

BABERGH DISTRICT COUNCIL or / and MIDSUFFOLK DISTRICT COUNCIL

To: Overview and Scrutiny (Stewardship) Committee	Report Number: M178R
From: Head of Corporate Organisation	Date of meeting: 19 March 2013

RECOMMENDATIONS ON CONSTITUTIONAL CHANGE

1. Purpose of Report

- 1.1 To consider the report of the Joint Constitutional Review Group and recommend the proposals to Council subject to the acceptance of the recommendations by the Mid Suffolk Council.

2. Recommendations

- 2.1 That Overview and Scrutiny (Stewardship) Committee recommend to Council the adoption of the changes to the Constitution as set out in the report, subject to the proposals being agreed by Mid Suffolk Council.
- 2.2 Delegated authority be given to the Chief Executive in consultation with the Group Leaders to agree any alteration to the proposals arising as recommended by the Joint Constitutional Review Group.

The Committee is asked to make a recommendation to Full Council on the above matter(s).

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. In addition the Strategy committee will also discuss the matter prior to this Committee with verbal feed- back being given at the meeting.

6. Equality Analysis

- 6.1 There are no equality issues.

7. Shared Service / Partnership Implications

- 7.1 This report goes to the heart of the partnership arrangements with Babergh District Council and can only proceed in its current form if Babergh Council also agrees to the proposals.

8. Key Information

- 8.1 In December 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.

- 8.2 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 its proposals. The principles took into account the current financial and policy landscape before the Councils and are set out below:-

- a. Stream-lined and effective committee style decision-making which focuses on the purpose of the Authority, community engagement and on outcomes for the community and creating and implementing a vision for the local area.
- b. Joint working between Babergh and Mid Suffolk be adopted as a default position with District Council sovereign decision-making structures where necessary.
- c. All 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.
- d. Focused committee working centred 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.
- 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 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.

9. Recommended Structure

- 9.1 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.
- 9.2 Babergh Constitution already allows for the Chairman of Strategy Committee to be designated as leader of the Council and the role description is already contained within the constitution. It is suggested that these provisions be invoked.
- 9.3 It is also suggested that the Strategy Committee be able to bring forward proposals to a future meeting of Council for the designation of Lead Members and Deputy Leader.

10. Informal Working Groups

- 10.1 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 Committee. 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 Committee;
 - 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 Babergh.
 - 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 to develop their specific individual interests and having the greater flexibility in how they contribute.
 - f. The number of groups can expand or decrease depending upon available member and officer resource.
 - g. The programme of working groups will be 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 members for the policy development will act as sponsor for the working group. The recommendations of the Group will then be reported back to the Strategy Committee and on occasion Council.

11. Joint Committees and Sovereign Decision-making

- 11.1 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 the Strategy and Planning Committees will remain as Babergh only committees, 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 address financial governance issues wherever possible but the actual statement of accounts for Babergh will be addressed through the Babergh Audit sub- committee.
- 11.2 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 which legislation or political sensitivities demands separation.
- 11.3 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.

12. Scrutiny Committee

- 12.1 Whilst it is recognised that the scrutiny function is not a legal requirement of the committee system model the review group was 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 of the Review Group felt it would aid the robustness of decision-making and be a benefit in challenging the work of the Strategy Committee;
 - b. Holding Strategy to account;
 - c. To be the home for member Call for action; and
 - d. 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 community.
- 12.2 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. The group would recommend a single joint committee and two sub committees to deal with each council call in function.

13. Joint Audit and Standards Committee

- 13.1 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.

14. Development Control Committees

- 14.1 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 glance the structures for both Councils look identical to their current structures 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 Planning Referrals Committee) without the need for first being considered by the planning sub committee. 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 Development Committee to ensure consistency and to address the very large applications.

15. Terms of Reference of Committees

- 15.1 At Appendix 3 are draft terms of reference for the two newly formed joint committees. Members will appreciate that this is an iterative process between the two Councils and work is still on-going following the member workshops. However it was felt that the joint committee terms of reference would be required prior the Special Council meeting in order to progress the Structure at the Annual Meetings. Other Committee terms of reference can be amended following the Annual meetings. The Joint Constitutional Review Group is due to meet tomorrow to further discuss these terms of reference. It is therefore requested that delegated authority be given to amend these where necessary. It is proposed that existing committees continue with their current timing and committee numbers be discussed with Group Leaders.

16. Appendices

Attached to Revised Addendum.

17. Background Documents

- 17.1 None.

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