leader of the Opposition, Councillor P J Downes has addressed the Committee on his perceptions of the ethical standards regime both locally and nationally. The Leader of the Council has been invited to attend a subsequent meeting.

Despite having reservations about the role of the Standards Board, Councillor Downes has indicated his support for the work of the Committee locally and has welcomed the introduction of the Model Code of Conduct and particularly the obligation for Councillors to declare, when necessary, any personal and prejudicial interests in business under consideration.

Whilst commending the concept of standards in local government and acknowledging that there had been a marked improvement in the performance of some local councils, he indicated that he remained unconvinced that all parish councils clearly understood the aspect of the Code relating to the declaration of interests. In this respect, Councillor Downes endorsed a continuation of the Committee's approach to training. He also expressed some concern at the limited sanctions available to local committees which resulted in the more serious cases of misconduct being referred to the Standards Board.

For the future, Councillor Downes was hopeful that the Government might extend the Committee's remit to consider cases involving infringements of electoral law and the behaviour of Councillors during election campaigns.

The Committee has thanked Councillor Downes for his contribution to its meeting which prompted an interesting debate.

20. THE CASE TRIBUNALS (ENGLAND) REGULATIONS 2008

The Committee has noted that the Case Tribunals (England) Regulations came into effect on 12th December 2008.

Principally, the Regulations prescribe the sanctions available to a Case Tribunal of the Adjudication Panel for England, where it has determined that a Councillor has failed to comply with his or her Authority's code of conduct. Sanctions range from censoring a Member to disqualification from service for five years, training or requesting the submission of an apology.

21. QUALITY STATUS FOR PARISH COUNCILS

The Committee was pleased to note that the Quality Parish and Town Council Scheme requires town and parish councils to demonstrate that they have reached the standard required by passing several tests, one of which relates to the Code of Conduct. However, the Committee has expressed disappointment that the scheme does not require a commitment to regular refresher training on the Code.

In debating how to encourage the introduction of such a requirement to the scheme, the Committee was disappointed to hear that the administrative burden and cost of acquiring quality status can be onerous and prohibitive to local councils and thus had affected the take-up and coverage of the scheme locally.

21. LOG OF CODE OF CONDUCT ENQUIRIES

The Committee has noted the nature of the Code of Conduct enquiries recorded by the Monitoring Officer since its last meeting in December. Members were reminded that the areas of the Code which appeared to cause the most concern formed the basis for the Monitoring Officer’s approach towards the training of Parish Councils.

22. CODE OF CONDUCT TRAINING

For training purposes, the Committee has discussed the content of a fact sheet issued by the Standards Board for England on "personal and prejudicial interests".

D L Hall
Chairman

Overview and Scrutiny Panel (Service Delivery)

Reports of the meetings held on 3rd March and 7th April 2009

Matters for Information

45. PROVISION OF LEISURE FACILITIES FOR YOUNG PEOPLE

The Panel has received information on the leisure facilities owned and maintained by the District Council, together with details of facilities in which the Council has an involvement in their maintenance. The information presented excludes those facilities under the sole control of the District's Town and Parish Councils.

The Panel has discussed the achievements of independent community groups in raising funds for youth facilities within villages. Members also have discussed the provision of funding through Section 106 agreements for the construction and maintenance of facilities and the difference this has made to the availability of facilities in towns and villages. The Panel has expressed the view that there should be greater consistency in the provision of facilities across the District. A Working Group has been appointed, comprising Councillors J D Ablewhite and P G Mitchell, to meet with the Executive Councillor for Operational and Countryside Services to discuss the matter further and to make recommendations with a view to achieving an even distribution of youth facilities across the District and on how the ongoing revenue costs associated with such facilities might be met.

46. PERFORMANCE MONITORING

In conjunction with the Cabinet and the Overview and Scrutiny Panel (Service Support), the Panel for Service Delivery has reviewed the Council's performance against its priority objectives, which are contained in "Growing Success" - the Corporate Plan. In endorsing the views of the Corporate Plan Working Group, the Panel has confirmed the Working Group's request for a report on the private housing retrofit project to be submitted to the Panel's June meeting. Members also have requested that a representative of the Carbon Trust is invited to a subsequent meeting of the Panel, to enable Members to examine the retrofit project's principles in the context of the Trust's work. It has further been suggested that environmental efficiency data should be compiled in order to determine energy

efficiency levels of the homes before and after the completion of refurbishment works.

The Panel has concurred with Corporate Plan Working Group's suggestion that, because of the low levels of use being made of them, promotion of the disabled facilities available at Sawtry Leisure Centre should be undertaken.

Having queried the data relating to the key measure for the number of households living in temporary accommodation, it has been reported that whilst the performance achieved does not meet the target, it represents an increase in the number of households that have been prevented from becoming homeless during the reporting period.

Finally, the Panel has reiterated their previous concern that it might not be possible to complete the scheme to re-model Coneygear Court should a bid for funding be unsuccessful.

47. ADOPTION OF ROADS AND SEWERS

Pursuant to Item No. 41 of their Report to the meeting of the Council held on 18th February 2009, the Panel has received a further update on the investigations being undertaken by the Adoption of Roads and Sewers Working Group. The Head of Legal and Estates has informed the Working Group that there are adequate legal provisions in existence to ensure that the adoption of roads can be brought to completion. In addition, the Head of Legal and Estates has made enquiries with local Solicitors on conveyancing practice and it has been established that during the purchasing process, purchasers and mortgage providers are made fully aware of the status of the roads and sewers servicing properties and of their associated liabilities should either not be adopted.

The Panel has concluded that new legislation to be introduced by the Government in 2010/11 will ensure that sewers are adopted and that this will, in turn, expedite the road adoption process.

48. REVIEW OF THE HOME-LINK SCHEME AND THE COUNCIL'S LETTINGS POLICY

The outcome of a review of Home-Link, the choice based lettings scheme, has been considered by the Panel. The review examined strategic and operational aspects of the scheme and involved consultation with housing association partners, statutory and voluntary agencies and customers of the scheme. Whilst Members were encouraged by the reported level of users' satisfaction with the scheme, the review has revealed that some customers have difficulty in understanding the mechanics of the scheme and that some users require assistance to bid for properties. As a result continued efforts will be made to inform potential users and raise awareness generally of the support that is available to them, particularly for those on the Housing Register.

In terms of the Council's Lettings Policy, the Panel has noted the review conclusion that the current policy is adequate to meet local need and that only a minor amendment is required. The Panel has discussed the implications of re-prioritising homeless persons by awarding them a Band B priority and consequently has expressed support for this change.

49. SPORTS FACILITIES STRATEGY

The Panel has been acquainted with a proposal to adopt a Sports Facilities Strategy for Huntingdonshire. The Strategy will help to achieve an adequate range of sports facilities to meet future need taking into account population growth anticipated within the District in future years. The Building Schools for the Future Programme will be an important factor in achieving an increased level of provision of sports facilities.

In preparing the Strategy, an attempt has been made to identify all sports facilities available across Huntingdonshire, inclusive of those facilities owned by the private, voluntary and education sectors. This data has been compared with national recommended levels of provision for a given level of population and the outcome will be used to inform the future provision of sports facilities within the District. The Panel has recommended the Cabinet to adopt the Sports Facilities Strategy for Huntingdonshire on the understanding that the Council will not be solely responsible for being the provider of such facilities.

50. ENVIRONMENTAL IMPROVEMENTS TO ST IVES TOWN CENTRE

The Panel has been acquainted with the outcome of a consultation exercise undertaken by the Council as part of the second phase of environmental improvements to the Market Hill and Bridge Street areas of St Ives. The Panel has been reminded that its role is to ensure that the Environmental Improvements Protocol has been adhered to in advance of any works being carried out.

The consultation reveals that there is no clear majority amongst respondents for any of the three options presented for consultation. The Advisory Group, which comprises County, District and Town Councillors together with Panel representatives and representatives from local groups such as the Town Partnership, the Access Group and the Civic Society has scrutinised the results of the consultation and has suggested that as no consensus for any of the options has been gained, the scheme should be deferred from its planned start date of January 2010 to enable a review of the options to take place. The deferment would also be timely given the current economic climate and the impact that works would have on local retailers within the town. In addition, works might adversely affect planned celebrations of the Town's 800th anniversary.

The Panel has expressed their satisfaction that the Environmental Improvements Protocol has been adhered to. Members have also considered the options available to the Council with regard to this

matter and have suggested to the Cabinet that deferral is the preferred course but that the situation should be reviewed in 12 months. This will allow time for the formulation of a scheme which more adequately suits the requirements of the Town. Additionally, the Panel has suggested that financial contributions towards the cost of the scheme should be sought from the County and Town Councils.

51. RECYCLING

The Panel has been updated with the outcome of recent negotiations on the contract for the processing and onward sale of recyclable materials. It has been reported that, in light of recent trends within the market, the terms of the current contract in respect of gate fees has been varied. Having noted that the contract will end in November 2009, Members have been informed that a tendering process currently is being undertaken for a new contract in conjunction with Fenland District Council and Cambridge City Council.

52. REVIEW OF DEMOCRATIC STRUCTURE

In conjunction with the Overview and Scrutiny Panel (Service Support), the Panel for Service Delivery has discussed the findings of the Structure Review Working Group following their review of the Council's democratic structure. The comments of the Panel on each of the recommendations are incorporated within a separate report, which appears elsewhere on the Council Agenda.

53. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – IMPLICATIONS FOR OVERVIEW AND SCRUTINY

The Panel was acquainted with legislative changes affecting Overview and Scrutiny, which have arisen from the Local Government and Public Involvement in Health Act 2007. The changes introduce a Councillor Call for Action, which enables any Member of the Council to refer to an Overview and Scrutiny Panel any local government matter relevant to the functions of the Panel. The changes require alterations to the Council Procedure Rules and the Overview and Scrutiny Procedure Rules contained within the Constitution. The Panel has endorsed the content of a guide outlining a process for making a Councillor Call for Action.

Attention has been drawn to changes, which affect the scope of the Panels' work and the way in which Overview and Scrutiny reports and recommendations must be responded to. In addition, there now exists provision for joint Overview and Scrutiny arrangements between County and District Councils. Legislation relating to the scrutiny of crime and disorder matters is likely to come into force at the end of April 2009.

The changes will take effect from 1st April 2009. The Panel has recommended the Corporate Governance Panel to approve the constitutional changes required to bring the new powers in to force (Item No. 30 of their Report refers).

54. NHS CAMBRIDGESHIRE STRATEGIC PLAN 2009 - 2014

The Panel has received details of a consultation being undertaken by NHS Cambridgeshire on their Strategic Plan for the period 2009 – 2014. In advance of submitting a response to the consultation, the Panel has decided to meet with a representative of NHS Cambridgeshire to discuss the proposals contained within the Plan in detail. The consultation period ends on 29th May 2009.

Other Matters of Interest

55. OVERVIEW AND SCRUTINY PANEL (SERVICE DELIVERY) PROGRESS

The Panel has reviewed its programme of studies at each of its meetings. Updates have been received on the Panel's final report on grant aid and on the future governance of Hinchingbrooke Hospital.

56. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

The Panel has been acquainted with details of the current Forward Plan of Key Decisions at each of its meetings. The Panel has requested sight of items entitled St Ivo and St Neots Leisure Centres – Proposals for Development, Carbon Management Plan, Sustainable Communities Act and Leisure Centres – Performance Monitoring Report prior to their consideration by the Cabinet. Additionally, the Corporate Equality Policy Action Plan Progress report has been requested for circulation informally to Panel Members.

57. SCRUTINY

The Panel has received and noted the latest editions of the Decision Digest and has received answers to questions raised on their contents.

J Criswell
Chairman

This page is intentionally left blank

Overview & Scrutiny Panel (Service Support)

Report of the meetings held on 10th February and 10th March 2009

Matters for Information

39. REGIONAL SCALE SETTLEMENT STUDY

The Panel has considered the contents of the Regional Scale Settlement Study which analyses various potential levels of future growth suggested by the National Housing and Planning Advice Unit. The study identifies potential locations for regional scale growth and regional scale new settlements within the East of England.

In so doing, the Panel noted that Huntingdon/Alconbury has been identified as a possible new growth location, which would comprise a minimum of 20,000 new homes. The Panel has expressed concerns relating to the timing of the study, its lack of analysis and justification for the preferred location. The Panel was informed that the County Council, in partnership with the District Councils in the County has commissioned consultants to prepare a Cambridgeshire Development Study to establish the sustainability of different levels of growth. In addition the District Council intends to commission its own independent consultants to inform the Council's response to the proposal and provide evidence at the examination in public of the regional plan amendments.

The Head of Planning Services suggested to the Panel that growth on the scale envisaged at Huntingdon/Alconbury would not be sustainable and also that there is general concern over the scale of growth being proposed by the Government in the current economic climate. Members acknowledged that development of the size proposed at Huntingdon/Alconbury would have a significant impact on the character of the District, and would further exacerbate the imbalance between housing growth and a shortfall in local employment, leading to greater out-commuting from the District and subsequent road and rail congestion.

The Panel has recommended the Cabinet to rebut strongly the findings of the EERA study, and support the need for the

Council to invest in commissioning its own consultants to provide evidence for the response.

The Executive Councillor for Planning and Transportation and the Head of Planning Services have agreed to attend a future meeting of the Panel to report on the outcome of the Cambridgeshire Development Study and the District Council's response to the Regional Scale Settlement Study.

40. LOCAL INVESTMENT FRAMEWORK

The Panel has endorsed the content of a Huntingdonshire Local Investment Framework which has been compiled by the Council to determine the level of local and strategic infrastructure required to meet the target of new homes identified for Huntingdonshire in the core strategy up to 2026.

The study has identified the infrastructure needs of the growth locations in the District and analysed what contributions developers could make by way of Section 106 Planning obligations. A projects database model has been drawn up to deliver the required infrastructure which will be updated in line with changing circumstances. Evidence from this study will be used to prepare a supplementary planning document for planning obligations which will link to the core strategy and produce a total figure for planning obligations expressed as a tariff per dwelling.

Members were informed that later in the year, regulations are anticipated on the introduction of the community infrastructure levy under the Planning Act 2008. It is expected that the Local Investment Framework will provide evidence when producing a charging schedule for developers under the levy regulations which will be the subject of debate in due course.

The Panel's comments were conveyed to the Cabinet for consideration at its meeting on 12th March 2009. Item No. 81 of the report to Cabinet refers.

41. CONSULTATION ON CODE OF RECOMMENDED PRACTICE AND LOCAL AUTHORITY PUBLICITY

The Panel has considered a proposed response to a consultation exercise on the Code of Recommended Practice on Local Authority Publicity.

In considering a report by the Communities and Marketing Manager, the Panel was concerned that the growth in electronic communications is not adequately reflected in the code and that there is a need for greater Member awareness and compliance with the Code arising both from the development of electronic communication and the fact that failure to have regard for the Code is a potential breach of the Members' Code of Conduct.

The Panel's attention also was drawn to the County Council's practice when issuing press releases of including the contact details of a spokesperson of the opposition political party which the Executive Councillor for Resources and Policy has undertaken to consider in the case of press releases issued by the District Council.

The Panel's comments were conveyed to the Cabinet for consideration at its meeting on 12th March 2009. Item No. 85 of the report to Cabinet refers.

42. MONITORING OF SECTION 106 (PLANNING OBLIGATIONS)

The Panel has been updated on the receipt and expenditure of money negotiated under Section 106 Agreements by the Council. In so doing, the Panel noted that a number of developers have requested the re-negotiation of trigger points due to the current economic climate.

43. PERFORMANCE MONITORING

The Council's performance against the targets within the Corporate Plan "Growing Success" has been reviewed by the Panel.

The Panel has been pleased to note that all of the indicators where statistics are available were positive with the exception of the external funding strategy. In the latter case Members were advised that the External Funding Officer has been asked to concentrate on an application for an external source of funding, and as a result, completion of the strategy has been delayed slightly.

44. SECTION 106 WORKING GROUP

The Panel has considered and endorsed a report by a working group which was established to investigate the Section 106 process operated by the Council. A series of recommendations has been forwarded to Cabinet with the report and the Cabinet's response is contained in the report. (Item No. 84 of its report refers).

45. FORWARD PLAN

The Panel has been acquainted with details of the Forward Plan of forthcoming decisions prepared by the Leader of the Council.

46. WORKPLAN STUDIES

The Panel has been advised of progress made to-date on its programme of studies.

47. OVERVIEW AND SCRUTINY PANEL (SERVICE SUPPORT) - PROGRESS

The Panel has been advised of progress on actions required as a result of recent decisions, as part of which further information has been requested from Anglian Water regarding the ongoing problems with the foul sewerage system in the St. Audrey's Lane area of St. Ives and clarification is sought as to whether planning permission has been granted for the car park being constructed at the train station in Huntingdon.

48. SCRUTINY

The Panel has considered the latest editions of the Decision Digest and discussed matters contained therein.

Members have been given an update in respect of the improvement works at Huntingdon and St. Neots Rail Stations, where a decision on the issue of permitted development rights is still awaited. The Executive Councillor for Planning Strategy and Transport has reported on the outcome of his discussions with Stagecoach with regard to bus timetabling matters. Members have been invited to contact the Head of Planning Services if they have any specific concerns relating to development control enforcement action and the length of time taken to resolve any outstanding cases.

J A Gray
Chairman

Overview & Scrutiny Panel (Service Support)

Report of the meeting held on 14th April 2009

Matters for Information

49. PROPOSALS FOR RIVERSIDE PARK, HUNTINGDON

Following the earlier consideration of a report on future improvements to Riverside Park, Huntingdon in February 2008, the Panel has considered the outcome of a consultation exercise on the scheme which involved a public exhibition, meetings, questionnaires and workshops with young people.

The Panel has been informed that the scheme has been modified and split into two phases to reflect the views expressed during the consultation and the Council's financial situation. Although the Panel recognises the benefits of securing improvements to the park, there is concern over the financial implications of the proposals having regard to the Council's financial position. In particular the Panel questioned the size of the provision made for planting which was thought to be excessive and whether the Council should be incurring expenditure on greening the traffic island at the Bridge Hotel when this formed part of the highway and the County Council is the responsible highway authority. The Panel also did not support a proposal for additional, ongoing revenue expenditure on improved maintenance of the wildlife area at the Park and felt that phase 2 of the scheme proposed for 2011/12 should be regarded as aspirational only.

The views of the Panel have been passed to Cabinet for its consideration, broadly welcoming the scheme but expressing concern over the financial implications.

50. MASTER PLAN FOR LAND EAST OF SAPLEY SQUARE, OXMOOR, HUNTINGDON

In December 2008, the Cabinet considered a report regarding a proposal for the Council to act as a key partner in the establishment of a Community Interests Company to deliver a community enterprise centre within the Sapley Square East development area in accordance with an emerging Master Plan for the regeneration of the Sapley East area. The Panel had

requested an opportunity to view the Master Plan before its approval by Cabinet.

The Panel has been acquainted with a report summarising the outcome of the latest public consultation on the preferred options for Sapley East and the community enterprise centre, and the Master Plan which has been produced as a consequence of that exercise. Having been informed that local residents welcome the proposals, the Panel has informed the Cabinet that it supports the proposals and the Master Plan as drafted.

51. HUNTINGDON WEST AREA ACTION PLAN

Following its consideration of the draft issues and options for the Huntingdon West Area Action Plan in April 2007, the Panel has been informed of the preferred approach for now taking forward the Plan. Subject to Cabinet approval of the draft, further consultation will take place with the public and interested parties. A final draft will then be prepared for approval by Cabinet and Council, before submission to the Secretary of State.

While welcoming the proposals for redevelopment, and regeneration of the area, the Panel is of the opinion that the Plan is overly cautious when dealing with the highway implications of the proposals. Having regard to current traffic volumes and the potential for this to increase with the removal of the viaduct at the railway station, the Panel suggests that a more aspirational approach should be taken to secure highway improvements as part of the plan.

The Panel's views have been passed to the Cabinet for their consideration.

52. REGIONAL SPATIAL STRATEGY REVIEW – THE CAMBRIDGESHIRE DEVELOPMENT STUDY

In item 39 of its Report, the Panel reported on its consideration of the East of England Regional Assembly (EERA) proposals for growth in the East of England in the period to 2031. The Panel has now been updated on the outcome of discussions by the Joint Cambridgeshire RSS Review Panel (CReSSP) at its meeting on the situation within the County.

Having considered the basis of a response to EERA by CReSSP, the Panel has concerns over the implications for Huntingdonshire, particularly the references to development on Alconbury Airfield. The Panel supports the concept of development where employment opportunities exist as opposed to past practice where development in Huntingdonshire has resulted in commuting to Cambridge and elsewhere. The Panel also considers that the proposals do not pay sufficient regard to

the recent substantial investment in public transport improvements in the County.

The Panel therefore has endorsed a recommendation proposed by the Head of Planning Services that Huntingdonshire should support the following principles when responding to the EERA proposal -

(i) that the emerging 'Cambridgeshire Growth Strategy' is underpinned by a positive commitment to a highly sustainable approach that will both direct policy development and influence the proposed spatial pattern of development;

(ii) that the emerging 'Cambridgeshire Growth Strategy' principally reinforces and builds upon the established subsequential approach to the direction of further growth within Cambridgeshire;

(iii) that the emerging 'Cambridgeshire Growth Strategy' acknowledges that there is limited capacity for additional growth above the established RSS levels and therefore that any targets for growth up to 2031 must reflect the lower rather than the higher NHPAU scenarios;

(iv) that the emerging 'Cambridgeshire Growth Strategy' acknowledges the need to utilise the capacity of, and the opportunities created by, existing and committed transport and other infrastructure provision;

(v) that the emerging 'Cambridgeshire Growth Strategy' acknowledges the essential needs to co-locate homes with jobs. As the economic models favour jobs growth in the south of the County and acknowledge the challenges associated with potential job creation in the north of the County, then that is where the majority of new homes need to be located; and

(vi) that the emerging 'Cambridgeshire Growth Strategy' recognises that whilst the market towns could sustainably accommodate some further growth, and indeed such growth could aid their regeneration, these market towns do have environmental capacities that need to be respected.

The views will be submitted to Cabinet for consideration at its meeting on 23rd April 2009.

53. REVIEW OF DEMOCRATIC STRUCTURE

In conjunction with the Overview and Scrutiny Panel (Service Delivery), the Service Support Panel has considered the findings of the Democratic Structure Review Working Party and commented on the various recommendations. The comments

of the Panel are summarised in a separate report which appears elsewhere on the Council Agenda.

54. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT – IMPLICATIONS FOR OVERVIEW AND SCRUTINY

The Panel has been updated on the legislative changes introduced by the Local Government and Public Involvement in Health Act 2007 that affect overview and scrutiny with effect from 1st April 2009. These include a Councillor call for action which allows any Council Member to refer any relevant local government matter to an Overview and Scrutiny Committee. In addition, any Member can request that a local government matter relating to his or her ward to be included on the agenda for a meeting of the relevant Overview and Scrutiny Panel. The changes will require alterations to the Council Procedure Rules and the Overview and Scrutiny Procedure Rules contained in the constitution.

Specific provision is now made for District Council overview and scrutiny committees to request information from a relevant County Council and partner bodies of that County Council, other than a police authority. There are also changes in the way that Overview and Scrutiny reports and recommendations must be dealt with by Cabinet and partners.

As the extension in the responsibilities of overview and scrutiny will require changes to the Council's Procedure Rules and the Overview and Scrutiny Procedure Rules, the Panel has recommended the Corporate Governance Panel to endorse the necessary amendments for submission to Council.

J A Gray
Chairman

Development Control Panel

Report of the meetings held on 23rd February and 16th March 2009

Matters for Information

25. TRANSFORMATION FROM DEVELOPMENT CONTROL TO DEVELOPMENT MANAGEMENT

The Panel has endorsed a proposal to transform the development control function to development management and authorised the Head of Planning Services to implement the necessary administrative and procedural changes required to effect the change.

This has arisen from the recent shift in the national agenda towards a 'Spatial Planning System' and the introduction of the Local Development Framework which places greater emphasis on the importance of a sustainable and deliverable vision for development in the District as opposed to the negative and reactive view held formerly in some quarters about the development control function. In noting that the transformation will require cultural change and a wider range of skills, the Panel welcomed the fact that the service had already begun to take forward elements of the development management approach.

However, and whilst commending the change, the Panel has expressed some concern over the suggested resource implications of the new proactive approach and is anxious that their decision to endorse the proposal is not considered to represent support for any additional financial costs that might be forthcoming.

26. ENFORCEMENT ACTION

Having considered the options available to the District Council in managing an incident of unauthorised occupation of a site by gypsy travellers, the Panel has endorsed an approach to issue an enforcement notice to secure the cessation of the unauthorised use of the land at Harpers Drove, Ramsey Heights and the removal of the caravans and mobile home from the site.

27. DEVELOPMENT APPLICATIONS

Over two meetings, the Panel has determined a total of twenty applications of which eleven were approved, seven refused and one deferred. The Panel also has authorised the Head of Planning Services to determine one application involving the erection of an agricultural building to house free range hens at Rectory Farm,

Wistow Road, Broughton, subject to the outcome of an archaeological investigation and any subsequent comments by Cambridgeshire County Council Archaeology by 20th April 2009 and conditions if the application is approved.

P G Mitchell
Chairman

Licensing and Protection Panel

Report of the meeting held on 19th March 2009

Matters for Information

8. FEES AND CHARGES

The Panel has approved revised fees and charges for those licences etc issued by the Central Services Directorate. The charges have been increased by 3% for the period 1st April 2009 to 31st March 2010 with the exception of the initial issue and subsequent renewal of hackney carriage and private hire licences which will increase by an additional £9 in line with an increased charge by the vehicle testing centre.

9. HACKNEY CARRIAGE LICENCES

In line with the findings of a consultation exercise it has been agreed by the Panel to delimit the issue of hackney carriage licences in the District.

As another survey to gauge unmet demand would have cost in the region of £20,000 it was considered an appropriate time to consult with the public and interested parties. Overall the results of the questionnaire have supported the lifting of the current restriction and the Panel also has agreed that new licences should be limited to those vehicles that can accommodate wheelchair passengers as supported by the majority of respondents.

The Panel therefore felt that the current policy of restricting the number of licences issued by the Council on the basis that there was no significant unmet public demand could no longer be justified.

The implementation date of the de-restriction will be set after consultation with the Chairman and Vice-Chairman.

10. DEPARTMENT OF TRANSPORT CONSULTATION ON IMPROVING ACCESS TO TAXIS

The Panel has authorised the Licensing Manager to respond to a consultation document on improving access to taxis which has been issued by the Department of Transport in relation to the 1995 Disability Discrimination Act. The response will follow consultation with the Chairman and Vice Chairman of the Panel.

11. THE ENVIRONMENTAL DAMAGE (PREVENTION & REMEDIATION) REGULATIONS 2009

.

The Panel has approved a report seeking authority to delegate appointed Officers to enforce the provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009 and has endorsed a Memorandum of Understanding on partnership working drawn up to assist in the implementation of the Regulations.

The Regulations are primarily designed to ensure preventative or remedial action and place a liability on operators of activities that cause land, water and biodiversity damage that is likely to involve large scale incidents.

The Panel agreed that although the occurrence of these events is likely to be rare there is a need for Environmental Health staff to be suitably trained to deal with any required response.

12. LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

The Panel has received the Minutes of the meeting of the Licensing and Protection Applications Sub-Group held on 10th November 2008.

13 ENVIRONMENTAL PROTECTION ACT 1990

The Panel has agreed to delegate authority to the Head of Environmental and Community Health Services to declare two areas of land in the District as contaminated.

J M Sadler
Chairman

Corporate Governance Panel

Report of the meeting held on 25th March 2009

Matter for Decision

23. REVIEW OF COUNCIL CONSTITUTION

By reference to a report by the Head of Democratic and Central Services (a copy of which is reproduced as an Annex hereto), the Panel has undertaken a biennial review of the Constitution. The changes recommended by the Panel have arisen as a result of practical experience and operation of the Constitution, together with subsequent reviews and comments by Members and Officers. This review has also been undertaken concurrently with an in-depth investigation of the Council's democratic structure, the findings of which will be considered by a special meeting of the Panel on 16th April 2009.

The biennial review has dealt with a number of procedural changes that are required as a result of developments since the previous review but further changes will be required, depending upon the Panel's and Council's decisions on the democratic structure review. A number of proposals by the Leader of the Opposition, Councillor Downes, for changes to the Constitution have been addressed by the Democratic Structure Working Party and will be dealt with in the consideration of the Working Party's recommendations.

It is therefore

RECOMMENDED

that the following amendments be made to the Council's Constitution with effect from 13th May 2009 -

(a) that in Article 1 – The Constitution, the following words be inserted in Section 5 – Huntingdonshire Vision, to replace all of the words in the second paragraph onwards -

"Huntingdonshire is a place where current and future generations have a good quality of life and can:

- **make the most of opportunities that come from living in a growing and developing district;**
- **enjoy the benefits of continued economic success;**

- **access suitable homes, jobs, services, shops, culture and leisure opportunities;**
- **realise their full potential;**
- **maintain the special character of our market towns, villages and countryside; and**
- **live in an environment that is safe and protected from the effects of climate change and where valuable natural resources are used wisely.**

To support this, the Council will strive to:

- **make the most of opportunities that come from growth by promoting the development of a sustainable community;**
- **enable people to realise their full potential and have access to suitable homes, jobs and services;**
- **work towards achieving a balance between social, economic and environmental needs; and**
- **maintain "excellent" standards."**

(b) that in Article 3 – Citizens and the Council,

- **the words in Section 1 (d) (iii) be replaced by the words "the District Council about a breach of the Members Code of Conduct rather than the Standards Board for England as formerly; and"; and**

- **the following paragraph be added to Section 1 (d) – "(iv) the District Council about a breach of their respective Members' Code of Conduct of any town and parish councillor in Huntingdonshire.";**

(c) that in Article 4 – The Full Council,

- **the following changes be made to Section 1 (a) – Policy Framework:-**

  - **insert the word "sustainable" before the words "community strategy" in line 2;**

  - **substitute the word "strategies" by the word "alterations" in line 5 relating to the Development Plan;**

  - **substitute the words "Local Agenda 21 Strategy" by the words "Environment Strategy" in the 10th line; and**

  - **add the words – "Local Area Agreement";**

- **the words in paragraph (g) of Section 2 – Functions of the Full Council, be replaced by the words - "the**

appointment of the Electoral Registration Officer and the Returning Officer to local government elections, power to change the name of the District, petition for borough status and confer honorary titles, functions relating to a change in governance arrangements (the Council's form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle)";

(d) that in Article 6 – Overview and Scrutiny, the right hand column of the table in Section 1 be amended as follows:-

- **in respect of Service Delivery, the existing words be replaced by the following words – "All issues relating to customer services and information technology, health, leisure, housing, operations and countryside"; and**

- **in respect of Service Support, the existing words be replaced by the following words – "All issues relating to finance, resources and policy, planning strategy, environment and transport";**

(e) that in Article 8 – Regulatory and Other Committees and Panels, the following words be inserted in line 3 of paragraph 2 after the words "Statement of Licensing Policy" – "under the Licensing Act 2003 and the Statement of Principles under the Gambling Act 2005";

(f) that in Article 9 – Standards Committee, the following words be inserted at the end of Section 1 – "The Committee must be chaired by an Independent Member.";

(g) that in Article 12 – Officers,

- **the following changes be made to Section 2 – Management Structure:-**

  - **delete the words "(and Monitoring Officer)" from the post of Director of Central Services in paragraph (b); and**

  - **substitute the words "Director of Central Services" by the words "Head of Law, Property and Governance" in paragraph (c);**

- **that the following changes be made to Section 4 – Functions of the Monitoring Officer:-**

  - **the substitution of paragraphs (d) and (e) by the following words – "(d) Local Assessment of Code of Conduct Complaints – The**

Monitoring Officer shall discharge the functions in relation to the initial assessment and review of allegations of breaches of the Members' Code of Conduct, act in accordance with the Monitoring Officer's protocol and convene and appoint Members to hearings as necessary; (e) Conducting Investigations – the Monitoring Officer will conduct investigations in matters referred by the Referrals (Assessment) Sub-Committee and make reports and recommendations in respect of them to the Standards Committee";

- **substitute all of the words after the words "Deputy Monitoring Officer" in paragraph (j) by the words – "in the absence or at the direction of the Head of Law, Property and Governance and Monitoring Officer, the Democratic Services Manager shall act as Deputy Monitoring Officer";**

(h) that in Part 3 – Responsibility for Functions, the following variations be made:-

- **Table 1 – Responsibility for Local Choice Functions – the substitution of the number "8" by the number "9" in the first box of the third column (Membership of the Cabinet);**

- **Tables 1 and 2 - Responsibility for Local Choice Functions and Responsibility for Council Functions respectively – the replacement of all references to the "Development Control Panel" by the words "Development Management Panel";**

- **Table 2 – Responsibility for Council Functions – in relation to the functions of the Licensing and Protection Panel, the words "and designation orders for alcohol disorder zones" be inserted after the words "alcohol consumption" in the box in the third column;**

- **Table 2 – Responsibility for Council Functions – in relation to the Elections Panel, the current description of the Panel's functions in the box in the third column be replaced by the words "To discharge the functions of the Council in relation to elections, other than those reserved to the Council in Article 2 (g). To change the name of parishes in Huntingdonshire. To discharge the functions of the Council relating to community governance (parish reviews).";**

- **Table 3 – Responsibility for Executive Functions – that all reference to the Leisure Centre Management Committees at St Ivo, Huntingdon, St Neots, Ramsey and Sawtry be deleted;**

(i) that in Part 4 – Council Procedure Rules (Standing Orders), the following amendments be made:-

- **the following words be added at the end of Rule 9.1 – "The submission of a written notice of motion via e-mail will be acceptable.";**

- **the following words be inserted after the word "Group" in the tenth line of Rule 10A.3 – "and where the matter relates to a development or licensing application.";**

- **that the second and third paragraphs of Rule 10A.4 be deleted and replaced by the following words-**

  "A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in a legible format. An on-line petition shall contain the name and address of each person who is party to it. A petition shall indicate which one of the signatories is to present the petition.

  The petition shall be sent to the office of the Chief Executive who shall decide whether the petition concerns a matter on the agenda for a full Council meeting and if it is not, it will be scheduled for inclusion on the agenda for the next ordinary full Council meeting. A maximum of three petitions will be presented at any meeting.

  If an on-line petition does not have the requisite number of signatories or the organiser is not prepared to present it to the Council, the petition shall be submitted for consideration to the relevant Overview and Scrutiny Panel, subject to the petition containing the names and addresses of at least ten persons who live or work or own property in the District.";

- **that the paragraph entitled "Who is permitted to speak to the Panel?" in Annex (iii), which relates to Rule 27(a) – Public Speaking at Development Control Panel, be amended so that the sixth bullet point is annotated with an asterisk and the following words be inserted at the end of that section – "Supporters of an application may speak on any**

application but will only be permitted to do so if an applicant or his representative decides not to speak or to use less than the time permitted. In any case, the time limit of three minutes for speaking in support of an application should not be exceeded.";

(j) that revised Codes of Financial Management and of Procurement be approved, as attached as annexes to the report now submitted;

(k) that under Part 5 – Codes and Protocols, the following amendments be made:-

- **in respect of the Members' Planning Code of Good Practice:-**

  - **that in paragraph 4 of Section 1 - Relationship to the Members' Code of Conduct, the words "Standards Committee" be replaced by the words "Corporate Governance Panel" in the eighth line and the words "Standards Board for England" by the words "Standards Committee" in the second bullet point;**

  - **that paragraphs 2 and 3 in the second bullet point of Section 2 - Development Proposals and Interests under the Members' Code, be deleted and replaced by:-**

    "- do consider, having declared a prejudicial interest whether you wish to make representations to the Development Control Panel in the same way as an ordinary member of the public as permitted under paragraph 12 (2) of the Members' Code of Conduct;

    - **do leave the room immediately after you have made your representations and before any debate commences;**

    - **do not attempt to improperly influence the meeting.";**

- **in respect of the Employees' Code of Conduct:-**

  - **the words in the second paragraph of the introduction – "Monitoring Officer (the Director of Central Services)" be substituted by the words "Monitoring Officer (Head of Law, Property and Governance)";**

- **the words in the second paragraph of the introduction – "Deputy Monitoring Officer (the Head of Legal and Estates)" be substituted by the words "Deputy Monitoring Officer (Democratic Services Manager)";**

- **that the following paragraph be added at the end of Section 1.1 of the Code:-**

  "Partnerships play an increasingly important role in the development of shared objectives and in action planning to achieve priorities and objectives. Employees are expected to apply the same high standards of conduct when representing the Council at meetings of partnership bodies and to address any issues of potential impropriety through the Council's own whistle-blowing procedure. The rules on the disclosure of information, political neutrality, fraud and corruption and hospitality and gifts contained in the Code will apply equally to an employee's representation on a partnership body.";

- **the words "Head of Personnel Services" in Section 3.5 be substituted by the words "Head of People, Performance and Partnerships";**

- **that all of the words in Section 17.1 after the word "available" in the second line be deleted and replaced by the words "for public inspection";**

- **that the Monitoring Officer Protocol as attached to the report now submitted be adopted as part of the Council's Constitution and inserted into Part 5 – Codes and Protocols;**

- **that the Leader and Chief Executive Protocol approved by the Panel at its meeting on 23rd September 2008 be inserted in Part 5 – Codes and Protocols; and**

(l) that in Part 7 – Management Structure, appropriate changes be made to the management structure to reflect the various changes in the designation of Officers since the last review of the Constitution.

Matters for Information

24. EXTERNAL AUDITOR'S REPORT: USE OF RESOURCES 2007/08

The Panel has been acquainted with the Council's Use of Resources Report 2007/08 issued by the external auditors, Grant Thornton, which confirms that the Council has consistently performed above the Audit Commission's minimum requirements. An action plan annexed to the report is designed to assist the Council in continuing to perform well within the Framework in 2009.

25. INTERNAL AUDIT SERVICE: INTERIM PROGRESS REPORT

The Panel has been informed of progress by the Internal Audit Service against the Audit Plan for 2008/09 and has noted the performance standards achieved.

26. ANNUAL REVIEW OF THE EFFECTIVENESS OF THE SYSTEM OF INTERNAL AUDIT

The Panel has been apprised with the outcome of a review of the effectiveness of the system of internal audit which is required by the Accounts and Audit Regulations 2006. The review has confirmed that the Council's internal audit service meets the requirements of the CIPFA Code of Audit Practice. The next review will be conducted in 2011.

27. RISK REGISTER

The Panel has received details of changes made to the Risk Register between the period 1st September 2008 to 28th February 2009 inclusive.

28. CORPORATE GOVERNANCE: ASSURANCE FRAMEWORK

The Panel has been updated with progress made to date in respect of the implementation of the assurance framework and of the action plan supporting the Annual Governance Statement.

C J Stephens
Chairman

CORPORATE GOVERNANCE PANEL 25 MARCH 2009

REVIEW OF COUNCIL CONSTITUTION
(Report by the Head of Democratic and Central Services)

1. INTRODUCTION

1.1 The Local Government Act 2000 changed fundamentally the way in which the District Council and local authorities generally had conducted their business for generations. It transformed the traditional committee system of decision making in the larger local authorities and replaced it with a limited choice of executive/scrutiny models, supported by a range of non executive panels. The District Council along with the majority of the local authorities chose to implement the Leader/Cabinet Model.

1.2 The complexity of the new arrangements required local authorities to adopt written constitutions to regulate their systems of governance and proceedings. The requirements of the Local Government Act 2000 were implemented fully in the District Council's constitution as from the Annual Meeting in May 2002. Since then, the Standards Committee and more recently the Corporate Governance Panel has undertaken a review of the Constitution in the light of the experience of individual Councillors, Cabinet, Panels, Chief Officers and Heads of Service over the preceding year. During the 2005 review, the Panel formed the view that the Constitution had bedded down sufficiently that it could be reviewed comprehensively at biennial intervals thereafter.

1.3 The Corporate Governance Panel was established by the Council in July 2004 to deal principally with the non executive issues of audit, governance and finance. The Panel's terms of reference include responsibility for "oversight of the Council's constitutional arrangements and advising the Council on any changes that may be desirable". This report introduces the review commissioned during the current year. Any changes recommended for adoption to the Council will take effect from the next Annual Meeting which is to be held on 13th May 2009.

1.4 Adopting the same approach as was undertaken in 2007, Members have been invited to submit comments individually. Chief Officers and Heads of Service similarly have been requested to highlight any issues which have arisen based on practical experience of the operation of the Constitution.

1.5 Running concurrently with this year's exercise has been the review of the democratic structure undertaken by a working party appointed by the Cabinet. This working party has made a series of recommendations which may result in further changes to the constitution in due course. The purpose of this exercise is to identify changes required to the current Constitution to reflect new legislation and working practices which have emerged during the preceding two years, to overcome any inconsistencies which may have arisen and to make positive adjustments to reflect changes in circumstances.

Where there has been any overlap with the working party's review, this report will reflect where this has occurred.

1.6 To identify the changes proposed, Members will need to refer to the Constitution circulated to them in November 2007. Alternatively a copy is available electronically on both the Council's website and intranet. Members are requested to bring their copy with them to the meeting for reference.

2. GENERAL CHANGES

2.1 The Council may amend its Constitution at any time, subject to regard being paid to formal guidance issued by the Secretary of State. Any change will require reference to the Secretary of State only if the Council propose to change significantly the present form of executive and scrutiny arrangements.

2.2 The Constitution is divided in to sixteen Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols. With the Constitution having operated satisfactorily for a number of years there appears little need for major change. However the Constitution continues to evolve and requires regular adjustment to take account of updates in legislation and practice and for these reasons the text has been amended since 2007 to reflect –

- new legislation;
- alterations to –
    - table 2 – appointments to outside organisations
    - reflect the addition/variation of appointments; and
    - table 4 – Scheme of Delegations (to incorporate subsequent amendments to the scheme).

3. OTHER CHANGES

PART 2 – ARTICLES OF THE CONSTITUTION

3.1 **Article 1 – The Constitution (Pages 9/10)**

Growing Success, the Council's Corporate Plan was adopted by the Council at its meeting held on 27th June 2007. "Growing Success" identifies the aims of the Council and how they are to be delivered. The Plan is reviewed every three years. Section 5 of this Article describes the Huntingdonshire Vision. This requires to be updated to reflect the Council's current objectives. **It is recommended that the following text be inserted to replicate that included in "Growing Success" –**

"Huntingdonshire is a place where current and future generations have a good quality of life and can:

- **make the most of opportunities that come from living in a growing and developing district;**
- **enjoy the benefits of continued economic success;**

- **access suitable homes, jobs, services, shops, culture and leisure opportunities;**
- **realise their full potential;**
- **maintain the special character of our market towns, villages and countryside; and**
- **live in an environment that is safe and protected from the effects of climate change and where valuable natural resources are used wisely.**

To support this, the Council will strive to:

- **make the most of opportunities that come from growth by promoting the development of a sustainable community;**
- **enable people to realise their full potential and have access to suitable homes, jobs and services;**
- **work towards achieving a balance between social, economic and environmental needs; and**
- **maintain "excellent" standards.**

3.2 **Article 3 – Citizens and the Council (Pages 13/14)**

Complaints by individuals of a breach of the Members' Code of Conduct are now addressed directly to the Council as opposed to the Standards Board for England. Therefore, it is **recommended that Section1(d)(iii) should be amended to reflect that citizens have the right to complain to "the District Council about a breach of the Members Code of Conduct" rather than the Standards Board for England as formerly.**

As that right also extends to the behaviour of councillors of town and parish councils in Huntingdonshire, it is further **recommended that an additional paragraph be added to Section 1(d) as follows - "(iv) the District Council about a breach of the Members' Code of Conduct of any of the town and parish councils in Huntingdonshire".**

3.3 **Article 4 – The Full Council (Pages 15/16)**

A number of changes are required to the policy framework to reflect legislative change and developments in recent years. In addition, matters relating to Local Area Agreements have been classed by Regulation as a local choice function which means that it can be dealt with either by the Council or the Cabinet. In those elements of paragraph 1(a), the policy framework, it is **recommended that the following changes be made –**

- **insert the word "sustainable" before the words "community strategy" in line 2;**
- **substitute the word "strategies" by the word "alterations" in line 5 relating to the Development Plan;**
- **substitute the words "Local Agenda 21 Strategy" by the words "Environment Strategy" in the 10th line; and**
- **add the words – "Local Area Agreement".**

The Local Government and Public Involvement in Health Act 2007 has introduced a number of changes to electoral arrangements which will

require clarification as to which functions are reserved to the Council and which are devolved to the Elections Panel. For the purposes of the Council, it is **recommended that paragraph 2(g) be replaced by the words – "(g) the appointment of the Electoral Registration Officer and the Returning Officer to local government elections, power to change the name of the District, petition for borough status and confer honorary titles, functions relating to a change in governance arrangements (the Council's form of executive) and the passing of a resolution to change the electoral scheme (the electoral cycle)".**

3.4 **Article 6 – Overview and Scrutiny (Pages 19-21)**

Various changes to overview and scrutiny are contained in the Local Government and Public Involvement in Health Act 2007 which have recently been implemented by statutory instrument. A further report is being drafted on the implications which will be submitted to the Overview & Scrutiny Panels in the first instance and then subsequently to the Panel at its special meeting on 16th April 2009.

In the interim and subject to any further adjustment required by the Structure Review, Section 1 of the Article requires adjustment to reflect the portfolios adopted by the Leader for Executive Councillors at the meeting of the Council held on 25th June 2008. Therefore, it is **recommended that the right hand column of the table in Section 1 in respect of Service Delivery be amended to read "All issues relating to customer services and information technology, health, leisure, housing, operations and countryside".** Similarly, it is **recommended that the same column be amended to reflect the scope of the functions to be discharged by the Service Support Panel as follows "All issues relating to finance, resources and policy, planning strategy, environment and transport".**

3.5 **Article 8 – Regulatory and Other Committees and Panels (Page 25)**

Section 2 of this Article refers to the rather unique position of the Licensing Committee, the terms of reference of which are determined by the Licensing Act 2003 and the Gambling Act 2005, the Council's Statement of Principles under the latter being reserved to Council under that Act. This was omitted from Section 2 in the last review of the Constitution and it is **recommended that the following words be added after the words "statement of licensing policy" in line 3 of the paragraph – "under the Licensing Act 2003 and the Statement of Principles under the Gambling Act 2005".**

3.6 **Article 9 – Standards Committee (Pages 27/28)**

Implementation of the Standards Committee (England) Regulations 2008 required a series of changes to the Constitution. These changes were approved by the Council at their meeting held on 25th June 2008 but are reproduced here for completeness.

"Section 2 – Membership

Delete the existing contents of Section 2 and insert "The Standards Committee shall comprise –

- 7 Members of the Council (of whom one must be a Member of the Cabinet but excluding the Leader);
- 4 Independent Members who are not Councillors nor Officers of the Council or any other local authority; and
- 3 town or parish councillors representing town and parish councils in the District.

Section 4 – Functions and Role

Bullet point 6 should be deleted and the following text inserted "Undertaking the assessment of complaints which allege breaches of the Members' Code of Conduct and determining what action should be taken in respect of the allegation";

In addition the following new bullet points should be inserted –

- "determining requests from complainants to review decisions not to take action or to investigate an alleged breach of the Members' Code of Conduct;
- undertaking hearings into alleged breaches of the Members' Code of Conduct;
- determining appropriate sanctions or actions in response to breaches of the Code of Conduct; and
- granting and supervising the exemption of certain posts from political restrictions under the Local Government and Public Involvement in Health Act 2007".

Section 187 of the Local Government and Public Involvement in Health Act 2007 prescribed that the Chairman of the Standards Committee must be an Independent Member given their key role in ensuring the Standards Committee's business is conducted in such a way that no one can questions its integrity. Therefore, it is **recommended that the following words be inserted in Section 1 of the Article – "The Committee must be chaired by an Independent Member".**

3.7 **Article 12 – Officers (Pages 33-36)**

Arising from recent changes in the designation of Officers, following the appointment of the current incumbent of the post of Director of Central Services and the appointment of the Head of Law, Property and Governance as the Council's Monitoring Officer, a series of changes will be required to the terminology used in Article 12.

It is **recommended that the following changes be made –**

- **in paragraph 2(b) delete the words "(and Monitoring Officer)" from the post of Director of Central Services; and**
- **in paragraph 2(c), the substitution of the words "Director of Central Services" by the words "Head of Law, Property and Governance".**

The Council at their meeting held on 25th June 2008 resolved that in Section 4 of the Article relating to the functions of the Monitoring Officer, paragraph (d) and (e) should be deleted and replaced with the following "**(d) Local Assessment of Code of Conduct Complaints** – **The Monitoring Officer shall discharge the functions in relation to**

the initial assessment and review of allegations of breaches of the Members' Code of Conduct, act in accordance with the Monitoring Officer's protocol and convene and appoint Members to hearings as necessary; (e) Conducting Investigations – the Monitoring Officer will conduct investigations in matters referred by the Referrals (Assessment) Sub Committee and make reports and recommendations in respect of them to the Standards Committee".

Further to the recent review of the Central Services Directorate, the Panel is **recommended to substitute in paragraph 4(j), all of the words after "Deputy Monitoring Officer" by the words – "in the absence or at the direction of the Head of Law, Property and Governance and Monitoring Officer, the Democratic Services Manager shall act as Deputy Monitoring Officer".**

4. Part 3 – Responsibility for Functions (Pages 51-154/2)

4.1 Various changes have been made to the Functions and Responsibilities Regulations since the last review of the Constitution which will require some modification to the wording of the functions undertaken by certain of the Council's committees/panels. The Panel is **recommended to approve the following variations -**

Table 1 – Responsibility for Local Choice Functions requires amendment to reflect that there are now nine rather than eight Members of the Cabinet.

Tables 1 and 2 (Responsibility for Council Functions) refer to the Development Control Panel. The recent shift in the national agenda for planning towards "place shaping" which the Lyons enquiry into local government (March 2007) defined as "the creative use of powers and influence to promote the general wellbeing of the community and its citizens", has highlighted a need for a review of the role and, in particular, the remit and emphasis of development control work within all local planning authorities. Traditionally, the development control function was often seen as negative and reactive and it typically had a reputation for preventing rather than enabling the delivery of development. As part of the move towards delivering a spatial planning system, the nature of the local policy framework, in the form of the Local Development Framework, has already fundamentally changed with much more emphasis now being placed on the creation of a sustainable and deliverable vision for development in the District. To support this change in the local policy framework and to ensure that the planning service can deliver the Council's corporate vision and community objectives for the future, it is proposed that the development control function be transformed into development management. Simplistically, development management is about directing the place shaping agenda and being more positive and proactive in terms of supporting the right schemes in the right place at the right times. As part of this transformation, it is **recommended that the name of the Development Control Panel be changed to the Development Management Panel and the appropriate adjustment made to the references to the Panel in Tables 1 and 2.**

4.2 In the section of Table 2 relating to the functions of the Licensing and Protection Panel, it is **recommended that the words "and designation orders for alcohol disorder zones" be added after the words "alcohol consumption".**

4.3 Column 2 of the entry for the Standards Committee requires to be amended to read "seven Members of the Council other than the Leader, four voting co-optees and three voting members appointed by town and parish councils in Huntingdonshire". In column 3 under the heading "Other Functions", the following should be added -

"Functions relating to the initial assessment of Member misconduct and other requirements under the Standards Committee (England) Regulations 2008.

To grant and supervise exemptions for certain posts from political restriction under the Local Government and Public Involvement in Health Act 2007."

(Currently this latter function is delegated to the Chief Executive and Regulations on the transfer of the function to the Standards Committee are awaited from the Department of Communities and Local Government).

4.4 In the section of Table 2 relating to the Elections Panel, it is **recommended that the current description of the Panel's functions be replaced by the words "to discharge the functions of the Council in relation to elections, other than those reserved to the Council in Article 2(g). To change the name of parishes in Huntingdonshire. To discharge the functions of the Council relating to community governance (parish reviews).**

4.5 In respect of Table 3 – Responsibility for Executive Functions and arising from a recent decision of the Cabinet to abolish the roles of the Leisure Centre Management Committees, it is **recommended that all reference to the previous five committees at St Ivo, Huntingdon, St Neots, Ramsey and Sawtry be deleted.**

5 PART 4 – RULES OF PROCEDURE

Council Procedure Rules (Standing Orders) (Pages 157-178/4)

5.1 Motions on Notice

Rule 9.1 relates to the submission of written Notice of Motions. Given the increase in the use of e-mail for correspondence, it is suggested that it be explicit within this section that use of e-mail would be acceptable for the submission of written notice of motions. It is **recommended that the following wording be added to paragraph 9.1 – "The submission of a written notice of motion via e-mail would be acceptable".**

5.2 Petitions

Rule 10A.3 details those issues which would not be acceptable in the subject matter of a petition. Experience has suggested that it is not

prudent for a petition to be submitted to Council if it relates to the granting of a licence or planning application. Objections to licensing or development applications can be managed formally through the planning and licensing processes so it is therefore **recommended that the following text be inserted after the word "group" in the eighth line of section 10A.3 – "and where the matter relates to a development or licensing application".**

The Overview and Scrutiny Panel (Service Support) has considered ways of promoting and communicating the work of the Council's Scrutiny Panels in the use of information and communications technology. A series of recommendations arose from the Panel's study on this subject and having considered the one relating to the use of on-line media, the Corporate Governance Panel made a series of recommendations to vary the Constitution which were adopted by the Council. For completeness, the following amendments require to be made –

"That in part 4 of the Constitution the second and third paragraphs of 10A.4 be deleted to be replaced by :

"A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in a legible format. An on-line petition shall contain the name and address of each person who is party to it. A petition shall indicate which one of the signatories is to present the petition.

The petition shall be sent to the office of the Chief Executive who shall decide whether the petition concerns a matter on the agenda for a full Council meeting and if it is not, it will be scheduled for inclusion on the agenda for the next ordinary full Council meeting. A maximum of three petitions will be presented at any meeting.

If an on-line petition does not have the requisite number of signatories or the organiser is not prepared to present it to the Council, the petition shall be submitted for consideration to the relevant Overview and Scrutiny Panel, subject to the petition containing the names and addresses of at least ten persons who live or work or own property in the District."

5.3 Development Control Applications

Rule 27(a) and Annex (iii) cover the procedure for public speaking on planning applications at Development Control Panel. Last summer the Overview and Scrutiny Panel (Service Support) undertook a review of the procedure which had been in operation at that time for 12 months. Having discussed the outcome of the review, the Development Control Panel considered whether persons wishing to support a planning application should be permitted to speak at Panel meetings. Having expressed their view that supporters of applications should be entitled to speak, the Development Control Panel **recommended that the paragraph entitled "Who is permitted to speak to the Panel?" in the procedure for public speaking shall be amended so that the 6th bullet point is annotated with an asterisk and the following inserted at the end of that section - "supporters of an application may speak on any application but will only be permitted to do so**

if an applicant or his representative decides not to speak or to use less than the time permitted. In any case, the time limit of three minutes for speaking in support of an application should not be exceeded."

5.4 State of District Address

In the course of the last review of the Constitution, the Council referred a proposal submitted by Councillor Downes to the Overview and Scrutiny Panel (Service Delivery) to introduce a biennial State of the District conference. At that time, few Councillors supported a proposal to hold a State of the District conference but the Panel was keen to investigate the use of smaller area consultation groups involving all tiers of local government in the process. As a way forward, the Panel established a working group to discuss the concept of local area forums. Subsequently the working group presented a report to the Cabinet which recommended the holding of four events per annum to engage Huntingdonshire residents in discussing the Council's strategies and services. The Cabinet were of the view that this proposal far exceeded the original concept of a biennial "State of the District" half day conference and were concerned at the predicted resources and financial implications of holding four events. The Cabinet requested that a further report be submitted to them to address the financial involvement and implications for the Council's Consultation and Engagement Strategy.

Councillor Downes has now resubmitted a proposal relating to the replacement of the State of the District Address with area public meetings which Executive Councillors could attend to answer questions.

The need for closer engagement with local communities and to encourage people to participate in local activities has been addressed in detail by the Structure Review Working Party who have recommended the establishment of six neighbourhood forums for the areas of Huntingdon, St Neots, St Ives, Ramsey, North and West Huntingdonshire. Whilst these will not necessarily address any perceived shortcomings of the State of the District address they will, if supported, meet the conclusions drawn by the original Scrutiny working group on the need for area forums.

The Committee is requested to consider the issue.

5.5 Scheme of Substitutions

Public Question Time at Meetings

Councillor Downes has further suggested that there should be named substitutes for all Committees on the basis that this would encourage better attendance and widen the knowledge base of Councillors. Councillor Downes also has resubmitted a scheme which would entitle the public to ask questions at the Council meeting. The Member also has requested that some attention be given to the rules of debate at Council to give more scope for debate.

It is suggested that all of these issues have been addressed by the Structure Review Working Party and will be considered separately by

the Cabinet, Corporate Governance Panel and Council in April. In brief, the Working Party has recommended –

- that public question time be introduced at Council meetings;
- that substitution be not introduced for non executive meetings of the Council; and
- Council meetings be enhanced by debates on major policy issues and single issue debates with the opposition political party invited to choose the subject for debate at one meeting per year.

The Panel is therefore requested to note these proposals.

5.6 Overview and Scrutiny Procedure Rules

Although not constitutional issues, Councillor Downes has commented that the scrutiny function should be supported by a dedicated Officer and that the Opposition should have the opportunity to take the chairmen and vice chairmen posts on both Scrutiny Panels. Both these matters have been addressed firstly in the Review of the Central Services Directorate which has provided for the creation of a post of Scrutiny Manager and secondly by the Structure Review Working Party. It was the view of the Working Party that the posts of chairmen and vice chairmen should be undertaken by the best persons for the job, irrespective of party and that no change be made to the present arrangements in terms of the appointment of the chairmen/vice chairmen of panels.

The Panel is therefore requested to note this proposal.

5.7 Codes of Financial Management and Procurement (Pages 209-234)

Changes to the Codes of Financial Management and Procurement are proposed. Amended copies of both Codes are attached as Appendices A and B . The Code of Financial Management regulates the financial management of the Council and it is important that this is a "live" document that adapts to the changing needs of the Council. There are several proposed changes to the Code and these relate to –

- employee responsibilities (Section 1.7);
- requirement for employees to consult the Monitoring Officer if there is a conflict of interests;
- manager responsibilities (Section 1.11 and Annex C);
- requirement for managers to consider surplus capacity, identify and bid for grants and maximise income;
- increase in limits (Section 3.6 and 5.8);
- an increase in the various financial limits from £50k to £60k, from £100k to £120k, from £250k to £300k and from £4k to £5k;
- assets –ongoing review (section 6.3) including -
  clarifying the role of the Head of Law, Governance and Property in leading a working party on asset management.

It is the view that these changes will reflect the greater need to review efficiency and maximise income and will thus ensure that the Code reflects the current needs of the Council.

Procurement

A number of changes are proposed for the Code of Procurement. The significant changes are designed to support future partnership working and the Council's policy on environment, health and safety and equalities. The minor changes are mainly technical and reflect variations in EU threshold values or EU terminology.

The Panel is requested to recommend to Council the adoption of revised Codes of Financial Management and of Procurement.

6 Part 5 - Codes and Protocols (Pages 241 – 282/8)

6.1 Members Planning Code of Good Practice

The Government has issued the Local Authority (Model Code of Conduct) Order 2007 since the Members Planning Code was originally compiled. Although the Code remains largely unchanged there is one element of it that requires amendment to take into account the revised legislation. This involves Section 2 – Development Proposals and Interests under the Members' Code.

The Code of Conduct aims to provide Members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest.

The new Code of Conduct was adopted in its entirety by the Council at its meeting held on 27th June 2007. Paragraph 12 of the Code provides that a Member with a prejudicial interest must withdraw from any meetings at which the business in which he has that interest is being considered and must not improperly influence decisions in relation to the business. However, a Member with a prejudicial interest may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose.

As the District Council now provides for public speaking at its Development Control Panel, a Member with a prejudicial interest in business to be considered at that meeting could make representations to the Panel in the same way as a member of the public. On the conclusion of the Member's address, that person would be required to leave the room. Accordingly, it is **recommended that paragraph 2 of the Code be amended as follows –**

Delete the second and third paragraph under the second bullet point and insert

" – do consider, having declared a prejudicial interest whether you wish to make representations to the Development Control Panel in the same way as an ordinary member of the public as permitted under paragraph 12(2) of the Members' Code of Conduct;

- do leave the room immediately after you have made your representations and before any debate commences;

- do not attempt to improperly influence the meeting".

As it is now the Corporate Governance Panel and not the not the Standards Committee to which Ombudsman's Reports are submitted and the Standards Committee and not the Standards Board for England to which allegations of misconduct are now directed, it is **recommended that the 4th paragraph of Section 1 – Relationship to the Members' Code of Conduct be updated accordingly.**

6.2 Employees Code of Conduct

As a result of changes of designation of Officers, it is **recommended** that –

the words in the second paragraph of the introduction – "Monitoring Officer (the Director of Central Services)" be substituted by the words "Monitoring Officer (Head of Law, Property and Governance)".

the words in the second paragraph of the introduction – "Deputy Monitoring Officer (the Head of Legal and Estates)" be substituted by the words "Deputy Monitoring Officer (Democratic Services Manager)".

the words "Head of Personnel Services" in paragraph 3.5 be substituted by the words "Head of People, Performance and Partnerships".

The Code itself is a locally prepared code adopted by the Council pending the introduction of a statutory code under the Local Government Act 2000. Arising from a complaint to the Information Commissioner for the release of information held on registers of disclosures under the Code which were intended to be retained for internal inspection and inspection by the external auditors only, the Commissioner's office has indicated that he will issue a direction requiring the Council to release the information if the Council does not do so voluntarily. The Chief Officers Management Team has therefore agreed to release the information after consultation with the employees. It is **recommended therefore that all of the words in paragraph 17.1 after the word "available" in the second line be deleted and replaced by the words "for public inspection".**

In addition, the external auditors have raised the questions of ethics, procurement, risk etc in terms of the Council's involvement with partnerships as part of our Use of Resources Assessment. Although this is covered by the Members' Code of Conduct, the Employees Code of Conduct is silent on this issue. To satisfy the requirements of the auditors it is **recommended that the following paragraph be added after section 1.1 of the Code –**

"Partnerships play an increasingly important role in the development of shared objectives and in action planning to achieve priorities and objectives. Employees are expected to apply the same high standards of conduct when representing the

Council at meetings of partnership bodies and to address any issues of potential impropriety through the Council's own whistle-blowing procedure. The rules on the disclosure of information, political neutrality, fraud and corruption and hospitality and gifts contained in the Code will apply equally to an employee's representation on a partnership body."

The role of the Monitoring Officer has increased significantly under the Standards Committee (England) Regulations 2008. To ensure that the necessary arrangements to discharge the functions in relation to the initial assessment and review of allegations are effectively administered in accordance with a clear and transparent procedure, it is **recommended that a Monitoring Officer Protocol setting out the responsibilities and discretions of the Monitoring Officer be introduced and that this should form part of the District Council's Constitution and inserted into Part 5 – Codes and Protocols. A protocol is enclosed at Appendix C.**

7. Part 6 - Members Allowances Scheme (Pages 285-294)

7.1 As part of his submission, Councillor Downes has proposed that Members of the minority opposition party be designated shadow portfolio holders and be entitled to an allowance which would signal that the opposition had a strong role to play in the democratic process. This issue has been considered by the Independent Remuneration Panel for Members Allowances in the past and had prompted the decision to adopt a special responsibility allowance for the Leader and Deputy Leader of the principal opposition group. It is for Councillor Downes to raise this issue again with the Remuneration Panel when it revisits Members Allowances in Autumn 2010.

The Panel is requested to note this item.

8. Part 7 – Management Structure (Pages 297/8)

8.1 Various changes in the designation of Officers have been made since the last review of the Constitution. **It is recommended that the appropriate changes be made to the management structure shown in the Constitution to reflect those changes.**

9. Other Issues

9.1 In his submission, Councillor Downes has raised three further items. One relating to the Council's electoral cycle is under consideration by the Elections Panel; the second matter relating to "job descriptions" for Councillors has been addressed by the Structure Review Working Party and the last relating to member attendance and potential disqualification is a statutory provision and a matter over which the Council has no influence.

10. Recommendation

10.1 The Panel is requested to consider the recommendations contained in the foregoing paragraphs and to recommend to Council accordingly.

Background Papers:

HDC Constitution

Contact Officer:

Christine Deller, Democratic Services Manager, Tel: (01480) 388007

APPENDIX A

CODE OF FINANCIAL MANAGEMENT

1. FINANCIAL RESPONSIBILITIES

1.1 General

Before any proposal that affects the Council's financial position is made the body or person(s) responsible for making that decision shall consider a written report, approved by the Director of Commerce and Technology, detailing the financial implications.

1.2 The Council

Will determine the Council's Financial Strategy, including a Medium Term Financial Plan (MTP), approve the annual budget and Prudential Indicators and set the level of the council tax.

Will approve the Council's Treasury Management Strategy.

1.3 The Corporate Governance Panel

Will ensure that the financial management of the Council is adequate and effective.

Will ensure that the Council has a sound system of internal control including arrangements for the management of risk.

Will consider the Council's Code of Corporate Governance and approve the annual statement.

Will approve the terms of reference and strategy for internal audit and comment on the annual internal and external audit plans.

Will consider the external auditor's annual management letter.

Will approve the Council's tax base and final accounts.

1.4 The Cabinet

Will propose to the Council the Financial Strategy, the MTP, the annual budget and council tax level, after appropriate consultation which will include the appropriate Overview and Scrutiny Panel, the Prudential Indicators and the annual Treasury Management Strategy.

Will set financial priorities, allocate and re-allocate resources in accordance with the limits in this Code, monitor and review financial performance and adopt a Treasury Management Policy.

1.5 Overview and Scrutiny Panels

Will contribute to the development of, and review the effectiveness of, the Council's Financial Strategy, MTP and annual budget.

1.6 Panels or Committees

Will ensure that all decisions within their remit are made within the resources allocated within relevant budgets and are consistent with achieving the Council's objectives. If they wish to make proposals that will require additional resources these will need to be subject to the Cabinet or Council making these available.

1.7 **Members and Employees**

Will contribute to the general stewardship, integrity and confidence in the Council's financial affairs and comply with this Code and any systems, procedures, or policies relating to the financial management of the Council.

Specifically, they shall bring to the attention of the Director of Commerce and Technology any act or omission that is contrary to the provisions of this Code or the maintenance of high standards of financial probity, and provide information or explanation on matters within their responsibility to him/her, the Monitoring Officer, Internal Audit Service or the Council's external auditors.

Any member or employee who is involved or who has an interest in a transaction between a third party and the Council shall declare the nature and amount, if material, as required by the Accounting Standards Body's Financial Reporting Standard on related party payments.

Any employee who becomes involved in a transaction between the Council and a third party in which he/she has an interest shall obtain advice from the Monitoring Officer as to whether decisions on this transaction shall be taken by another employee.

1.8 **The Head of Legal and Estates, as Monitoring Officer** or, in his/her absence, the Deputy Monitoring Officer

Will report to the Council on any proposal, decision or omission that in his/her view is likely to result in the contravention of the law or any code of practice enacted under it, fails to comply with a legal duty, represents maladministration or is unjust, in accordance with section 5 of the Local Government and Housing Act 1989.

For these purposes he/she shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

1.9 **The Director of Commerce and Technology, as Chief Finance Officer** or, in his/her absence, the Head of Financial Services

Will be responsible for the proper administration of the Council's financial affairs, prescribe appropriate financial systems, protocols, procedures and policies, maintain an internal audit service and report to the Council in the event of a decision or action leading to unlawful expenditure, a loss or deficiency or an unlawful accounting entry (in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Act 1988 and the Accounts and Audit Regulations).

Will be responsible for ensuring the final accounts are completed and published by the statutory dates and reporting the details of any material amendments specified by the external auditor to the Corporate Governance Panel.

For these purposes he/she shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

1.10 **The Head of Financial Services**

Will be responsible for detailed and operational aspects of the administration of the Council's financial affairs on behalf of the Director of Commerce and Technology, approving new financial systems and undertaking such duties as are set out in this Code.

1.11 **Chief Officers and Heads of Service**

Whilst Chief Officers will take ultimate responsibility for their employees' actions, the Council's management structure is based on Heads of Service or, in a few cases, Chief Officers taking prime responsibility for a service and its related budget.

The Manager responsible for a budget:

- may incur financial commitments and liabilities in accordance with this Code, the Council's Scheme of Delegation and resources allocated in budgets that have been released subject to Annex B. In particular they may make purchases of goods and services, subject to the requirements of the Code of Procurement, and employ staff, in accordance with the Officer Employment Procedure Rules. They will normally delegate appropriate elements of this responsibility to members of their staff.

- will be responsible for regular and effective monitoring and forecasting of the financial position relating to their services.

- will be responsible for proper financial and resource management and the prevention of fraud and corruption within the services and functions under their control.

- will determine the inherent risks, within their services, to the achievement of the Council's priorities and establish, maintain and document adequate systems of risk management and internal control, in consultation with the Internal Audit Service, and ensure that relevant employees or Members are familiar with such systems.

- will be responsible for providing in a timely manner, the information necessary to ensure that the final accounts can be completed by the statutory deadlines.

- will be responsible for annually reviewing their services to identify any aspects where surplus capacity could be utilised to reduce the net cost of the Council's services. All identified opportunities shall be introduced unless Cabinet or both the Executive Councillor for Finance and of the relevant service consider it would not be appropriate.

- will be responsible for identifying opportunities and then bidding for grants or contributions from other bodies to support the achievement of the Council and Community objectives through their services.

- will be responsible for maximising the income from fees and charges relating to their service in accordance with Annex C.

1.12 **Internal Audit**

Will be responsible for providing an independent and objective opinion on internal control, risk management and governance systems. In accordance with its terms of reference it shall undertake audit reviews that focus on areas of greatest risk to the Council's control environment in accordance with a programme agreed annually by the Director of Commerce and Technology after consultation with Heads of Service.

For these purposes internal audit shall have full and unrestricted access to all Council assets, systems, documents, information, employees and Members.

2. FINANCIAL AND SERVICE PLANNING

2.1 **In the Summer - Overall Review**

The Cabinet shall review the financial performance of the Council in the previous year, compared with the annual budget, on the basis of a report prepared by the Head of Financial Services in conjunction with Heads of Service.

2.2 **In the Autumn - Financial Strategy**

The Cabinet, after consultation with the relevant Overview and Scrutiny Panel and any appropriate organisations or bodies, shall recommend to the Council a Financial Strategy which will be used to determine the overall financial limits within which the annual budget and MTP will be prepared.

2.3 **In the Winter - Annual Budget and MTP**

The Cabinet shall, after consultation with the relevant Overview and Scrutiny Panel, recommend to the Council an annual budget for the next financial year and a MTP for the succeeding four years, incorporating both capital and revenue expenditure, which is consistent with corporate and service strategies and the Financial Strategy. This budget will include the allocation of resources to individual services and capital projects.

2.4 **In the Spring - Service Financial Plans**

Following approval of the annual budget each Head of Service shall update their Service Plan(s) to incorporate a Service Financial Plan, which sets out variations in the level of fees and charges and how the resources allocated will be used to meet service objectives in the forthcoming year.

3. CONTROLLING FINANCIAL PLANS

3.1 **Financial Monitoring**

Heads of Service will be responsible for regular and effective monitoring and forecasting of the financial position relating to their services.

The financial performance of each service and capital project will be reviewed by Chief Officers quarterly on the basis of monitoring statements prepared by Heads of Service in conjunction with the Head of Financial Services.

The financial performance of the Council will be reviewed by Cabinet quarterly on the basis of monitoring statements prepared by the Head of Financial Services in conjunction with Heads of Service.

Heads of Service will ensure that relevant Executive Councillors are regularly informed of the progress in delivering approved MTP schemes.

3.2 **Commitments to Expenditure in Future Years**

No new commitment to expenditure beyond the current budget year may be made unless it;

- is consistent with the achievement of the Council's objectives and other relevant Strategies, **and**
- is compatible with the Council's MTP and Financial Strategy, **and, either**
- can be met from within currently approved and released resources. If it is to be funded from savings, these must be defined, permanent and not already earmarked for the achievement of the Council's savings targets, **or**
- is funded from a budget transfer in accordance with section 3.5 below.

If the Head of Service has any concerns about their proposal meeting these requirements they must consult the Head of Financial Services.

3.3 **Grants, Cost Sharing and S106 agreements**

Where a Head of Service proposes to take advantage of grants from other organisations, or some other form of cost sharing, whereby they will be able to deliver additional or improved services, consistent with their Service Plan, without creating any current or future commitment to additional net expenditure they may do so subject to:

- the funds being dependent upon a particular project or service being provided but, in the case of S106 agreements, the location or some other aspect is at the Council's discretion.
- informing the Head of Financial Services of the details
- consulting the relevant Executive Councillor(s) if the proposal exceeds £30,000 revenue or £50,000 capital in any one year or on any discretionary element of a S106 sum.

A Head of Service may utilise sums of money received under S106, or equivalent, agreements where there is no discretion. The Head of Financial Services should be informed of the details.

3.4 **Approvals for additional spending with a net impact**

Proposals for increases to the total allocated to a budget in the current year (Supplementary Estimates) and their impact in future years may be approved by the Cabinet subject to the revenue impact not exceeding £300,000 in aggregate in any financial year. The impact of such approvals will be included in appropriate financial reports within the budget/MTP process and, once Council have noted these items, the Cabinet's limit will be re-set. A transfer of a sum from capital to revenue will have a revenue impact and so will count as a request for additional spending.

In all other cases the approval of the Council will be required.

3.5 **Approvals for additional spending with compensating savings**

Proposals that require initial funding but will then result in net surpluses or savings that are at least sufficient to produce a break-even position will be supported in principle if they are:

- consistent with increasing the achievement of the Council's objectives and compatible with relevant Strategies.
- achievable within the Council's Financial Strategy.
- supported by a robust business case which includes a risk assessment.
- supported by the Chief Officers' Management Team.

The Director of Commerce and Technology may approve such a scheme following consultation with the relevant Executive Councillor for the service and the Executive Councillor for finance. The relevant budget(s) and MTP will be appropriately adjusted.

3.6 **Budget Transfers**

The Council has five main types of budgets:

- Service Revenue Budgets
  Service budgets relate to the provision of services directly to the public and are defined as the lowest level included in the report to Council when the budget is approved. They include depreciation relating to capital assets and recharges from Management Units and Overhead Budgets.
- Capital Scheme Budgets
  These provide the funding to complete a defined capital project and are likely to include some recharges from Management Units and Overhead Budgets. When the project is completed a charge for depreciation is made to the appropriate Service Revenue Budget.
- Management Unit Budgets
  Management Unit budgets collect together the costs of employees, and their ancillary costs that relate to supporting services, before they are recharged to service budgets or overhead budgets based on the degree of benefit that is being received.
- Overhead Budgets
  Overhead budgets collect together a relevant portion of management unit costs together with other related costs before they are recharged based on the degree of benefit that is being received. Examples include the costs of office provision or of the Printing Service.
- Technical Budgets
  These include items such as interest on investments and the reversal of depreciation charges and will not be available for transfer to other budgets except in meeting the specific purpose for which they were established.

Whilst most budgets will reflect a net cost, some will identify an expected surplus.

The transfer of resources within, or between, any of the types of budgets is supported in principle when it will make it more likely that the Council will achieve its service objectives and targets or enhance value for money. There do, however, need to be some limitations for effective financial management and to ensure that Executive Councillors, Cabinet and Council are aware of, and involved in, the more significant changes or where there is a financial implication.

The limitations fall into three categories. The first relates to Technical Budgets and recharges and Annex A details the budget transfers that will not be permitted in relation to them. The second relates to budgets for pay, national insurance and pension contributions and Annex B explains why and how budget transfers relating to these items are limited. Finally, the required involvement of Members is defined below.

The Council's management structure is based on Heads of Service or, in a few cases, Chief Officers taking responsibility for these budgets.

The **Manager responsible for a budget** may approve a budget transfer within and between the budgets they are responsible for providing it is:

- Consistent with increasing, or at least maintaining the achievement of service objectives and compatible with the Council's Financial and other relevant Strategies.

- Not to or from a Technical Budget or a recharge or from a pay, NI or pension contributions budget unless permitted by Annexs A or B.

- Not from capital to revenue

- Supported by their Chief Officer

- Notified to the Head of Financial Services

- Within the following limits if between budgets (there shall be no financial limits within a budget):

    - Revenue to revenue £60k
    - Revenue to capital £60k
    - Capital to capital £60k

Similarly, a **Chief Officer** may, subject to the same criteria, approve budget transfers between any budgets that are their responsibility or the responsibility of their staff.

The **Chief Officers' Management Team** may, subject to the same criteria except for the enhanced limits shown below, approve budget transfers between any budgets:

- Revenue to revenue £120k
- Revenue to capital £120k
- Capital to capital £120k

Cabinet may approve budget transfers of up to:

- Revenue to revenue £300k
- Revenue to capital £300k
- Capital to capital £300k

In all cases, any previous transfers in the same financial year relating to those budgets shall be aggregated for determining whether the limit has been exceeded, however once the impact of any approval has been included in a relevant financial report to Council, the Cabinet's limit will be re-set.

In all other cases the approval of the Council will be required.

3.7 **Re-phasing of Expenditure**

The re-phasing of expenditure and consequent transfer of budget between years may be made by the relevant Head of Service, following consultation with the Head of Financial Services, providing that it is consistent with service objectives and compatible with the Council's Financial and other relevant Strategies. Revenue expenditure will only, normally, be rephased to later years if it relates to a specific project with identified funding in the current year, that has been delayed for reasons outside of the control of the relevant Head of Service. The amount is further limited by the net underspending on that Head of Service's relevant budget(s) in the current year.

3.8 **Price Changes**

Allocation to individual Budgets of any provision for inflation or other purposes will be determined by the Head of Financial Services.

3.9 **Project Appraisals**

All proposals for changes to the MTP will require an explanatory appraisal, unless the Head of Financial Services considers that the item is of a technical nature. Appraisals for new and modified schemes will be made available to Members, via the Council's intranet, by the date on which the related reports are circulated.

4. CASH AND CREDIT MANAGEMENT

4.1 **Banking**

The Director of Commerce and Technology is responsible for all Council banking arrangements and shall maintain (an) account(s) with (an) appropriate bank(s) with a credit rating equivalent to 'Long Term AA-' or better in the data published by Fitch IBCA. All transactions involving income or expenditure shall be dealt with through the Council's bank account(s).

4.2 **Income**

All employees receiving money (including cash, cheques, credit card payments etc.) must comply with the relevant procedures issued by the Head of Customer Services to ensure that the sums are properly recorded, receipted and banked.

The Head of Financial Services shall manage a debt collection service on behalf of the Council and all sums due must be registered by raising an invoice on the Council's Financial Management System or some other system or procedure approved by the Head of Financial Services.

4.3 **Loans**

All borrowing will be undertaken by the Head of Financial Services in accordance with the Code of Practice for Treasury Management in Local Authorities and the Prudential Code for Capital Finance in Local Authorities, both published by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Council's Treasury Management Policy and Annual Strategy Statement.

A report shall be submitted to the Cabinet prior to the start of each financial year so that it can recommend to the Council the maximum borrowing limits for the forthcoming financial year.

4.4 **Investments**

Investments shall be made by the Head of Financial Services in accordance with the Prudential Code for Capital Finance in Local Authorities, Government guidance on Local Government Investments, the Council's Treasury Management Policy and Annual Strategy Statement, either directly or by utilising external fund managers.

Periodic reports shall be submitted to the Cabinet on Treasury Management and by 31st July each year an annual report shall be submitted on activities in the previous financial year.

4.5 **Payments**

Payments due to external suppliers of goods and services must be made through the Council's financial management system and in accordance with the payments procedures of that system, as determined by the Head of Financial Services. Payments shall be made direct to the supplier's bank account wherever this is practical.

5. ACCOUNTING PROCEDURES

5.1 The Council will follow the best practice guidance contained in the Accounting Code of Practice and other relevant publications produced by CIPFA in the preparation and maintenance of its accounts.

5.2 **Statement of Accounts**

The annual Statement of Accounts shall be presented to the Corporate Governance Panel for approval within the prescribed statutory timescale.

5.3 **Records**

Each Head of Service is responsible for maintaining records of financial transactions and commitments and employee time, in forms agreed with the Head of Financial Services, and for ensuring that all financial transactions are properly recorded in the appropriate financial period and to an appropriate account within the Council's Financial Management System.

5.4 **Retention of Documents**

Documents required for the verification of accounts, including invoices, shall be retained in a retrievable format for any statutory period, or otherwise for six years or such other time that is specified by the Head of Financial Services.

5.5 **Contingent Assets and Liabilities**

Any Officer who is aware of a material and outstanding contingent asset or liability shall notify the Head of Financial Services, who shall include details in the Council's accounts or in a Letter of Representation to be presented to the Council's external auditors in respect of those accounts.

5.6 **Stock**

Where a formal stock account is used in connection with any service, the relevant Head of Service shall ensure that a certified stock-take is carried out in the last week of March each year, and that records of receipt and issue of all stock are maintained throughout the year in a manner agreed with the Head of Financial Services.

5.7 **Insurance**

The Head of Financial Services shall obtain insurance to protect the Council or minimise its potential losses from risks including those to employees, property, equipment and cash. Any decision not to insure significant risks must be based on a detailed risk assessment.

5.8 **Write-off of Irrecoverable Debts**

The Head of Customer Services, or in his/her absence the Head of Financial Services, is authorised to write-off debts with an individual value of up to £5,000, or of a greater amount after consultation with the Executive Councillor responsible for finance, having taken appropriate steps to satisfy himself/herself that the debts are irrecoverable or cannot be recovered without incurring disproportionate costs.

A summary report of debts written-off shall be submitted to the Cabinet quarterly.

6. ASSETS

6.1 **Definition**

An asset is an item of land, building, road or other infrastructure, vehicle or plant, equipment, furniture and fittings or information and communications technology, (hardware and software) with a life exceeding one year.

6.2 **Control of Assets**

Each Head of Service is responsible for ensuring that the assets relating to their services are properly safeguarded, managed and maintained, and used only to achieve the Council's objectives. This will include establishing and maintaining appropriate security, control systems and records. They will need to consult relevant officers in relation to specialist items and, where vehicles are concerned, the officer holding the Council's Operating Certificate who has specific statutory responsibilities.

6.3 Ongoing Review

The Head of Legal and Estates will lead a working group of officers that will maintain an ongoing review of the management, control and recording of assets.

6.4 Acquisition

The purchase of assets must be in accordance with the procedures specified in the Council's Code of Procurement, having regard to the value of the asset, and follow taking advice from relevant specialist colleagues in appropriate cases e.g. IT, vehicle management, legal, procurement.

The relevant Head of Service shall inform the Head of Financial Services within 10 working days of the acquisition of an asset which meets the definition for capital expenditure.

6.5 Disposal

The sale of assets must be in accordance with the procedures specified in the Council's Code of Procurement, having regard to the current value of the asset, and follow taking advice from relevant specialist colleagues in appropriate cases e.g. IT, vehicle management, legal, procurement.

The relevant Head of Service shall inform the Head of Financial Services within 10 working days of any disposal of an asset included in the Asset Register.

6.6 Capital Expenditure

The purchase or improvement of any asset will normally be treated as capital expenditure. However, expenditure of less than £10,000, or £5,000 in the case of vehicles, plant and equipment, will not normally be treated as capital expenditure unless the Head of Financial Services considers it is in the Council's interests to do so.

6.7 **Leases**

Finance and operating leases are to be used only if they are in the Council's financial interest and with the approval of the Head of Financial Services.

6.8 **Valuations**

In order to comply with accounting requirements assets will be re-valued at five yearly intervals by an appropriately qualified person according to the type of asset. Interim valuations or updating by reference to a suitable index will be necessary in the intervening years.

TECHNICAL BUDGETS

The following budgets cannot be reduced by officers in order to permit extra expenditure on another budget except where this is part of the specific purpose for which they were established.

- Any contingency, unless it complies with the approved rules for the use of the general contingency or is an adjustment to reflect the technical application of the contingency (e.g. allocation of inflation from an inflation contingency)
- Capital charges
- Commutation Transfer
- Pension Liabilities (as opposed to pension contributions)
- Interest paid
- Interest received
- Any recharge or allocation from a management unit or overhead account.

ANNEX B

BUDGETS FOR PAY
(Pay is deemed to include, NI and Pension Contributions for the purpose of this annex)

1. The Council does not provide for a 100% of the costs of its employees. This is because experience shows that it is generally impossible to avoid gaps when people leave and are replaced. It is also common for the new employees to be on a lower point in the grade than the person who left.

2. Obviously it is unlikely that each pay budget will be equally affected in any particular year and therefore, to simplify budget monitoring, each pay budget includes 100% of employee costs but there is a negative, centrally held, contingency that represents the saving that the Council's overall budget is based on. This contingency is based on 2.5% of the pay for most services less a sum for recruitment costs (advertising and interview expenses).

3. Therefore no use of savings, virement or rephasing relating to a pay budget, whether temporary or permanent, will be permitted unless this annex is complied with.

Employees Leaving

4. In order to maximise the likelihood of achieving this saving a Head of Service must, whenever an employee gives their notice, determine whether:
    a. the post is kept vacant for a period before a decision is made,
    b. the post can be deleted,
    c. a restructuring should be proposed,
    d. the post should be filled at the end of a defined period,
    e. it should be filled as soon as possible,
    f. it should be filled as soon as possible and temporary employees or consultants are engaged to provide cover in the meantime.

5. In deciding on which option to take the Head of Service should take appropriate HR and financial advice. The decision must include consideration of any need for temporary or permanent regradings, acting up allowances, honoraria, employees or consultants. Allowance must also be made for an appropriate saving, to help achieve the contingency budget, as determined by the Head of Financial Services.

6. Heads of Service will also need to liaise with HR to arrange recruitment advertising and ensure that the recruitment arrangements comply with the process agreed by Employment Panel.

Other Adjustments and Virement

7. If any other proposal is made to transfer (in accordance with paragraph 3.6) or rephase (in accordance with paragraph 3.7) a pay budget, a budget reduction, as determined by the Head of Financial Services, shall be made in order to allow the contingency budget to be reduced.

Exceptions

8. If the Head of Service can demonstrate to their Director the **critical** nature of maintaining immediate service cover in certain key work areas then the requirements of paragraph 4 above will not apply and the saving/budget reduction may be reduced or nil. Examples where this might apply would be if vacancies would result in insufficient employees with the necessary abilities or skills to run refuse rounds or to safely open swimming pools. Agency, or equivalent employees, must be available with the necessary skills and/or abilities.

9. If the Head of Service can demonstrate that a critical backlog of work has resulted from continuing vacancies such that the service to the public is seriously compromised or net additional costs would become unavoidable the saving/budget reduction may be reduced. Examples where this might apply would be dealing with benefit applications or collecting council tax income. Agency, or equivalent employees, must be available with the necessary skills and/or abilities.

ANNEX C

MAXIMISING INCOME FROM FEES AND CHARGES

The Manager responsible for a budget is:

- responsible for annually reviewing their services to identify any aspects that are not currently, but could be charged for. Charges for such aspects shall be introduced unless Cabinet **or** both the Executive Councillor for Finance and of the relevant service consider it would not be appropriate.

- responsible for reviewing and varying fees and charges at least annually for services under their control, after consultation with the relevant Executive Councillor(s) and the Chairman of any relevant Panel. In doing so, they:

    - shall ensure that relevant legislation that specifies the charges to be made or constrains them in any way is complied with.

    - shall, after having regard to the charges of any alternative service providers with whom the Council is competing, seek to maximise income, net of applicable costs, unless it will have a clearly detrimental impact on the achievement of the Council or Community objectives.

    - may introduce differential pricing to particular client groups where these are expected to stimulate demand and generate additional net income which would otherwise not be obtained.

    - may set prices lower than could be reasonably achieved if this is demonstrably the most cost effective way of achieving Council or Community objectives and the necessary funding is available. Use of this option requires approval of Cabinet **or** both the Executive Councillor for Finance and of the relevant service.

    - may set fees and charges that allow an element of discretion if it can be demonstrated that this will lead to an overall benefit to the Council. It is important that any use of discretion is recorded so that it can be clearly shown that decisions have been made fairly and consistently.

    - shall keep appropriate records to demonstrate that the required actions have been undertaken and how the decisions were reached.

This page is intentionally left blank

APPENDIX B

CODE OF PROCUREMENT

1. INTRODUCTION

1.1 The Code of Procurement defines the regulatory and legal framework for procurement. It has been adopted in accordance with the requirements of Section 135 (2) of the Local Government Act 1972.

1.2 This Code applies to the procurement, commissioning, hire, rental or lease of -

- ♦ land and buildings, roads or other infrastructure;
- ♦ vehicles or plant;
- ♦ equipment, furniture and fittings;
- ♦ construction and engineering works;
- ♦ information and communication technology - hardware and software;
- ♦ goods, materials and services;
- ♦ repairs and maintenance; and
- ♦ consultants, agents and professional services.

1.3 This Code does not apply to purchases made from internal management units.

1.4 The Code applies also to the sale of assets and goods by the Council where the appropriate Head of Service estimates that the assets, goods or services to be sold exceed £1000. Where the value is estimated to be less than £1000 then the 'Sale of Equipment' procedures contained within the Inventory procedures shall be followed.

1.5 The Council includes the Cabinet, panels, committees or other body or person(s) acting in accordance with delegated authority on behalf or the Council.

1.6 All procurements or sales made by or on behalf of the Council shall comply with this Code, subject to any overriding requirements of the Council's Rules of Procedure and Code of Financial Management and British or European Union law or regulation.

1.7 Throughout the Code, reference to contractor(s) or sub-contractor(s) shall mean any person, company or supplier who has -

- ♦ requested to be on an approved or ad-hoc approved list of tenderers;
- ♦ been approached to provide a quotation or tender;
- ♦ provided a quotation or tender; or
- ♦ been awarded a contract in accordance with the provisions of this Code.

1.8 The Head of Financial Services shall annually review all the financial values contained in the Code to take account of the impact of inflation. The Head of Financial Services shall

inform all Heads of Service of any amendments to the values prior to the 1st April from which they shall be operative.

2. REPORTING PROCEDURES AND EU COMPLIANCE

2.1 EU Procurement Directives require the Council, to report procurements likely to exceed EU thresholds, both at the start of the year and on an ad-hoc basis as new or changed requirements arise. The ODPM also seeks a financial year-end report based on procurements and contracts advertised on the Official Journal of the European Union (OJEU). The EU thresholds are:

Contract	Threshold Euros	Threshold £ (Approx)
Supplies	€206,000	£ 139,893
Services	€206,000	£ 139,893
Works	€5,150,000	£ 3,497,313

2.2 Financial Year Start Reporting

At the start of each financial year (1 April) Heads of Service shall:

♦ provide the following information to the Procurement Manager -

• Details of each contract expected to be advertised in the following year.

• An estimate of the total value for each discrete procurement area where the spend is likely to exceed £100,000.

♦ advertise very brief details of each contract expected to be advertised in the following year. The advertisement shall take the form of an Indicative Notice (IN). The publishing of an IN does not commit the Council, but can reduce timescales if the requirement is subsequently advertised through OJEU.

An IN is also required if the estimate of the aggregated value of the contracts for a given coding class exceeds the published IN thresholds:

Contract	Threshold Euros	Threshold £ (Approx)
Supplies	€750,000	£509,317
Services	€750,000	£509,317
Works	€5,150,000	£ 3,497,313

Contract values are the Council's aggregated spend and not individual Directorates or Services. Therefore, the Procurement Manager shall advise the Head of Service if their aggregated spend is to be advertised as a PIN.

Aggregated values can be calculated by one of the following methods -

♦ the total value purchased over the last financial year; or

♦ the estimated value of all contracts expected to be placed in the next financial year or the term of the contract if that is longer; or

♦ where the contract is open-ended or of uncertain duration, such as those for the hire of goods or for the delivery of a particular service, the value is based on the estimated average monthly expenditure multiplied by 48 (4 years).

2.3 Through Year Reporting

Heads of Service shall report, using a PIN where time permits, new or additional requirements likely to meet or exceed EU thresholds as they arise.

2.4 End of Year Reporting

ODPM seeks a report each year from all Councils regarding contracts awarded through OJEU during the previous year. By the 30 Apr each year, Heads of Service shall provide the Procurement Manager with the following details for contracts placed through OJEU procedures -

♦ Common Procurement Vocabulary (CPV) code. The CPV is a standardised single classification system for public procurement to identify the subject of a contract.

♦ Service Provider Nationality.

♦ Award Procedure:

♦ Justifications if Negotiated procedure.

♦ Value.

3. CONTRACTS REGISTER

3.1 Heads of Service shall keep a record, using the Contracts register, of -

♦ all tenders and quotes (greater than £5K)

♦ the reasons (if appropriate) for not advertising on the Council's Latest Opportunities Internet site,

♦ all those contractors that were requested to quote or tender;

♦ the reasons why those particular contractors were selected to quote or tender; and

♦ if applicable, the reasons why less than three contractors were selected to quote or tender.

♦ contract renewal date (if appropriate),

♦ File or other reference to the contract and location of the hard copy.

4. METHODS OF ORDERING

4.1 All orders shall be placed through one of the following recognised methods -

- ♦ An order raised on CedAR Purchase Order Process.
- ♦ A Procurement Card Order.
- ♦ An Electronic order
- ♦ A Manual Purchase Order.

4.2 Use of an appropriate ordering method ensures that the Council achieves -

- ♦ The opportunity to obtain leverage for volume.
- ♦ Regulatory compliance.
- ♦ Visibility of all procurement activity.

4.3 Where there is an exception requirement and the relevant Director or Head of Service considers that the work is of an emergency nature necessary to enable the service to continue and none of the ordering methods are suitable, the relevant Director or Head of Service shall record the details of the exceptional requirement and the action taken for future Audit.

5. 'BEST VALUE' AND THE NEED TO COMPETE REQUIREMENTS

5.1 The Council seeks 'Best Value' in all procurement activity and will standardise on 'adopted' corporate contracts and frameworks. An adopted contract and framework is the preferred contract for the Council's business within a defined category (a type or group of goods or services). The Procurement Manager shall publish details of the contract or framework in Procurement Protocols & Guidelines. Heads of Service shall ensure that orders for such categories are placed through the appropriate 'adopted' framework. The Procurement Manager shall keep under review the continued suitability of any such contracts or framework agreements.

5.2 Some categories are managed corporately by specialist areas. The Procurement Manager shall provide a list of specialist categories and Heads of Services shall ensure all requirements for such categories are referred to the relevant specialist.

5.3 Any procurement estimated to exceed £30,000, which is not covered by the exceptions in paragraph 5.6 below, must be referred to the Procurement Manager before the procurement process is commenced. The discussion will cover:

- Scope and objectives of the procurement
- Budget and costing
- Tender methods
- Product and market information
- Timescales

- Deliverables

5.4 If a Head of Service does not wish to accept the Procurement Manager's advice on any significant aspect the matter will be determined by the relevant Director.

5.5 Where there is no adopted contract or framework, Heads of Service shall, wherever practicable, seek to maximise contract values with other Heads of Service to secure lower costs. The Council nevertheless wishes to balance the effort of going to the Market with the effort and efficiency of the procurement process. Heads of Service after determining the proposed contract's total value shall then follow one of the procurement procedures detailed below. These procedures shall be used in all procurements or sales bar those exceptions at paragraph 5.8.

Estimated Total Value of Procurement	Requirement
Up to £5,000	Estimates or offers shall be obtained and recorded to ensure the Head of Service has obtained Best Value.
£5,001 to £30,000	Competitive written quotations or offers shall be invited, unless the Head of Service has complied in full with paragraph6.3e of this Code.
£30,001 to European Union Procurement Threshold	Competitive tenders shall be obtained using one of the tendering options in this Code, and a formal written contract prepared in accordance with paragraph 12.2.
Above the EU Threshold specified below	The appropriate EU procurement directive shall be complied with.

5.6 A Head of Service may choose to competitively tender requirements less than £30,000.

5.7 Achieving 'Best Value' needs valid competition and valid competition is dependant on the existence of an 'open' market with the selected Contractors having the interest, capability and capacity for the work or business being offered. Wherever possible a minimum of three competitive tenders or quotations shall be sought. In selecting contractors to provide a tender or quotation Heads of Service shall ensure that wherever possible -

♦ the selection process they are using is fair and equitable, and that no favouritism is shown to any one contractor.

♦ checks are made to ensure that contractors are interested in this type of business.

♦ repeat or 'automatic' invitations to the 'same' contractor or group of contractors are avoided, particularly where previously invited to bid and had failed to do so.

♦ ‘new’ contractors are sought and invited to tender or quote.

♦ the geographic area of the search for potential contractors is widened.

♦ ‘no-bids’ are checked for the reasons for a contractor’s failure to bid.

5.8 Exceptions

Nothing in this Code shall require tenders to be sought: -

(a) for purchases made from a Purchasing Agent (ESPO, OGC Buying Solutions)

♦ where there is a single supplier 'call-off contract' or catalogue created with fixed prices, or

♦ where the contract is created to our requirements, or

♦ where there is a multi-supplier framework and further competition has been undertaken through competitive quotes.

(b) for purchases through local authority, government body or agency, police, health or other similar public authority, where the procurement rules of that organisation have been approved by the Procurement Manager, and the contract is created in co-operation, agreed joint requirements or partnership.

(c) for purchases made at public auction;

(d) where the relevant Director or Head of Service -

♦ considers that the work is of an emergency nature or is necessary to enable the service to continue; or

♦ with the Head of Financial Services' agreement considers that it is in the Council’s best interest in negotiating a further contract for works, supplies or services of a similar nature with a contractor who is currently undertaking such work.

(e) The relevant Director or Head of Service shall report details of all work awarded under paragraph (d) ante -

♦ to the Director of Central Services who shall make a record in a register kept for that purpose; and

♦ to the next meeting of the Cabinet.

6. QUOTATION AND TENDER METHODS AND PROCEDURES

6.1 Form of Tenders and Requests for Quotations

To support the Council complying with the Freedom of Information Act 2000 (FOIA), all invitations to tenders and requests for quotations shall include as a minimum -

"All information supplied to the Authority will be subject to the provisions of the Freedom of Information Act 2000 and as such may be disclosed by the Authority when required to do so under the Act. When such disclosure is necessary the Authority shall use reasonable endeavours to consult with the provider of the information prior to disclosure".

6.2 Selection / Evaluation Criteria

Except to the extent that the Cabinet in a particular case or specified categories of contract otherwise decides, all quotations or tenders that are being sought shall:

(a) include approved contract terms in accordance with paragraph 11.2 of this Code;

(b) be based on a definite written specification, which shall include:

- ♦ Environmental performance including, where appropriate, as a minimum:
  - ♦ low energy and water consumption.
  - ♦ elimination of substances hazardous to health and the environment.
- ♦ Contractor's Health and Safety Scheme (where applicable) or equivalent health and safety standard.
- ♦ Appropriate Equalities policy and procedures.

(c) include award criteria, which if it is not to be the lowest price, shall be agreed by the appropriate Director;

(d) include specific weightings applied to individual award criteria.

(e) if appropriate, include a requirement for a performance bond and liquidated damages.

6.3 Tendering Options

Heads of Service shall select one of the following tendering methods. If any alternative tendering method is proposed then approval of the Cabinet is required before the proposed tendering option is followed. In selecting contractors to invite to tender Heads of Service shall comply with paragraph 5.7.

Tender Option	Requirement
A. Ad Hoc Tender **Open tender**	Public notice shall be given in one or more newspapers and/or in an appropriate trade journal. The notice shall state the nature and purpose of the contract, where tender documentation can be obtained, and state the closing date for the receipt of tenders. Where the Head of Service is satisfied that Expressions of Interest received from a Contracts Register Notice represent contractors with genuine interest and capacity, then no further Public Notice is required.
B. Approved List of Tenderers **Restricted tender**	Tenders shall be invited from at least three contractors selected from an approved list established in accordance with paragraph 7.1 of this Code.

C. Ad Hoc Approved List of Tenderers **Open restricted tender**	Tenders shall be invited from a list of contractors compiled in accordance with paragraph 8.1 of this Code for a specific contract.
D. Single Tenders / Quotations	A Head of Service after consulting the Director of Central Services may obtain a single tender (or quotation – see paragraph 6.3 above) when: • Prices are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available. • Work to be executed or goods, services or materials to be supplied consist of repairs to or the supply of parts of existing proprietary machinery, equipment, hardware or plant and the repairs or the supply of parts cannot be carried out practicably by alternative contractors. • Specialist consultants, agents or professional advisers are required and · there is no satisfactory alternative; or · evidence indicates that there is likely to be no genuine competition; or · it is in the Council's best interest to engage a particular consultant, agent or adviser. • Products are sold at a fixed price, and market conditions make genuine competition impossible. • The proposed contract shall form part of a serial programme. The contract terms shall be negotiated with a contractor, using as a basis for negotiation the rates and prices contained in an initial contract that was awarded following a competitive tendering process that complied with this Code. No more than two serial contracts shall be negotiated from an initial contract • No satisfactory alternative is available. If the Single Tender option is used, the Head of Service shall: • notify the Director of Central Services who shall make a record in a register kept for that purpose; • retain records that demonstrate that the best price or value for money has been obtained from the negotiations with the tenderer.

6.4 Non-Traditional Procurement

If a Head of Service believes that by following one of the procurement procedures detailed in paragraph 5.5 above, that the procurement process will not provide him with the most appropriate method of service delivery, the most competitive prices, allow for continuous improvements in service delivery, or stifle procurement innovation, then he may suggest alternative procurement strategies.

The Head of Service shall produce, in accordance with guidance issued by the Director of Central Services and prior to proceeding with the procurement, a written procurement strategy that shall be approved by the Director of Central Services and the Cabinet.

7. PROCEDURE FOR THE APPROVAL AND

MAINTENANCE OF APPROVED LISTS OF TENDERERS

7.1 Only those lists containing details of contractors that are compiled and maintained by an external organisation to the satisfaction of the Director of Central Services, after consultation with the Head of Financial Service and the other relevant Heads of Service shall be adopted as approved lists of tenderers. The Procurement Manager shall ensure that the external organisation and approved list of contractors is detailed in Procurement Protocols & Guidelines.

7.2 If a Head of Service believes that the approved list of tenders does not allow him to obtain sufficient competition for 'Best Value', the Head of Service shall write to the Director of Central Services seeking approval to source additional contractors. Instructions for sourcing additional contractors are detailed in Procurement Protocols & Guidelines. All additional contractors sourced will be required to

complete the approved list checks and their inclusion in competition will depend on satisfactory completion of the checks.

7.3 The Director of Central Services in conjunction with the Head of Financial Services and relevant Heads of Service shall review the continued suitability of an Approved List of Tenderers periodically and at least prior to the third anniversary of its initial or further adoption.

8. PROCEDURE FOR THE APPROVAL OF AD-HOC APPROVED LISTS OF TENDERERS

8.1 A public notice shall be issued inviting applications for inclusion on a specific approved list for the supply of goods, services or materials. The ad-hoc approved list of tenderers shall be established from contractors replying to the public notice or who have requested within the previous 12 months to be included on an ad-hoc approved list for work of a similar nature.

8.2 The Head of Service shall undertake sufficient vetting to ensure that tenderers appointed to ad-hoc approved lists shall -

- ♦ comply with minimum standards of Insurance, Health & Safety and Financial viability based on a risk based assessment. Guidance can be found on the appropriate intranet page or from the Audit & Risk Manager or Health & Safety Advisor.

- ♦ be approved by the appropriate Head of Service after consultation with the Director of Central Services and the Head of Financial Services; and

♦ only be used for seeking tenders for the supply of goods, services or materials specifically detailed within the original public notice.

9. SUB-CONTRACTS AND NOMINATED SUPPLIERS

9.1 Quotations or tenders for sub-contracts to be performed or for goods, services or materials to be supplied by nominated sub-contractors shall be invited in accordance with this Code.

9.2 The relevant Head of Service is authorised to nominate to a main contractor a sub-contractor whose quotation or tender has been obtained in full accordance with this Code.

10. RECEIPT AND OPENING OF TENDERS AND QUOTATIONS

10.1 Where tenders or quotations are invited in accordance with this Code no tender or quotation will be considered unless -

♦ contained in a plain envelope which shall be securely sealed and shall bear the word “Tender” or “Quotation” followed by the subject to which it relates; or

♦ it has been sent electronically to a specific e-mail address, which the appropriate Head of Service shall obtain from the Head of Information Management.

10.2 Further to paragraph 10.1 above -

♦ the envelope shall not bear any distinguishing matter or mark intended to indicate the identity of the sender. Contractors shall be notified accordingly. Such envelope shall be addressed impersonally to the Director of Central Services if it contains a “Tender” or the appropriate Head of Service if it contains a “Quotation”; and

♦ the Head of Information Technology shall ensure that the e-mail address is secure, can only be accessed by the Director of Central Services or officers specifically appointed by him.

10.3 All envelopes or e-mails received shall be kept securely and shall not be opened or accessed until the time appointed for their opening.

10.4 All tenders or quotations invited in accordance with this Code shall be opened at one time only and by at least two officers -

♦ tenders shall be opened by officers nominated by the Director of Central Services and by the appropriate Head of Service. The Head of Financial Services shall be notified of the time and place appointed for the opening; and

♦ quotations shall be opened by the appropriate Head of Service and/or his nominee(s).

10.5 All tenders or quotations upon opening shall be recorded in writing on either a tender or quotation opening record, as is appropriate. The format of the opening record shall have been previously agreed with the Director of Central Services and Head of Financial Services. The Form of Tender or Quotation and any accompanying documentation shall be marked with the date of opening, and signed by all officers present at the opening. The tender or quotation opening record shall be signed by at least two officers present at the opening.

10.6 The original opening record shall be retained by the Director of Central Services in respect of tenders, and the relevant Head of Service in respect of quotations.

10.7 Any tenders or quotations received after the specified time shall be returned promptly to the contractor by the Director of Central Services or his nominated officer in respect of tenders, or by the appropriate Head of Service or his nominated officer in respect of a quotation. The tender or quotation may be opened to ascertain the name of the contractor but no details of the tender or quotation shall be disclosed.

11. ACCEPTANCE OF TENDERS AND QUOTATIONS

11.1 The appropriate Head of Service shall evaluate all the tenders or quotations received in accordance with the award criteria set out in the bid documentation and shall accept, subject to the provisos set out in this paragraph, either -

- ♦ the lowest priced tender or quotation; or

- ♦ the most economically advantageous tender or quotation, as evaluated against the award criteria.

11.2 Tenders or quotations exceeding the approved estimate may only be accepted once approval to further expenditure is obtained.

11.3 If the lowest priced, or most economically advantageous exceeds £30,000 -

- ♦ but is within 15% of the original estimate, the appropriate Head of Service may accept the quotation without seeking further competition; and

- ♦ is in excess of 15% of the original estimate then a competitive tender exercise in accordance with paragraph 6.3 above shall be carried out, unless the appropriate Head of Service has consulted and obtained the approval of the Director of Central Services and relevant executive councillor that the quotation can be accepted.

11.4 A tender or quotation shall not be accepted -

(a) where payment is to be made by the Council and -

- ♦ it is not the lowest priced tender or quotation, or

- ♦ the most economically advantageous tender or quotation in accordance with the award criteria set out in the tender or quotation documentation; or

(b) if payment is to be received by the Council and the tender or quotation is not the highest price or value;

(c) unless -

- ♦ the Cabinet have considered a written report from the appropriate Head of Service, or

- ♦ in cases of urgency, the Director of Central Services has consulted and obtained the approval of the relevant executive councillor. Tenders or quotations accepted in this way shall be reported by the appropriate Head of Service to the next meeting of the Cabinet.

11.5 Where post-tender negotiations have been undertaken in accordance with paragraph 11.6 below, the appropriate Head of Service shall only accept the lowest priced tender received. A tender other than the lowest shall not be accepted until the Cabinet have considered a written report from the appropriate Head of Service, and recommended acceptance of a tender other than the lowest.

11.6. Arithmetical Errors and Post-Tender Negotiations

Contractors can alter their tenders or quotations after the date specified for their receipt but before the acceptance of the tender or

quotation, where examination of the tender or quotation documents reveals arithmetical errors or discrepancies which affect the tender or quotation figure. The contractor shall be given details of all such errors or discrepancies and afforded an opportunity of confirming, amending or withdrawing his offer.

In evaluating tenders, the appropriate Head of Service may invite one or more contractors who have submitted a tender to submit a revised offer following post-tender negotiations.

All post-tender negotiations shall -

- ♦ only be undertaken where permitted by law and where the appropriate Head of Service, Head of Legal and Estates and Head of Financial Services consider additional financial or other benefits may be obtained which over the period of the contract shall exceed the cost of the post-tender negotiation process;

- ♦ be conducted by a team of officers approved in writing by the appropriate Head of Service, Director of Central Services and Head of Financial Services;

- ♦ be conducted in accordance with guidance issued by the Director of Central Services; and

- ♦ not disclose commercially sensitive information supplied by other bidders for the contract.

Post-tender negotiations shall not be used to degrade the original specification unless the capital or revenue budget is exceeded, or the appropriate Director or Head of Service considers other special circumstances exist, in which case all those contractors who originally submitted a tender shall be given the opportunity to re-tender.

The appropriate Head of Service shall ensure that all post-tender negotiation meetings are properly minuted with all savings and benefits offered clearly costed. Following negotiations but before the letting of the contract, amendments to the original tender submitted shall be put in writing by the contractor(s) and shall be signed by him.

12. TERMS OF BUSINESS AND THE FORM OF CONTRACTS

12.1 All orders placed by the Council shall be on the Council's Terms and Conditions (T&Cs). Heads of Service shall not use Contractor's documentation to order, acknowledge, instruct to proceed or make any other commitment where the documentation makes any reference to the Contractor's T&Cs. Where a contractor formally insists on trading on T&Cs other than the Council's T&Cs, the Procurement Officer shall be informed, except for -

♦ Any contract where the estimated total value is likely to exceed £30,000, paragraph 12.2 shall apply.

♦ Any framework or contract formally adopted by the Council.

♦ Purchasing Agency (eg ESPO, OGC BuyingSolutions) arranged contracts and orders.

♦ Orders of a total value of less than £ 5,000 where the goods or service are purchased on a 'retail' basis on terms available to the general public.

♦ Orders for software where the licence is for 'standard' product but not where customisation, development or on-site service is required for the 'standard' product.

12.2 Every contract that exceeds £30,000 in value shall be in writing in a form approved by the Head of Legal and Estates who shall also determine the format of any contract for a lesser value. Heads of Section shall ensure that advice of the Head of Legal and Estates is sought at a stage as early as practicable (normally before the issue of an Invitation to Tender).

12.3 In the case of any contract for the execution of works or for the supply of goods, services or materials, the Head of Service after consulting with the Head of Financial Services and the Head of Legal and Estates shall consider whether the Council should require security for its due performance and shall either certify that no such security is necessary or shall specify in the specification of tender the nature and amount of the security to be given. In the latter event, the Council shall require and take a bond or other sufficient security for the due performance of the contract.

12.4 Heads of Service shall produce the final version of all contracts in 2 copies and present both to the Authorised Officer for signature. Once signed by the contractor, the signed contract, all original documents, including specifications, drawings, tender documents and correspondence relating to a contract exceeding a total value of £30,000 shall be forwarded by the Head of Legal and Estates. Where the total value of the contract is less than £30,000 the relevant Head of Services shall make arrangements for the retention of all the original documentation.

12.5 Heads of Service shall maintain a record (in the form detailed in the Procurement Protocols & Guidance) for their area of each contract or agreement (both written and verbal agreements).

12.6 Heads of Service shall include the specific T&Cs listed in the Procurement Protocols & Guidance in all contracts. Where a Head of Service considers a term or condition inappropriate they shall seek advice of the Head of Legal and Estates on the modification or deletion of the term or condition.

13. LETTERS OF INTENT

13.1 Letters of intent provide a contractor with the authority to proceed prior to the award of a contract. However, letters of intent have two main disadvantages:-

(a) if the contract is not awarded the contractor is entitled to payment regardless as to whether the work was actually needed;

(b) the Council's negotiating position is weakened as the contractor may believe actual award of contract is a formality and therefore, the contractor may refuse to accept conditions that are seen as disadvantageous.

13.2 Heads of Service shall ensure that:-

(a) all letters of intent are in a form approved by Head of Legal and Estates;

(b) all letters of intent are signed by an Authorised Officer with sufficient authority for either the value of the intended contract or the estimated value of any 'extension' period defined in the letter of intent.

14. RETENTION OF DOCUMENTS

14.1 Heads of Service shall ensure that every contract or quotation is assigned the Unique Reference Number (URN) from the Contract Register, which is to be used in all correspondence. Any Division or Service reference may be included in addition to the URN shall comprise abbreviation for the Division and year. Formal amendments to a contract or order should also be given unique numbers showing the order in which the amendments were made.

14.2 Documentation retention periods are dictated by the Statute of Limitations and (where applicable) EU requirements. The following rules apply:-

(a) retention for 12 years from the date of completion of the contract for contracts made under deed;

(b) retention for 6 years from the date of completion of the contract: -

- ♦ Contract Documents
- ♦ Hire/Rental Agreements
- ♦ Successful Tenders
- ♦ Summary of Tender Opening
- ♦ Disposal Board papers
- ♦ Evaluation reports
- ♦ Goods Received Notes
- ♦ HM Customs and Excise Import documentation
- ♦ Invitations to Tender/Quotation Requests
- ♦ Maintenance/Software licence agreements
- ♦ Specifications
- ♦ Successful Quotations
- ♦ Suppliers' Advice Notes;

(c) retention for 3 years after the last entry -

- ♦ Stock and Purchase Record Cards or Registers;

(d) retention for 2 years after the financial year to which the document relates -

- ♦ Unsuccessful Quotations.

- ♦ Unsuccessful Tenders.

15. FREEDOM OF INFORMATION ACT 2000 (FOIA)

15.1 Heads of Sections shall ensure that the handling of requests for procurement information complies with the detailed guidance published as Procurement Protocols & Procedures and the general FOIA guidance published by the Council's Freedom of Information Officer.

16. CONSULTANTS

16.1 It shall be a condition of the engagement of any consultant, agent or professional adviser who is to be responsible to the Council for the management or supervision of a contract on its behalf, that in relation to that contract he shall -

- ♦ comply with this Code as though he were an employee of the Council;

- ♦ at any time during the carrying out of the contract produce to the appropriate Head of Service, on request, all the records maintained by him in relation to the contract; and

♦ on completion of the contract transmit all records that he has produced or received that relate to the contract to the appropriate Head of Service.

17. PROCUREMENT TRAINING

17.1 The Procurement Manger shall create, maintain and arrange the delivery of training for Officers undertaking procurement duties.

17.2 Heads of Service shall ensure that all Officers routinely undertaking purchasing or procurement duties have undertaken appropriate training.

17.2 Head of HR and Payroll Services shall arrange to record the details of staff that have completed suitable procurement training.

This page is intentionally left blank

APPENDIX C

MONITORING OFFICER PROTOCOL

For the discharge of functions in relation to the initial assessment and review of an allegation that a member of Huntingdonshire District or the Parish in the District has failed to comply with the adopted Code of Conduct

1. RECEIPT OF ALLEGATIONS

1.1 The Monitoring Officer shall ensure any allegation made in writing that a Member of Huntingdonshire District Council or one of the Parishes in the District may have failed to comply with their Authority's adopted Code of Conduct is referred to him/her immediately upon receipt.

1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the District Council can comply with its obligations under the relevant legislation.

1.3 Complaints shall only be valid where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his/her opinion that would be in the public interest.

2. NOTIFICATON OF RECEIPT OF ALLEGATIONS

2.1 All relevant allegations must be assessed by the Referrals (Assessment) Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant Member to observe the Code of Conduct other than by reporting it to the Referrals (Assessment) Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an Officer of the Authority.

2.2 Following receipt of the allegation and where the allegation does appear to be a complaint of misconduct against a relevant Member, the Monitoring Officer will –

(i) acknowledge receipt of the allegation and confirm that the allegation will be assessed by the Referrals (Assessment) Sub-Committee at its next convenient meeting;

(ii) notify the Member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation and the date upon which the allegation will be assessed by the Referrals (Assessment) Sub-Committee.

Where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, he/she shall consult the Chairman of the Referrals (Assessment) Sub-Committee, or in his/her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

(iii) collect such information as is readily available that would assist the Referrals (Assessment) Sub-Committee in its function of assessing the allegation;

(iv) seek local resolution of the matter where practicable, in accordance with paragraph 3 below;

(v) place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next meeting of the Referrals (Assessment) Sub-Committee.

3. LOCAL RESOLUTION

3.1 Local resolution is not an alternative to reporting the allegation to the Referrals (Assessment) Sub-Committee, but can avoid the necessity of a formal local investigation.

3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he/she shall approach the Member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the Member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Referrals (Assessment) Sub-Committee as required, and at the same time report the response of the Member concerned and of the complainant. Where the Member has acknowledged that his/her conduct was inappropriate, and where the complainant is satisfied with the proffered apology or remedial action, the Referrals (Assessment) Sub-Committee might take that into account when considering whether the matter merits investigation.

4. REVIEW OF DECISIONS NOT TO INVESTIGATE

4.1 Where the Referrals (Assessment) Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall advise the complainant of the decision, and the complainant may then within thirty days of receipt of notification request that the Review Sub-Committee review that decision.

4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Referrals (Assessment) Sub-Committee in

respect of the matter, a summary of the decision of the Referrals Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

5. LOCAL INVESTIGATION

5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.

5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Referrals (Assessment) Sub-Committee, to determine who to instruct to conduct a formal local investigation and this may include another senior Officer of the Authority, a senior Officer of another Authority or an appropriate experienced consultant.

This page is intentionally left blank

Corporate Governance Panel

Report of the meeting held on 16th April 2009

Matter for Decision

29. THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – IMPLICATIONS FOR OVERVIEW AND SCRUTINY

By reference to a report by the Head of Democratic and Central Services (a copy of which is reproduced as an Appendix hereto), the Panel was acquainted with legislative changes affecting overview and scrutiny which have arisen from the Local Government and Public Involvement in Health Act 2007. The new provisions have taken effect from 1st April 2009 and require changes to be made to the Council Procedure Rules and the Overview and Scrutiny Procedure Rules which form part of the Council's Constitution.

It is therefore

RECOMMENDED

that the Council

(a) approves the changes to the Council Procedure Rules and Overview and Scrutiny Procedure Rules contained in Annex A of the report by the Head of Democratic and Central Services appended hereto; and

(b) endorse the content of a guide for the Councillor Call for Action contained in Annex B of the report by the Head of Democratic and Central Services as appended hereto.

Matter for Information

30. REVIEW OF DEMOCRATIC STRUCTURE

The Panel has discussed the findings of the Structure Review Working Party following its review of the Council's democratic structure. The Panel's recommendations will be considered as part of Item No. 4 on the Council agenda.

C J Stephens
Chairman

This page is intentionally left blank

APPENDIX

THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – IMPLICATIONS FOR OVERVIEW AND SCRUTINY
(Report by the Head of Democratic and Central Services)

1. INTRODUCTION

1.1 The purpose of this report is to acquaint Members with details of recent legislative changes affecting overview and scrutiny.

2. BACKGROUND

2.1 The Secretary of State has finally made an Order bringing into force those aspects of the Local Government and Public involvement in Health Act 2007 that affect Overview and Scrutiny. The changes are summarised below.

3. CHANGES

The Councillor Call for Action

3.1 In future, any Member of a council will be able to refer to an overview and scrutiny committee any local government matter which is relevant to the functions of that committee. In addition, any Member may request that a local government matter relating to his Ward shall be included in the agenda for, and discussed at, a meeting of any of the relevant Overview and Scrutiny Panels. In considering whether or not to exercise any of its powers, the committee must have regard to whether it is an excluded matter under the legislation or as defined by the Secretary of State. The committee must provide the member with a copy of any resulting report or recommendations either to the Council or the Cabinet on the CCFA and if the committee decides not to exercise its powers in relation to the matter, it must notify the Member of its decision and the reasons for it.

3.2 The changes will require alterations to both the Council Procedure Rules and the Overview and Scrutiny Procedure Rules which currently enable any Member to raise an item on a committee agenda. As both Rules are contained in the Constitution, the Corporate Governance Panel and the Council will be required to approve the changes. Annex A contains the changes proposed.

3.3 Under the legislation, an Overview and Scrutiny Panel can decide not to include a CCFA on an agenda. It is recommended that authority to reject a CCFA be delegated to the Head of Democratic and Central Services after consultation with the appropriate Panel Chairman.

3.4 A guide to the use of the Councillor Call for Action has also been prepared which is reproduced at Annex B which the Panel are invited to approve.

3.5 The Councillor Call for Action for crime and disorder matters under the Police and Justice Act 2006 has yet to be implemented.

Delegated Decision-Making

3.6 Councils will be able to delegate decision making to individual councillors in relation to their ward. An overview and scrutiny committee may require a Member who has had functions delegated to him / her to attend before it to answer questions relating to the exercise of that function. This issue has been considered by a Working Party established by the Cabinet to undertake a review of the Council's democratic structure. The Working Party's report appears elsewhere on the Agenda in which it is being recommended that functions are not delegated to individual Ward Councillors.

Power to Require Information

3.7 The Secretary of State can make regulations as to which information can be requested from partner authorities and which cannot be disclosed but the regulations have yet to be made. Specific provision is made for district council overview and scrutiny committees to request information from the relevant county council and partner authorities of that county council, other than a police authority, or a chief officer of police. Overview and scrutiny committees can require partner authorities to have regard to their reports or recommendations.

Reports and Recommendations

3.8 Where an overview and scrutiny committee makes a report or recommendations to the authority or the executive, the committee may decide to publish the report or recommendations and, by notice in writing, require the authority or executive to consider the report or recommendations and to respond to the overview and scrutiny committee indicating what (if any) action the authority or the executive proposes to take. If the overview and scrutiny committee has published the report or recommendations, the authority or executive must publish the response within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.

3.9 An overview and scrutiny committee may by notice in writing to a relevant partner authority, require the partner authority to have regard to a report or recommendation in exercising their functions. Where the report or recommendations relate to a local improvement target which is specified in a local area agreement, it is the duty of the relevant partner authority to comply with the requirement. This does not apply if the relevant partner authority is a health service body or the Police.

3.10 The overview and scrutiny committee or the local authority, in publishing a document or providing a copy of a document to a relevant partner authority must exclude any confidential information, and may exclude any relevant exempt information.

3.11 The Secretary of State may by regulations make provision under which a district council may confer on an overview and scrutiny committee the power to make reports and recommendations to the related county council or that council's executive on any local improvement target which relates to that county council and which is specified in a local area agreement. Again, this also applies to any other authority which is a partner of that county council, other than the police.

3.12 Discussions are taking place between officers of the County and District Councils in the County on the preparation of a scrutiny protocol and this will be brought to the attention of the Panels when it has been drafted.

Joint Overview and Scrutiny

3.13 County and District Council can now make arrangements for joint overview and scrutiny committees, again subject to regulations to be made by the Secretary of State. Again, discussions are taking place on how the changes will affect the Joint Accountability Committee which currently scrutinises achievement of the local area agreement in Cambridgeshire.

4. CONCLUSION

4.1 The new powers have been promised for some eighteen months since the 2007 Act was passed. Although they come into effect in April 2009, the specific powers in relation to crime and disorder scrutiny have yet to be enacted. The regulations in relation to requiring information from others and on joint scrutiny have still to be issued, as has the guidance on the Councillor Call for Action.

5. RECOMMENDATION

5.1 The Panels are

RECOMMENDED

(a) to note the changes outlined in this report that take effect from 1st April 2009;

(b) to authorise the Head of Democratic and Central Services, after consultation with the appropriate Overview and Scrutiny Panel Chairman to determine whether a Councillor Call for Action shall be included on a Panel Agenda and which Panel is the most appropriate;

(c) to recommend the Corporate Governance Panel and Council to approve the changes to the Council Procedure Rules and Overview and Scrutiny Procedure Rules as set out in Annex A; and

(d) to approve the guide for the Councillor Call for Action in Annex B attached.

BACKGROUND INFORMATION

Statutory Instrument 2008 No. 3110 (C.134).
Councillor Call for Action Best Practice Guidance issued by the Centre for Public Scrutiny and the Improvement and Development Agency.

Contact Officer: A Roberts, Democratic Services Officer 01480 388015

Annex A

IMPLICATIONS OF THE COUNCILLOR CALL FOR ACTION PROCEDURE

Council Procedure Rules

Item 24 deals with items on committee agenda. It enables any member to place an item on the agenda for any meeting by giving notice to the Chief Executive or Director of Central Services. The officers' decision is also final as to whether an item should be included on an agenda.

The Councillor Call for Action contains statutory exclusions as to what items can be raised. Of necessity it must be dealt with differently.

It is therefore **recommended that -**

in the second and penultimate lines of paragraph 24 of the Council Procedure Rules, the words 'Overview and Scrutiny Panel' be deleted; and

a second paragraph be added to Item 24 to read 'Any member wishing to have an item placed on an agenda for a meeting of an Overview and Scrutiny Panel will comply with the Councillor Call for Action procedure, a guide to which is attached at Annex (iv).'

Overview and Scrutiny Procedure Rules

A number of changes are required to the Rules to reflect the changes introduced by the Local Government and Public Involvement in Health Act 2007.

Item 7 deals with agenda items. The references to the ability of a member to raise an item are no longer relevant.

It is **recommended that the first and second paragraphs of Item 7 be deleted and replaced by the following –**

'A member may raise an item on an Overview and Scrutiny Panel agenda in accordance with the Councillor Call for Action (CCfA) procedure. A member of a Panel may raise an item on an agenda for a meeting of that Panel which relates to the functions of that Panel. Any Member may raise an item on an agenda of a meeting of a relevant Panel if it relates to the discharge of any of the Council's functions or it affects that member's ward or any person who lives or works there. In certain circumstances a CCfA may be omitted from an agenda if it is an excluded matter. A guide to CCfA is attached to the Council Procedure Rules as annex (iv).'

Item 9 deals with reports from Overview and Scrutiny Panels. The 2007 Act has introduced a requirement for the Council and the Cabinet to respond to a report and recommendations by a Panel.

It is **recommended that the third paragraph of Item 9 be deleted and replaced by the following –**

'An Overview and Scrutiny Panel may choose to publish a report and recommendations.

‘An Overview and Scrutiny Panel must, by notice in writing, require the Council or Cabinet to consider the report and recommendations and respond indicating what action (if any) they propose to take. If the Overview and Scrutiny Panel has published its report and recommendations, the Council or Cabinet must publish their response within two months of receiving the Panel’s report or the notice (if later).’

Item 10 deals with the consideration of Overview and Scrutiny Panel reports. As a statutory timescale of two months for a response has been introduced, amendments are required to the text.

It is **recommended that the last sentence of the first paragraph of Item 10 be deleted and replaced by the following –**

‘The Council or the Cabinet shall respond to a report and recommendations of an Overview and Scrutiny Panel within 2 months of receiving the report or a written notice from the Panel requiring them to consider the report (if later).’

In the penultimate sentence of the third paragraph, the following words should be added ‘or the written notice (if later)’.

Annex B

HUNTINGDONSHIRE DISTRICT COUNCIL

A GUIDE TO THE COUNCILLOR CALL FOR ACTION

1. What is the Councillor Call for Action?

1.1 The Councillor's Call for Action (CCfA) provides an opportunity for a councillor to raise an issue at a meeting of one of the Council's Overview and Scrutiny Panels when it has not proved possible to resolve the matter in any other forum. It provides an opportunity for a matter to be discussed in a public forum and will augment the Council's overview and scrutiny role.

1.2 The guide has been prepared to offer assistance to a councillor who is thinking of pursuing a CCfA and has had regard to a best practice guidance booklet published by the Centre for Public Scrutiny and the Improvement and Development Agency. Statutory guidance may be issued by the Secretary of State which may necessitate change to this guide.

2. What is CCfA designed to achieve?

2.1 CCfA should be seen in the context of wider changes introduced to provide overview and scrutiny with greater powers to work more closely with partners and across organisational boundaries. It will enable councillors as the democratic representatives of their communities to raise issues that it has not been possible to resolve by other means.

2.2 CCfA should not be seen in isolation. It is part of a range of measures available to a ward councillor in support of his or her representative role, including the internal feedback process, petitions, call-in etc.

3. Who can raise a CCfA?

3.1 It is open to any councillor to raise a CCfA at a meeting of one of the Council's Overview and Scrutiny Panels. The councillor does not have to be a member of the relevant panel.

3.2 A councillor whose CCfA is listed on an agenda for a panel meeting will be invited and expected to attend that meeting to speak to the item.

4. What can be raised through a CCfA?

4.1 A councillor who is a member of an Overview and Scrutiny Panel can raise any matter that is within the terms of reference of that Panel. Any councillor can raise a local government matter with any of the Council's Overview and Scrutiny Panels. A local government matter can relate to the discharge of any function of the Council and, more locally, all or part of the councillor's ward or any person who lives or works in it. The latter is not restricted to the functions and responsibilities of the District Council. In line with the area focus of Comprehensive Area Assessment and the fact that the Council's duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership, a councillor can raise any issue

that relates to the economic, social and environmental well-being of his or her ward.

5. Is any matter excluded from a CCfA?

5.1 Yes. There are certain statutory exclusions from CCfA –

- any licensing or enforcement decision in relation to the sale or supply of alcohol, regulated entertainment or late night entertainment or any review of a decision;
- any planning or enforcement decision under the planning legislation;
- any matter relating to an individual or entity who has a right of recourse to a review or appeal under any enactment (excluding a right to make a complaint to the Local Government Ombudsman);
- a local crime and disorder matter (which is dealt with under different provisions); and
- any matter which is vexatious, discriminatory or not reasonable* for inclusion on an agenda or for discussion at a meeting of an Overview and Scrutiny Panel.

5.2 However a CCfA can be raised about licensing and planning decisions and where there is a right to review or appeal if the CCfA consists of an allegation that the authority responsible has failed to discharge the function or is failing on a systematic basis.

6. What other avenues are available to resolve an issue?

6.1 There is a wide range of both formal and informal avenues available that a councillor can use to influence change and resolve problems. These include –

- Motions on the agenda at full Council
- Written and oral questions at full Council
- Exercising the right to ask for items to be included on an agenda
- Organising a petition
- Organising a public meeting
- Informal discussions with officers or other councillors
- Liaison and discussions with councillors of other authorities, such as the County Council or relevant town or parish council
- Raising the issue at a neighbourhood forum
- Writing or e-mailing an officer or an officer of another authority on behalf of a constituent.

6.2 It is important to recognise CCfA as a last resort rather than the primary route to getting constituency issues resolved. It would be an unnecessary waste of resources if a councillor tried to deal with all constituency issues or matters of concern by raising them on an Overview and Scrutiny Panel agenda. A councillor should try to resolve matters informally or at a local level before considering whether to pursue a CCfA. Advice can be sought from the Scrutiny Manager on appropriate courses of action.

6.3 Care should be taken by a councillor not to offer definitive advice to a constituent about a particular issue which may lead to action or expenditure on the part of that constituent. Councillors are not insured to do so and any subsequent claim by a constituent that the advice was flawed could lead to embarrassment and costs.

7. How will the process work?

7.1 A councillor wishing to raise a CCfA should contact the Scrutiny Manager with the appropriate details not less than ten working days prior to the despatch of an agenda for the Overview and Scrutiny Panel on which the item is to be included. He or she should explain –

- The background to the CCfA
- What action the councillor has already taken to try to resolve the issue informally
- If the issue is being raised on behalf of a constituent, what action the constituent has taken to try to resolve the matter
- What resolution the councillor (or constituent) is seeking to achieve.

7.2 It is important to recognise that CCfA is not appropriate for an individual complaint, e.g. a complaint by an individual resident about a failure to collect refuse or about an incident in a leisure centre. Avenues for complaint already exist to deal with such matters through the Council's feedback procedure if a matter is not resolved to the satisfaction of the complainant. However scrutiny can become involved where it is felt that a series of complaints demonstrates a systematic failure in a particular service.

7.3 On receipt of the request, the Scrutiny Manager will obtain any further information thought to be necessary from the councillor, including any documentation that may be available, and his or her availability to attend the Panel meeting when the CCfA is to be raised. The Scrutiny Manager will consult with the Chairman of the relevant Overview and Scrutiny Panel as to whether the CCfA can be accepted or whether it should be excluded under the statutory criteria.

7.4 In considering whether to include the CCfA on an agenda, regard will be had to any representations made by the councillor in support of his or her request. The Head of Democratic and Central Services, after consultation with the appropriate Chairman has been authorised to determine whether a CCfA can be accepted and which Panel it should be considered by. If the CCfA is rejected, the councillor will be notified of the decision and the reasons for it.

7.5 The relevant executive councillor will be invited to attend the Panel meeting at which the CCfA is to be raised, together with a senior officer from the appropriate directorate or division.

7.6 When an item is raised at a Panel meeting, the councillor bringing the CCfA will be invited to speak to the Panel about the issue and what outcome is being sought. The Panel may –

- Challenge the expected outcome if it feels that this is unreasonable or inappropriate

- Seek further information from the councillor bringing the CCfA
- Invite the executive councillor or senior officer to respond to the issues raised by the councillor
- Decide to ask the executive councillor or senior officer to report back to a future meeting with further information, after investigating the issue raised
- Decide whether to invite a representative of a partner or other organisation to attend a future meeting if the CCfA relates to an issue that is the responsibility of that organisation and not the District Council
- Appoint a sub group to investigate the issue further and report back with recommendations
- Recommend the executive councillor or Cabinet to pursue a particular resolution to the CCfA
- Decide that it would be inappropriate to pursue the matter any further.

7.7 If the Panel decides to submit a report and/or recommendations either to the authority or the Cabinet, it will provide the councillor with a copy.

7.8 The decision of the Panel on the CCfA shall be final.

8. *Definitions

8.1 Any matter which is vexatious, discriminatory or not reasonable is excluded from CCfA.

8.2 'Vexatious' is defined in guidance to the Freedom of Information Act as 'Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause'.

8.3 Issues around persistency are also implied in this definition. However a persistent request may be entirely valid where it relates to a systematic problem. A request which some councillors may regard as vexatious for political reasons may be entirely reasonable.

8.4 'Discriminatory' is defined in the Equality Act as 'A person ("A") discriminates against another person ("B") for the purposes of this Part if on the grounds of the religion or belief of B or of any other person except A (whether or not it is also A's religion or belief) A treats B less favourably than he treats or would treat others (in cases where there is no material, difference in the relevant circumstances'. The definition can applied to other forms of discrimination for reasons of sex and/or race.

8.5 'Not reasonable' does not mean the same as unreasonable. It is best considered as a qualifier to the word 'vexatious' i.e. a vexatious request is likely to be not reasonable and vice versa.

This page is intentionally left blank

Elections Panel

Report of the meeting held on 25th March 2009

Matters for Decision

3. ELECTORAL CYCLE IN HUNTINGDONSHIRE

Further to Item No. 1 of their Report to the meeting of the Council held on 24th September 2008, the Panel has considered further the outcome of an internal consultation exercise undertaken with District Council Members on the Council's future electoral arrangements. At their last meeting Members were acquainted with details of an opportunity available to the District Council to move elections by thirds to whole Council elections and the associated financial implications of such a move.

Following consultation undertaken with District Council Members on potential changes to the electoral arrangements, the Panel has been advised that arising from the responses received the consensus of opinion was to make no change to the existing electoral arrangements.

Having discussed the relative merits and disadvantages of elections by thirds and by whole council, the Panel has agreed that no change will be made to the existing electoral arrangements but have asked that an investigation be undertaken via the Department for Communities and Local Government as to whether elections for the multi-member wards could be held on the same day every four years.

Having noted the associated budgetary implications of making no change to the existing arrangements, the Panel

RECOMMEND

that the Cabinet and Council make the necessary budgetary variation in the forthcoming Medium Term Plan to meet the associated costs of continuing to hold elections by thirds.

Matters for Information

4. PERIODIC ELECTORAL REVIEW - UPDATE

The Panel has received an update on progress of implementation of recommendations made following the conclusion of the review of parish arrangements in Huntingdonshire.

The Council has received a copy of a draft Huntingdonshire (Parishes) Order 2009 and following feedback to the Department for Communities and Local Government on its content, in particular the effective date of the Order, the Council is still awaiting details of its confirmation.

D Harty
Chairman