

# Public Document Pack

**Date of meeting** Thursday, 2nd July, 2015  
**Time** 7.00 pm  
**Venue** Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffs ST5 2AG  
**Contact** Geoff Durham

## Member Development Panel

### AGENDA

#### PART 1 – OPEN AGENDA

**1 DECLARATIONS OF INTEREST**

To receive Declarations of Interest from Members on items included in this agenda

**2 MINUTES OF A PREVIOUS MEETING (Pages 3 - 4)**

To consider the minutes of the previous meeting of this Panel held on 4 June, 2015

**3 ICT**

To receive an update from the Council's ICT Operations and Development Manager.

**4 Local Government Association Peer Review (Pages 5 - 24)**

**5 Member Training and Development (Pages 25 - 28)**

**6 Work Plan (Pages 29 - 32)**

**7 URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972

**Members:** Councillors Eagles, Hambleton, Johnson, Peers, Proctor, Wallace (Chair), Waring, White, Wilkes and Winfield

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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**MEMBER DEVELOPMENT PANEL**

Thursday, 4th June, 2015

**Present:-** Councillor Robert Wallace – in the Chair

Councillors Johnson, Waring, White, Wilkes and Winfield

Apologies: Apologies were received from Councillor(s) Hambleton and Proctor

14. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

15. **TERMS OF REFERENCE**

Resolved: That the Terms of Reference be received.

16. **MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the minutes of the meeting held on 7 April, 2015 be agreed as a correct record.

17. **MATTERS ARISING**

The Chair raised a few points from the Minutes. The previous Chair had raised concerns about the reliability of modern.gov following a couple of minor issues during the tablet trial. The Council's ICT Operations and Development Manager confirmed that modern.gov had a good record of reliability.

**Resolved:** That the comments be noted.

18. **ICT**

Members received a presentation from the Council's ICT Operations and Development Manager regarding the improvement of ICT provisions and the schedule for delivery of the tablets.

Twenty two Members had expressed an interest in using a tablet, this was on top of the new intake who would receive one automatically. This would mean that over fifty percent of Members would have a tablet when they are rolled out. Training would be arranged for all Members who receive one.

**Resolved:** That the information be received.

19. **NEW MEMBERS INDUCTION**

Members considered a report on the New Members Induction Programme and how it had been received in May.

Councillor Johnson felt that having the event over two mornings had made the information easier to absorb and stated that the delivery had been good.

## **Member Development Panel - 04/06/15**

It was agreed that the event should be kept to two mornings but that the order of delivery be changed to enable returning Members to only have to attend the first morning.

**Resolved:** That the information be received and the comments noted.

### **20. TRAINING PROGRAMME**

Members received an update on the agreed training programme for 2015/16.

It was agreed that an email be sent to all Members, with a Professional Development Plan (PDP) to seek out any areas where Members felt that additional training was required.

In addition, and wherever possible, training events should be held prior to a Council meeting or Group meetings with a view to increasing attendance figures.

Members were also informed of an e learning opportunity. The Council's Member Training and Development Officer would investigate this further.

**Resolved:**

- (i) That the information be received.
- (ii) That PDP's be sent to all Members
- (iii) That the e-learning opportunity be investigated further and reported back to a future meeting.

### **21. WORK PLAN**

Consideration was given to the Work Plan for the Panel.

A query was raised regarding the Members' Web page. This had been transferred over into an area which would enable the Member Training and Development Officer to update the website and to include useful information. This would hopefully be done in the next two weeks.

**Resolved:** That the information be received.

### **22. URGENT BUSINESS**

There was no urgent business.

**COUNCILLOR ROBERT WALLACE**  
**Chair**

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE MEMBER DEVELOPMENT PANEL

2 July, 2015

#### LGA PEER REVIEW

**Submitted by:** Chief Executive

**Portfolio:** Finance IT and customer

**Ward(s) affected:** Non-specific

#### **Purpose of the Report**

To advise Members on the recommendations of the LGA Peer Review and its implications for the Member Development Panel.

#### **Recommendations**

(i) That the Panel comment upon the recommendations of the Peer Review report

#### **Reasons**

To ensure that the training programme is maintained and monitored and that Members take up the opportunities offered to give them the required skills and knowledge to carry out their role.

#### 1. **Background**

1.1 In the autumn of 2014 an LGA Peer Review team carried out a review of the council's democratic decision-making arrangements. The team made their report in January 2015. In light of this the Group Leaders asked the Chief Executive to draft a report which could be considered by Council to give effect to the recommendations made by the Peer Review report. The draft council report sought to implement the Peer Review recommendations but also to take account of some initial comments which had been made by the Group Leaders on the Peer Review Report.

#### 2. **Scrutiny of Peer Review recommendations**

2.1 In view of the fact that the proposals made by the Peer Review have implications for all of the council's Committees it has been considered prudent for the proposals to be considered by the relevant committee.

2.2 The attached report was considered by the Finance, Resources and Partnerships Scrutiny Committee at its meeting on 15 June. The Committee has resolved that each Committee be asked to consider the proposals made by the LGA Peer Review and the draft report to Council in as far as they relate to that particular Committee and to feed back these comments.

3. **Actions for the Committee**

- 3.1 The Committee is asked to consider the recommendations for changes to the Council's democratic decision-making arrangements, Peer Review Recommendations 1 and 2 and draft Council report in as far as they relate to the work of the Committee.
- 3.2 To comment of the wider proposals made by the Peer Review Recommendations 3, 4 and 5 having particular consideration of these matters in respect of the work of the Committee.
- 3.3 The Committee is asked to record the summary of its responses on these matters and to forward them to the Chief Executive so these can be collated with the comments of all other Committees and considered by the Finance, Resources and Partnerships Scrutiny Committee.

4. **Legal and Statutory Implications**

- 4.1 There are no legal implications directly associated with this report although it may affect the Council's Primary Charter status.

4. **Equality Impact Assessment**

- 4.1 There are no equalities implications directly associated with this report.

5. **Financial and Resource Implications**

- 5.1 There are no financial or resource implications other than your officers' time at meetings.

7. **Major Risks**

- 7.1 There are no major risks associated with this report.

8. **Key Decision Information**

- 8.1 The proposals within this report are not regarded as Key Decisions in the sense that it should be included within the Forward Plan. However, as this is not regarded as a non-Executive function, a Cabinet (executive) decision is required to give effect to the proposals.

9. **Appendices**

Appendix 1 – Report to the Finance, Resources and Partnerships Scrutiny Committee

10. **Earlier Cabinet/Committee Resolutions**

4 June, 2015

# **A review of the democratic decision-making structures at Newcastle-under-Lyme Borough Council**

January 2015

# 1. Introduction

## Background and scope of the review

Like many other local authorities and other public sector organisations, Newcastle-under-Lyme Borough Council is facing financial challenges as a result of reduced Central Government funding to local government. In dealing with these challenges, the Council has introduced the 'Newcastle 2020' programme which is designed to identify efficiencies, cost savings and improvements across all aspects of the Council in terms of its organisation and also the services it delivers.

This review was commissioned as part of that wider drive for further organisational efficiency. It was specifically designed to help the Council look at the way in which its' various committees and panels are organised and identify potential options to consider. The review will feed into the planned local democracy review, and inform and complement the work the Council is already doing. As such the review has been commissioned as a 'light-touch' review focussing on improving current structures and arrangements, not a fundamental examination of the governance model.

## Methodology and approach

The review has been undertaken by local government peers, drawing on the principles of sector-led improvement and informed by the following activity:

- Desk top analysis of Newcastle-under-Lyme Borough Council's committee terms of reference, committee membership, and agendas and reports.
- Benchmarking exercise, comparing Newcastle-under-Lyme Borough Council with other district and borough councils in terms of numbers of committees, numbers of committee positions, and frequency of meetings. (Appendix 1)
- Stakeholder engagement facilitated through an online survey to all councillors (and relevant officers) (Appendix 2), face-to-face engagement with committee chairs, vice chairs, senior management and democratic services staff onsite at Newcastle-under-Lyme, plus telephone conversations with other relevant officers (Appendix 3 provides a list of stakeholders engaged during the Review).

The peers who carried out the review at Newcastle-under-Lyme were:

Jane Burns – Director of Strategy and Challenge, Gloucestershire County Council
Councillor Michael Payne – Deputy Leader, Gedling Borough Council
Jeremy Thomas – Head of Law and Governance, Oxford City Council
Paul Clarke – Programme Manager (Local Government Support), LGA

The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and materials they read. This report provides a summary of the peer team's findings.



## 2. Review Findings

Our findings are divided into sections:

- Section 2.1 below summarises our key observations and recommendations about the current arrangements and practice at Newcastle-under-Lyme Borough Council. These are essentially the ‘quick wins’ that will help achieve efficiencies.
- In section 2.2 we summarise other areas we think need to be considered as part of the wider work on governance and culture the Council is already embarking on, or is planning to undertake.

### 2.1 Key Observations

The current democratic decision-making arrangements at Newcastle-under-Lyme demand a lot from both councillors in terms of their participation, and officer time to service an extensive array of formally constituted committees and panels. The numbers of committees and committee positions per councillor is high when compared to the other district and borough councils we benchmarked Newcastle-under-Lyme against (3.6 positions per councillor at Newcastle compared to an average of 2.6 positions per councillor in other councils), and we know there have been examples of you struggling to fill all positions on some committees.

The number of meetings per year (well over 100 meetings) is also amongst the highest in terms of the benchmarked authorities. The time and resource required to service and support these mean officers are stretched and are focused on ‘feeding the machine’ rather than ‘doing the day job.’ The sheer volume may also be compromising the quality of committee servicing and support, evidenced by the high number of supplementary papers and replacement reports correcting errors. This in turn puts additional pressure on those trying to read the reports in advance of meetings, and arguably diminishes the quality of discussion and debate.

We questioned whether demands on councillors in terms of the requirement to attend a high number of committee meetings has a detrimental effect on their time to effectively undertake their frontline councillor roles within communities. The councillors we engaged with did not cite this as an issue. In fact, some suggested they saw being involved in committee meetings as the key role of a councillor at Newcastle-under-Lyme. The perceived importance of having formal and public roles on committees is reinforced by the survey results (Appendix 2) which suggest that councillors highly value the principles of all debates and decision making being carried out in formally constituted committee meetings which meet in public and supported by formal agendas and minutes.

We think given the important role councillors have in the overall relationship between Council and community, lessening the demands of meeting attendance will allow these roles and relationships to develop further and crucially ‘free up’ reducing officer resources to focus on service delivery.

It appears the extensive structures, together with the relative low levels of delegated decision-making to officers and individual cabinet members, mean the Council is operating a de facto committee system alongside a Leader and Cabinet model of executive arrangements with all of the additional demands on officer time that that implies. Some of the Overview and Scrutiny Committees appear to operate like service committees (in that they perceive themselves to be directing the work of officers) and the existence of others, such as the Staffing Committee, are out of kilter with current practice in other authorities and seem focused on operational matters that are usually in the domain of officers.

In particular, given the existence of the Employee Consultative Committee, and the fact most of the powers and functions of the Staffing Committee appear to be in the remit of the Head of Paid Service, we do not fully understand or appreciate the role of the Staffing Committee and how it adds value to decision-making. There is a danger we think that the Committee adds unnecessary delays to the process of getting relatively minor policy updates approved, or escalates issues that might be resolved more quickly and collaboratively at a lower level.

All of the above combine to create a set of current arrangements and practice that puts an unnecessary and unsustainable demand on the organisation and its capacity and resources, which due to the financial challenges facing local government are continuing to decrease. There is definite scope to achieve more productivity and efficiency within the current set-up. For example, there are opportunities to reduce and rationalise the numbers of committees by merging those with complementary remits and functions.

In particular, the Public Protection Committee and Licensing Committee could be amalgamated. One committee covering all the functions of those two committees is common practice in other councils. There are other opportunities too, such as incorporating the functions of the Standards Committee into remit of the Audit and Risk Committee to create an Audit and Governance Committee. Another is to merge the Active and Cohesive and the Health and Well Being Scrutiny Committees. The Council may wish to consider being more radical in the reduction of the number of Scrutiny Committees. At the very least, scrutiny committee work-plans should not be agreed without some consideration of the Officer resources available to support them.

The responses to the survey we carried out suggest there is support from both officers and councillors for this. Combining/merging some committees was the type of change most likely to be supported by both councillors and officers (81% of respondents), and many of the specific suggestions for change are reflected in our recommendations. There is also a timely opportunity we suggest to review some of the historical legacy arrangements, such as the Joint Parking Committee and Conservation Working Group. The recent changes made to the arrangements regarding the Sports Council provides a precedent here.

In terms of overview and scrutiny, there are both standing committees and task and finish groups. Scrutiny arrangements need to be flexible enough to adapt

to changing circumstances. The principles of good scrutiny are that they should cover the issues that matter to local people, it should be 'narrow and deep' rather than 'broad and shallow' and that all scrutiny reviews should be properly scoped, task and finish, rather than on-going and have realistic timescales. There needs to be a discipline to ensure scrutiny doesn't drift.

There are also some aspects of how committees are serviced and supported that will benefit from modernising. For example, the way committee agendas are circulated. Currently any member can request to be added to a circulation list, enabling them to receive a hard copy of the committee meeting agenda. This potentially adds significant costs to the servicing of committees. This is something you have already identified and are beginning to address (as per the report 'Use of ICT and ICT Resources' to the Member Development Panel on 2<sup>nd</sup> October 2014). The recent rule changes enabling councils to send out committee papers electronically will help here too.

The length and style of committee reports was cited as an issue. Reports appear lengthy and many of the officers we spoke to feel they take a disproportionate time to produce. This issue may be being exacerbated by a tendency to establish formally constituted committees and sub-committees for areas and issues that may be served equally well by more informal bodies – especially where they are performing an advisory function (e.g. member development) - meaning a need to generate formal agendas, reports and minutes.

We know you are already looking at report writing and we agree this is an important exercise. Ensuring that report writing becomes more consistent across the organisation, is proportionate to the matter being considered, and that reports can be easily read and digested by councillors are all important facets. There may be an opportunity to also review the style of minutes as part of this work.

We think there are also some underlying organisational and cultural issues, including the perceptions and expectations of councillors that have evolved over time which now need addressing. In particular, the current arrangements appear to be seen by non-executive members as a range of opportunities to feel involved and informed, rather than part of a decision-making system. Our desktop analysis suggests more than 40% of the reports on agendas for meetings during September-November 2014 were 'for information'.

In short, councillors appear to rely heavily on committee meetings and agendas/reports for their information. We understand there used to be a Member's Information Bulletin and suggest it may be timely to consider re-introducing something that enables councillors to be kept informed on major developments so they don't feel the need to attend committee meetings and/or request committee agendas as a way of keeping in touch. There may also be scope to consider ward specific information and tailored briefings for councillors to better support them in their frontline roles.

## Recommendations

- 1. Merge/combine/disband some committees that appear to have a similar or complementary role and remit, or have roles that are effectively fulfilled elsewhere in the wider governance arrangements, in particular:**
  - Merge/Amalgamate the Public Protection Committee and Licensing Committees
  - Merge/Amalgamate the Audit & Risk Committee and Standards Committees
  - Merge/Amalgamate the Active and Cohesive Communities and Health & Well Being Scrutiny Committee
  - Review the continued need for the Staffing Committee
- 2. Review some of the historical/legacy arrangements, such as the Joint Parking Committee and Conservation Working Group, and whether the Council should continue to service these bodies.**
- 3. Consider re-introducing a Members' Information Bulletin and critically review any "for information" items on committee agendas.**
- 4. Progress and implement the measures you are already considering to improve business practice, including report format and circulation of agendas.**
- 5. Consider and progress the other issues and areas as identified in section 2.2 of this report (below) – including delegation - drawing on practice from other authorities. They will bring bigger gains and help address the underlying issues.**

### 2.2. Other observations and areas to consider

You have rightly identified there are potentially a number of other bigger benefits and savings to be gained. Reviewing the frequency of local elections (currently annual by thirds) for example, and reducing the numbers of councillors, (which at 60 is high compared to similar sized district authorities), are likely to result in more significant cost savings. But the bigger prize will be the political stability. All out elections every four years are likely to bring this, and enable more focus on the medium to longer term ambitions and strategic priorities of the Council. It is this vision for the future, including the future shape and function of the Council that will need to inform the wider review of democracy and governance.

We think this should include consideration of the scheme of delegation to individual Cabinet Members which can help manage business more effectively and speed up decision-making. We also think there could be a review of the scheme of delegation to officers with a view to increasing the levels of delegation. As we have alluded to, the levels of delegation to officers at Newcastle-under-Lyme seems low compared to many other authorities.

Reports to Cabinet tend to be presented in the name of the Executive Director and Scrutiny Committees tend to hold officers rather than executive members to account. Individual decision making and reports to Cabinet in the name of the portfolio holder are now common practice in many councils, and will help to reinforce and embed some of the key principles of a leader/cabinet model of governance. It may be something that warrants consideration at Newcastle-under-Lyme.

The principles of good scrutiny may need to be re-emphasised, so they are fully adopted and embedded, and drive how the overview and scrutiny function operates. It may be timely to review the key objectives of overview and scrutiny and consider where the emphasis needs to be to best support the Council in delivering its priorities – so there is a clearer understanding of the balance between holding to account and informing policy, and the focus on internal and external matters. Ensuring scrutiny is positioned to make a timely and effective contribution to strategic policy development and decision-making will become increasingly important as will an external focus, given that in the future the Council might well directly deliver less, and looks to influence and leverage more from external partners and the community.

There may be a need to consider a re-balancing of the role of councillors and the shape and structure of decision-making arrangements required to enable an emphasis on local community leadership in communities as well as attending and participating in formal committee meetings in the civic offices. The organisation will need to consider the best way of supporting councillors in these roles with the resources and capacity available.

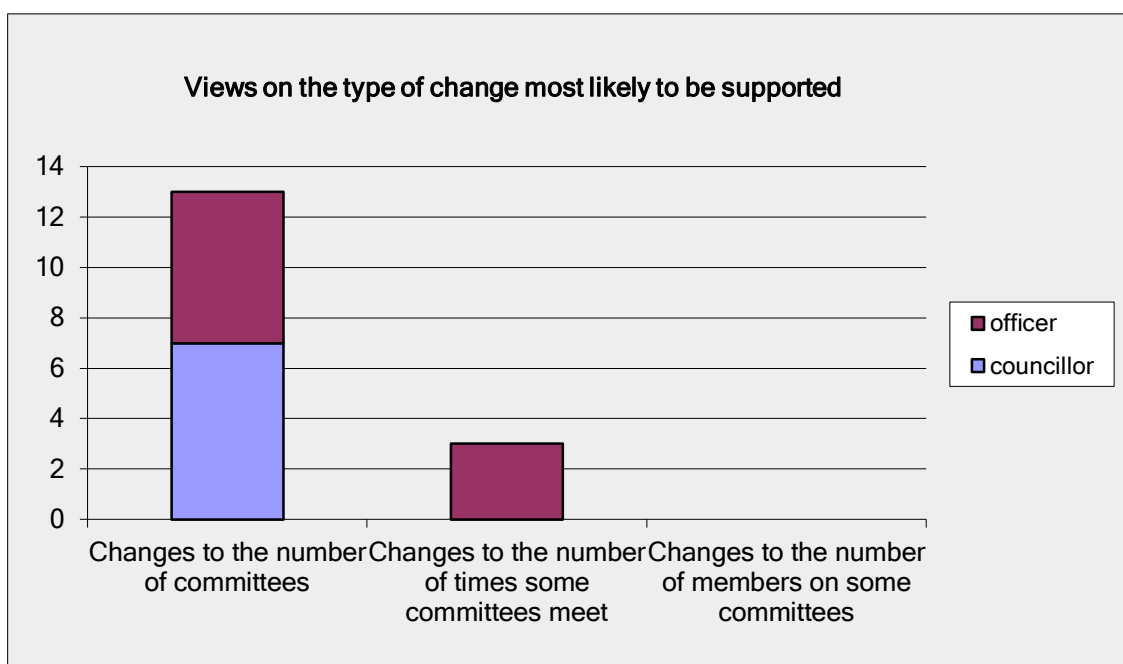
## Appendix 1 - Comparison with other councils

	Cotswold DC	Forest of Dean DC	Stroud DC	Cheltenham BC	Tewkesbury BC	Gloucester City	Oxford City	Gedling BC	Ipswich BC	Cannock Chase DC	East Staffs BC	Newcastle-under-Lyme BC	AVERAGE
Current Political Control	<b>Cons</b> (C: 18 / L:9 / LD: 9)	<b>NOC</b> (C: 18 / L:17 / IND: 11 / LD:1 / UKIP:1)	<b>NOC</b> (C: 22 / L:20 / GR: 6 / LD: 3)	<b>Lib Dem</b> (LD 24 / C: 12 / IND: 4)	<b>Cons</b> (C:24 / LD:9 / IND: 5)	<b>NOC</b> (C: 18 / L:9 / LD:9)	<b>Labour</b> (L: 33 / LD: 8 / G: 6 / IND: 1)	<b>Labour</b> (L: 32 / C: 15 / LD: 3)	<b>Labour</b> (L: 35 / C: 10 / LD: 3)	<b>Labour</b> (L: 25 / UKIP: 6 / C: 5 / LD: 3 / IND: 2)	<b>NOC</b> (L: 16 / IND: 4 / C: 18 / LD: 1)	<b>Labour</b> (L: 32 / C:16 / LD: 6 / UKIP: 5/ G:1 )	n/a
Total Number of Committees	7	14	9	10	8	11	15	9	12	23	15	16	12
No. of Ctee Positions:No of Members	60:44	114:48	110:40	118:40	82:38	103:36	104:48	95:50	138:48	199:41	45:39	156:60	-
Number of Committee Positions Per Member	1.4	2.4	2.8	3.0	2.2	2.9	2.2	1.9	2.9	4.9	1.2	3.6	2.6
Average Number of Positions Per Committee (Mean)	8.6	11.2	10.9	11.8	8.2	9.4	7	12	11.5	8.6	7.5	9.8	9.7
Total No of Committee Meetings Per Year	48	66	40	51	52	69	114	100	82	120	45	105	74
Average Number of Meetings Per Committee Per Year (Mean)	7	5	4	5	7	6	7	7	7	5	3	7	5.8
Governance Model	Cabinet 6	Cabinet 5	Committee System	Cabinet 8	Fourth option	Cabinet 5	Cabinet 10	Cabinet 7	Cabinet 9	Cabinet 9	Cabinet 6	Cabinet 7	-

## Appendix 2 – summary of survey results

All members and a range of relevant officers (senior managers and democratic services staff) were invited to complete a short online survey between 26<sup>th</sup> November and 10<sup>th</sup> December 2014. 16 people (9 officers, 7 councillors) completed the survey.

**Support for change:** The survey responses suggest strong support (81% of respondents) for changing the number of committees, as opposed to changing the numbers of times committees meet (19%) or changing the numbers of members on committees (0%). All councillors (100%) who responded to the survey identified changes to the number of committees as the type of change they would be most likely to support:



### Principles and features of governance and decision-making that councillors value the most:

- **Accountability** (which was defined as ‘all debates and decision making are carried out in formally constituted committee meetings with agendas and minutes’) was ranked by 72% of councillors as the principle of governance they value most.
- This contrasts sharply with **Involvement** (which was defined as ‘opportunities for councillors and other stakeholders to be involved in debates and decision making’) which no councillors (0%) ranked as the principle they value most.
- 28% of councillors considered **Transparency** (which was defined as ‘all debates and decision making are carried in meetings that are held in public’) as the principle they most valued.

**Specific suggestions for change and consideration:** A range of suggestions were put forward by respondents. These included:

- Reduce the number of committees by amalgamating those with obvious synergy
- Get rid of specific committees – e.g. Staffing Committee, Member Development
- Merge the Audit & Risk committee with Standards Committee
- Have less scrutiny committees and/or revisit their remits.
- Less committees and less meetings
- Review the types of agenda items to reduce the number of ‘information only’ items
- Consider the timescales for submission of items to Committee
- Ensure that meetings have a clear outcome/resolution



## **Appendix 3 – list of stakeholders engaged during the review**

The peer team met and/or spoke with the following officers and councillors during the review:

John Sellgren – Chief Executive

Neale Clifton – Executive Director (Regeneration and Development)

David Adams - Executive Director (Operational Services)

Kelvin Turner – Executive Director (Resources and Support Services)

Mark Bailey- Head of Business Improvement, Central Services & Partnerships

Julia Cleary – Democratic Services Manager

Justine Tait – Democratic Services Officer

Geoff Durham – Member Training and Development Officer

Liz Dodd – Audit Manager and Monitoring Officer

Cllr Reginald Bailey – Chair, Active and Cohesive Communities Scrutiny Committee, and member of Health and Wellbeing Scrutiny Committee and Public Protection Committee

Cllr Colin Eastwood - Chair of Health and Wellbeing Scrutiny Committee, and member of Public Protection Committee and Planning Committee

Cllr Sandra Hambleton – Chair of Standards Committee and Staffing Committee and member of Planning Committee and Audit & Risk Committee

Cllr Derrick Huckfield - UKIP Group Leader

Cllr Hilda Johnson – Vice Chair of Health and Wellbeing Scrutiny Committee and member of Active and Cohesive Communities Scrutiny Committee

Cllr Nigel Jones - Liberal Democrat Group Leader

Cllr David Loades – Conservative member of two Scrutiny Committees and Audit & Risk Committee

Cllr Bert Proctor – Vice Chair of Public Protection Committee and Planning Committee and member of Member Development Panel

Cllr Elizabeth Shenton – Deputy Leader of the Council (and Cabinet Member)

Cllr David Stringer – Chair of Economic Development and Enterprise Scrutiny Committee and member of Finance, Resources and Partnerships Scrutiny Committee

Cllr Gill Williams – Chair of Cleaner Greener and Safer Communities Scrutiny Committee and member of Licensing Committee and Public Protection Committee

Cllr Mike Stubbs – Leader of the Council (and Cabinet Member)

Cllr Joan Winfield – Chair of Licensing Committee and member of Cleaner Greener and Safer Communities Scrutiny Committee and Member Development Panel

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## **REPORT ON CHANGES TO COMMITTEE ARRANGEMENTS**

**Submitted by:** Chief Executive

**Portfolio:** Communications, Policy & Partnerships

**Wards affected:** All

### **Purpose**

To update Members on the outcome of a review undertaken by a Local Government Association peer review team of the democratic decision-making structures of the Council. To make recommendations to the Council to implement changes to the Council's Committee arrangements in line with the recommendations of the Peer Review report.

### **RECOMMENDATIONS:-**

- (a) That the Council approves the following changes to the Committee arrangements
  - i. Merge the Audit and Risk and Standards Committees
  - ii. Disband the Staffing Committee
  - iii. Disband the Joint Parking Committee
  - iv. Disband the Member Development Committee
  - v. To create the Constitution Working Group as a Committee of the Council and to title it the Constitution Review Committee.
- (b) That the number of places on the Public Protection Committee be set at 15.
- (c) That the Constitution Working Party be asked to make recommendations for changes to the Council's Constitution to give effect to recommendation (a) above and make a report to the next meeting of the Council.
- (d) That the Council approves the Audit and Risk Committee and Standards Committees to operate as a combined Committee until the appropriate changes are made to the Council's Constitution as required consequentially by recommendation (a) above to request the Group Leaders to nominate the same named individuals to both the Audit and Risk Committee and the Standards Committee with immediate effect.
- (e) That the Group Leaders be requested to nominate the same named individuals to both the Licensing Committee and the Public Protection Committee with immediate effect.
- (f) That the Constitution Working Party be asked to undertake a review of the Council's scrutiny arrangements and to bring forward recommendations consistent with the objectives and recommendations of the Peer Review to improve the efficiency of the Council's democratic arrangements.
- (g) That the Council approves the transfer of the powers and duties of the Staffing Committee to the Head of Paid Service acting with the agreement of the Portfolio Holder for human resources with immediate effect and until the appropriate changes

are made to the Council's Constitution as required consequentially by recommendation (a) above.

- (h) That the Constitution Working Party be asked to consider recommending to the Council conventions which could be adopted to improve the efficiency of formal meeting which are consistent with promoting effective debate, efficient use of Member and officer time, and facilitate the involvement of the public, consultees and others in the work of the Council's formal meetings.

## **1. Context**

- 1.1 In December 2014 the Council invited an LGA Peer Review team to conduct a review of its democratic decision making structures. The review reported in January 2015 and a copy of the report is contained in full at Appendix 1 of this report.
- 1.2 The review was commissioned as part of a wider organisational drive for further efficiency. It was specifically designed to help the council look at the way in which its various committees and panels are organised and identify potential options to consider.

## **2. Findings of the Peer Review**

- 2.1 The Peer Review noted that the current democratic decision making arrangements demand a lot of time from both Members and officers. This arises from the extensive array of formally constituted committees and panels. The review team noted that the number of committees and committee positions is very large when compared with similar district and borough councils benchmarked by the team. They noted that the number of meetings (well over 100 per year) is amongst the highest of the benchmark authorities. Similarly the number of committee positions is 3.6 per councillor for this councillor compared to an average of 2.6 amongst the comparator councils.
- 2.2 The Peer Review team undertook a detailed analysis of the implications of these headline findings and these are set out in the report.

### **2.3 Peer Review recommendations**

The Peer Review Report makes recommendations for a number of committees to be merged, combined or disbanded. The specific recommendations are as follows:

- Merge / amalgamate the Public Protection Committee and Licensing Committees
- Merge / amalgamate the Audit and Risk and Standards Committees
- Merge / amalgamate the Active and Cohesive Communities and Health and Well Being Scrutiny Committee
- Review the continued need for the Staffing Committee
- Review some of the historical / legacy arrangements, such as the Joint Parking Committee and Conservation Advisory Working Party, and whether the Council should continue to service these bodies

Each of these recommendations is considered in detail below.

### **Merge / amalgamate the Public Protection Committee and Licensing Committees**

The Peer Review Report proposes that the Public Protection Committee and the Licensing Committee be amalgamated. It is noted that a single committee covering all of the functions of those two committees is common practice in other councils. However, it should be noted that these two Committees are responsible for two discrete areas of licensing working under two distinct sets of statutory provisions. The Public Protection Committee under the provisions of the local government Act 1972 and the Licensing Committee under the Licensing Act 2003 and Licensing Act 2005.

Given the semi-judicial nature of these Committees care needs to be taken to ensure that Members serving on them are given adequate training. Members will be aware that to facilitate the participation of businesses and their representatives where this is required sub-committees of the Licensing Committee have met during the daytime. It should be noted that on occasion, due to other commitments on the part of some Committee Members, it has been challenging for a suitable quorum of Members to be assembled. It may therefore be prudent in making changes to these committees to enlarge the size of the Public Protection Committee to standardise the number of Members on each Committee at 15 places. In making nominations, Group Leaders should advise their Members of the daytime meeting requirements of these roles.

Whilst the Peer Review recommendation to amalgamate the two committees has merit, some eminent legal authorities maintain that Parliament's intention under the Licensing Act 2003 was to create a standalone licensing committee. This being the case it may be prudent at this time for the Council to retain the separate entities of a Licensing Committee and a Public Protection Committee but that identical nominations be made to the two Committees and that meetings be scheduled so that they run sequentially on the same occasion. On the basis of the amount of business over recent years for the two committees this is considered to be a practical proposal. This arrangement would give efficiencies since the officer time required in supporting the meeting would be less where the businesses of the two Committees is conducted on a 'back-to-back' basis.

It is proposed therefore to accept the principle of Peer Review recommendation and to bring together the operation of two existing committees but to retain the two legally distinct Committee roles.

### **Merge / amalgamate the Audit and Risk and Standards Committees**

The Peer Review report makes the case for the Audit and Risk and Standards Committees to be merged to create an Audit and Governance Committee. There is a high degree of synergy between the work of the two existing committees and it is therefore proposed to accept the Peer Review recommendation and to merge the two existing committees.

### **Merge / amalgamate the Active and Cohesive Communities and Health and Well Being Scrutiny Committee**

In relation generally to the work of the Overview and Scrutiny Committees the Peer Review team observed that they “appear to operate like service committees”. However, the only proposed change to scrutiny arrangements made by the Peer Review team is the merger of the Active and Cohesive Communities and Health and Well Being Scrutiny Committee.

Feedback from Members has indicated a strong desire to retain a separate Health and Wellbeing Scrutiny Committee. In light of the experience of Stafford Borough and the comments made by the Francis Inquiry (in relation to Stafford General Hospital) it would be advisable at this time to recommend the retention of the separate Health and Wellbeing Scrutiny Committee. It is suggested that the Constitution Working Group should be asked to review and recommend the revision of the terms of reference of the Health and Wellbeing Scrutiny Committee to ensure that recommendations from the Francis Report and the experience of Stafford Borough Council have been embedded in this Council’s arrangements.

However, in light of the comments made by the Peer Review about the work of scrutiny committees it is recommended that the Constitution Working Group be asked to undertake a short task and complete piece of work to make recommendations for improvements to be made to the Council’s scrutiny arrangements particularly to ensure that these are efficient and effective and in line with best practice.

#### **Review the continued need for the Staffing Committee**

The Peer Review report states that the team was not certain of the role of the Staffing Committee and how it adds value to decision-making. Concerns were expressed that it may add unnecessary delay to the process of getting relatively minor policy updates approved, or escalates issues which might be resolved more quickly and collaboratively at a lower level. The team expressed the view that most of the functions of the Staffing Committee “appear to be in the remit of the Head of Paid Service”. It is therefore proposed to disband the Staffing Committee and to amend the Constitution to pass the functions currently performed by the Committee to be discharged by the Head of Paid Service in consultation with the Cabinet Portfolio Holder for human resources as appropriate. The Constitution Working Group will be asked to oversee the task of recommending the required changes to the Constitution.

#### **Review some of the historical / legacy arrangements, such as the Joint Parking Committee and Conservation Working Group, and whether the Council should continue to service these bodies**

The Joint Parking Committee has naturally come to an end with effect from 1 April 2015 as a result of the County Council’s decision to commission its Civil Parking Enforcement service through a single provider. It is therefore recommended that this Committee be disbanded.

The Conservation Advisory Working Party is an advisory Committee which makes comments to the Planning Committee on matters which affect the historic built environment and in particular on applications for planning permission in Conservation Areas, listed building consent, conservation area consent, consents for advertisements, passing comment on applications for historic building grants and to

recommend on conservation policy. It is held on a 3-weekly cycle in order to facilitate efficient decision-making on applications for permission or consent. Its members are drawn from Borough Councillors (5), 7 representatives of local organisations and a representative of each Parish Council.

In terms of officer resources it is supported by one specialist member of staff. In view of the importance of achieving good quality design in historically important parts of the built environment it is considered that there is merit in retaining this advisory group, particularly in view of the relatively modest demands placed upon the Council. It is proposed that the Conservation Advisory Working Party be retained in its current form.

The Member Development Committee was set up on a task and complete basis to advise on improvements to the support arrangements for elected Members. The Committee has reviewed the arrangements and recently made recommendation for the future use of ICT arrangements in line with those which exist for officers and in accordance with good practice. It may be considered that the Committee has now completed its task and should be disbanded.

The Constitution Working Group is technically a Committee of the Council. When this was first established it was done on a task and complete basis with the remit to update the Council's Constitution. Whilst the bulk of the substantive task was completed a year or so ago, the Council has subsequently retained the good practice of keeping the Constitution updated on a rolling basis and the Constitution Working Group has continued to undertake this work. The working group has been kept small and operated on a cross-party basis. It is proposed that this group should become a full Committee of the Council and that the Constitution should be amended to reflect this.

At its meeting on 26 November 2014 the Council established a Committee to look at the future of election cycles and the size of the council. This Governance Committee was established on a task and complete basis with a requirement to report its findings to the Council no later than September 2015. It is proposed that this Committee be retained for the duration of its current remit.

### **Timing of meetings**

Although not considered as part of the brief of the Peer Review there has been discussion within the Council about the timing of meetings. By convention the majority of the council's formal meetings start at 7pm. As part of wider moves to ensure that the council is efficient in the way it conducts its business it has been suggested that consideration be given by Members about whether this is the most convenient time in view of the other demands on the time of both Members and officers.

It is suggested that the Constitution Working Party be asked to give this matter greater consideration and to make recommendations for whether there are ways in which meetings could be scheduled to be more efficient on the time of Members and officers. In doing this the Working Group would also be asked to make recommendations about other practices which could be adopted by convention which may assist the business management of meetings to promote efficient use of time and also to consider this in relation to meetings where members of the public, consultees or others are in attendance.

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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE  
MEMBER DEVELOPMENT PANEL**

**2 July, 2015**

**TRAINING REQUIREMENTS**

**Submitted by:** Member Training and Development Officer

**Portfolio:** Finance, IT and Customer

**Ward(s) affected:** Non-specific

**Purpose of the Report**

To advise Members of a report by the Council's Internal Audit Section in connection with training requirements for Members.

**Recommendations**

- (a) That Members discuss and comment on the Training Programme.
- (b) That Members consider ways in which a greater take up of training events can be achieved.

**Reasons**

To ensure that the training programme is robust and that Members take up the opportunities offered to give them the required skills and knowledge to carry out their role.

1. **Background**

- 1.1 The Training programme was agreed at the meeting of this Panel held on 8 January, 2015 and is attached at Appendix 1.
- 1.2 Previously, all training events had been decided as a result of Members completing and returning a Personal Development Plan (PDP). At the previous meeting of this Panel it was agreed to send out PDP's to identify any training requirements that Members may have. These could be slotted into the Programme for February and March next year.

2. **Issues**

- 2.1 The Internal Audit report had identified Member Development because it was included as part of the Head of Business Improvement, Central Services and Partnerships' appraisal.
- 2.2 Members should consider the training programme and decide which, if any, events should be removed, any added and if more should be made mandatory.

3. **Legal and Statutory Implications**

- 3.1 There are no legal implications directly associated with this report.

4. **Equality Impact Assessment**

4.1 There are no equalities implications directly associated with this report.

5. **Financial and Resource Implications**

5.1 There is a limited budget of £5000 for the training and development of Members.

6.2 The main resource implication associated with the proposals listed in this report is use of Members' time. The process will require a minimal commitment of time from Members if it is to be effective and meaningful. There is little resource implication concerning officers as this process will be Member led and owned by Members.

7. **Major Risks**

7.1 There are no major risks associated with this report.

8. **Key Decision Information**

8.1 The proposals within this report are not regarded as Key Decisions in the sense that it should be included within the Forward Plan. However, as this is not regarded as a non-Executive function, a Cabinet (executive) decision is required to give effect to the proposals.

9. **Appendices**

Appendix 1 – Training Programme

10. **Earlier Cabinet/Committee Resolutions**

4 June, 2015

## Elected Member Training and Development Plan 2015/16

Month	Events	Training Event	Training Event
<b>May</b>	Newly Elected Members	New Members Induction packs	New Members Induction Day
	New members will be given usernames etc. Introductory training for Members of quasi-judicial committees*.	PDP/ questionnaires sent/advised new Members website?  Introductory training prior to the first meeting of every committee*	<b>Informative Sessions (all relevant Members):</b> <ul style="list-style-type: none"> <li>• Licensing*</li> <li>• Public Protection*</li> <li>• Planning*</li> <li>• Audit and Risk*</li> <li>• IT*</li> <li>• Tablet Training*</li> <li>• Cabinet Member training</li> <li>• Overview of Planning</li> <li>• Introduction to Committees</li> <li>• Data Protection</li> <li>• Introduction to Modern.gov*</li> <li>• Media Training</li> </ul>
<b>June</b>	Sourcing of training events		
	Analysis of feedback from all questionnaires by Member Development Panel.	Sessions by Executive Management Team giving a broad overview of their Service	
<b>July</b>			
<b>August</b>			
<b>September</b>		2 training days to be arranged	Enforcement  Chairs Training
<b>October</b>		2 training days to be arranged	Finance  Difficult people/challenging situations
<b>November</b>		2 training days to be arranged	Effective Ward leadership  Preparing and

			delivering speeches Speed reading
<b>December</b>		1 training day to be arranged	
<b>January</b>		1 training day to be arranged	Localism
<b>February</b>	Info for prospective candidates	2 training days to be arranged	Open Event for prospective candidates  Speaking with confidence  To be chosen from PDP
<b>March</b>		2 training days to be arranged	Partnership Working  To be chosen from PDP
<b>April</b>	Nomination packs (including Strategy and Induction Programme) sent to prospective Councillors		

Training Sessions marked with an '\*' are mandatory for all Members

**Training Session prior to 1<sup>st</sup> Audit and Risk meeting**  
**Training Session prior to 1<sup>st</sup> Planning meeting**  
**Training Session prior to 1<sup>st</sup> Licensing Meeting**  
**Training Session prior to 1<sup>st</sup> Public Protection meeting**

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE  
MEMBER DEVELOPMENT PANEL**

**2 July, 2015**

**WORK PLAN**

**Submitted by:** Member Training and Development Officer

**Portfolio:** Finance and Resources

**Ward(s) affected:** Non-specific

**Purpose of the Report**

To assess the Work Programme for the Panel and to add any further items.

**Recommendations**

(a) That the Work Plan be agreed

**Reasons**

To give the Panel a solid structure and set aims and objectives for the future.

1. **Background**

1.1 The Member Development Panel, in its present format, was set up following the gaining of the West Midlands Member Development Charter in 2010.

1.2 A Work Plan had not been set up previously and by doing so, goals for improving the take up of training and its delivery and other Member Development issues can be set.

2. **Issues**

2.1 Having a Work Plan to guide the Panel will provide guidance and ensure that any issues raised are dealt with in a structured manner.

3. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

3.1 Better informed Members will contribute directly to 'Achieving a Cooperative Council and Community Based Service'

4. **Legal and Statutory Implications**

4.1 There are no legal implications directly associated with this report.

5. **Equality Impact Assessment**

5.1 There are no equalities implications directly associated with this report.

6. **Financial and Resource Implications**

6.1 There is now a limited budget for the remainder of the current financial year.

6.2 The main resource implication associated with the proposals listed in this report is use of Members' time. The process will require a minimal commitment of time from Members if it is to be effective and meaningful. There is little resource implication concerning officers as this process will be Member led and owned by Members.

7. **Major Risks**

7.1 There are no major risks associated with this report.

8. **Key Decision Information**

8.1 The proposals within this report are not regarded as Key Decisions in the sense that it should be included within the Forward Plan. However, as this is not regarded as a non-Executive function, a Cabinet (executive) decision is required to give effect to the proposals.

9. **Appendices**

Work Plan

10. **Earlier Cabinet/Committee Resolutions**

4 June, 2015

**WORK PLAN FOR THE MEMBER DEVELOPMENT PANEL  
FOR 2 JULY MEETING**

<b>TOPIC</b>	<b>ACTION/ Dates etc</b>	<b>Officer</b>
lpad roll out	<p><b>May 2015 onwards</b></p> <p><b>Following the success of the Trial, tablets are to be issued on a rolling programme over the next four years until every Member is in possession of one.</b></p>	<b>D Elkington</b>
Professional Development Plans	<p><b>To be received by end of June, 2015 with a mop up period at the beginning of July?.</b></p> <p><b>For the Member Development Panel to agree a training programme.</b></p>	<b>G Durham</b>
To Investigate ways in which more Members can be encouraged to participate in training events		<b>G Durham</b>
Review the need of and requirement for the Members Website	<p><b>Members with access to the site were asked to browse the site and suggest where it could be improved.</b></p> <p><b>New website is being created. Design to be shown at a future meeting.</b></p>	<b>G Durham</b>
Look at the Members Training Programme	<p><b>Look at the mandatory and optional subjects and prioritise them.</b></p> <p><b>Ongoing process. Programme agreed for 2015/16</b></p>	<b>G Durham</b>
New Member Induction	<b>To agree upon the delivery and content of the programme</b>	<b>G Durham</b>

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