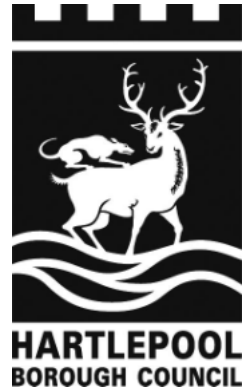


CONSTITUTION COMMITTEE AGENDA



Friday 16 July 2010

at 2.00 pm

in Committee Room 'C', Civic Centre, Hartlepool

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors: Aiken, C Akers-Belcher, Cook, Gibbon, Griffin, James, Morris, Preece, Richardson, Simmons.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 Minutes of the Constitution Committee – 11 June 2010
 - 3.2 Minutes of the Constitution Working Group held on 2 July 2010 *(to follow)*
- 4. ITEMS FOR CONSIDERATION**
 - 4.1 Summary Of The Coalition Government's Legislation Programme – *Chief Solicitor*
- 5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

11 June 2010

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Marjorie James (In the Chair)

Councillors: Martyn Aiken, Christopher Akers-Belcher, Rob Cook, Sheila Griffin and Chris Simmons.

In accordance with Council Procedure Rule 4.2 (ii) Councillor Allan Barday was in attendance as substitute for Councillor Carl Richardson and Councillor Ray Wells was in attendance as substitute for Councillor George Morris.

Officers: Peter Devlin, Chief Solicitor
Angela Hunter, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from The Mayor, Stuart Drummond and Councillor Steve Gibbon, George Morris and Carl Richardson.

2. Declarations of interest by Members

None.

3. Confirmation of minutes

- (i) Constitution Working Group – 21 May 2010 – confirmed.
- (ii) Constitution Working Group – 4 June 2010 – confirmed.
- (iii) Constitution Committee – 21 May 2010 – confirmed.

4. Matters arising from the minutes

The Chief Solicitor referred to the recommendation from the Constitution Working Group on 4 June 2010 in relation to the proposed increase in the membership of Planning Committee. Members requested that a Constitution Committee report be submitted to the next meeting of Council outlining the background to the request and seeking the endorsement of Council for the increase.

Decision

That the Democratic Services Team Manager draft a Constitution report in conjunction with the Chair and Vice Chair of the Constitution Committee to be submitted to the next meeting of Council in relation to the proposed increase in the membership of Planning Committee.

5. **Constitution Working Group/Constitution Committee Work Programme 2010-2011** *(Chief Solicitor)*

The Chief Solicitor presented a report which sought approval to the Work Programme for the Constitution Working Group and Constitution Committee for 2010/11. At the first meeting of the Constitution Committee in the 2009/10 municipal year, a work programme for the coming year had been considered. The report set out the topics which had been agreed by the Committee, the priority order and an update on progress.

The following items had been completed during the 2009/10 municipal year:

Crime and Disorder Committee
Member questions at Council
Reporting Mechanisms – Standards Committee

The Chief Solicitor highlighted that following the Extraordinary Council held on 10 June 2010, Members had requested that the Local Democracy Bill, including the provision for the submission of petitions be reviewed by the Constitution Working Group and Constitution Committee.

The remaining items from the 2009/10 Work Programme would roll forward to be included on the 2010/11 Work Programme. A lengthy discussion ensued on the following topics which were either already included or were to be considered for inclusion on the 2010/11 Work Programme.

Decentralisation and Localism Bill – Members were keen to see this issue considered as they were concerned that the proposed changes to certain decision making powers would impact on the openness, transparency and democracy within certain decision making bodies. Reference was also made to the proposal to log all individual items purchased by the Council exceeding £500.

Local Strategic Partnership (LSP) – Members wished to discuss how decisions were progressed through and the relationship between the LSP, Cabinet and Council.

Review of Delegated Authority Scheme – Members sought clarification on when a report would be submitted which would include the delegated authorities contained within the new structure. The Chief Solicitor indicated that the report would be submitted to the next meeting of the Constitution Working Group to support Members' consideration.

ICT Provision to Members – Members were disappointed that the roll out of ICT provision had not progressed as they had hoped and they suggested that a review of the provision required be undertaken with a view to providing a more cost effective and appropriate ICT provision to Members. It was suggested that any Members' ICT equipment due for a technology refresh be identified to enable a decision to be made on whether it was cost effective to undertake that refresh in view of the review of ICT provision to be undertaken. In view of Members' concerns it was suggested that a briefing note be provided to the next meeting of the Constitution Working Group outlining progress on the roll out of ICT provision to Members.

Reporting Mechanisms – General Purposes Committee – Members discussed a number of concerns they had on the operation of the General Purposes Committee and the Appeals and Staffing Committee. It was noted that as the review of this Committee was on-going, to date, no recommendations had been submitted to Council for approval. Members considered that although the review was continuing, there were several recommendations that could be progressed with immediate effect. Firstly, where an Executive Members were appointed to an Appeals and Staffing Committee to consider early retirement decisions, they will be ex-officio non-voting Members. This was in light of their possible earlier participation in the Executive decision to make that particular post redundant.

It was noted that current working practice of the Appeals and Staffing Committee required a Chair of another regulatory committee to Chair an Appeals and Staffing Committee should the standing Chair be unavailable. It was suggested that as with all other Committees of the Council, the General Purposes Committee should appoint a Vice Chair from within the membership of the Committee to undertake the Chair's duties when they were unavailable. In addition, the position of Vice Chair of General Purposes Committee would be included within the annual proportionality calculations commencing 2011/12. As the discussion progressed, it was noted that although there was no requirement for Members of the Committee to be trained, Members suggested it would be beneficial for training to be made available to Members of the Committee to ensure they could participate fully as there could be some very complex issues discussed at Staffing and Appeals Committees, including pension arrangements.

In conclusion, the following items were added to the 2010/11 Work Programme:

Members ICT provision
Local Democracy Bill – Petition Scheme
Decentralisation and Localism Bill

Decision

- 1) That the Work Programme of the Constitution Working Group and Constitution Committee for 2010/11 include the following topics:

Review of Delegated Authority Scheme
Local Strategic Partnership
Petition Scheme
Local Democracy Bill – Petition Scheme
Members' ICT Provision
Decentralisation and Localism Bill
Council Procedure Rules
Webcasting of Council Committees
Reporting Mechanisms – General Purposes Committee

- 2) That as part of the ongoing review of the General Purposes Committee, a report be submitted to Council to seek approval for the following recommendations in relation to the operation of General Purposes Committee:
 - i) That General Purposes Committee appoint a Vice Chair from within its membership to undertake the Chair's duties in the absence of the Chair and that this position form part of the annual proportionality calculations. Should the Chair and Vice Chair be unavailable, a Chair be appointed from within the membership of the Committee in attendance.
 - ii) That where the membership of the General Purposes (Appeals and Staffing) Committee is to be increased to seven for the consideration of early retirement decisions, that the additional Executive Members be ex-officio non-voting Members and that Part 3 of the Constitution is amended accordingly.
 - iii) That Workforce Development arrange training to be available to all Members of the General Purposes Committee as soon as practicable after appointments made at Annual Council to cover all aspects of the Appeals and Staffing Committee.
- 3) That the Chief Solicitor submit a report on the Scheme of Delegation to the next meeting of the Constitution Working Group.
- 4) That a briefing note be submitted to the next meeting of the Constitution Working Group outlining the progress made in the roll out of ICT provision to Members.

The meeting concluded at 3.35 pm

CHAIR

CONSTITUTION COMMITTEE

16 July 2010



Report of: Chief Solicitor

Subject: SUMMARY OF THE COALITION GOVERNMENT'S
LEGISLATION PROGRAMME

1. INTRODUCTION

- 1.1 The Queen's speech on 25th May, 2010 covered the principles of the coalition government's legislative programme "Freedom, Fairness, Responsibility". This programme contains over 21 Bills and a 500 day initiative to change Britain and built it into a strong and fair society. The main focus of this programme, is a reduction of the deficit and restoration of economic growth. Accordingly, the Queen's speech made reference to "the Big Society" through reforming public services and encouraging individual and social responsibility.
- 1.2 It appears that the key legislation will be published prior to the summer recess in late July. However, there is an accent upon certain "key" Bills being progressed, not least the Academies Bill, which would allow more schools to become Academies leading to greater educational reform. Further, a Parliamentary Bill would make proposals for fixed term Parliaments, a referendum (currently planned for 5th May, 2011) on electoral reform and greater transparency in respect of MPs activities.
- 1.3 Following the summer recess, it appears there will be a focus on reforming state and public services, which will also include a Health Bill, and a further Schools Bill based upon the Swedish model of "free schools" to increase the number of state education providers, including parent groups.

2. MAIN AREAS OF LEGISLATION

- 2.1 A list of the Bills included within this legislative programme are as follows;
- Office for Budget Responsibility Bill
 - Welfare Reform Bill
 - Pensions and Savings Bill
 - National Insurance Contributions Bill

- Financial Services Regulation Bill
- Postal Services Bill
- Energy, Security and Green Economy Bill
- Academies Bill
- Education and Children's Bill
- Health Bill
- Police Reform and Social Responsibility Bill
- Public Bodies (Reform) Bill
- Decentralisation and Localism Bill
- Local Government Bill
- Parliamentary Reform Bill
- Parliamentary Privilege (Draft Bill)
- Freedom (Greater Appeal) Bill

2.2 Of particular note, within the above "list" are the following items of intended legislation, for the information of Members of the Committee.

(i) Academies Bill

This particular Bill is intended to give greater powers to control budgets, staffing, admissions and discipline policies, to allow schools to become Academies. This is likely to result in an increase in profit making companies (although the development of not for profit trusts cannot be discounted) to whom these institutions can seek the provision of services. In relation to the Academies programme, there will be less onus upon consultation and a simplified method of establishing Academies with the inclusion of applications both from primary and special schools.

(ii) The Education and Children's Bill

This Bill is intended to provide schools with greater freedom in respect of their curriculum and greater powers for Head Teachers in respect of discipline. It seems likely that there will also be subsequent changes to staffing and employment arrangements. This provision and the one above, is intended to promote Academies, with the intention for "outstanding" schools to be operational as Academies by September, 2010. This will of course require legislative changes to Teachers terms and conditions of employment and a clear definition surrounding funding and management of such institutions.

(iii) Political Reform Bill

This particular provision is intended to introduce fixed term Parliaments with the next General Election to be set for 7th May, 2015. Following a referendum, changes to the election system would see the possible introduction of an alternative voting system and greater security around voter registration. There will also be a power give to constituents to take action against MPs found guilty of serious wrongdoing.

(iv) Health Bill

This legislation is intended to establish an independent NHS Board to allocate resources and provide guidance on commissioning. This would raise issues in the context of the “Total Place” theme and existing shared service arrangements. This will therefore affect those staff who have been seconded or transferred to other organisations by virtue of such arrangements.

(v) Police Reform and Social Responsibility Bill

This is designed to create directly elected individuals (Commissioners) to hold the Police to account. The legislation is also intended to tackle alcohol related violence and anti-social behaviour. This will again see a movement away from the traditional manner in which a Police Force and a Police Authority operate through the vesting of power in key individuals. It is also intended, that there will be a new Licensing Act to tackle alcohol related violence and anti-social behaviour by giving greater powers to a local authority and the Police to take action where under aged drinking is a persistent problem.

(vi) The Local Government Bill and the Decentralisation and Localism Bill

The government intends to create a “Big Society” through citizens contributions. The objective is of empowering citizens and bringing communities together to create a stronger society with support for the vulnerable. It therefore seeks to combine the Conservative commitment to strengthening families and encouraging social responsibility with the Liberal Democrats view of importance for protecting civil liberties and reducing the involvement of the state in individual's lives. There is a commitment to decentralisation as seen with the current review of local government finance and the review of the comprehensive area assessment process. It will need to be seen, the terms in which future inspection and audit arrangements will operate within the context of local government. The government has also said it intends to explore options to bring empty housing into use, promote shared ownership schemes and help social tenants own their homes and create trusts where communities can provide for local people. This would be linked to a review of housing finance arrangements with powers given to local communities to save local facilities services threatened with closure and also allow local communities to take over the running of services. This would be achieved through co-operatives or social enterprise arrangements. It is also intended that there will be this greater devolution of powers to Council's and neighbourhoods, with particular accent upon planning and housing decisions.

(vii) The Freedom (Greater Appeal) Bill

This provision will limit the circumstances in which records may be kept, regulate the use of CCTV and the use of surveillance which it is anticipated will require approval from a Magistrate rather than the current internal approval system for the authorisation of directed surveillance.

(viii) Energy Bill

The purpose of the Energy Bill is to improve efficiency in homes and businesses, including a proposal for a green investment bank.

3. SUMMARY

- 3.1 The most significant elements of the above proposals is the commitment to reduce public sector expenditure and devolution of decision making to a local model involving communities. This will require local authorities to assess and undertake a review of current governance arrangements to ensure that authorities are flexible enough to accommodate such proposed changes. Further, it will be necessary to review existing contractual arrangements as appropriate, to see what commercial and practical effects such changes would have to those arrangements.

4. RECOMMENDATION

- 4.1 For Members to note and discuss.

5. CONTACT OFFICER

Peter Devlin, Chief Solicitor