

## **GOVERNANCE COMMITTEE**

### Minutes of the meeting held on 5 November 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Davison (Chairman)

Cllr. Scholey (Vice-Chairman)

Cllrs. Mrs. Cook, Fittock and Walshe

Apologies for absence were received from Cllrs. Mrs. Morris

Cllrs. Brookbank, Davison, Firth, Mrs. Hunter and Miss. Stack were also present.

#### 15. Minutes

Resolved: That the minutes of the meeting of the Governance Committee held on 19<sup>th</sup> September 2013 be approved as signed as a correct record.

#### 16. Declarations of Interest

There were no additional declarations of interest.

#### 17. Actions arising from the last meeting

The Committee noted that the governance questionnaire had been circulated on 25<sup>th</sup> October and responses were due back by 15<sup>th</sup> November.

#### 18. Review of New Governance Arrangements

The Committee considered a report providing a review of the new governance arrangements which were introduced at the Annual Council meeting in May 2013. The new governance structure was intended to address concerns with the previous structure in the following areas - 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 the need to streamline the system to match the resource available.

The report also outlined alternative governance options such as a Committee System or a hybrid model requiring Secretary of State approval.

At its meeting on 10<sup>th</sup> July 2013, the Governance Committee asked the Head of Transformation and Strategy to develop a questionnaire seeking Members' views of the new governance structure. The questionnaire was circulated to all Councillors on 25<sup>th</sup> October 2013. To date 20 responses to the questionnaire had been received.

The Monitoring Officer reported that she had spoken to Kathy Billington at the Department for Communities and Local Government who had confirmed that to date no

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applications for hybrid models had been received. There was no clear definition of a hybrid model however, if a Council opted to pursue this route an application for approval of the model would have to be made to the Secretary of State. Once this approval had been granted the application would have to follow a process through the House of Commons and House of Lords as any proposed system would have to be suitable for any Local Authority. If a new system were introduced it would also have to remain in place for a minimum of five years meaning that any decision taken this year would bind a future Council.

The Committee felt that in light of the information reported by the Monitoring Officer it would not be practical or cost effective to pursue a hybrid model at this time.

It was generally felt that Members still did not feel involved in the decision making process and there was a lack of engagement. One of the main issues with the new system was that there was not sufficient opportunity for Members to debate issues before decisions were taken. Members reported that they now felt less aware of decisions that were being taken than was the case under the previous system.

A Member suggested that at the beginning of the municipal year there had been teething problems with the new system as there had been a long gap between the new system being approved and the first cycle of meetings. Once the meetings were underway there had not been any real business to consider and instead Members had been presented with information as if there had been a change in Council rather than a change in Committee structure. Members also questioned why business from the work plans of the previous Select Committees had not been transferred to the work plans of the Cabinet Advisory Committees.

A visiting Member expressed disappointment that some Councillors were making very little effort to engage with the new committee structure and stressed that Councillors had a responsibility to attend meetings and involve themselves when opportunities were presented.

The Committee felt that any decisions that were taken surrounding whether to recommend a further change to governance arrangements should be informed by the responses to the questionnaire that had been circulated. The Committee agreed that the Governance Working Group should be established to review the responses to the questionnaire and asked Officers to fix a suitable date for the first meeting.

*Action 1: That Officers arrange a suitable date for the first meeting of the Governance Working Group where the responses to the governance questionnaire could be considered.*

Resolved: That the Governance Working Group be established to review the responses to the Governance Questionnaire circulated on 25<sup>th</sup> October 2013.

### 19. Review of the Allocation of Special Responsibility Allowances

At the Council meeting on 1 October 2013 the Governance Committee was asked to review the allocation of special responsibility allowances and consider all options within the budget available. The Committee considered a report proposing that a working group be established to review the allocation of the available budget.

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The Head of Finance reported that the table referenced in paragraph 2 of the report was missing some information. It was confirmed that special responsibility allowances were payable to Chairmen of the Scrutiny Committee, Audit Committee and the Cabinet Advisory Committees and these allowances were 50% of the basic allowance.

The Monitoring Officer reminded the Committee that any amendments to the Members' Allowances Scheme would have to be referred to the Joint Independent Remuneration Panel for consideration.

The Chairman reminded members that the allowance scheme had been agreed by Council and only minor changes were being considered.

Members felt that any further changes that were made to the Members' Allowance Scheme should be evidenced based. It was suggested that job specifications for different roles could be drawn up in order to provide the required evidence.

The Committee considered the issue of allowances for Vice-Chairmen. There was agreement that the Vice-Chairman of the Development Control Committee had unique responsibilities and these should be recognised through a special responsibility allowance.

Resolved: That a Working Group be established to further review the allocation of special responsibility allowances.

### 20. Amendments to the Council's Constitution: Part 13 - Officer Responsibilities and Delegations

The Committee considered a report setting out changes that had been made to Part 13 of the Council's Constitution. The main changes were as follows:

- The Director posts were deleted.
- All Heads of Service posts were deleted.
- The Head of Paid Service and s.151 Officer responsibilities were amalgamated under the Chief Executive post.
- Paragraph 4.6 was updated to reflect the fact that Ethical Standards Officers no longer exist under current legislation with the Monitoring Officer having delegated authority in relation to investigations. A cross reference in a foot note to Appendix S of the Constitution "Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011" can be made for clarification purposes.
- Following the creation of the new Chief Officer posts generic delegations to such officers were set out under paragraph 11.
- All new Chief Officers were asked to set out their responsibilities and to check and where necessary update their legal powers.
- A typographical error was spotted in relation to the sum set out for writing off debts. This read £500 and should have read £5,000 in line with Appendix D "Financial Procedure Rules". A cross reference in a foot note to Appendix D of the Constitution "Financial Procedure Rules" can be made for clarification purposes.

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The Monitoring Officer reported that the new delegations had been operating since 1<sup>st</sup> September 2013 and no issues had arisen. If any problems were to occur with the arrangements the delegation scheme would be referred back to the Governance Committee for consideration.

The Chairman reported that she had reviewed all the changes that had been made to Part 13 of the Constitution and thanked the Monitoring Officer for the care and accuracy with which the changes had been made.

Resolved: That the changes to delegations made within the Constitution following the senior management restructure as approved by Council on the 1<sup>st</sup> October 2013 be noted.

### **21. Amendments to the Constitution relating to the Licensing function**

The Committee considered a report setting out proposed amendments to Part 8 and Part 13 of the Council's Constitution relating to the Licensing Function. It was necessary to update the constitution to reflect changes that had been made to legislation and new legislation that had been implemented.

In Part 8 – Licensing Committee, the Committee's Terms of Reference had been amended to reflect new legislation in the Police Reform and Social Responsibility Act 2011 – to enable the Local Authority to set a Late Night Levy or an Early Morning Restriction Order should they wish. It was also being suggested that the Licensing Committee should delegate powers to the Licensing Sub-Committees for the determination of an application for Sexual Establishment licences. The report also proposed a minor amendment to the Terms of Reference for the Licensing Sub-Committee to enable some reports concerning the licensing of hackney carriages and private hire vehicles to be referred to a Licensing Sub-Committee at the discretion of Officers.

The proposed changes to Part 13 – Officer Responsibilities and Delegations, clarify that the delegations to Officers to determine applications under the Licensing Act 2003 and Gambling Act 2005, exist only when no relevant representations have been received. Licensing Officers would be able to make representations on Licensing Act 2003 applications and call for a review of a licence.

A Member expressed concern that the quorum for Licensing Hearings was only two Members as problems could arise if the two Members did not agree. Officers explained that it was very rare that a situation arose where there were only two Members at a hearing as a Member was kept on standby to attend at late notice and Members were substituted if necessary. The Committee suggested that it would be helpful to have some wording in the Constitution to formalise these arrangements.

Resolved: That Full Council be recommended to approve the amendments to Part 8 and Part 13 of the Council's constitution attached at Appendix A and Appendix B of the report.

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### 22. Work Plan

The Committee considered its work plan for the year. Members felt that it would be necessary to hold an additional meeting on Wednesday 29<sup>th</sup> January 2014 in order for the responses to the governance questionnaire to be formally considered by the Committee. At this meeting Members could also consider the recommendations from the Working Group set up to review Special Responsibility Allowances and a report on Options for Recording Council Meetings.

Resolved: That an additional meeting of the Governance Committee be scheduled for 29 January 2014.

THE MEETING WAS CONCLUDED AT 8.12 PM

CHAIRMAN