

**COUNCIL
22 SEPTEMBER 2022**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: CONSTITUTIONAL AMENDMENT / PANEL APPROVAL & APPOINTMENT REPORT

REPORT OF: THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: THE LEADER OF THE COUNCIL: COUNCILLOR ELIZABETH DENNIS-HARBURG

COUNCIL PRIORITY: A brighter future together

1. EXECUTIVE SUMMARY

- 1.1 Further to the report in July this report covers the Transport Panel proposed to replace the Place Panel and Public Transport Users' Forum (and associated wording for the other Panels), changes for Service Director responsibility and an issue raised regarding one of the Procedure Rule (our Standing Orders).

2. RECOMMENDATIONS

- That Full Council
- 2.1. approves the amendments detailed in Appendix A, and the Transport Panel's Terms of Reference Appendix B;
- 2.2. approves the Member appointments (and Co-Chairs to the extent necessary) to the Transport Panel, as detailed at 8.3-8.4.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To reflect good decision making practice, reflect changes to Service Director's responsibilities and the review of the Panel arrangements to keep them up to date.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The administration has been made aware of the Service Director changes and the Panel's Terms of reference were drafted following consultation with the Leader, Deputy Leader and proposed co-chair.
- 5.2. The Shadow Group Leader was also aware of the proposals regarding the Panel. The members of the Public Transport User Group Forum were contacted via email 15 August to consult on the proposed changes to the Forum to the Panel. The members of the Forum were given until 12 September to respond. No responses were received for or against the proposed changes.
- 5.3. As part of the Legal & Community Action plan preparation for 2022-2026, the Executive and Deputy Member were consulted in March 2022 regarding the annual Constitutional

review. A request was made to include a review of the legal requirements for Members being present throughout the debate to be able to vote (Council Procedure Rule 4.8.23(a)). The Part 2 report and Mr Peter Oldham KC's advice covers this point and if Members are minded to propose the removal of the Rule, then Members should consider that report and the advice before coming to a decision.

- 5.4. A draft of this report and the Part 2 has been considered confidentially by the internal Political Liaison Board meeting on 7 September.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision, it is a Full Council decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 Following the report of July to Full Council, further changes have been made following consultation with staff and certain service areas moved to different Directorates. This is reflected in Appendix A for approval.

- 7.2 With reference to Transport Panel, as set out in the report to Council of 14 July 2022, further work was being undertaken and approval is now sought for the Terms of Reference as detailed in Appendix A and B and for the Member appointments detailed below – which are put forward following liaison with the Group Leaders.

- 7.3 As part of the Legal & Community Engagement Action Plan for 2022-23, following consultation with the Executive and Deputy Members for Community Engagement, the review of Council Procedure Rule 4.8.23(a) was proposed, due to take place July – September 2022.

- 7.4 Procedure Rule 4.8.24(a) provides as follows:

4.8.23 Decision Making

(a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present for the entirety of the debate and consideration of that item.

8. RELEVANT CONSIDERATIONS

- 8.1. The proposed amendments set out in Appendix A to this report reflect reasons for the proposed change and those who have identified them (where relevant).
- 8.2. The 9 Transport Panel Membership (& Co-Chairs) and substitutes for the remainder of 2022/23 municipal year to be as follows (Membership proportionality alphabetically as follows: Conservatives 4; Labour & Co-operative 3; Liberal Democrats 2. Each party having 2 named substitutes):

Members:

Conservatives – Cllr Ian Moody, Cllr Mandi Tandi, Cllr David Levett, Cllr Michael Muir

Liberal Democrats - Cllr Ruth Brown & Cllr Sam Collins

Labour & Co-operative - Cllr Sean Nolan, Cllr Ian Mantle, Cllr Alistair Willoughby

Substitutes

Conservatives – Cllr Morgan Derbyshire, Cllr Claire Strong

Liberal Democrats - Cllr Keith Hoskins & Cllr Phil Weeder

Labour & Co-operative - Cllr Val Bryant & Cllr Nigel Mason

8.3 Co-Chairs of the Panel: **Cllr Ruth Brown & Cllr Sam Collins.**

8.4 In respect of Procedure Rule 4.8.24(a), having considered the issues set out in the Part 2 report, and Mr Peter Oldham QC's advice, the recommendation is to retain this Rule.

9. LEGAL IMPLICATIONS

9.1. Full Council's terms of reference include "approving or adopting the Policy Framework". The Policy Framework includes the Constitution.

9.2. Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from this decision.

11. RISK IMPLICATIONS

11.1. Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 In respect of recommendation 2.1, this is considered in the Part 2 report.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and "go local" requirements do not apply to this decision as this is not a procurement exercise or contract.

14. HUMAN RESOURCE IMPLICATIONS

14.1 Two of the changes in this report (detailed in Appendix A) relate to moving responsibilities between Directorates. All affected staff have been fully consulted and agreed to the changes.

15. ENVIRONMENTAL IMPLICATIONS

15.1 None from the amendments proposed.

16. APPENDICES

16.1 Appendix A – schedule of proposed changes.

16.2 Appendix B – Cabinet Panel: Transport

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

17.1 Constitution see web-page <https://www.north-herts.gov.uk/council-constitution>