

## BABERGH DISTRICT COUNCIL

<b>From: Head of Corporate Organisation</b>	<b>Report Number: M163</b>
<b>To: Strategy</b>	<b>Date of meeting: 14 March 2013</b>

### RECOMMENDATIONS ON CONSTITUTIONAL CHANGE

#### 1. Purpose of Report

- 1.1 To consider the report of the Joint Constitutional Review Group and make further comment to the Overview and Scrutiny Committee before it recommends the proposals to Council. It should be noted it will need the approval of both Councils for this to work.

#### 2. Recommendations

- 2.1 To consider the report of the Joint Constitutional Review Group and make further comment to the Overview and Scrutiny Committee before it recommends the proposals to Council.

#### 3. Financial Implications

- 3.1 It is difficult to assess the financial changes between the models until the Independent Member Remuneration Panel have assessed the roles.

#### 4. Risk Management

- 4.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. SIT1.

#### 5. Consultations

- 5.1 There has been widespread member and officer consultation on the proposals which is continuing with a second member workshop held in March. Feed back from that workshop will be given to the meeting.

#### 6. Equality Analysis

- 6.1 There are no equality issues

#### 6.2 Shared Service / Partnership Implications

- 6.3 This report goes to the heart of the partnership arrangements with Mid Suffolk District Council and can only proceed in its current form if Mid Suffolk District Council also agree to the proposals.

#### 7. Key Information

- 7.1 In December 2012 both Babergh and Mid Suffolk Councils commissioned a joint review of their constitutions. It was agreed that the first element of that review would be to consider the committee structure of both Councils.

7.2 In February member workshops were held which, amongst other things, agreed a set of design principles for the Joint Constitutional Review Group to follow in formulating their proposals. The principles took into account the current financial and policy landscape before the Councils and are set out below: -

- a. Improve member involvement in policy development at an earlier stage with performance managed informal member working groups as an integral part of the decision-making structure, focusing on policy development with a flexible approach to format and form.
- b. Joint working between Babergh and Mid Suffolk as a default position with different sovereign decision-making structures where necessary.
- c. Stream-lined and effective committee style decision-making which focuses on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area.
- d. Focus committee working on decision-making. Taking informed and transparent decisions which are subject to effective challenge and managing risks.
- e. Whilst recognising the sovereign nature of each Council and the need for a difference in approach on occasion, Mid Suffolk and Babergh Committee structures should where appropriate seek to mirror each other where appropriate to do so.
- f. Political Group working is recognised as an important and integral part of the decision-making structure.
- g. Member support and communication and information systems to be improved to assist in effective member working.
- h. When appropriate Council meetings to trial “state of the district” style debates.
- i. Members and officers working together to achieve a common purpose with clearly defined functions and roles, promoting values for the authority and demonstrating the values of good governance through standards of conduct and behaviour, developing the capacity and capability of members and officers to be effective.
- j. Committee seat numbers to ensure all Babergh council members have a committee seat for every member; Mid Suffolk members were comfortable with fewer seats.

## **8. Recommended Structure**

8.1 The proposed draft structure and options are set out at Appendix 1 with the existing structure set out at Appendix 2. The proposed structure is due to be considered by a further series of member workshops to be held in the beginning of March and feed-back from those workshops will be provided at the meeting.

## **9. Informal working groups**

- 9.1 Members at both Councils expressed their desire for more informal working arrangements and wished to be directly involved in policy development, irrespective as to whether they held a seat on the Strategy. In addressing that need informal working groups have been created. They will be key to the structure, these groups will:-
- a. Enable all members at the earliest opportunity to develop policy before it is recommended to the Strategy;
  - b. Focus on the delivery of the Councils emerging priorities through the transformation programme, as an example working groups to consider the development of the Council's LDF, to establish a joint green forum which works across both Councils to address the environmental impact of the Councils activities etc;
  - c. Be flexible in size, process and timing of meeting to accommodate different subject matters and different member working styles, a tool kit of ways of working will be produced;
  - d. They can be either joint working groups or groups focusing on issues limited to Mid Suffolk.
  - e. Whilst there is no requirement for political proportionality there will be design principles which reflect the need for cross party working and on occasion political balance, giving members a wider and more diverse opportunity for members to develop their specific individual interests and having the greater flexibility to tie into.
  - f. The number of groups can expand or decrease depending upon available member and officer resource.
  - g. The programme of working groups will be developed with all members and considered at the Joint Member Steering Group with input from Council, political groups and officers. They will be formally set up through the Strategy Committee with clear parameters around terms of reference, timing for delivery and allocation of resources. The relevant "Lead Member" for the policy development will act as sponsor for the working group. The recommendations of the Group will then be reported back to Strategy Committee and on occasion Council;

## **10. Joint Committees and sovereign decision-making**

- 10.1 The majority of members at the first member workshop welcomed the idea of more joint working between Babergh and Mid Suffolk and gave the mandate for the development of joint committees. In doing so it was recognised that joint committees would not be appropriate in all cases. In putting together the structure, members of the Joint Constitutional Review Group have hoped to effect a balance between the two. It is proposed that certain committees, namely Strategy, Planning Committee and Regulatory committee will remain as Babergh committee. In addition where there are joint committees there will be sub-committees to address Babergh specific issues, so for instance the Joint Audit and Standards Committee will have a sub-committee made up of the Babergh members to consider the Councils statement of accounts.

- 10.2 The proposed joint committees are joint scrutiny committee, joint audit and standards committee and Joint Appointments Committee with sub-committees as shown in the structure chart which are district specific to address limited issues that are specific to only one district or legislation.
- 10.3 It is proposed that each of the joint committees be made up of 16 members, 8 members from each Council and politically proportionate. It is also suggested that alternating chairman be used and that there be no casting vote for the chairman. In the rare event that a majority cannot be obtained, the issue will be referred to either the respective Councils or where the issue is minor to the respective sub-committees. In the case of joint scrutiny committee this will be addressed through the production of reports to Strategy / Council setting out the alternatives.

## **11. Scrutiny Committee**

- 11.1 Whilst it is recognised that the scrutiny function is not a legal requirement of the of the committee system model, the review group were of the view that there was merit in retaining a more focused version of scrutiny. It is proposed that the key purpose of the committee(s) is
- a. The home of “call in“. Again it was recognised that “call in “is not a legal requirement of the committee system but members felt it would aid the robustness of decision-making and be a benefit in challenging the work of the Strategy Committee; and
  - b. To be the home for the Member Call For Action
  - c. To focus on scrutinising the work of external stakeholders and service providers, as this was considered a benefit that probably would not take place in any other part of the structure and would add value to the Council and the communities.
- 11.2 The Group recognised that this was a far more limited role than is currently the case and that it would not wish to clash with or duplicate the role of the working groups. At present two models are under discussion. The group would recommend a single joint committee and two sub-committees to deal with each council call in function. However, there is an alternative proposal of two separate scrutiny committees and joint working groups. Further feedback will be given on the views of members from the workshop held on 7 March.

## **12. Joint Audit and Standards Committee**

- 12.1 The recommendation for a Joint Audit and Standards Committee has developed from a desire to provide a strengthened governance assurance mechanism to members as a focused control mechanism in this time of change and increased risk of governance failure. The Standards Committee function is already provided through a joint committee and it is recognised that there are strong synergies between a widened audit function which focuses on the ethical culture in the organisation and the Standards function which essentially seeks to develop high ethical standards for members, thus ensuring a comprehensive and unified approach for both members and officers. It will also enable members to have the benefit of their statutory officers meeting together with members to focus on this particular aspect of their roles. All statutory officers have been consulted on the proposal and welcome the recommendation

### **13. Development Control Committees**

- 13.1 The review of the development committees did not fall within the ambit of the Constitutional Review Group but was considered separately by the Planning Review Group. Although on first sight the structures for both Councils look identical to their current structure there are important changes in the detail. Firstly, the Babergh Committee will meet every fortnight, secondly in the Mid Suffolk structure the few major planning applications which fall under its remit will be referred directly to the main Planning Committee (previously known as Referrals Committee) without the need for first being considered by the planning sub-committee.
- 13.2 Whilst the development control mechanisms do not mirror each other they are both set up to address the current backlog of applications in the planning system and there will be a development control meeting at each council every fortnight. The Babergh model is based on the increased use of substitutes. Mid Suffolk members have opted for two sub-committees with a greater number of members involved overall and with a Planning Committee to ensure consistency and to address the very large applications.
- 13.3 It is also proposed that the Council consider the introduction of designations for Leader, deputy leader and Lead Members. Lead members to act as experts in their area, sponsors for relevant group working and link to Strategy. It also be considered that Political Leaders' Group is expanded to include lead members.
- 13.4 A further appendix will be provided after the member workshop providing further information raised at that meeting.

### **14. Appendices**

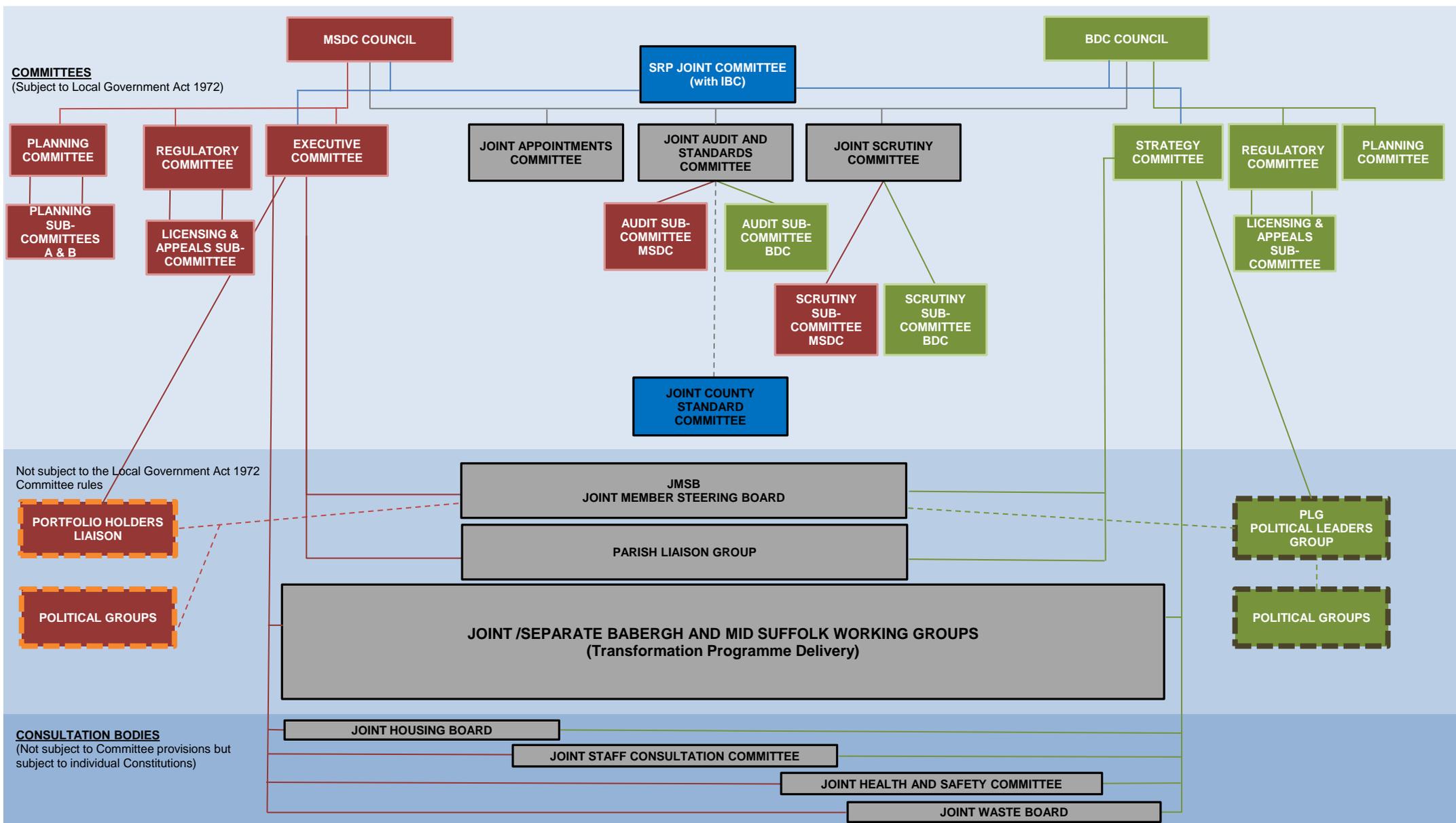
Title	Location
(a) Proposed structure chart	
(b) Existing structure chart	

### **15. Background Documents**

- 15.1 None

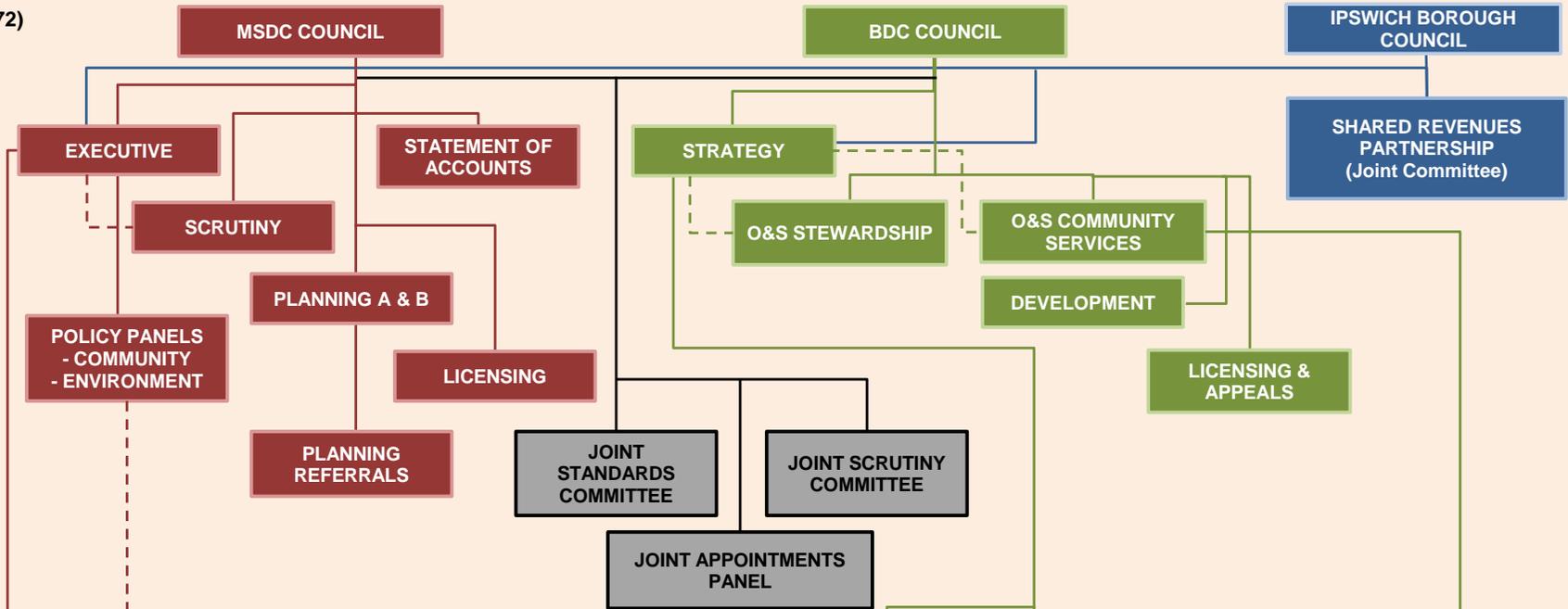
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# COMMITTEE STRUCTURE



# CURRENT STRUCTURE

**COMMITTEES**  
(Subject to Local Government Act 1972)



**CONSULTATION BODIES**  
(Not subject to Committee provisions but subject to individual Constitutions)



**WORKING GROUPS**  
(Not subject to Committee provisions)

