

RECOMMENDATIONS ON CONSTITUTIONAL CHANGE: ADDENDUM TO PAPER M178

1. Purpose of Report

- 1.1 Since writing the report for the Strategy Committee member workshops have taken place at Mid Suffolk and Babergh and the Joint Constitutional Review Working Group have met to consider the out-put from those workshops. This report seeks to make minor changes and provide further explanation to the report members have already received.

2. Key Information

- 2.1 The Babergh and Mid Suffolk Committee Chart attached to the original report has been updated and is attached marked version 11 at Appendix 4. Also attached at Appendix 4 is a structure chart which shows Babergh's Committee Structure in isolation. These new charts take into account name changes which Mid Suffolk members suggested, as well as adding a number of dotted lines from the Babergh Scrutiny and Audit Committees to Strategy and Council to take account of reporting arrangements. So for instance Babergh Audit Committee in considering the Councils statement of accounts will report to Council not the Joint Audit and Standards Committee. The Babergh Scrutiny committee will liaise directly with the strategy committee when considers any call in rather than the Joint Scrutiny Committee.
- 2.2 In addition to those chart changes the review group would also like to highlight some key changes. The review group will like to propose that the existing provisions within the Constitution which allow for the Chairman of the Strategy Committee to be designated as Leader of the Council to be invoked. The role description is already contained within the Constitution and is attached as Appendix 5 for your information.
- 2.3 It was also considered that the Strategy Committee should be able to bring forward proposals to a future meeting of Council for the designation of Lead members and Deputy Leader positions.
- 2.4 The review group have yet to work through the terms of reference of all the committees and the officer delegation scheme which goes with it. This will form the next tranche of work which the Group will undertake after the Annual Meeting of both Councils. In the meantime it is proposed that committees with existing terms of reference continue under those terms of reference in the short term until that work is completed. There are however some joint committees and sub committees without any terms of reference namely the Joint Audit and Standards Committee and the Joint Scrutiny Committee and their respective sub committees. Draft terms of reference have been prepared and are attached to your original papers at Appendix 3. However the Review Group have since made a slight amendment to the joint committee terms of reference which are highlighted in the attached terms of reference labelled as Appendix 3A.

Frequency and timing of meetings, substitutions and numbers

2.5 Set out below are the suggested frequency of meetings, size and rules on substitution.

COMMITTEES AND INFORMAL ARRANGEMENTS	FREQUENCY AND TIMING OF MEETING	SIZE	SUBSTITUTES
Council	Every 2 months	43	N/A
Strategy	Every month	10	Any member of the same political group except members of the Joint Scrutiny Committee
Planning Committee	Every two weeks	15	Any member from the same political group, providing the substitute has undertaken the annual planning training
Regulatory Committee	Every two months	10	Any member from the same political group
Licensing and Appeal Committee	As and when required	3	Any member from the same political group
Joint Audit and Standards Committee	Every two months	16	Any member from the same political group and Council, except members of the Strategy
Babergh Audit Committee	As and when required	8	Any member from the same political group, except members of the Strategy
Joint Scrutiny Committee	Every two months	16	Any member from the same political group and Council, except members of the Strategy
Babergh Scrutiny Committee	as and when required	8	Any member from the same political group, except members of the Strategy
Joint Appointments Committee	As and when required	6	Any member from the same political group and Council.
Joint Members Steering group JMSB	Every month	10 5/5	Any member from the same political group and Council.

2.6 Wherever possible meetings will take advantage of already set committee timetabled dates although it has been recommended that August is kept as clear as possible.

Timing of meetings

2.7 A number of members have raised the issue of timing of meetings. The suggestion has been for some meetings to meet on an alternate basis in the late afternoon starting at 4.30 – 5.00 to enable those with day time commitments to participate. Whilst the review group have not made any firm recommendation on this it would wish the political groups to consider this issue and reach an accord.

Working Group process

- 2.8 Following the member workshop it was felt that it may aid members understanding if a worked scenario was given showing how the policy development and transformation programme would work. Whilst the content of particular working groups is yet to be determined reporting arrangements are clear. Early in the new municipal year members will be engaged in a process of determining the overall programme of working groups taking into account the importance of respective priorities and available resource. Once agreed the commissioning of working groups will commence.
- 2.9 As an example using the Economy and Environment priority, a working group may be set up to consider “how Babergh is open for business and a champion of the local economy.” The following process would then ensue.

Joint member steering group

- 2.10 In the first instance the Joint Member Steering Board would consider whether this could be a joint working group with Mid Suffolk. Assuming that it could run as a joint group the Steering Board will make recommendations to both Strategy and Executive on possible size and allocation of resource to the group.

Political Groups

- 2.11 Political Group Leaders sitting on the Board will then liaise with their group on the proposals and seek nominations from interested members.

Strategy and Executive Committee

- 2.12 The Strategy and Executive Committee will consider the recommendations and feed- back from the political groups and formally set up the group, terms of reference and agree nominations from respective group leaders and times at which the working group will report back to Strategy and Executive.

Working Group

- 2.13 The working group will confirm the scope, plan and deliver recommendations to Strategy and Executive. Political Group representatives will liaise with their Groups on progress and acceptability of proposals throughout the process. A variety of formats and processes will be adopted in formulating a business case around recommendations including a variety of consultation exercises, validation exercised, visits to centres of excellence, public forums etc depending upon the particular issues under consideration. The timing of activity will be for the group to organise within the time frame set by the Strategy Committee. The recommendations and business case will then be sent to the Executive and Strategy Committee.

Strategy and Executive Committee

- 2.14 Consider and accept proposals or on occasion refer to Council. Depending upon the matter under review the Group may then be tasked in taking the matter further.

2.15 Babergh Scrutiny Committee

Scrutiny Committee may chose to call-in any decision made by the Strategy Committee. If that right is exercised will then make their recommendations on to the Strategy Committee for them to consider.

- 2.16 Members have also asked questions about the transparency of the process. Whilst JMSB is not a public meeting the minutes of the Steering Board will be available to all members, all Political Group Leaders will sit on the Board and substitutes will be allowed. It is envisaged that working groups will involve members of the public and stake holders in the processes as and when they consider it appropriate and all members will receive a regular overview of the work of the groups and how they can contribute if they so wish. Whilst the format and working pattern of the groups will not follow a set committee type structure but adopt numerous working patterns any members may attend any organised meeting of any group and may speak with the permission of that working group.
- 2.17 Questions have arisen regarding the need for and working arrangement behind PLG. concern was expressed about the call on Group Leaders time and the recognition that this involves the duplication of consideration of reports etc. Whilst the Review Group, following feed-back from some Group Leaders and senior officers, consider the needs for this Group remains to give officer direction at the very earliest opportunity from political group leaders there will be more exploration of the need to adopt less time consuming processes including expanding verbal reports and limiting written reports etc. In addition it is likely that this group will be expanded to include Lead Members forming PLG+.
- 2.18 Consideration was also given to the comments relating to the difference between the officer structure and the Committee Structure. It is acknowledged that the purpose of the Committee structure was to meet the very different functions of the Council from the quasi judicial, administrative and strategic role, as well as the need to provide independent assurance and challenge. Whereas the role of senior officers might well form more direct parameters with different lead members of the Strategy committee. It is not uncommon for member structures and officer structure to follow different patterns to avoid creating silo`s and confusion between member /officer roles.
- 2.19 The role of the Joint Appointments Committee and Joint Staff Consultation Committee were also considered. These two bodies form have very limited remits. The first relates solely to the employment arrangements of the statutory officers and reports directly to Council, which retains overall decision making for the employment of statutory officers. The second committee flows from the European Union Directive requirement for employers of a certain size to have staff consultation mechanisms to be in place. This body is not a formal committee of the Council and many local authority do not have any member representation on the committee. However the review group felt it was important that members are directly represented on the body. The strategic responsibility for human resources will remain with the Strategy Committee who may from time to time decide to form a working group or panel to carry out specific pieces of work.
- 2.20 The Regulatory Committee will consider policy issues on licensing and be Licensing Act 2003 and Gambling Act 2005 complaint. All licensing applications and appeals that fall to be heard under the delegation scheme will be heard by the Licensing and

Appeals committee made up of three members who will be chosen from the pool of 10 members from the Regulatory Committee.

2.21 The Joint Health and Safety Committee meets the requirements of the Safety Representatives and Safety Committees Regulations 1977 and is a staff consultation body on health and safety matters and is not a committee under the Local Government Act 1972. Members are not necessarily required to be part of the committee and in many councils they are not but again the Review Group believes by including members on the committee it sends a strong message to the organisation about the importance of health and safety in the organisation. Consideration was given to merging this group with the Joint Staff Consultation Committee but the Health and Safety Committee are made up of union safety representatives and officers responsible for health and safety in the organisation which would not be appropriate for the JSCC committee which focuses on terms and conditions and strategic change in the organisation and requires a different cohort of union representatives and officers.

3. Appendices

Title	Location
3A Terms of Reference	Attached
4 Proposed structure chart (v.11)	Attached
5 Leader of the Council Role Description	Attached

4. Background Documents

4.1 None

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BABERGH AND MID SUFFOLK JOINT SCRUTINY COMMITTEE

General Role

- 1.1 Babergh and Mid Suffolk District Councils have agreed to integrate the staff and services across the two Councils.
- 1.2 The Babergh – Mid Suffolk integration programme seeks to deliver benefits and savings arising from economies of scale, ~~sharing of assets and resources in teams~~ sharing of senior managers, pooling of scarce skills and expertise, increased capacity and resilience to deliver services to the community, and reductions in the cost of democracy.
- 1.3 As a consequence of these actions there will be a significant amount of similarity in how the two Councils operate at a strategic level. In order to ensure a consistent approach, avoid duplication of resources and improve joint working between both Councils the Joint Scrutiny Committee has been adopted. This Committee will only seek to address matters which are being progressed across both Councils. Issues that are pertinent only to a single Council area will remain the preserve of that Council's Scrutiny committee.
- 1.4 Subject to paragraph 1.3 The Joint Scrutiny Committee will:-
- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Councils functions;
 - ii) make reports and/or recommendations to the full Councils and/or the Executive and Strategy Committee in connection with the discharge of any functions;)
 - iii) make reports or recommendations to the Councils or the Executive and Strategy Committee with respect to matters affecting the area or its inhabitants; and

6.02 Frequency of meetings and operational arrangements

There should be scheduled six weekly meetings of the Joint Scrutiny Committee. In addition extraordinary meetings may be called from time to time as and when appropriate.

The Committee may appoint in its own right a task and finish panel to consider and decide upon issues on its own behalf. This can be either from its own membership or other members with the necessary expertise. Panels will not deal with call in items.

6.03 Specific functions (a) Performance monitoring and review. The Scrutiny Committee may:

- i) question Members of the Executive and Strategy Committee and Officers about their views on issues and proposals affecting the area; and

- ii) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (d) **Finance.** The Scrutiny Committee may exercise overall responsibility for the finances made available to it.
- (e) **Annual report.** The Mid Suffolk Scrutiny Committee must report annually to full Council on its workings.
- (f) **Officers.** The Scrutiny Committee may exercise overall responsibility for the work programme of the Officers employed to support its work.
- (g) **Task and Finish Panels.** To number 3, 5 or 7 members - cross party on terms set out in para ??? (Regulatory Pool) page ?/. When established a clear remit should be set with defined outcomes, time span and reporting requirements.

6.04 **Proceedings of the Scrutiny Committee** The Scrutiny Committee will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in part 4 of this Constitution.

BABERGH AND MID SUFFOLK JOINT AUDIT AND STANDARDS COMMITTEE

General Role

- 1.1 Babergh and Mid Suffolk District Councils have agreed to integrate the staff and services across the two Councils.
- 1.2 The Babergh – Mid Suffolk integration programme seeks to deliver benefits and savings arising from economies of scale, ~~sharing of assets and resources in teams~~, sharing of senior managers, pooling of scarce skills and expertise, increased capacity and resilience to deliver services to the community, and reductions in the cost of democracy.
- 1.3 As a consequence of these actions there will be a significant amount of similarity in how the two Councils operate at a strategic level. In order to ensure a consistent approach, avoid duplication of resources and improve joint working between both Councils the two Councils have agreed to establish a joint committee known as the Babergh and Mid Suffolk Joint Audit and Standards Committee. This Committee will only seek to address matters which are being progressed across both Councils. Issues that are pertinent only to a single Council area will remain the preserve of that Mid Suffolk Audit Committee.

Neither the Chairman of the Councils nor the Leader of the Council/Chairman of Strategy Committee shall be entitled to be appointed as a Member of the Joint Audit and Standards Committee

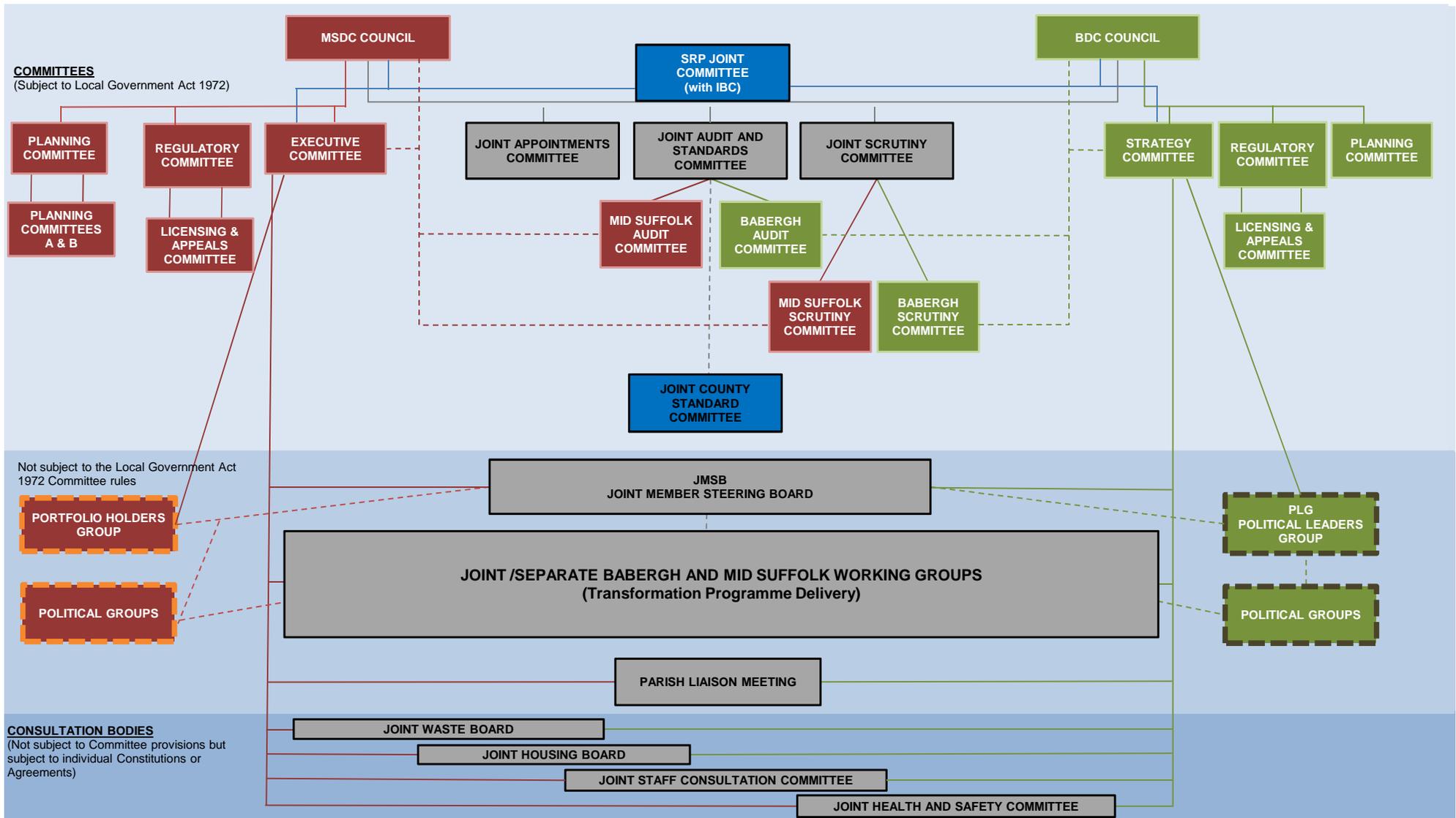
Role and Function

The Joint Audit and Standards Committee will have the following roles and functions:

- (i) Approve (but not direct) internal audit's strategy, plan and performance
- (ii) Review summary internal audit reports and the main issues arising and seek assurance that the action has been taken where necessary.
- (iii) Consider the reports of External Audit and inspection agencies excluding reports in the Statement of Account.
- (iv) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- (v) Be satisfied that the authority's Statement of Internal Control properly reflects the risk environment and any actions taken to improve it.
- (vi) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
- (vii) To design, monitor and review the ethical framework of the Councils. The Committee's powers shall include responding to consultation documents and the development of codes of conduct and guidance on standards related matters. The adoption and revisions to a code of conduct for councillors shall be reserved to the Full Council.

- (viii) To promote a culture of openness, accountability and probity in order to ensure the highest standards of conduct.
- (ix) To promote the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
- (x) To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Councillors.
- (xi) To be responsible for the Council's public register of Councillors' interests and to receive reports from the Monitoring Officer on the operation of the register from time to time.
- (xii) To be responsible for written guidance and advice on the operation of the system of registration of Councillors' interests and to receive reports from the Monitoring Officer on the operation of the system from time to time.
- (xiii) To establish, monitor and issue advice and guidance to Councillors on a system of dispensations to speak on, or participate in, matters in which they have interests and to grant dispensation in appropriate cases on matters relating to the Councils' Code of Conduct.
- (xiv) To exercise the functions of the Council in relation to the ethical framework and standards of conduct of Parish Councils, Joint Committees and other bodies.
- (xv) To receive reports from the Monitoring Officer and any independent person appointed by the Council pursuant to the Localism Act 2011.
- (xvi) To consider and grant exemptions for politically restricted posts.
- (xvii) To determine appropriate action on matters referred to the Joint Standards Committee by the Monitoring Officer, Council or its Committees. To receive, consider and make decisions on reports received from the Strategy/ Executive or Scrutiny Committees
- (xviii) To support the Monitoring Officer in his or her statutory role and the issuing of guidance on his or her role from time to time.
- (xix) To support the section 151 officer responsible for the administration of the Council's financial affairs in his or her statutory role in connection with financial probity and the issuing of national guidance on his or her role from time to time.
- (xx) To establish and maintain a process to consider complaints against Councillors, including the issuing of sanctions, as appropriate (subject to statute, regulations and Government guidance).
- (xxi) To consider and determine any issues in connection with the Public Interest Disclosure Act 1998 or any other legislation which appears to the Committee to be relevant.
- (xxii) To provide advice and guidance to Councillors and make arrangements for training in connection with any matters within the terms of reference of the Committee.

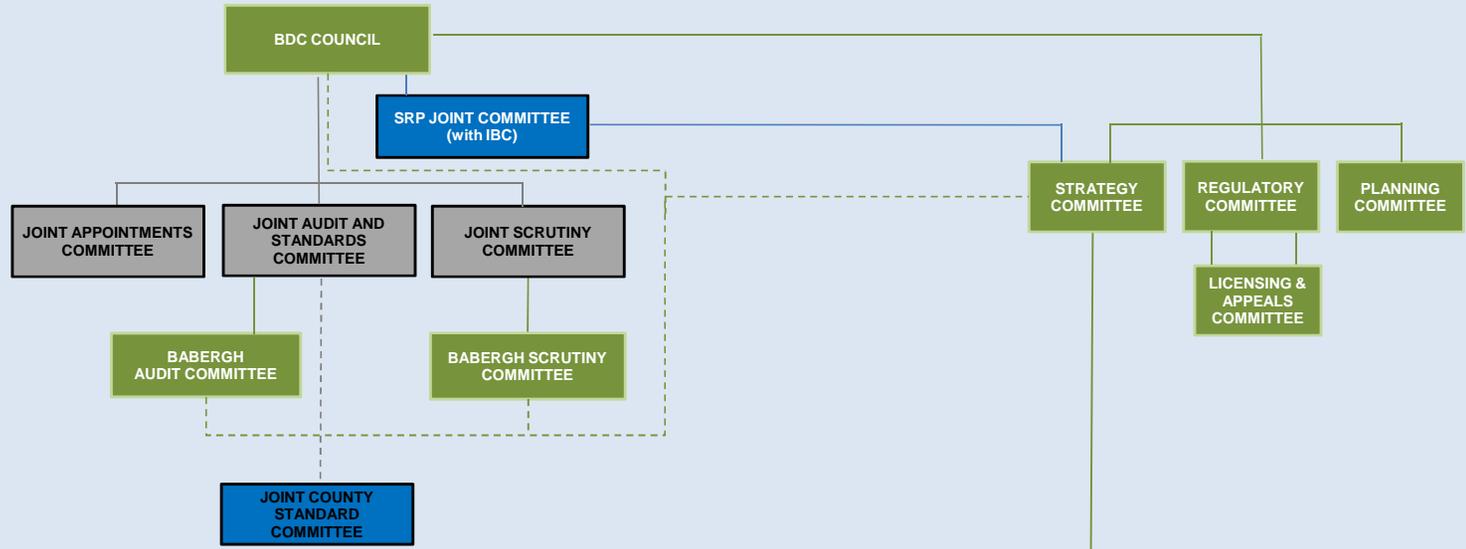
BABERGH AND MID SUFFOLK COMMITTEE STRUCTURES (Version 11)



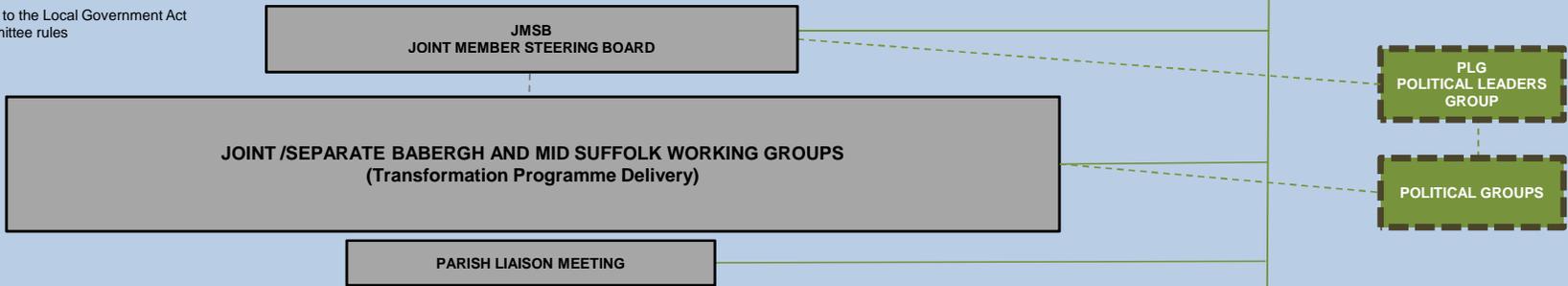
BABERGH COMMITTEE STRUCTURE (Version 11)



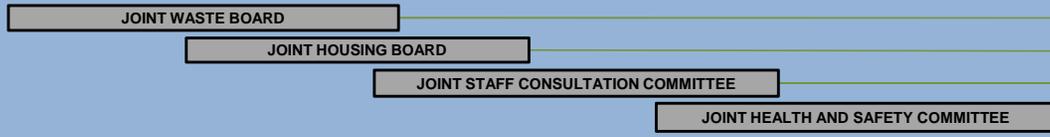
COMMITTEES
(Subject to Local Government Act 1972)



Not subject to the Local Government Act 1972 Committee rules



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



LEADER OF THE COUNCIL ROLE DESCRIPTION

1. To provide leadership to the District Council;
2. To chair the meetings of Strategy Committee and ensure its overall effectiveness;
3. To lead in the development of the District Council's policy, strategy and budget proposals;
4. To lead in the overall control and development of the District Council, within the agreed policy, strategy and budget framework;
5. To lead in developing the District Council's partnerships with other organisations;
6. To undertake in addition all the duties specified in the District Councillor's role description;
7. To ensure the District Council considers the needs of all sections of the community.
8. To undertake within the confines of the existing law, responsibility for the development and delivery of the District Council's overall strategy, policy, budget and service provision;
9. To provide the lead on proposals for new policies and strategies or changes to approved policies and strategies to meet changing demands;
10. To act as the principal political spokesperson for the District Council at local, regional, national and international level.
11. The Leader has overall responsibility for ensuring the effective functioning of the Strategy Committee, the proper and effective provision of Overview and Scrutiny and effective representative role for all District Councillors together with leading on the local, regional and national interests of the Council. In carrying out this responsibility he/she will
 - (a) Provide an overall cohesive and corporate direction for the Council;
 - (b) Ensure the Council adopts appropriate policies, strategies and budget provision to meet the changing demands on the District Council;
 - (c) Ensure the effectiveness of the Strategy Committee as a collective decision making body;
 - (d) Ensure effective arrangements for consulting other Committees and their Chairman and Vice Chairman;
 - (e) Ensure proper Overview and Scrutiny arrangements;
 - (f) Ensure the effective delivery and development of strategies and policies to meet changing demands on the District Council and the duty of best value;

- (g) Ensure effective arrangements for external consultation; C-2-4-App(7)(h)
Ensure the District Council's corporate policies are communicated effectively;
12. Represent the Council on countywide, regional and national bodies and events relating to or organised by those bodies (including International events).