

NEW GOVERNANCE ARRANGEMENTS

ANNUAL COUNCIL – 14 MAY 2013

Report of the: Chief Executive

Status: For Decision

Key Decision: No

Executive Summary:

On 23rd April 2013 full Council agreed, in principle, a new Governance Structure. Following this at a meeting of the Modern Local Government Group on 9th May 2013, Members considered the size and terms of reference for new Committees within the new governance arrangements. The Modern Local Government Group resolved that full Council be recommended to agree the detail of the new system subject to a number of amendments. The minutes of the Modern Local Government Group are attached at **Appendix A**.

Subject to the approval of the structure the Constitutional changes necessary to enable this new structure appear at agenda item 8a. The Special Meeting of Cabinet following Annual Council will appoint the Cabinet Advisory Committees.

This report supports the Key Aim of effective management of Council resources

Recommendation: That Full Council be recommended to approve the new governance arrangements set out at **Appendix B** incorporating the suggestions made by the Modern Local Government Group and embodied in this report.

Reason for recommendation: To introduce a new governance model that will provide for greater involvement of non-executive members in the work of the Council.

Introduction

1. Members of the Modern Local Government Group considered papers outlining the proposed terms of reference for the following Committees:
 - Cabinet Advisory Committees
 - Scrutiny Committees
 - Governance Committee
 - Audit Committee

Cabinet Advisory Committees

2. Each Cabinet Advisory Committee would comprise 10 Members including the Cabinet Member and two Deputy Cabinet Members. The Modern Local Government Group recommended that the quorum for the Cabinet Advisory Committees should be 6 out of 10 Members.

3. The Deputy Cabinet Members would be able attend Cabinet to support the Cabinet Member but would not have voting rights and a Deputy Cabinet Member could not stand in for a Cabinet Member.
4. It was agreed that the third item of the agenda for Cabinet Advisory Committees should be a report from the relevant Cabinet Member outlining their activities since the previous meeting and what they intend to do in the following three months. This item would also include a question and answer session with the Portfolio Holder based on the report they produce.
5. It was suggested that the Cabinet Advisory Committees should be responsible for setting their own work plan and it was agreed that the following be added to the proposed terms of reference of the Cabinet Advisory Committees under Specific Functions:
(d) The Cabinet Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committees' time.
6. Modern Local Government also recommended that the Cabinet Advisory Committees should elect their own Chairman at the first meeting of each municipal year.

Scrutiny Committee

7. Members emphasised that there would be a minimum of two meetings per year and that the Chairman and Vice-Chairman of the Committee would be responsible for setting the Committees work programme for the year.
8. Scrutiny training would be made available to help Members develop the specific skill set required for effective scrutiny work.

Other Changes

9. The Modern Local Government Group recommended the size of Committees as outlined in the table below:

Table 1: Number of Members on Committees

Current System	No of Members	Proposed System	No of Members
Council	54	Council	54
Performance & Governance	14	Audit Committee	9
Standards	7	Standards Committee	7
Modern Local Government	10	Governance Committee	7
Electoral Arrangements	10		
Licensing	15	Licensing Committee	15
Development Control	19	Development Control Committee	19
Cabinet	7	Cabinet	5 + 10 Deputies
Environment Select	19	Scrutiny Committee	17*
Services Select	19		

Social Affairs Select	19		
Finance Advisory Group	6	Advisory Committees x 5	10 each**
LDF Advisory Group	6		
Joint Transportation Board	7	Joint Transportation Board	7
Locality Board	7	Locality Board	7
		Health Liaison Group	7

*Chair/V.Chair **Including Portfolio Holder

10. The table above includes an additional Health Liaison Group (formerly the Health Action Group)

Key Implications

Financial

11. Value for money was one of the concerns raised by Members during the Governance Review meetings with Members suggesting that the introduction of any new system should be at least cost neutral.
12. The proposed governance model represents a streamlined approach and should naturally lead to a reduction in the number of formally constituted meetings.
13. The proposed model would have an impact on Members' allowances and the Independent Remuneration Panel would have to review the Members' Allowances Scheme and make recommendations in light of the proposed changes.

Community Impact and Outcomes

14. The proposed governance model would increase openness and accountability.

Legal, Human Rights etc.

15. The proposals being put forward are legally compliant. In implementing any change in governance it will be necessary to ensure all legal requirements of Local Government Acts are complied with. Any changes will necessitate the Council's Constitution being updated to reflect the changes.
16. The Joint Independent Remuneration Panel would be required to review the Members' Allowance Scheme and make new recommendations in light of the proposed changes.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed model is intended to be more inclusive and allow greater participation in the decision making process.

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The proposals should provide greater opportunity for involvement in the decision making process.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Background Papers:

Minutes of the Modern Local Government Group –
9th May 2013.

Robin Hales

Chief Executive

MODERN LOCAL GOVERNMENT GROUP

Minutes of the meeting held on 9 May 2013 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bracken, Brookbank, Mrs. Cook, Mrs. Davison, Fittock,
Mrs. Hunter, Piper, Scholey and Walshe

Cllrs. Davison, Eyre, Mrs. George, Mrs. Parkin and Miss. Stack were also present.

15. Minutes

The minutes of the meeting held on 20th November 2013 were agreed and signed as a correct record.

16. Declarations of interest

No additional declarations of interest were made.

17. To consider the new governance arrangements and structure

On 23rd April 2013, full Council approved, in principle, a proposed Governance Structure and agreed that the Leader of the Council should develop further more detailed proposals and forward the information to the Modern Local Governance Group. Members considered papers outlining the proposed terms of reference for the following Committees:

- Cabinet Advisory Committees
- Scrutiny Committee
- Governance Committee
- Audit Committee.

In addition to the terms of reference Members also considered the draft structure for consultation and the proposed size of Committees.

As there were no track changes within the document, the Democratic Services Manager outlined the changes that had been made to the document following the Member Consultation event on Wednesday 8th May.

The Chairman outlined the main reason for the introduction of the changes which was to address the four main concerns held by Members:

- perception of remoteness/inaccessibility of portfolios;
- feeling of disengagement from influence and decision-making;

- lack of training and development (succession planning for future Cabinet members); and
- need to streamline the system to match the resource available.

The changes would strengthen the scrutiny function and would allow more member involvement in the formulation of policy.

In response to a question, the Chairman clarified that what was being proposed was a one year trial of the proposed arrangements. During the year other options could be considered by the Governance Committee. The purpose of introducing the proposed changes at Annual Council was to address the concerns raised by Members through the Governance Review.

A Member raised concerns and disappointment that none of the documents that had been circulated had included any track changes, the Member highlighted that there was a public equalities duty to keep people informed. The Member stressed that she would have expected Officers to alert Members to the changes to the documents that were being voted upon.

Cabinet Advisory Committees

Members reviewed and considered the terms of reference for the Cabinet Advisory Committees. A Member questioned whether it should be reflected somewhere in the Constitution that the intention was that every Member, except the Chairman of the Council, the Chairman and Vice-Chairman of the Scrutiny Committee and the Chairman of the Audit Committee, would have a seat on at least one of the Advisory Committees.

Two visiting Members requested that some consideration be given to preventing spouses from scrutinising each other as this issue had been raised at a Parish Council meeting.

Another Member suggested that the third item on the agenda should be a report from the Cabinet Member outlining their activities since the previous meeting and what they intend to do in the following three months. It was also suggested that it would be helpful to have time set aside for the Advisory Committees to question the Portfolio Holder on the report they produce. This would ensure that all Members would be kept informed.

A Member also suggested that the following be added to the terms of reference under specific functions:

(d) The Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time.

Members had a detailed discussion surrounding whether Cabinet Members should be Chairmen of the Cabinet Advisory Committees. Following the discussion it was agreed that the Advisory Committees should be empowered to select their own Chairman at the first meeting of the municipal year.

The Chairman also stressed that the Cabinet Advisory Committees would have no decision making powers. Only Cabinet and Cabinet Members could take decisions.

A Member stressed that throughout the Governance Review Members had indicated that they wished to be involved in policy development at an early stage. There was nothing in the proposed terms of reference to highlight that new policies and legislation should be presented to the Cabinet Advisory Committees at the earliest possible juncture. The Member also noted that the term 'policy' should be given its widest possible construction.

Scrutiny Committee

It was agreed that "Overview and" should be removed from the title of the document. Members also acknowledged that there would be a minimum of two meetings a year and that the Chairman and Vice-Chairman of the Committee would be responsible for setting a work programme for the year.

A Member queried how the membership of the Scrutiny Committee would work in practice. The Chairman explained that the Chairman and Vice-Chairman of the Scrutiny Committee would be responsible for the management of the Committees work plan. The system allowed for 3 Members from two Advisory Committees to be discounted from the Membership meaning that at any one meeting the Committee could Scrutinise issues that had been considered by 3 of the 5 Advisory Committees. This would allow the Scrutiny Committee to have a greater focus whilst providing greater flexibility. Not all 15 Members would be required to attend every meeting. However the Membership of the Committee could be kept under review by the Governance Committee.

In response to a question the Chairman explained that the Scrutiny process would allow Cabinet Members and Senior Officers to be held to account.

A visiting Member noted that Members would require training to enable the new system to work. The Chairman reported that Scrutiny training would be provided as a specific set of skills would be required. In terms of other training, Members could request to attend any relevant training at any time.

Another visiting Member suggested that it would be beneficial to provide some basic training to all Members regarding how all the elements of the new system fitted together as there was a duty on Members to understand the systems within which they were operating.

In summary, the Chairman reported that the new system would trial for one year and whilst it would not be perfect from the beginning the system would be sufficiently flexible to evolve and develop to meet future changes.

Resolved: That full Council be recommended to agree the detail of the new system subject to the following amendments:

- 1) the following be added to the terms of reference under specific functions:
 - (d) The Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time.

- 2) Cabinet Members be requested to provide a report to each meeting of the relevant Advisory Committee outlining their activities since the previous meeting and any decisions they intend to take in the following three months.
- 3) Advisory Committees be empowered to elect a Chairman at the first meeting of the Committee.

THE MEETING WAS CONCLUDED AT 8.43 PM

CHAIRMAN

Appendix B

