

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.