

**PROPOSED CHANGES TO COMMITTEE GOVERNANCE ARRANGEMENTS**

Shown in diagrammatic form as Annexe A

a) Policy Committees

- The urgency committee is to be dissolved and its functions to be absorbed by Policy & Resources Committee
- The Housing Committee to be dissolved and Terms of Reference to be absorbed by Economy, Regeneration and Development (ERD) Committee.
  - Further consideration has been given to dividing development related matters from community services related matters between committees. On balance, agreed functions fully passed to ERD Committee, but care is to be given to the sensitivity of the services and precise care is to be given to the drafted terms of reference, with emphasis on policy, allocations, landlord licensing and conditions.
  - Consideration is to be given to the formal request of Housing Committee for housing matters to be made the subject of a standing sub-committee
    - The Working Group has expressed the opinion that the addition of a standing sub-committee would have the effect of negating the benefits to be derived from reducing the overall number of committees. It was noted, subject to the comment on sub-committees below, that this would be a matter for the parent committee however.
- The number of Policy & Services Committees to remain at six (inclusive of the Policy and Resources Committee).

***N.b.*** The Committee is advised that the preference of the Independent Panel is for a reduction to five Policy Committees, because this would most effectively deliver the benefits of streamlining the system. If the Council is minded to retain six policy committees, however, it is the strong recommendation of the Independent Panel that other measures to alleviate the position be introduced, such as to:

- Extend delegated powers generally and greater use of 'officer in consultation with' decisions and reduction in the number of times a matter goes to committee. Ideally only once and then delegated out;
- Remove all overview and scrutiny and a limit on call-in or dissent style mechanisms;
- Review what is taken to committees (i.e. a prohibition on 'to note' reports);
- Review the council diary of meetings, with a view to reducing the overall number of meetings; and
- Review of the committee terms of reference to assist in focussing the content of matters going to committee.

- A limit to be placed on formal meetings of sub-committees within the drafting.

b) Terms of Reference and Delegation

- The focus on the leadership of the Policy & Resources Committee in respect of financial recovery and budget development is noted but, with an increase in the agreed delegation levels in the Terms of Reference for Policy & Resources Committee on virements and property disposals/ acquisitions to £500k
- Further property transactions to be delegated to Economy, Regeneration & Development Committee based upon individual business cases to be presented to the Policy & Resources Committee.
- The terms of reference of the Senior Officer Appointments & Staffing Sub-Committee be amended so that the Sub-Committee is only responsible for the appointment of Chief Officers. Appointment of all Deputy Chief Officers, including Assistant Director grades, to be delegated to the Chief Executive as Head of the Paid Service.
- Insert into Terms of Reference (ToR) of each Committee that reports presented to Committees should normally only be those which require a decision or budget and performance monitoring (to be managed by the Chair and Group Spokespersons).
- Committee size to be removed as a standard from Terms of Reference and the size will be determined at Annual Council as part of the appointments & political balance reports. Committee size to be determined as an outcome of the group leaders' post-election negotiations.
  - Consideration is to be given to advising the discussions in respect of appropriate size and matching of skill sets to committee appointments.

**N.b.** The Committee is advised by members of the Independent Panel that it would be sensible to have an indicative minimum and maximum size of committee. This would assist in providing parameters for starting the negotiations and will avoid adding the complexity caused by starting from a blank sheet each time.

The members of the Independent Panel further advise that regard should be had to matching of skill sets to committee appointments. This corresponds with being able to reduce committee size, in which respect it is pointed out that the Audit and Risk Management Committee, at 11 plus 2 independent members, falls far outside of CIPFA recommendations concerning the appropriate size for an audit committee.

- It was confirmed that:
  - The Constitution and Standards Committee, the Senior Officer Appointments & Staffing Sub-Committee and the Regulatory Licensing Panels are currently excluded from the political balance rules and this is intended to continue.

- The ToR should note that the rules for Licensing Act Committee and its panels differ from those for an ordinary committee and that the statutory provisions do not permit substitutes.

c) Call in, dissent and Overview & Scrutiny

- Decision Review Committee is to be dissolved and the call-in provisions removed.
- Partnerships Committees to be dissolved and its statutory scrutiny functions and other relevant functions are to be absorbed into relevant Policy Committees.
- Council is to be recommended to resolve to appoint no overview & scrutiny committee, under s9JA of the LGA 2000.
- The controversial decision ('dissent') provisions are to be replaced.
- There will be a new process for members of the Policy & Resources Committee to request reconsideration of a decision that, on meeting the criteria, will result in removal of delegation and the re-consideration of the published decision of a Policy and Services Committee (or an officer acting under delegation) by the Policy and Resources Committee. On reconsidering the matter, P&R Committee will be able confirm, refer back or replace the decision. Draft provisions are attached as **Annexe B** below.

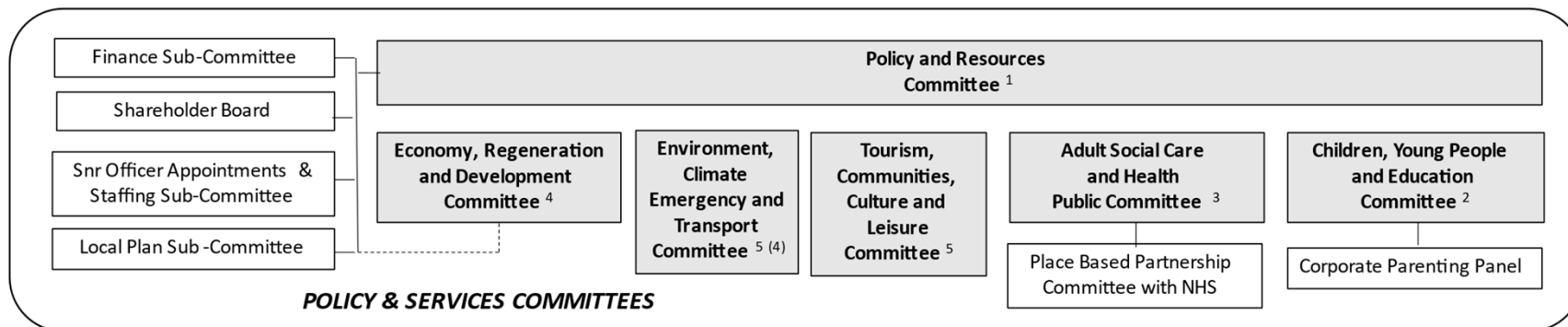
d) Number of meetings

- Members are to consider altering the committee cycle to reduce the number of meetings per year



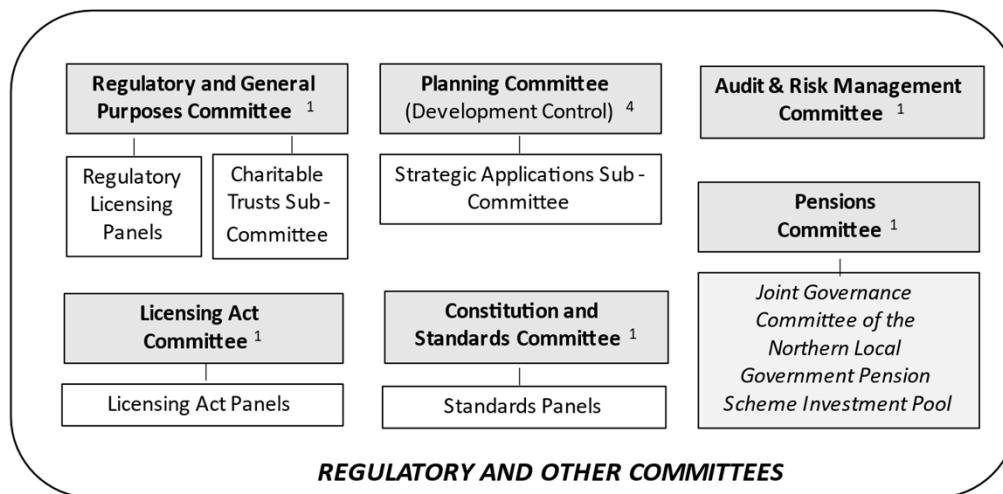
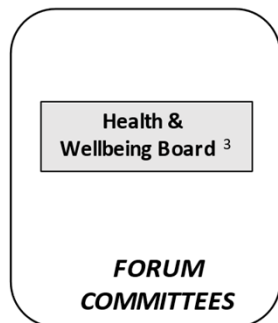
COUNCIL

Draft Committee Structure 31/01/2022



Lead Directors

1. CX, s151 & MO
2. Director for Children's Services (DCS)
3. Director for (Adult) Care and Health & Director of Public Health (DASS & DPH)
4. Director for Economic and Housing Growth & ACX
5. Director for Delivery Services & ACX



## **Procedure for re-consideration of decisions**

*Articles 7.3, 7.4 and 7.5 of the current Constitution shall be deleted and replaced with*

### **7.3 Removal of delegation (Policy and Resources Committee to re-consider a decision)**

- (a) Where a majority\* of the members of the Policy and Resources Committee wish for a decision to be re-considered that has been made by a Policy and Services Committee, or an officer acting under delegated authority from one of those committees, they may do so by submitting a request to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.
- (b) Such a request must be received by the Monitoring Officer or Chief Executive and must set out at least one of the following grounds in support, explaining why the decision is or might reasonably be felt to be:
  - (i) A key decision but not treated as such;
  - (ii) Inadequate consultation with stakeholders prior to the decision;
  - (iii) Inadequate evidence on which to base a decision;
  - (iv) Contrary to the budget or policy framework;
  - (v) The action is not proportionate to the desired outcome;
  - (vi) A potential human rights or equalities challenge;
  - (vii) Insufficient consideration of legal and financial advice.
- (c) Where the Monitoring Officer or Chief Executive consider these criteria have been met, delegated authority for that matter shall be withdrawn from the Committee or officer and that item of business will be referred to the next meeting of the Policy and Resources Committee, or if necessary an or an extraordinary meeting, for the matter to be considered afresh.
- (d) Upon re-considering the referred matter, the Policy and Resources Committee may:
  - (i) Uphold the previous decision, following which the original decision shall take effect by 9.30am the next working day following the day of the Policy and Resources Committee meeting which considered the request
  - (ii) Refer the matter back to the relevant Committee or officer with a recommendation from the Policy and Resources Committee. The relevant Committee or officer shall reconsider the matter, taking into account any concerns and recommendations of the Policy and Resources Committee, before reaching a final decision. The decision may not be the subject of a further request for reconsideration and will take from the date on which the new decision notice is published
  - (iii) Determine the matter itself, whereby the Policy and Resources Committee may determine the matter as it sees fit. The Committee will set out its reasons for

coming to a different conclusion from the originating Committee or officer whose decision has been superseded. The decision may not be further reconsidered and will take from the date on which the new decision notice is published.

- (e) Delegated authority has accordingly been granted to the Policy and Committee under its terms of reference to act under this procedure, as set out in Part 3(B) of this Constitution.

#### **7.4 Overview and Scrutiny**

- (a) The Council has resolved (at the Annual Meeting of 2022) not to appoint any separate overview and scrutiny committees. The statutory overview and scrutiny functions of the authority will be exercised by individual Policy & Services Committees in respect of the Council's functions, services and partnerships that they cover, and by the Policy & Resources Committee in respect of functions, services and partnerships that cover more than one committee. The Council has delegated the statutory external scrutiny functions of the authority, in respect of health, crime and disorder, and flood prevention, to individual Committees as set out Part 3(B) of this Constitution
- (b) Each policy & services committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and that Committee can make recommendations to any other the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant.

**\*N.b.** The Committee is advised by members of the Independent Panel that this number of members of the committee as a requirement to request re-consideration (removal of delegation) of a matter from a Committee or officer would be sub-optimal and that it should be a higher threshold, perhaps including a requirement for number of members (e.g. minimum of 2/3) and a minimum number of party groups.