



REPORT of CORPORATE GOVERNANCE WORKING GROUP

to
COUNCIL
27 JUNE 2019

NEW COUNCIL STRUCTURE – TRANSFORMATION PROGRAMME

1. PURPOSE OF THE REPORT

- 1.1 To receive and consider the further report of the Corporate Governance Working Group and its recommendations on detailed arrangements to support the previously agreed principles of a new committee structure as part of the Council's Transformation Programme.

2. RECOMMENDATIONS

- (i) That the Council approves the terms of reference and operating protocols for the new Strategy and Resources Committee, Performance, Governance and Audit Committee, Overview and Scrutiny Committee and the Licensing Committee and Licensing Sub-Committee as part of the new structure and Constitution of the Council to be adopted to take effect in October 2019 (see **APPENDIX A**);
- (ii) That the Council approves the terms of reference for the new District Planning Committee in existence from the start of the 2019 / 20 municipal year and to become part of the new structure and Constitution of the Council to be adopted to take effect in October 2019 (see **APPENDIX B**);
- (iii) That the Council approves the consolidated Scheme of Delegation which, subject to further updating as required to reflect internal changes in functional responsibility, to become part of the new Constitutional of the Council to be adopted to take effect in October 2019 (see **APPENDIX C**);
- (iv) That the Council endorses the Working Group's conclusions in relation to the operation and proceedings of the Overview and Scrutiny Committee as part of the new structure to take effect in October 2019;
- (v) That the Council endorses the Working Group's conclusion that the Licensing Committee comprises suitably trained Members to take effect in October 2019.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council has given the following specific brief to the Working Group:

That the Corporate Governance Working Group be instructed to commence work in line with its existing terms of reference to consider and report on a committee structure and associated governance arrangements including constitutional documentation and report back to the Council

- 3.2 Upon the report of the Working Group following its meetings in January 2019, the Council on 14 February 2019 decided on the principles of a revised committee structure and membership, with associated functional responsibilities and prospective cycle of meetings. The Council also endorsed the concept of an incremental approach to approval of elements of a new Constitution being provided for the Council with a view to their taking full effect in October 2019 following its completion and adoption. The Council further agreed that the principles of membership of the new Committees be reviewed towards the end of the current municipal year.
- 3.3 The Working Group has met several times since to look at **Terms of Reference** and operating arrangements for the new Committees, being the Strategy and Resources Committee, the Performance, Governance and Audit Committee and the Licensing Committee and Sub-Committee. These can be seen at **APPENDIX A** to this report.
- 3.4 Following the decision by the Council at its last meeting to establish a new District Planning Committee from the start of this municipal year, draft terms of reference in line with the agreed remit have also been produced with a view to its being part of both the current and proposed structures. This can be seen at **APPENDIX B** to the report.
- 3.5 The remits of the Area Planning Committees (save for any consequential effects of the setting up of the new District Planning Committee), the Joint Standards Committee and the Investigating and Disciplinary Committee and Panel are unaffected and will be re-presented as part of the new Constitution.
- 3.6 With regard to the **Overview and Scrutiny Committee**, more concisely-expressed terms reference have been produced and are commended to the Council subject to the following comments:
- In line with advice from the Centre for Public Scrutiny there should be an independent lead officer and facilitator for this Committee. Officers have been requested to pursue this.
 - The Committee should be more of a ‘critical friend’ and less adversarial.
 - The Committee should be more proactive in terms of providing an independent view without hindering the progression of work or the business of the responsible Committees, e.g. looking at the emerging budget.
 - Reference to the Crime and Disorder scrutiny includes the Fire Authority as a ‘Responsible Authority’
 - Reference has been made to the involvement with Petitions according to the Council’s Petition Scheme,

and it was felt that public speaking at meetings of this Committee should continue to be allowed but confined to a single slot at an early point on the agenda in line with other non-Planning Committees and should allow only statements not questions. It was also concluded that the Committee under the new structure in October would be

expected to review what had been undertaken and what was outstanding in connection with setting its own work programme.

- 3.7 With regard to the **Scheme of Delegation**, the new committee structure and associated arrangements are predicated on the basis of no change to the substance of the existing delegation to Officers. To fit properly into the new Constitution the Scheme of Delegation is now re-presented to Council as one separate and consolidated document (see **APPENDIX C**) showing everything as currently delegated to each Director (and other Officers for Licensing), with theme area sub-headings for ease of reference, and also updated to include conclusions reached by the Working Group during its recent deliberations as detailed in paragraph 3.8 below. This will need to be updated further as functional responsibilities change in line with the transformation process – Council has authorised Officers to deal with this – and preceded by an updated General Provisions and Proper Officers section, still to be considered by the Working Group.
- 3.8 The significant issues identified by the Working Group that impact on the Scheme of Delegation are as follows:
- Asset Management – increased and more realistic thresholds in terms of both value and tenure of new leases, in part only in consultation with Members, to be delegated to the Director of Service Delivery.
 - High hedges and responsibilities under the Merchant Shipping Act 1995 – residual powers currently within the remit of the Planning and Licensing Committee which are proposed to be delegated to the Director of Service Delivery.
 - References to the exercise of delegation only in consultation with a Chairman of a Committee have been adapted to relate to the new committee structure as felt appropriate.
- 3.9 With regard to the new **Licensing Committee**, which for the most part assumes the statutory remit currently held by the Planning and Licensing Committee, the Working Group has identified and commends to the Council the need for the Committee’s membership to be comprised of suitably trained Members. This ensures that meetings of the Sub-Committee, drawn from the parent Committee for the purposes of hearings, comprise trained Members. The remit of the Licensing Sub-Committee and substance of the Officer delegation are in line with the present arrangements, the latter safeguarding the important separation between the Council’s dual role as licensing authority and as a responsible authority in relation to public licensing matters.
- 3.10 The Working Group was appraised of the on-going work to provide the Council with a **new Constitution**, into which the new and updated documentation will slot alongside established codes, rules and protocols etc which will need to be reviewed and where necessary re-presented in a more modern cohesive form. It will consider this further, together with the general provisions for the exercise of delegation, Proper Officer designations etc, at subsequent meetings and report to the Council in due course.

4. IMPACT ON STRATEGIC THEMES

- 4.1 The New Council Structure proposals, support the Councils Performance and Efficiency Theme, and Planning For the Future Theme, specifically contributing to, ‘An open and transparent organisation’, and in bringing forward a more cost-efficient structure contributes to ‘Continuing to work sustainably’.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council’s procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – The new council committee structure will operate more efficiently, in staff time, and Member time and will require one fewer Committee Chair and Vice Chair, giving a financial saving, supporting the financial benefits outlined in the Future Model.
- (v) **Impact on Resources (human)** – The reduction in the number of committees and overall meetings will reduce the staff resource required.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer (Tel: 01621 875745).