



**Sevenoaks**  
DISTRICT COUNCIL  
Despatched: 18.02.15

**GOVERNANCE COMMITTEE**  
**26 February 2015 at 7.00 pm**  
**Conference Room, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Pett Vice-Chairman: Cllr. McGarvey  
Cllrs. Ms. Chetram, Mrs. Clark, Fittock, London and Walshe

	<b><u>Pages</u></b>	<b><u>Contact</u></b>
<b>Apologies for Absence</b>		
1. <b>Minutes</b> To agree the Minutes of the meeting of the Committee held on 18 September 2014, as a correct record.	(Pages 1 - 4)	
2. <b>Declarations of Interest</b> Any interest not already registered		
3. <b>Actions arising from the last meeting</b>	(Pages 5 - 6)	
4. <b>Individual Electoral Registration</b>	(Pages 7 - 22)	Christian Everett Tel: 01732 227243
5. <b>The Local Government (Electronic Communications) (England) Order 2015</b>	(Pages 23 - 26)	Philippa Gibbs Tel: 01732 227247
6. <b>Arrangements for Member Induction and Training</b>	(Pages 27 - 30)	Philippa Gibbs Tel: 01732 227247
7. <b>Future Report on Governance Arrangements</b>	(Pages 31 - 54)	Christine Nuttall Tel: 01732 227245
8. <b>Work Plan</b>	(Pages 55 - 56)	

**EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format

please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

**GOVERNANCE COMMITTEE**

Minutes of the meeting held on 18 September 2014 commencing at 7.00 pm

Present: Cllr. Pett (Chairman)

Cllr. McGarvey (Vice Chairman)

Cllrs. Mrs. Clark, Fittock and Walshe

An apology for absence was received from Cllr. Ms. Chetram

8. Minutes

Resolved: That the minutes of the meeting of the Governance Committee held on 10 July 2014 be approved and signed as a correct record.

9. Declarations of Interest

No additional declarations were made.

10. Actions arising from the last meeting

There were none.

11. Governance Review

Members considered the report which advised that the District Council's draft recommendations for changes to the warding of Shoreham Parish and a change to the boundary between the parishes of Chevening and Sevenoaks Weald had been published on 30 July 2014, and the consultation period had closed on 29 August 2014. The Electoral Services Manager reported that no representations had been received, and that there had been no opposition to the proposals submitted by Shoreham Parish to create a new ward of Romney Street.

The report also outlined the proposal to amend the boundary between Chevening and Sevenoaks Weald Parishes in the vicinity of Bowzell Green, and advised that the consequential change to the Brasted, Chevening & Sundridge and Seal & Weald Wards of the District Council would be dealt with by The Boundary Commission and along with everything else, come into effect at the joint District Council and Parish Councils elections on 7 May 2015. The next stage of the review was for the District Council to publish its final recommendations by the end of November 2014.

One of the recommendations of the report was that the number of parish councillors for the Romney Street Ward, the Shoreham Ward and The Well Hill Hundreds Ward of the Parish of Shoreham be 1, 6 and 1 respectively. Some Members had been lobbied outside of the consultation period that it would be more appropriate to be 1, 5, 2 respectively, which would more fairly represent constituents. The current

## Agenda Item 1

### Governance Committee - 18 September 2014

recommendation was that one Councillor would represent 159 in the Romney Street Ward; 6 would represent the 713 people of Shoreham (119 constituents per representative); and 211 constituents of Well Hill Hundreds Ward would have one Councillor. The alternative suggestion would be 1 representative for 159 constituents; 5 representing 143 each; and 2 representing 106 each.

The Chairman pointed out that this information had missed the consultation period in which no objections had been raised, and pointed out that if Members were minded to change the recommendation it would need to go back out to consultation and would therefore not be in place ready for the publication of the register on 28 November 2014 ready for the election on 7 May 2015.

Members queried how the publication of the register affected the decision, and how long any further consultation would take.

*Action 1: The Electoral Services Manager to find out how long any further consultation would take if Members were minded to go with the suggestion of 1, 5, 2.*

#### Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Council that

- a) following consultation on the District Council's draft recommendation, a Romney Street Ward be created in the Parish of Shoreham;
- b) following consultation on the District Council's draft recommendation, the number of parish councillors for the Romney Street Ward, the Shoreham Ward and The Well Hill Hundreds Ward of the Parish of Shoreham be 1, 6 and 1 respectively; and
- c) following consultation on the District Council's draft recommendation, the boundary between the parishes of Chevening and Sevenoaks Weald be amended in the vicinity of Bowzell Green.

#### 12. Governance Arrangements

The Committee had been tasked with continuing to investigate future Governance arrangements in general to allow newly elected Members in 2015 to consider future governance. The Chief Officer Legal & Governance presented a report setting out some research carried out on behalf of the Committee further to the previous meeting, on the advantages and disadvantages of the Committee System and the Leader and Cabinet System.

The Chief Officer Legal & Governance advised that the majority of Councils were still operating under the Cabinet style of governance which included the whole of Kent except that Canterbury City Council had passed a resolution to revert back to the Committee system which would be actioned at the next Annual Council in 2015. Sevenoaks Council had adopted in 2013 a hybrid model, with five Cabinet Advisory Committees although

this was still essentially a Leader and Cabinet Executive governance system. The new hybrid model had been reviewed by the Governance Committee over the following year which involved Member consultations resulting in some changes being made for the municipal year 2014/15. The most notable of these changes was the complete separation of the scrutiny function. The changes had alleviated some of the concerns that Members had voiced as set out in paragraph 8 of the report.

Councillor Walshe reported that he had spoken with the Leader of the London Borough of Sutton, which had changed to a committee system in 2012, who was happy for the Committee to visit and speak with him about the experience and advantages as they saw them. The Leader there had advised that apart from set up costs, it had not been administratively more expensive.

Members noted that if a committee structure was sought it would tie the next Council to the structure for five years. It was thought that the changes made to the present structure at Annual Council had seen an improvement. It was agreed that further correspondence with the London Borough of Sutton was worth pursuing.

Resolved: That

- a) following Council's recommendation on 1 April 2014, that the Governance Committee continue to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance;
- b) the information and research taken place to date as set out in this report, be noted; and
- c) further research be undertaken with particular reference to the contact made with London Borough of Sutton and the research results from Cornwall's independent review carried out in 2011/12, for a final recommendation and report to the meeting in February 2015.

### 13. Recording and The Openness of Local Government Bodies Regulations 2014

The Chief Officer Legal & Governance presented a report advising on the successful recording of Full Council on a trial basis and asking the Committee to consider and recommend to Council the roll out of recording all meetings of Full Council, Development Control and Licensing Hearings along with the draft protocol agreed at Council on 1 April 2014.

The report also advised that following the implementation of The Openness of Local Government Bodies Regulations 2014 the public were now allowed to report all meetings via social media of any kind such as tweeting, blogging or via Facebook including the filming of meetings. The Regulations also required the Council to make publicly available a 'decision record' of certain decisions which officers had taken on behalf of the council.

It was noted that the Openness of Local Government Bodies Regulations 2014 also applied to Town and Parish Council's and Members were concerned as to their awareness of this.

## Agenda Item 1

### **Governance Committee - 18 September 2014**

*Action 2: The Chief Officer Legal & Governance to circulate a link to the report bringing the Town and Parish Council's attention to the new regulations.*

Resolved: That it be recommended to Council that

- a) following Full Council being successfully recorded on a trial basis all meetings of Full Council, Development Control Committee and Licensing Hearings be recorded from now on;
- b) Officers be given discretion to record such other public meetings of the Council, the Cabinet and their committees, sub-committees or joint committees as they see fit; and
- c) following the implementation of The Openness of Local Government Bodies Regulations 2014, the amendments to the Constitution together with a Protocol on Reporting on Meetings as set out at Appendix B to the report, be approved.

#### 14. Work Plan

The work plan was noted. Members discussed whether a meeting in November was required. It was agreed that the date be kept for the moment and reassessed nearer the time.

THE MEETING WAS CONCLUDED AT 7.53 PM

CHAIRMAN

**ACTIONS FROM THE MEETING HELD ON 18 SEPTEMBER 2014**

<b>Action</b>	<b>Description</b>	<b>Status as at 10.10.14</b>	<b>Contact Officer</b>
ACTION 1	The Electoral Services Manager to find out how long any further consultation would take if Members were minded to go with the suggestion of 1, 5, 2.	Email sent 10.10.14  With regard to how long any further consultation would take, there is no statutory time frame. However, a reasonable minimum period would be twelve weeks. The combined consultation period throughout this Community Governance Review was twelve weeks.	C Everett

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## INDIVIDUAL ELECTORAL REGISTRATION

### Governance Committee – 26 February 2015

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

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**Executive Summary:** This report provides a summary of the change to Individual Electoral Registration and an update on the current situation.

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**This report supports the Key Aim of** – Effective use of council resources

**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Christian Everett Ext. 7243

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**Recommendation to Governance Committee:** That the committee note the current position of Individual Electoral Registration.

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**Reason for recommendation:** To provide members with an update on Individual Electoral Registration.

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### Introduction and Background

- 1 The Electoral Registration and Administration Act 2013 introduced Individual Electoral Registration (IER), which is the most significant change to the electoral registration system for 100 years. The change is aimed at tackling perceived electoral fraud and improving both the perception and the integrity of the registration process. Individual Electoral Registration is also intended to provide a more convenient, secure and modern way for individuals to register and thereby maximise both the accuracy and completeness of the electoral register. IER provides the ability for residents to register online.
- 2 The Cabinet Office and the Electoral Commission published an IER guide for Members in June 2014, and an update in December. These documents are attached at Appendices A and B.

### Government Responsibility

- 3 The Cabinet Office is responsible for the roll out of IER and put in place Regional Delivery Managers and County Leads who acted as intermediaries between local authorities and the Cabinet Office.

## Agenda Item 4

### Registration

- 4 Members will be familiar with the previous system of electoral registration and the annual canvass form which was sent to every residential property in the District. One person in the household was then responsible for completing this, in order to register everyone who lived at that address.
- 5 With the introduction of IER, each person wishing to be entered on the Electoral Register is required to register to vote individually, rather than by household. In addition, residents are asked to provide identifying information, such as a date of birth and national insurance number. This enables their application to be verified with the Department for Work and Pension's (DWP) records before they are added to the register. In specific circumstances people who cannot provide this information may prove their identity using an alternative form of evidence such as a passport or driving licence. (Registration can be done online or by form.)

### Introduction of IER

- 6 Following the going live of IER, on 16th June 2014 the Register of Electors was sent to the DWP for data matching against their records. Of approx. 90,000 electors on the Register, 83% (some 74,700) were successfully verified against the DWP records and registered automatically. They subsequently received Confirmation Letters that they had been registered under IER.
- 7 The remaining 17% (some 15,300) electors' details were not successfully verified with the DWP. They were subsequently sent Invitations to Register (ITR), which asked them to provide details of their National Insurance Number and their date of birth so that they could be re-checked and successfully verified against the DWP's records.
- 8 As part of the transition to IER the regulations provide that all electors' registered before IER are all transferred to the new IER Register until December 2015, enabling them all to vote in the May elections whether they have been confirmed by data matching or not. The only proviso to this is that those who are unmatched and were previously registered as Postal or Proxy voters lose this status. This means that, unless they can provide the required evidence to be data matched before May, they will only be able to vote in person at that time.
- 9 There were some 400 cases in this category, and the Elections Team processed all of these individually in order to make sure they were aware of the situation and to help them to become fully registered under IER.
- 10 It is the case that any elector on the Register not verified under IER cannot be given a Postal or Proxy vote and can only vote in person at the May elections. Also, all of these electors will subsequently fall off the Register unless they become data matched under IER.

### **Ongoing Registration work**

- 11 As part of the new requirements, non responses to ITRs must be followed up with two reminders sent to the relevant elector and/or property respectively. Personal canvassing was also carried out during the Autumn 2014 'Transitional Canvass'.
- 12 On the completion of the canvass on 28<sup>th</sup> November 2014 a new annually revised register of electors was published which comprised all those who made successful individual applications and those on the Spring 2014 register who had not yet reapplied under IER.
- 13 At the time of writing this report there are only 1,313 (1.5%) voters on the Register who have not been verified under IER, reduced considerably from the figure arising from the initial data matching exercise. Work is ongoing to target these electors to ensure those entitled to be registered provide the necessary evidence to be IER registered.
- 14 A mini-canvass is in the process of being carried out during February, with letters being sent to every household listing the voters registered. This is to help ensure the Register is as up to date and accurate as possible ready for the May elections.
- 15 The Elections Team has also been visiting and working with Care Homes in the District in order to pick up these often hard to reach electors.

### **Electoral Services with Business as Usual**

- 16 Electoral Services have experienced a significant increase in its workload since the introduction of IER. Registration is now an all year process and involves sending reminders and conducting a personal visit in the event that a resident fails to respond to letters. This has inevitably led to a significant increase in the number of procedures to follow, the number of different work streams under way at any given moment and an increase in documents to produce in comparison to the previous Electoral Registration system, which of course has financial implications.
- 17 The ongoing function of IER has been termed nationally as 'Business as Usual' or (BAU). By 2016 it is expected that the new system will be embedded and in place. It is certain that a point in time will come when Cabinet Office will withdraw entirely from IER, this could be as early as the end of 2016.

### **Key Implications**

#### Financial

Funding has been received from the Government for the introduction of IER (some £57,000) to date. This is distributed upon a formulae basis. There is no guarantee that support will continue in to the future.

In addition a grant of some £11,400 has been received towards the cost of the mini-canvass currently in progress.

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### Legal Implications and Risk Assessment Statement.

It is imperative that the new legislation under The Electoral Registration and Administration Act 2013 is followed. Cabinet Office have provided risk assessment templates for the transition to IER and these templates have been kept up to date.

Additionally the audit team at Sevenoaks District Council are conducting an internal audit of our transition to IER in 2 phases. The first phase (the introduction of IER) is complete. The second phase will commence in February and will focus on how IER affects the May 2015 elections.

### Equality Assessment

No Equality implications.

### **Conclusions**

The introduction of IER has had a large impact on electoral registration practices within the Electoral Services team and there has been a financial implication which has largely been met by the Cabinet Office. Electors have had to adjust to the change in the registration system and complaints have been minimal. A write out to all electors commenced at the end of January in order to secure the accuracy of the register for the May 2015 elections. In the short term future Cabinet Office Support for IER will cease and effectively IER under 'business as usual' will be the system of electoral registration.

### **Appendices**

Appendix A – Individual Electoral Registration the transition A guide for Members

Appendix B – Individual Electoral Registration Update A Guide for Members December 2014

### **Background Papers:**

[The Electoral Registration and Administration Act 2013](#)

**Christine Nuttall**  
**Chief Officer Legal and Governance**



Cabinet Office

The  
Electoral  
Commission



# Individual Electoral Registration: the transition



A guide for  
Members

# IER: key information

This leaflet gives you key information about Individual Electoral Registration (IER) – the biggest change to how people register to vote in almost a hundred years.

It covers:

- how IER works
- what will change and when
- answers to the big questions about IER
- where to find out more information

### What is IER?

Instead of using a household form to register to vote, everyone will take individual responsibility for their own registration.

In order to apply, a person will need to provide their National Insurance Number and date of birth. This will be used to verify that the person making the application is who they say they are and will in turn reduce the risk of fraud and inaccurate entries on the register.

With IER, for the first time, people will also be able to register online. IER will make registering to vote safer and more convenient.

### Key dates

**10 June 2014** IER is introduced in England and Wales

**19 September 2014** IER is introduced in Scotland



## How IER will work

From June (or September in Scotland) any new application to register will be made individually. It can be made online at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) or on a paper form.

Applications will be checked against government records before they can be added to the register. An IER Digital Service has been created to support Electoral Registration Officers carrying this out.

All currently registered electors will have their name and address checked against government records so that they can be confirmed under IER. The vast majority of those on the register will confirm and will be automatically transferred to the 'IER register' without having to do anything.

Each currently registered elector will then receive a letter from their local Electoral Registration Officer to let them know that either:

- they have confirmed and been successfully transferred to the 'IER register' and do not need to do anything further

or

- they need to provide additional information to their Electoral Registration Officer in order to be registered under IER.

From July the Electoral Commission will run a national IER publicity campaign encouraging people to look out for their letter.

More work will be done by local Electoral Registration Officers to ensure that everyone who should be on the register has had a chance to apply, and they will also check that their register is accurate.

Revised registers will be published in December 2014 for England and Wales and in February 2015 for Scotland. Anybody that successfully applied to go on the register at the last pre IER canvass (2013/14), or subsequently, will not be removed from the register before December 2015.



# Your questions about IER

### **What happens if an elector does not apply to register under IER when invited?**

- Those people who applied to go on the register in the last canvass (2013/14), or subsequently, and do not provide additional information when asked to do so by their Electoral Registration Officer will be **carried forward** to the new register but will lose their ability to vote by post or proxy. They will, however, remain on the register and do not lose their ability to vote at a polling station in the 2015 UK General Election.

### **Can electors still use postal and proxy vote?**

- Anyone wishing to vote by post or proxy at the 2015 General Election will have to be registered under IER. Postal and proxy voters will be notified by their local authority after 10 June (or September in Scotland) that either they have successfully transferred to the 'IER register' or they will need to provide additional information to retain their postal or proxy vote.

### **Will overseas voters be able to register with IER?**

- Yes. All eligible British citizens living overseas are encouraged to register to vote – they can do so at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote). The overseas voting process has also been improved by extending the electoral timetable for UK Parliamentary elections.





## Your questions about IER

### **What is being done to help get under-registered groups on the register?**

- £4.2 million has been allocated to help improve registration among certain groups of electors, such as students, home movers, tenants and overseas electors.

### **How will electors find out about these changes?**

- The Electoral Commission is running a national IER publicity campaign from July to let electors know about the implementation of IER. The campaign will target under-registered groups.

### **Will the registration forms change?**

- There will be new IER forms that all authorities must use once IER is live. The Electoral Commission has designed the IER forms to meet a wide range of accessibility needs. For the first time it will be possible to apply to register online, simply and quickly, at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote).

### **Will the IER system be safe?**

- The IER Digital Service has been developed and delivered according to government best practice for Information Security. It is subject to regular and robust 'health checks' and is accredited by an independent Information Assurance Accreditor.

### **How is IER being funded?**

- The Government is fully funding the cost of IER, including the transition cost to local authorities.



## Agenda Item 4

### How will the IER service be supported?

- All local authority electoral services teams have benefitted from the support of the Electoral Commission and the Cabinet Office in their planning and preparations, including a range of appropriate training in the implementation of IER and a full suite of written guidance for EROs produced by the Electoral Commission. In addition, during and after IER goes live the Cabinet Office and the Electoral Commission will be providing comprehensive support to local authority electoral services teams.

## Find out more

### For you and your council

The Cabinet Office has a team of Delivery Managers who work closely with your Electoral Registration Officer and electoral service team to ensure your council is ready to go live.

If you want an update on IER please contact the Cabinet Office on [erodelivery@cabinet-office.gsi.gov.uk](mailto:erodelivery@cabinet-office.gsi.gov.uk).

### For electors

As well as running a national publicity campaign, the Electoral Commission is supporting your council with a range of resources. Your council knows its electors best and has been given funding to support its own local communications campaigns.

Information about IER for electors will be available from:

**[www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)**





Cabinet Office

The  
Electoral  
Commission

# Individual Electoral Registration: Update

A Guide for Members  
December 2014

## IER: the transition

In 2014 one of the most significant changes in electoral administration for almost 100 years took place when Individual Electoral Registration (IER) was introduced on 10 June in England and Wales and 19 September in Scotland.

Eligible members of the public now need to register to vote individually, whereas under the previous system a 'head of household' completed a registration form on behalf of all members of the household.

This change has been consulted upon widely, extensively debated in Parliament, and is supported by all main political parties and non-party bodies concerned with the running of elections, as well as the Information Commissioner.

IER has been designed to help tackle the perception of electoral fraud and improve confidence in our democracy. It is a modernised system, fit for the 21<sup>st</sup> century, which will help improve the accuracy and completeness of electoral registers.

IER gives people more control and ownership over the process. The new system helps to verify that everyone on the register is who they say they are.

For the first time, people can make their application to register by using a quick, easy and secure online facility. It takes as little as three minutes to apply online – electors simply need to provide their name, address, date of birth and National Insurance number. To date, over four million people have applied to register under IER.



## How IER works

New applications to register must now be made individually, either online at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) or via your local Electoral Registration Office.

Earlier this year registered electors' details were checked against existing government records during the Confirmation Live Run (CLR). Almost nine in ten electors in Great Britain were automatically transferred to the new register without having to do anything.

Those that did not transfer automatically have been invited to register, sent reminders and canvassed in person to encourage them to apply.

Anybody who was registered during the last canvass before the introduction of IER will retain their vote for the 2015 General Election whether or not they were confirmed on the new registers during CLR. The criteria for remaining on the register has not changed as a result of IER.

## The next phase

We are still in the middle of the transition to IER - the next key stages include:

- **December 2014:** revised registers published across England and Wales.
- **February/March 2015:** revised Scottish registers will be published.
- **February 2015:** the Electoral Commission will report on the progress of the transition to IER in England and Wales (a report on progress in Scotland will follow in April).
- **Early February:** the Electoral Commission will begin its digital advertising as part of the General Election campaign. This is followed by the roll out of the publicity campaign across other channels in mid-March.
- **March 2015:** local authorities will receive their funding notifications. The Cabinet Office is currently consulting with authorities regarding funding for 2015/16. All authorities will receive funding in April 2015.

### Key statistics (Dec 2014)

Over **4 million** applications since go live, two thirds through the Register to Vote website

Over **90%** customer satisfaction with online service



## **December registers**

The revised registers published in December present the first formal milestone in the public domain since IER was introduced. They provide a snapshot of the IER transition and are now being used by Electoral Registration Officers (ERO) to inform their plans for targeting individuals that are not yet registered. Every ERO faces different challenges and we would caution against drawing conclusions based on the December registers before any detailed analysis to understand the overall picture across the country has been completed.

More work is needed to ensure the electoral registers are as accurate and complete as possible before the May 2015 polls.

## **Maximising registration**

To date £4.2 million has been allocated amongst all local authorities and five national organisations to help maximise registration among under-registered groups of electors, such as students, frequent home movers, private renters and overseas electors.

## **Supporting student registration**

We have been working to raise the profile of electoral registration among students. In early 2013 we established the Student Forum: this brings together electoral teams from local authorities with significant student populations, the Cabinet Office, the Electoral Commission and some key representatives from the Higher and Further Education sectors (Universities UK, ARC, the Association of Colleges, GuildHE and the National Union of Students). A number of practical steps have been agreed to encourage students to register.

Maximising registration funding was weighted towards those areas with substantial student populations, with the aim of increasing numbers of students on the electoral register.

Greg Clark MP, Minister of State, wrote to university Vice Chancellors asking them to support local authorities in their efforts to maximise the number of student registrations.

We are also exploring further measures to increase student registration ahead of the General Election, including looking at emerging evidence from pilots undertaken in Sheffield and Manchester which tested integrating electoral registration with University enrolment.



## IER questions

### How will IER affect electors at the General Election?

- Anyone who applied to be included on the register in the last canvass before the introduction of IER, but did not transfer to the new register automatically and has not provided the additional information required to confirm their registration under IER, will nevertheless be **carried forward** to the new register. These individuals will remain on the register but will not be able to vote by post or proxy and will need to vote in person at their allocated polling station in the 2015 General Election.
- No one who applied to go on to the register during the last canvass before IER was introduced will be removed unless an ERO has clear evidence that they have moved house or are no longer eligible to vote.
- The Electoral Commission will be conducting a publicity campaign focusing on increasing registration, particularly amongst under registered groups, in preparation for the General Election in May 2015.

### Will electors be added immediately to the new register?

- Applications to register to vote take time to process. This is due to a number of factors, including: the need to check application details against existing government records; councils needing to compare details against locally held data; and the statutory 5 day objection period which local authorities must allow for before making an addition to the register.

### Can electors still use postal and proxy vote?

- Anyone wishing to vote by post or proxy at the 2015 General Election will have to be registered under IER. Existing postal and proxy voters have been notified by their local electoral registration office that they were either successfully transferred to the new register or that they needed to provide additional information to retain their postal or proxy vote.



## IER questions continued

### Will overseas voters be able to register with IER?

- Yes. All eligible British citizens living overseas are encouraged to register to vote – they can do so at [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote) and the Electoral Commission will be running a campaign to target them in the run up to the election. The overseas voting process has also been improved by extending the electoral timetable for UK Parliamentary elections allowing postal votes to be sent out earlier.

### How is IER being funded?

- The Government is fully funding the cost of IER, including the cost of transition to local authorities. We are in consultation with local authorities about funding allocations for 2015/16, which will be paid in April 2015.

### Is the IER system safe?

- The IER Digital Service was developed and delivered according to government best practice for Information Security. It is subject to regular and robust 'health checks' and is accredited by an independent Information Assurance Accreditor.

### What support can electoral registration teams get?

- The Cabinet Office has a team of Regional Delivery Managers and County Leads who work closely with EROs and their teams to ensure councils get the right support during the transition to IER. The Electoral Commission also continues to be available to provide guidance and support to EROs and their staff.

## Find out more

### For you and your council

If you want an update on IER please contact your Regional Delivery Manager or the Cabinet Office at [erodelivery@cabinet-office.gsi.gov.uk](mailto:erodelivery@cabinet-office.gsi.gov.uk).

### For electors

The Electoral Commission is supporting your Electoral Registration Teams with a range of resources. Your council knows its electors best and has been given Government funding to support local communications campaigns. Individuals can apply to register by visiting [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote).





**THE LOCAL GOVERNMENT (ELECTRONIC COMMUNICATIONS) (ENGLAND) ORDER 2015**

**Governance Committee – 26 February 2015**

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

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**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Philippa Gibbs Ext. 7288

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**Recommendation to Governance Committee:** That the new legislation and action already taken, be noted.

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**Introduction**

- 1 On 30 January 2015 the Local Government (Electronic Communication) (England) Order 2015 came into force which allows a meeting summons to be deemed served to a nominated electronic address.

**Background**

- 2 ['This Government is determined to bust barriers to modernisation in local government therefore it is only right councils should be able to issue agendas electronically, whilst ensuring councillors continue to have access to hard copy papers if they wish.'](#)

['This is a great opportunity for town halls to use modern digital communications to conduct business in the most efficient way possible and it will help reduce costs and provide better value for money for local taxpayers.'](#) ( Local government minister, Kris Hopkins)

- 3 In actual fact there has only ever been a requirement to physically serve the 'summons to attend the meeting, specifying the business proposed' (in our case the agenda front sheet) to a nominated address and it was already possible to send reports and appendices electronically.
- 4 Whilst waiting for the legislation to catch up, Members wanting to receive papers electronically have done so by signing a simple form naming their pigeon hole as the nominated address for delivery and agreeing to all reports etc being sent electronically with just the agenda front sheet (summons) delivered to their pigeon hole on the statutory day of despatch.

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### Action taken

- 5 In response to the legislation an email was sent to all Members drawing their attention to the new legislation on 30 January 2015, and asking those Members wishing to receive electronic agendas to nominate an electronic address for delivery (Appendix A). At the time of writing this report 2 Members have taken this up.

### Options

- 6 If every individual Member of the Council nominated an electronic address for service then agendas could always meet statutory deadlines by being published electronically and the link emailed to the members of the meeting. This could then be used as a fall back for any print issues for example, if the summons was deemed served the meeting would not be invalid just because it had not been possible to get each member of the meeting a hard copy of the meeting summons. Other than having it as a fall back, those Members still wishing to receive hard copies could still do so as before – there just would not be the necessity to get it to them on the actual statutory despatch day. If this were achieved it would open up the possibility of further consolidation of courier runs and perhaps even eliminate a mail out by having a nominated courier run once a week for example but this would have to be further investigated. This is the reason why we are encouraging as many Members as possible to give their consent to providing an electronic address as set out in the Appendix
- 7 However consent given must be capable of being withdrawn as a Member may have to withdraw consent for all manner of reasons such as, they may have computer problems, may change their e-mail address, may move home and whilst doing so may not have an e-mail address and so Members will need to keep Democratic Services fully informed in relation to any changes in their circumstances which may mean that they cannot accept the summons by electronic means.

### Key Implications

#### Financial

Democratic Services continually review the number of printed agendas. The consolidation of courier runs have already produced monetary and efficiency savings. There could be the possibility of more savings if for example courier runs were further reduced, and if more Members opted for no printed agendas.

#### Legal Implications and Risk Assessment Statement.

If there is a failure to comply with statutory requirements as to notice and summons then the meeting may not be properly convened and the business transacted of no effect. This change in legislation does not change the fact that the agenda must be made available to the public at the same time as publication and be open to inspection at the Council Offices (Local Government (Access to Information) Act 1985 100B(1)).

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**Conclusion**

Technically all the change in legislation actually does is give a further alternate address for service of meeting summons, and is completely dependant on Members consenting to electronic delivery.

**Appendix**

Appendix A - Nomination form for electronic address for delivery

**Background Papers:**

[The Local Government Act 1972](#)

[Local Government \(Access to Information\) Act 1985](#)

[The Local Authorities \(Access to Meetings and Documents\) \(Period of Notice\) \(England\) Order 2002](#)

[The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#)

[Epping Forest District Council Scrutiny Agenda 25 September 2012.](#)

[The Local Government \(Electronic Communications\) \(England\) Order 2015](#)

**Christine Nuttall**  
**Chief Officer for Legal and Governance**

**Nomination of electronic address for service of documents**

I, Councillor.....

Confirm that with immediate effect I wish my nominated address for the delivery of all summons (including the accompanying agendas and reports) for Full Council and any formal Council meeting of which I am a member, to be the following electronic address:

Cllr.....@sevenoaks.gov.uk      or

.....

.....  
(Signed)

.....  
(Date)

## **ARRANGEMENTS FOR MEMBER INDUCTION AND TRAINING**

### **Governance Committee – 26 February 2015**

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

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**This report supports the Key Aim of effective management of council resources**

**Portfolio Holder** Cllr. Fleming

**Contact Officer** Philippa Gibbs Ext. 7288

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**Recommendation to Governance Committee:** That Members note the progress made on arrangements for the New Members' Induction following the elections in May 2015

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**Reason for recommendation:** to ensure Members' are kept fully informed of arrangements for the post election induction process.

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### **Introduction and Background**

- 1 On 2<sup>nd</sup> December 2014 the Chief Officer for Legal and Governance gave a presentation to the Strategy and Performance Advisory Committee outlining the plans for the 2015 Members' Induction process.
- 2 Following the elections in 2011 new Members were given a telephone help line whereby any questions or queries they may have could be answered via Democratic Services. It is planned to further extend and refine this facility by providing new Members with Chief Officer, contact details so that they can directly contact such senior staff who can then help them with any problem that they are encountering. This will be a personal service that can greatly establish and facilitate good working relationships.
- 3 Members of the Strategy and Performance Advisory Committee suggested basic information that was important to Members included how to get into the Council Offices, how to help a local resident, how to contact Kent County Council, advice on writing emails to constituents and resources that are available to Members (such as the LGA).
- 4 In April 2011, an introductory information session was held for candidates. For 2015 it is planned to extend the pre-nomination stage to ensure that prospective candidates get a positive message about being a Councillor as well as setting out the varied demands that Members are subject to. At the introductory information

## Agenda Item 6

session useful documents will be supplied to aid their understanding with such documents being made available on the Council's website for reference purposes.

### **2015 Members Induction**

#### Members Induction

- 5 The Members' Induction will take place on Monday 11 May 2015. As part of the Induction Process Members will be required to sign their Declaration of Acceptance of Office as well as their compliance with the Code of Conduct. Members will also be provided with Register of Disclosable Pecuniary Interest (DIP) Forms and Register of Non-Pecuniary Interest (NPI) Forms to complete and return to the Monitoring Officer. Copies of the Members' Handbook will be provided and Entacards will also be issued at this time and Members' will be told how their Entacards work.
- 6 Members will receive presentations from the Chief Officers which will provide an overview of the Council departments including a virtual tour of the Argyle Road Building This could also provide an opportunity for new Members to meet Service Managers and to familiarise themselves with the Council Offices.
- 7 A new element of the induction process that has been introduced for 2015 is a coach tour of Sevenoaks District which will include Dunbrik Whilst arrangements are still in their infancy, it is likely that this will take place in the first week following the election and is intended to give new Members an overview of the scale and different characteristics of the District.

#### Members' Handbook and Survival Guide

- 8 Whilst the contents of the Members' Handbook will remain similar to the documents provided in 2011, for 2015, it has been suggested that the Members' Handbook and Survival Guide be presented in a ring binder. This will enable the pages to be updated with relative ease. An electronic copy will also be place on the Members' Portal and will be regularly reviewed and updated.
- 9 A further suggestion that has been made is that, within their induction pack, Members are given information specific to their individual wards.

#### Member Training

- 10 In 2011 a comprehensive training programme was developed for the month immediately following the election. Members received training in the following areas: Budget and Finance, Ethical Standards, Development Control, Licensing and Scrutiny. In addition to this Members also received a briefing about the IT Service.
- 11 For 2015 it is proposed that the Members training programme is further extended to include, such things as Chaining skills, Community engagement and the Voluntary Sector and Overarching Training on how things Work and How to Do it. It is importance that Development Control and Licensing training is held as soon as possible after the election as the Council's Constitution states that Members can not take part in these Committees without relevant training.

- 12 During the 2015/16 municipal year the Licensing Partnership will organise 3 or 4 open morning/afternoon sessions in the Administration Team at Sevenoaks District Council. In addition to the mandatory training that each Licensing Committee member must undertake, before they can sit in, a hearing all Licensing Committee members will be invited to attend an open session. In summary Licensing will be offering the following:

Mandatory training for sitting on a hearing – essential for new members.

New Members are invited to sit in and observe a hearing prior to sitting on a panel.

There will be updates in Licensing training through the year (probably 3 per year).

3 or 4 open sessions to demonstrate the operation of the Administration Team for the Licensing Partnership.

### **Key Implications**

#### Financial

The cost of the Members' Induction and Training will be met from existing budgets.

#### Legal Implications and Risk Assessment Statement.

High standards lie at the root of the Council's activities and it is important that training is available to enable Member's to fulfil their role.

Paragraph 3.38 of Part 7 The Council's Constitution states that 'Members must not participate in decision making at meetings dealing with planning matters unless they have undertaken suitable training, including any training designated by the Cabinet as mandatory.

#### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**Background Papers:** [Council's Constitution](#)

**Christine Nuttall**  
**Chief Officer for Legal and Governance**

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## **FUTURE REPORT ON GOVERNANCE ARRANGEMENTS**

### **Governance Committee – 26 February 2015**

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

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**Executive Summary:** Following a recommendation of Council on 1 April 2014, the Governance Committee is tasked with continuing to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance.

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**This report supports the Key Aim of** Effective Use of Council Resources

**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Mrs Christine Nuttall – Chief Officer Legal and Governance

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**Recommendation to Governance Committee:** that following Council’s recommendation on 1 April 2014, that the Governance Committee continue to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance, this committee considers the information and research taken place to date as set out in this report which follows on from an earlier report dated 18 September 2014 entitled “Governance Arrangements”

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**Reason for recommendation:** The Governance Committee is tasked with continuing to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance.

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### **Introduction and Background**

1 This report follows on from an earlier report dated 18 September 2014 entitled “Governance Arrangements” the minutes of which are as follows:

“The Committee had been tasked with continuing to investigate future Governance arrangements in general to allow newly elected Members in 2015 to consider future governance. The Chief Officer Legal & Governance presented a report setting out some research carried out on behalf of the Committee further to the previous meeting, on the advantages and disadvantages of the Committee System and the Leader and Cabinet System.

The Chief Officer Legal & Governance advised that the majority of Councils were still operating under the Cabinet style of governance which included the whole of Kent except that Canterbury City Council had passed a resolution to revert back to

## Agenda Item 7

the Committee system which would be actioned at the next Annual Council in 2015. Sevenoaks Council had adopted in 2013 a hybrid model, with five Cabinet Advisory Committees although this was still essentially a Leader and Cabinet Executive governance system. The new hybrid model had been reviewed by the Governance Committee over the following year which involved Member consultations resulting in some changes being made for the municipal year 2014/15. The most notable of these changes was the complete separation of the scrutiny function. The changes had alleviated some of the concerns that Members had voiced as set out in paragraph 8 of the report.

Councillor Walshe reported that he had spoken with the Leader of the London Borough of Sutton, which had changed to a committee system in 2012, who was happy for the Committee to visit and speak with him about the experience and advantages as they saw them. The Leader there had advised that apart from set up costs, it had not been administratively more expensive.

Members noted that if a committee structure was sought it would tie the next Council to the structure for five years. It was thought that the changes made to the present structure at Annual Council had seen an improvement. It was agreed that further correspondence with the London Borough of Sutton was worth pursuing.

Resolved: That

- a) following Council's recommendation on 1 April 2014, that the Governance Committee continue to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance;
- b) the information and research taken place to date as set out in this report, be noted; and
- c) further research be undertaken with particular reference to the contact made with London Borough of Sutton and the research results from Cornwall's independent review carried out in 2011/12, for a final recommendation and report to the meeting in February 2015".

### **London Borough of Sutton**

- 2 The London Borough of Sutton adopted a Committee system in May 2012, based on objectives which were in development since 2010. The new system included one scrutiny committee where previously there has been four Scrutiny Committees and five Advisory Groups.
- 3 A copy of the London Borough of Sutton's report that recommended the dissolution of the existing Executive and the introduction of a Committee system of governance together with minutes of that report are set out in the Appendix to this report.

### **Cornwall's Independent Review**

- 4 Cornwall undertook an independent review of governance arrangements over the course of 2011 and 2012. This was a comprehensive exercise, chaired by an independent person, which took evidence from a wide range of sources. It should be seen in the context of Cornwall's creation as a unitary authority in 2009, which gave rise to a need to consider how governance would operate across a very large geographical area.
- 5 A member panel was established to lead the review, assisted by an external panel of experts from outside the council. The panels took evidence from a wide range of stakeholders from within the county, and from experts nationally, which they used to formulate a set of recommendations.
- 6 Transparency of decision-making was seen as a high priority, as was the need to ensure that decision-making was connected to people at local level through structures such as Community Network Panels and parish councils. The role of non-executive members was considered, in the context of their scrutiny role and engagement with the policy development process, as well as their training and development.
- 7 The member panel recommended no formal changes to the council's existing governance arrangements (that is, that the council remain under the leader-cabinet model) but did recommend changes to that model. In particular, changes were recommended around the role of those members in formal "cabinet support" positions, the engagement with the council with community structures and the strengthening of overview and scrutiny. The Panel felt that improvements to decision-making and governance were not necessarily predicated on a formal change to governance models.

### **Other Councils**

- 8 The leader cabinet system is seen in most English authorities and is the standard approach which the majority of councils currently operate.
- 9 All Councils in Kent are working under some form of cabinet governance model. Only Tandridge District Council over the border in Surrey is working under the Leader and Committee System as a result of their population falling under the threshold for the previous requirement to change to the Cabinet system of governance. However, Canterbury City Council passed a resolution on the 24<sup>th</sup> July 2014 to return to the Committee system at the next Annual Council meeting 2015 and Maidstone Borough Council similarly resolved in December 2014 to return to the Committee system in May 2015.
- 10 A number of Councils in Kent including Sevenoaks District Council (SDC) have adopted a hybrid model which overcomes some of the disadvantages associated with the cabinet model. This is still a leader cabinet model and so does not require Secretary of State approval.
- 11 The system in SDC was implemented following concerns with the previous structure. These concerns were as follows:

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- Perception of remoteness/inaccessibility of portfolios; feeling of disengagement from the influence and decision-making; lack of training and development (succession planning for future Cabinet members); and the need to streamline the system to match the resource available.
- 12 As a result a Hybrid model based on Cabinet Advisory Committees was adopted. The new system under went a year long review following its introduction in May 2013. The review comprised extensive Member consultation and resulted in some changes being approved by Full Council in April 2014 with implementation at Annual Council in May 2014.
- 13 The present system broadly comprises 5 Cabinet Advisory Committees with 12 members including the relevant Cabinet and Deputy Cabinet members on each of the Cabinet Advisory Committees. The Deputy Cabinet members do not have Cabinet decision making powers. Members can sit on more than 1 Cabinet Advisory Committee and the Advisory Committees are able to choose their own chair.
- 14 The Scrutiny Committee has a fixed membership of 9 members plus a Chairman and Vice Chairman with all members of the Committee being independent of the Cabinet Advisory Committees.

### **Key Implications**

#### Financial

It is likely that there will be additional net cost implications if a change of governance to the committee system were to take place. At this point in time it is difficult to quantify such costs. However, Maidstone Borough Council estimated their costs in changing from an executive to a committee system of governance when reviewing their governance arrangements on the 10<sup>th</sup> December 2014 as follows:

*“The cost of making the change*

*As stated earlier there will be one-off cost implications if the governance system is changed. The resource to write a new constitution and develop an agreed structure further with Members cannot be found within existing resources. This will require bringing in senior additional legal expertise from December until April 2015, the costs of this will have to be ascertained. There will also be costs in terms of training for officers and Members and re-writing templates and processes on the modern.gov system. This could be covered by an additionally funded temporary Democratic Services Officer who could also support the formulation of the new constitution. Costs of publishing notices as required by legislation also need to be taken into account, plus dealing with questions and issues raised by the public and outside organisations in response to the changes. As an indicative amount, this cost is estimated to be in the region of £30,000”*

#### Legal Implications and Risk Assessment Statement.

The Localism Act 2011 (“the 2011 Act”) gives Councils greater freedoms over their governance arrangements allowing them to choose which governance system they operate from the following options:

- Leader and Cabinet Executive;
- Mayor and Cabinet Executive;
- a Committee System;
- other arrangements approved by the Secretary of State.

The Secretary of State has power to approve alternative forms of governance arrangements on request from local authorities, provided that they demonstrate that the proposed arrangements would be an improvement on the current arrangements, they would ensure efficient, transparent and accountable decision making and that they would be appropriate for all local authorities, or a particular type of local authority. The Monitoring Officer has spoken to the Department for Communities and Local Government (“DCLG”) who informed her that no Councils in England have put forward proposals to the Secretary of State to consider any alternative form of governance arrangements. Even if proposals passed the initial requirements test set by the Secretary of State there would still need to be House of Commons approval and House of Lords approval to any alternative form of governance arrangements.

The Act is clear that a local authority with committee based governance arrangements may appoint one or more committees as the authority’s overview and scrutiny committee or committees and so any desire to return to the Committee system of governance could include the elements of an authority’s current scrutiny system.

If a change is made to revert back to the Committee system the Localism Act 2011 requires the Council to make information available to enable people to understand the changes once the decision is made. There is no longer an obligation to consult in advance, although Councils may choose to hold a referendum or may consult on the new arrangements proposed (either in advance of making any decision or on the detailed proposals or once the resolution is made).

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

The Governance Committee through its working group has undertaken work to look at the practicalities and appropriateness of moving to the Committee System or a Hybrid model. The Hybrid model over the Committee System was chosen as the most appropriate system to overcome the concerns that had been expressed by Members.

Once the Hybrid model had been adopted at Annual Council in May 2013 a year long review took place which involved lengthy Member consultation which resulted in changes being made to the Hybrid model at Annual Council in May 2014.

Annual Council in May 2014 also resolved that the Governance Committee continues to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance which this report aims to explore.

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### **Appendix**

London Borough of Sutton's Report on Future Governance Arrangements plus the minutes.

### **Background Papers:**

[Localism Act 2011](#)

[Governance Committee report entitled "Governance Arrangements dated 18 September 2014 and the minutes of such meeting"](#)

[Rethinking governance – Practical steps for councils considering changes to their governance arrangements](#)

**Christine Nuttall**  
**Chief Officer for Legal and Governance**



take part, take pride

## Democracy

Democracy:

London Borough of Sutton

Civic Offices

St. Nicholas Way

Sutton

SM1 1EA

020 8770 5000

## Decision details

### New Governance Proposals

- [Find out more about this issue](#)

Decision maker: The Executive

Decision status: Recommendations Approved

Is Key decision?: Yes

Is subject to call in?: No

#### **Purpose:**

To consider changing the governance arrangements for Council and Committee meetings; to consider the draft calendar of Council and Committee Meetings and the members Allowances Scheme for 2012/13

#### **Decisions:**

##### **a) Governance Proposals**

It was reported that, under the Localism Act 2011, Council's now had the ability to move from their current system of governance to a Committee system. To this end, the Community Leadership Advisory Group had, in October 2011, established a working party to consider changing the Council's governance arrangements. That working party had met on several occasions and reported back to the Community Leadership Advisory Group. That Group now recommended that the Council consider changing its form of governance from the existing model to a committee system. This change would involve more councillors in the decision

## Agenda Item 7

making process without compromising the efficiency and transparency of the decision making process.

The Executive had before it proposals to achieve this objective. The proposals were to replace the existing Executive, the four scrutiny committees and the five advisory groups with five cross cutting committees and a single scrutiny committee. The other regulatory committees and the six Local Committees would remain. The new committees would meet five times a year and be politically balanced. They would determine how to manage their business and could establish their own working groups or sub-committees if required having regard to the resource implications to ensure that these groups could be properly supported by officers. There would also be specific lead roles for members in certain areas e.g. Resources.

Each of the proposed committees would have ten Councillors on them, apart from the Strategy and Resources Committee which would have 15. All the Committees could have up to three substitute members. The Chair of the proposed Children, Family and Education Committee would be the lead Councillor for Children's Services under the Children's Act 2004. The Committees would also be able to invite persons with appropriate expertise in specific areas to provide independent advice. A representative from both the Church of England and Roman Catholic Churches and two Parent Governors, one representing primary schools and the other secondary schools could also be invited to serve on the Children, Family and Education Committee as additional representatives without voting rights.

With the introduction of these new committees, it was felt that the current system of Delegated Decision Notices could be deleted. Those decisions that Strategic Directors could currently take would be added to their delegated decisions. All other decisions would be submitted to the relevant Committee for approval. The existing requisitioning procedure, i.e. calling in a decision for further consideration, would be retained though the period of time to allow call in would be extended by one day to 10am on the third working day following the date of the meeting. The existing Urgency Procedure would also be retained though it would no longer involve the Mayor or Deputy Mayor. In future, the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee would be required to approve action under this procedure. The call in procedure for decisions outside the policy framework would be deleted.

The proposed terms of reference of the new committees were reported. Two additional terms of reference for the Children, Families and Education Committee were suggested. It was noted that the Scrutiny Committee would be limited to carrying out statutory functions though, in exceptional circumstances, other committees could ask that committee to carry out a specific piece of work. That Committee would continue to be able to require members from other committees to appear before it.

It was noted that the Councillors Code of Conduct and investigation procedure would also be changing later in the year. A revised code of conduct and investigation procedure was before the Committee.

Assuming that the proposals before The Executive would be agreed, a series of training courses for members and officers had been arranged, details of which were reported.



The Government proposed to publish Regulations on the implementation of changes to a committee system of governance. It was hoped that these would be received by the end of April 2012.

Mr Andrew Theobald, a co-opted member of the Children and Young People Scrutiny Committee addressed the committee concerning these proposals on behalf of the Roman Catholic and Church of England co-opted representatives. A letter that had been received from Mrs Sue Smith, on behalf of the Sutton Teachers Committee was also mentioned.

### **b) Proposed Changes to the Constitution**

Following on from the proposed changes to the governance arrangements, the consequent changes to the Council's constitution were before the meeting. It was also noted that, during the past year, the titles of senior officers had changed or their roles subsumed. The opportunity had been taken of updating the list of delegations to officers to reflect these changes. Specific attention was drawn to the proposed changes to Contract Standing Orders. It was also noted that Financial Regulations had been rewritten to take account of structural changes within the Resources Group and to have greater synergy with the rest of the constitution.

The responsibility for financial management now rested explicitly with Strategic Directors and Heads of Service; all staff had some responsibilities in relation to financial management, which was integrated with service management throughout the planning, monitoring and reporting cycle. Specific attention was drawn to the proposal to increase the limits for approving revenue budget virements to £250,000 for Strategic Directors and £500,000 for the Strategic Director – Resources. Parallel requirements for dealing with capital estimates were also proposed, including budgets between years.

### **c) Members Allowances Scheme**

Consequent upon the proposals to change the governance structure of the Council, proposals for altering the Members' Allowances Scheme were put forward.

The proposal was for the basic allowance to remain unaltered at £10,191 whilst the special responsibility allowance payments should be changed to reflect the new governance structure without increasing overall expenditure. A suggested schedule of special responsibility allowance payments was considered. The schedule reflected the responsibilities of the new committee chairs, paid an allowance to the vice chairs of the new committees and Development Control Committee in view of their increased work load and gave an allowance for specific lead member roles i.e. Resources.

The opportunity had been taken to review the amount of money that members could claim for fuel and other travel costs. These had been amended to reflect recent changes in the amount that officers could claim. It was noted that, following the increased roles for independent persons on the Standards Committee, it might be necessary, at some future date, to have to reconsider the previous decision not to pay an allowance to those persons.

Role descriptions for Councillors would also be revised and reported to a future meeting of this Committee.

### **d) Implementation of the new Governance Arrangements**

The Executive had before them proposals for implementing the proposed new governance arrangements that would involve different ways of working by both Councillors and officers. These included the ways that reports were prepared, how agendas were put together and meetings prepared for. A series of workshops for members and officers had also been organised.

#### **RECOMMENDED:**

(i) That, with effect from its annual meeting in May 2012, the Council dissolves the existing Executive, five Advisory Groups and four Scrutiny Committees and introduces a committee system of governance;

(ii) That the following new Committees be established with the number of members indicated, appointed proportionally in accordance with the Local Government and Housing Act 1989 each with three substitute members:

Strategy and Resources Committee (15 members)

Environment and Neighbourhood Committee (10 members)

Children, Family and Education Committee (10 Members)

Housing, Economy and Business Committee (10 Members)

Adult Social Services and Health Committee (10 Members)

Scrutiny Committee (10 Members out of a pool of 20 Councillors)

(iii) That, subject to the addition of "Safeguarding" and "Children's Trust" in the terms of Reference for the Children, Families and Education Committee, the terms of reference for the new Committees be as set out in Appendix A Section 2 of the report;

(iv) To note that the Children, Family and Education Committee may have a non-voting representative from the Church of England, a non-voting representative from the Roman Catholic Church and two non-voting Parent Governor representatives (one representing primary schools and other representing secondary schools) to participate in matters concerning Education;

(v) That each of the new Committees consider whether or not they wish to invite representatives from specific areas of expertise within their responsibilities to assist them in their deliberations and that any such representatives that are appointed do not have voting rights.

(vi) That the existing Delegated Decision Notices Scheme be deleted; those Category 1 and Category 2 DDNs (i.e. those relatively uncontroversial delegations that are not subject to de-delegation by Members) be absorbed within the officer scheme of delegations and arrangements be made for those decisions to be reported to the

appropriate Committees on a regular basis, as set out in Appendix A Section 3 to the report;

(vii) To note that matters previously dealt with under existing Category 3 and 4 DDNs will now be reported to the appropriate Committee for a decision;

(viii) That the current system of requisitioning be retained subject to the period of notice required to be given by members to the Chief Executive (currently by 10am on the second working following the meeting) should be extended to by 10am on the third working day after the meeting as set out in Appendix A Section 4

(ix) That the proposed amendments to the Urgency Procedure, as set out in Appendix A, Section 4 be adopted;

(x) To note the agreed timetable for Council and Committee meetings in 2012/13, set out as Appendix B to the report,

(xii) To adopt the Councillors Code of Conduct set out as Appendix E to the report and investigation procedure for complaints made against Councillors.

(xi) That the provisions of standing Order 1.7 be waived to allow the changes to the Constitution set out in Appendices A, D and E in the report to be adopted and brought into effect from the annual Council meeting in May 2012;

(xii) That the proposed changes to the Members Allowance Scheme, as set out in Appendix A to these Minutes be adopted with effect from the annual Council meeting in May 2012;

(xiii) To note that the above decisions are subject to any Regulations that the Government has yet to publish concerning changes to a committee system of governance.

Report author: Sanjay Prashar

Publication date: 13/04/2012

Date of decision: 26/03/2012

Decided at meeting: [26/03/2012 - The Executive](#)

Accompanying Documents:

- [Governance Proposed Governance Changes and other matters 120326 PDF 266 KB](#)
- [Governance amended Appendix A - addendums in one document 120315 PDF 256 KB](#)
- [Governance amended Appendix B - calendar 120309 PDF 180 KB](#)
- [Governance amended Appendix C - New Governance LD Plan 120309 PDF 154 KB](#)
- [Governance amended Appendix D - LBS FINANCIAL REGULATIONS draft 2102122 GB changes 120315 PDF 118 KB](#)

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- [Governance Appendix E Complaints Procedure 2012 DRAFT PDF 83 KB](#)
- [Governance amended appendix F - Members Allowances 201213 draft 120309 PDF 50 KB](#)
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## London Borough of Sutton

The Executive - 26 March 2012  
Council - 30 April 2012

## Report of the Executive Head of Legal and Democratic Services

## FUTURE GOVERNANCE ARRANGEMENTS

<b>Ward Location:</b>	Not Applicable	<b>Author(s) and Contact Phone Number(s):</b>
		Sanjay Prashar 8770 5064; Richard Shortman 8770 5120
<b>Area Served:</b>	Borough wide	<b>Executive Councillor: Sean Brennan</b>

## Key Decision Report

**Summary**

This report sets out proposed changes to the Council's system of governance. On the assumption that these changes are approved, the report also contains the consequential and other amendments to the Council's constitution and amendments to the Members Allowances Scheme to reflect these changes.

**Recommendations**

The Executive to recommend to Full Council:

- (i) That, with effect from its annual meeting in May 2012, the Council dissolves the existing Executive and introduces a committee system of governance;
- (ii) That the following new Committees be established with the number of members indicated, appointed proportionally in accordance with the Local Government and Housing Act 1989 each with three substitute members:
  - Strategy and Resources Committee (15 members)
  - Environment and Neighbourhood Committee (10 members)
  - Children, Family and Education Committee (10 Members)
  - Housing, Economy and Business Committee (10 Members)
  - Adult Social Services and Health Committee (10 Members)
  - Scrutiny Committee (10 Members)
- (iii) That the terms of reference for the new Committees be as set out in Appendix A Section 2 of this report;
- (iv) To note that the Children, Family and Education Committee may have a non-voting representative from the Church of England, a non-voting representative from the Roman Catholic Church and two non-voting Parent Governor representatives (one representing primary schools and other representing secondary schools) to participate in matters concerning Education;
- (v) That each of the new Committees consider whether or not they wish to invite representatives from specific areas of expertise within their responsibilities to assist them in their deliberations and that any such representatives that are appointed do not have voting rights.
- (vi) That the existing Delegated Decision Notices Scheme be deleted; those Category 1

and Category 2 DDNs (i.e. those relatively uncontroversial delegations that are not subject to de-delegation by Members) be absorbed within the officer scheme of delegations and arrangements be made for those decisions to be reported to the appropriate Committees on a regular basis, as set out in Appendix A Section 3 to this report;

(vii) To note that matters previously dealt with under existing Category 3 and 4 DDNs will, now be reported to the appropriate Committee for a decision;

(viii) That the current system of requisitioning be retained subject to the period of notice required to be given by members to the Chief Executive (currently by 10am on the second working following the meeting) should be extended to by 10am on the third working day after the meeting) as set out in Appendix A Section 4

(ix) That the proposed amendments to the Urgency Procedure, as set out in Appendix A, Section 4 be adopted;

(x) To note the agreed ~~the draft~~ timetable for Council and Committee meetings in 2012/13, set out as Appendix B to this report,

(xii) To adopt the Code of Conduct set out as Appendix E and investigation procedure for complaints made against Councillors.

(xi) That the provisions of standing Order 1.7 be waived to allow the changes to the Constitution set out in Appendices A, D and E to be adopted and brought into effect from the annual Council meeting in May 2012;

(xii) That the changes to the levels of Special Responsibility Allowance in the Members Allowance Scheme be adopted with effect from the annual Council meeting in May 2012;

## 1. Background

- 1.1 The Localism Act has opened up the option for local authorities to replace current Executive structures with committee led systems of governance. At its meeting in October, 2011, the Community Leadership Advisory Group decided to establish a member level working group to look at proposals for a committee led system of governance and to make recommendations to this Advisory Group.
- 1.2 The Governance Working Group has met on a number of occasions and has brought forward proposals, which would involve more councillors in decision making processes without compromising the efficiency and transparency of those processes.
- 1.3 Those proposals have been discussed at meetings of the Community Leadership Advisory Group and the Governance Working Party. This report reflects the outcome of discussions at those meetings. At their last meeting, the Community Leadership Advisory Group endorsed the recommendations in this report.
- 1.4 The Statutory Instruments which will trigger the relevant provisions in the Localism Act to enable the Council to move to a committee system are still awaited. The latest information received from the Department of Communities and Local Government is that the legislation will be in place by 4 May 2012. It should also be noted that, under the Localism Act, if the Council changes its governance system, then it cannot change it again for a period of five years, unless the change is triggered by a referendum seeking a change in the governance arrangements.
- 1.5 The report also contains proposed changes to the Council's constitution. Article 14 of the Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect. Any changes considered necessary are subject to approval by Full Council following prior consideration by the Monitoring Officer, the Community Leadership Advisory Group and The Executive. Section 37 of the Local Government Act 2000

also requires the Council to keep its Constitution under review.

- 1.6 The Constitution is the Council's primary document which sets out how the Council operates its decision making processes. Although certain parts of the Constitution are required by law, the Council does have discretion over other processes.
- 1.7 The Council is also required to review its Members Allowances Scheme annually after taking into account the advice provided from an independent Remuneration Panel. That Panel, which is organised by London Councils on behalf of all London local authorities, last met in 2010.

## 2. Future Governance Arrangements

### Proposed Committees and Terms of Reference

- 2.1 The Community Leadership Advisory Group is recommending that the Council adopt a new system of governance with effect from its annual Council meeting in May 2012, replacing the current Executive arrangements with a committee system based around
  - Five main Committees
  - Four Regulatory Committees
  - A reconstituted Standards Committee
  - A Scrutiny Committee with a focus on statutory scrutiny responsibilities
  - Six Local Committees
- 2.2 The proposed titles of the main committees are:
  - Strategy and Resources (15 members)
  - Adult Social Services and Health (10 members)
  - Children, Family and Education (10 members)
  - Environment and Neighbourhood (10 members)
  - , Housing, Economy and Business (10 members)
  - Scrutiny (10 members)
- 2.3 The main Committees would meet once every 6 to 8 weeks (five times a year). They will be all party and politically balanced.
- 2.4 The existing Local Committees and the Regulatory Committees (Audit, Pension, Licensing and Development Control) will remain. Standards Committee will also be retained but with revised duties and powers to reflect the changes brought about by the Localism Act 2011.
- 2.5 The terms of reference and composition for each of these proposed committees are set out in Appendix A – Section 2. The overall business and financial planning would be agreed by the Strategy and Resources Committee for recommendation to full Council for approval. All the Committees would be responsible for implementation in their relevant service area, working within the overall policy and budget framework as determined by the Council. Committees will also consider and develop policy for recommendation to Council for approval.
- 2.6 The proposed change to a Committee system of governance envisages abolishing Advisory Groups. It would be up to individual committees to determine how to manage the business that they are responsible for. Individual committees would have the freedom to establish their own working groups, or sub-committees, to look at and make recommendations to them on specific areas for which they are

responsible. Before establishing such groups, the Committee must have regard to the resource implications to ensure that these groups can be properly supported by officers as it is expected that these groups would meet in public.

- 2.7 The Councillor membership of any sub-committee or working group must be balanced according to political affiliation. However, specific persons with expertise from outside the Council could also be invited to serve on any Sub-Committee or Working Group in an advisory capacity without voting rights.

Allocation of seats on committees

- 2.8 Each of the committees (except the Strategy and Resources Committee) should have 10 members who will be required to reflect the political proportionality of the Council. This would currently mean having eight Liberal Democrat and two Conservative members on each of these Committees.
- 2.9 For the Strategy and Resources Committee it is suggested that the membership comprise 15 Councillors. Again this is required to be politically balanced which would mean an allocation of 12 seats to the Liberal Democrat Group and 3 seats to the Conservative Group. This would provide for a larger number of Councillors to be involved in the decision making process, give some flexibility to each party group as to who they put forward for membership of the Committee and give greater flexibility if the proportionality of the membership of the Council changes.
- 2.10 It is also suggested that the existing provision within the Constitution should allow for substitute representatives to be retained. It is suggested that three substitute members (two Liberal Democrats and one Conservative) be appointed to each of the five main Committees.

Co-opted Members and Additional Representatives without voting rights

- 2.11 Under the Children Act 2004 there is a requirement to have a specific Councillor to act as lead member for children's services. It is suggested that the Chair of the Children, Family and Education Committee perform this role.
- 2.12 In the past, the Council has had a representative from the Church of England, a representative from the Roman Catholic Church and two Parent Governor representatives (one representing primary schools and other representing secondary schools) on the scrutiny committee dealing with education matters. This was a legal requirement under the Local Government Act 2000. However, this requirement has not been carried forward into the Localism Act 2011 under the committee system. If this is to be continued, it is proposed that these persons would be included on the Children, Family and Education Committee as Additional Representatives without voting rights where they would normally only be entitled to speak on Education matters. It would be at the Chair's discretion if they were allowed to contribute to the debate on other issues.
- 2.13 It has also been the Council's practice in the past to invite persons with appropriate experience in specific areas to provide independent advice to some Council committees. It is suggested that it would be for the members of the new committees to determine whether they wished to be advised by persons who had expertise in specific areas of the committee's responsibilities. If it was decided that such persons were required as standing Committee members, rather than as ad-hoc advisers, they would be called Additional Representatives without voting rights.
- 2.14 Additional Representatives without voting rights could also be appointed to serve on any Sub-Committees or Working Groups that might be formed.

Delegated Decision Notices (DDNs)



- 2.15 DDNs were introduced in Sutton by the then Strategy Committee on 3 July 2000. The intention at the time was to remove as many operational items as possible from that Committee's agenda. The current arrangement set out in the Council's constitution allows for decisions otherwise constitutionally reserved to the Executive or a local committee to be taken at senior officer level.
- 2.16 The constitution allows for the delegation of 4 separate categories of decisions subject to certain procedures being followed. These include, in certain circumstances, the right of Executive Members, Opposition and Deputy Opposition Leaders, Shadow Portfolio Holders and Local Committee members to de-delegate such decisions thus requiring that they are presented to either the Executive or the relevant local committee.
- 2.17 Currently, there are four categories of Delegated Decision Notice:  
 Category 1 – where the decision has to be signed off by the Strategic Director alone;  
 Category 2 – where the decision has to be signed by the Strategic Director together with the Strategic Director Resources and/or the Executive Head of Legal and Democratic Services  
 Category 3 – decisions that would normally be taken by The Executive and where specific Councillors have the power to dedelegate or call the proposed action in for consideration by The Executive  
 Category 4 – decisions for a local improvement scheme to be funded by Section 106 monies that can be called in by local committee members.
- 2.18 The DDN procedure whilst providing a robust mechanism for reducing the burden on the Executive has on at least two occasions in the last 18 months resulted in the process being challenged internally by Members. Moreover, given the proposal for the Executive to be replaced by 5 committees, the increased capacity and resilience across those committees goes some way to obviating the need for the DDN process within the new arrangements.
- 2.19 A desktop analysis based on recent Executive and DDN business carried out over 3 committee cycles by the Democratic Services Manager suggested that the same business if undertaken within the proposed structure would result in the following delineation of work between the committees;

<u>Committee</u>	<u>Items to Executive</u>	<u>Cat 3 &amp; Cat 4 DDNs**</u>
Strategy and Resources	12	4
Adult Social Services and Health	4	5
Children, Family and Education	4	8
Environment and Neighbourhood	5	5
Housing, Economy and Business	1	5
Local Committees	-	14

\* \*Category 3 and Category 4 DDNs are those which are subject to de-delegation by Members.

2.20 Whilst this is admittedly only a snapshot, it is evident that during the three month period in question;

- Except for the Strategy and Resources Committee, business would have been relatively light
- The referrals under the DDN procedure were comparatively significant

2.21 It is therefore recommended that the Delegated Decision Notices Scheme be deleted and those Category 1 and Category 2 DDNs (i.e. those relatively uncontroversial delegations that are not subject to de-delegation by Members) be absorbed within the officer scheme of delegations with decisions taken under these delegations being reported back to the appropriate Committees on a regular basis. Decisions that would have been taken under Category 3 and 4 DDNs would, in future, be dealt with by way of report to the appropriate Committee.

#### Requisitions

2.22 The current process of requisitioning, i.e. calling in a decision for further consideration, is set out in Standing Order 24.4 of the Council's constitution. It was introduced by the administration in 1978. (Prior to that every committee decision was referred to Council for ratification.) That administration took the step of conferring decision making powers on committees. The requisition procedure was introduced concurrently in order to ensure full debate before all members on any key areas of contention. Indeed as recently as 2006 a significant part of Council business dealt with requisitioned items.

2.23 The process enables any four councillors to require the decision of any Council Committee to be referred to another Council body (normally Full Council) before the decision can take effect.

2.24 The proposal is to increase the period of time that a requisition can be received from 10am on the second working day after the committee meeting to 10am on the third working day.

#### Urgency Procedure

2.25 Standing Orders currently contain a method for Strategic Directors, with the consent of the Chief Executive and the Leader of the Council and the Mayor or Deputy Mayor to take decisions on matters that are urgent and cannot wait for the next Committee meeting. Currently this involves the Chair or Vice Chair of the Committee and the Mayor or Deputy Mayor

2.26 It has been suggested that the Mayor and Deputy Mayor should not be part of this process because they are ceremonial rather than an integral part of the decision making process. It is therefore suggested that the agreement of the Leader/Deputy Leader and the Chair/Vice Chair of the relevant Committee should be sought when seeking approval to a course of action by Urgency Procedure. It is expected that this procedure would only be applied in exceptional circumstances.

2.27 In completing the request for a decision to be taken under the Urgency Procedure any financial implications are required to be commented on and signed off by the Strategic Director – Resources.

2.28 This procedure is outlined in Standing Order 49 and has always been available for use. In recent years it has been rarely used as the fortnightly DDN procedure provided an alternative method of decision making.

#### Call in of decisions outside the Policy Framework

2.29 These powers are no longer required and can be deleted from the constitution.

Scrutiny

- 2.30 The Localism Act states that "A committee system local authority may by resolution appoint one or more committees as the authority's overview and scrutiny committee, or as the case may be committees." The Act does reserve to the Secretary of State the power to make regulations as to the functions, composition and procedures of such committees.
- 2.31 Unless and until Regulations have been introduced requiring otherwise, it would appear that under committee arrangements there is no specific requirement to maintain a scrutiny function except in certain circumstances. These circumstances include flood risk management (specifically contained in the Localism Act) crime and disorder and the scrutiny of health functions. It is proposed that a Scrutiny Committee be established to scrutinise these functions. The Committee would comprise ten Councillors from a pool of twenty.
- 2.32 It is also suggested that, in exceptional circumstances a main committee may ask the Scrutiny Committee to carry out an investigation into a specific subject. That suggestion has been included within the proposed duties and powers of the Scrutiny Committee.
- 2.33 It should also be noted that if a scrutiny Committee is retained, then it will have the same powers to require members from other committees to appear before it as if the Council were operating the previous system of governance.

Standards Committee

- 2.33 The Standards Committee has considered a draft version of the revised Code of Conduct and the investigation procedure for complaints against Councillors. The proposed draft Code and investigation procedure is attached as Appendix E.

Committee timetable 2012/13

- 2.34 A calendar of meetings is attached as Appendix B and is based on these proposals, amended to take into account the concerns expressed at previous meetings. In overall terms the same number of Council meetings has been retained. Strategy and Resources Committee will meet before each Council meeting. With the DDN process being abolished, any urgent decisions that couldn't wait until the next Committee meeting would be dealt with by urgency procedure although this is expected to be minimal. The Calendar of meetings has now been approved and is included in this report for noting.

Training for officers and members

- 2.35 It is recognised that changing the method of governance in the way that is proposed will require specific training for members and officers alike to enable them to become familiar with the new system. Arrangements are being made for appropriate training to be put together and implemented at the appropriate time. The proposals are attached as Appendix C.

Outside Bodies

- 2.36 The list of outside bodies that the Council appoints to has been reviewed. No changes are proposed to be made to that list as part of this process

Outstanding matters

- 2.37 The proposed changes to the governance system have been placed on the Council's web site to enable the public and stakeholders to comment on them. The comments that are received will be reported to The Executive, when it considers these proposals on 26 March 2012.

2.38 The only outstanding matter is to do with Council meetings and whether the business should include reports from the Chairs of the Committees. One proposal is to have a "State of Sutton" debate possibly at the July Council meeting, which would involve the Chair of the Strategy and Resources Committee. The Chairs of the other new Committees could then give a report on their committees work at the other four Council meetings during the municipal year. These proposals will be developed further and will be considered by the Community Leadership Advisory Group at a future meeting.

### **3. Proposed Changes to the Constitution**

3.1 As well as considering a change in its Governance arrangements, a general review of the Council's constitution has also been carried out. The proposals in this report cover any resultant amendments of the Governance structure and also other proposed changes that have been suggested as part of an internal review process within the Council.

3.2 The changes that are proposed to be made to the constitution are shown in Appendix A to this report. There have, however, during the year been a number of instances where the titles of senior officers have changed or their posts have been subsumed. These minor textual changes have not been included in the appendix. Furthermore, the proposed change in the governance system would mean the deletion of The Executive and the insertion of the relevant committee's name throughout the constitution. Again, those textual changes have not been included in this report. However, a full version of the Constitution, showing these changes has been placed in the Members Library.

3.3 One change to draw to the attention of members in Contract Standing Orders is a proposal to increase the value of tenders that Strategic Directors, in conjunction with the Strategic Director – Resources, are allowed to accept from £150,000 to £500,000. Use of this delegation will be reported back to the relevant Committee.

#### Financial Regulations

3.4 These have been amended to take account of both structural changes within the Finance service and to achieve greater synergy with the rest of the constitution. The revised version is attached as Appendix D.

3.5 The proposed regulations explicitly place the responsibility for financial management with Strategic Directors and Heads of Service. They also make clear that all staff have some responsibilities in relation to financial management. Financial management is integrated with service management throughout the planning, monitoring and reporting cycle.

3.6 It is proposed to increase the limits for approving revenue budget virements to £250,000 for Strategic Directors and £500,000 for the Strategic Director – Resources (currently £100,000 and £250,000 respectively). It is also proposed to introduce parallel arrangements for capital virements (with limits of £100,000 for Strategic Directors and £250,000 for the Strategic Director – Resources) including moving budgets between years ('slippage'). This will introduce improved accountability and control over slippage which has been limited under the current regulations

### **4. Members Allowances Scheme**

4.1 A review of the Members Allowances Scheme has also taken place. Changes brought about by that review will be included in the constitution.

Basic Allowance

- 4.2 The current Basic Allowance paid by Sutton is £10,191. That figure was set in April 2009. The allowance is increased annually by the same percentage as the pay increase for Council officers and therefore has been frozen since then.

Special Responsibility Allowances

- 4.3 When Special Responsibility Allowances were introduced, the Remuneration Panel introduced some guidelines which they asked authorities to adhere to. These were that no more than 50% of members in any one authority received a special responsibility allowance and that no member received more than one special responsibility allowance at a time. Those guidelines are still recommended by the Panel.
- 4.4 The Remuneration Panel's report, in its appendix, suggests the levels at which specific roles within the authority should be remunerated..
- 4.5 Attached at Appendix F is a table of suggested rates of Special Responsibility Allowance taking into account the new responsibilities that the proposed change in Governance Structure would bring about. Consideration has been given to a number of matters as follows:
- levels of responsibility for the new Committee Chairs;
  - whether the level of payment for the new Chairs should be in line with the existing Executive Member allowance or closer to existing committee chair rates e.g. Development Control;
  - arrangements whereby Vice-chairs are expected to have additional responsibility that should be remunerated to recognise their role in specific service areas, leading sub-committees and/or working groups as well as in helping to manage the business of the Committee;
  - the fact that the Vice Chairs of Development Control and Scrutiny Committees have significant responsibilities consequent to the demanding number of meetings and the Council's imminent public health role.
  - where there is a statutory role for a lead Member, the only one written in formally in statute is for children's services (Children Act 2004);
  - whether there are any other specific lead Member roles that should be remunerated e.g. Finance

Other parts of the Allowances Scheme

- 4.6 The Allowance Scheme also sets out the amounts that may be claimed for fuel and other travel costs. It is suggested that these be amended to reflect the amounts officers will be allowed to claim from 1 April 2012. No other changes are being suggested to the allowances scheme. Currently, the Council has decided not to pay an allowance to independent members of the Standards Committee. Following the introduction of the Localism Act, the role of the independent member will change. It may, therefore, be necessary to revisit this decision following the next review by the Independent Remuneration Panel expected in 2014.

Role Descriptions

- 4.7 If the proposed change in the Governance structure comes about, then new Job Descriptions for Councillors will be required. These will be worked on and brought to a future meeting of the Community Leadership Advisory Group for discussion and agreement.

**5. Implementation of the New Governance proposals**

5.1 If the proposed change in governance procedures is adopted, changes to the committee process will result. This section sets out some suggestions as to how this process will change.

Forward Plans

5.2 It will be imperative to have accurate forward plans of the items due to go to them. These forward plans will be maintained by each Service Group. Each Strategic Director will ensure that one person within their Group (usually the Strategic Director's PA) is responsible for maintaining and updating the forward plan and forwarding it to the Committee Managers. It is the Committee Managers who will be responsible for taking the items from the forward plans and compiling them into an agenda. It will be important for whoever is responsible for the Forward Plan in each of the Groups to have a close liaison with the relevant Committee Manager, to be aware of what the Committee process is and the deadlines involved. The forwards plans will be reviewed on a regular basis alongside each other.

Officer responsibility

5.3 Each of the Committees will have a lead officer responsible for the coordination of the work of the Committee. This would generally be the relevant Strategic Director who has responsibility for the majority of the remit of the committee.

5.4 Due to their cross cutting nature, a representative (probably second, third or fourth tier) from each service group will be responsible within their Group for the work associated with a particular Committee liaising closely with the Committee Manager. In some instances, there may be more than one representative from each group depending on the nature of the service – e.g. Resources Group would wish to specify which officer will take responsibility for finance matters and which will provide legal advice. Those officers will be expected to read all draft reports for the particular committee and arrange for any appropriate action/response to be obtained and given. In addition, they will be expected to attend the pre agenda meetings and, where necessary, the chairs call over and the meeting itself possibly with the relevant Strategic Director. There will need to be a regular meeting of those responsible for individual committees alongside the relevant Committee staff to ensure common approaches and sharing of good practice.

Meeting Preparation

5.5 It is suggested that the timetable for preparing for a meeting should look as follows, working back from the date of the meeting:

Meeting date	M Day
Agenda Despatch	M Day minus 10 days
Pre Agenda Meeting	M Day minus 17 days

The pre-agenda meeting, is where the Chair and Vice Chair together with the Strategic Director and other officers would go through the finalised reports before the agenda is published. Prior to that, reports would have been circulated to all relevant officers for comment and signed off by the Strategic Director who would have previously agreed the items on the agenda with the Chair and Vice Chair in conjunction with officers from Democratic Services.

5.6 Agenda despatch will continue to be 10 days in advance of the meeting. Agendas will be delivered to Councillors on Tuesday and Friday evenings. All reports for agenda despatch must be with the Committee Manager at least 24 hours before agenda despatch. The aim must be for only one agenda despatch. Anything else

is costly in terms of staff time and printing and does not help members at the meetings in moving between papers.

- 5.7 Briefings on specific items would be provided to party groups on request.
- 5.8 At the committee meeting, officers would speak to their report and answer questions. The meetings would be recorded and the recording made available on the Council's web site. The Committee Manager would produce a set of minutes and circulate it for comments in the normal way before seeking the chairs approval.
- 5.9 It is also possible that some reports will need to go to more than one committee in the same round of meetings. That is something that the committee manager would coordinate.
- 5.10 Some reports, probably all the reports going to Strategy and Resources Committee and major reports to the other committees, will need to be shared with all senior officers, before the pre agenda meeting.

#### Urgent Items

- 5.11 By law, the Item "Any Other Business" is not allowed to be included on Council agendas. This is to prevent anyone raising anything that has not been previously agreed or included on a forward plan. What can be included is the item "Any Urgent Business Brought Forward at the direction of the Chair". Anyone who wishes to raise a matter of urgent business at the end of the meeting must inform the Committee Manager of that intention before the start of the meeting. The Committee Manager will then contact the Committee Chair and seek permission for the matter to be raised. In talking about the item and in writing the Minute, the reason why the item is urgent must be included.

#### Meetings Timetable

- 5.12 Once the timetable for committee meetings in 2012/13 has been approved, (Appendix B) the Democratic Services Team will produce a calendar showing pre agenda and agenda despatch dates which will be circulated for comments. Venues (and the times) for pre agenda meetings will be arranged by the relevant Committee Manager, following consultation with the relevant Strategic Director and Committee Chairs.
- 5.13 Appropriate explanations/training in the new system will be provided to staff before May by the learning and development team. Committee Managers will also be available to help and assist with the new procedures.

### **6. Learning and Development**

- 6.1 Appropriate learning and development proposals are being put together to help members and officers understand and operate the new system of governance. In addition, an analysis of the key areas of change against the principles of good governance will be undertaken.

### **7. Financial Implications**

- 7.1 It is intended that no additional costs should arise from the proposals to change the system of Governance or the proposed changes to the Constitution. If a number of sub-committees are set up there may need to be a review of resources in order to ensure that there is sufficient capacity to service any additional requirements. The proposed changes to the members Allowances Scheme will result in a small saving of £30,200 in a full year.

### **8. Influence of the Council's Core Values**

- 8.1 The proposals will enable a greater number of Councillors to be involved with policy

formulation, introduction and assessment over a wider range of responsibilities than at present.

8.2 Reviewing and amending the Constitution contributes to the Council's democratic and decision making process by making the way that the Council operates more easily understood and accessible to members of the public. Once the changes have been agreed and the document updated, it will be posted on the Council's website and placed in local libraries.

8.3 The Council Allowances scheme is designed to reassure persons who stand for election to Council that a significant proportion of the costs they incur if they are elected will be covered. While financial reward is not and should not be the main motivation to serve as a Councillor, a reasonable remuneration can make it possible for a wider range of people to stand for election. As the Report from the Independent Panel on the Remuneration of Councillors states, "the quality of local democracy depends on the ability of Councils to attract able people to serve as Councillors. Excellent Councils have excellent members."

**9. Equality Impact Assessment**

9.1 An Equality Impact Assessment for the change in governance procedures is attached as Appendix G.

9.2 The Constitution ensures that Council procedures are fair and transparent for everyone having regard to its statutory responsibilities pursuant to Equalities legislation as well as good practice.

**10. Background Papers**

London wide Remuneration Panel Report – May 2010

London Borough of Sutton Members Allowances Scheme 2011

**Appendices**

A – Proposed Changes to the Constitution

B – Calendar of Meetings 2012/13

C – Training plan

D – Financial Regulations

E – Draft Code of Conduct and Investigation Procedure

F – Members Allowance Rates

G – Equality Impact Assessment

10 March 2012 Committee Rep 2008 V1.3



**Governance Committee Work Plan 2014/15**

<b>26 February 2015</b>	<b>Summer 2015</b>	<b>Autumn 2015</b>	<b>Winter 2015/16</b>
<p>Training program for new Members following the elections in May 2015</p> <p>Any Constitutional updates that may be necessary</p>			

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