

Council

28 April 2022



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| Title | Interim Review of the Committee System |
| Purpose of the report | To make a decision |
| Report Author | Petra Der Man, Monitoring Officer |
| Ward(s) Affected | All Wards |
| Exempt | No |
| Exemption Reason | Not applicable |
| Corporate Priority | The efficient operation of the Committee System supports all Corporate priorities. |
| Recommendations | <p>Council is asked to:</p> <ol style="list-style-type: none">1. Consider and determine options for a revised Call-in procedure;2. Consider and determine options for Membership of the Development Sub-Committee;3. Approve proposed changes to Terms of Reference of Committees; and4. Approve other proposed changes to Parts 3d, 4a and 4d of the Constitution, <p>for implementation from the Annual Council meeting on 26 May 2022.</p> |
| Reason for Recommendation | <p>The Committee System Working Group has reviewed councillor responses to an interim survey on the operation of the Committee System. The proposed changes aim to address concerns around timely decision-making, balancing the workload between Committees, and providing as much time during meetings to debate the most significant matters.</p> <p>Changes to Parts 3d, 4a and 4d of the Constitution seek to address technical issues and improve the process for managing business at Council meetings.</p> |

1. Summary of the report

- 1.1 This report seeks to propose changes to the Council's Constitution arising from the interim review of the Committee System and following consideration of responses to an all member survey.

2. Key issues

- 2.1 The Committee System form of governance was introduced by the Council in May 2021. The Committee System Working Group, which comprises all Group Leaders and independent members, developed the current structure (adopted in May 2021) and agreed to review the new arrangements after 6 months of operation.
- 2.2 To facilitate this interim review, a Member survey was undertaken between 12 January and 1 February 2022 to elicit the views of all Members as to how they felt the first few months of operation of the new structure had gone generally and specifically the extent to which each Committee was meeting the agreed objectives of the Committee System, namely:
- **Accountability** –responsibilities and accountability should be clear within the Council and to residents
 - **Credibility** –governance should assist good decision making, which involves proper and early scrutiny
 - **Transparency** –the decision-making process should be open and transparent to Members and to the public
 - **Collaboration** -decision making should be collaborative across parties and less combative
 - **Timeliness** –decision making should be both quick and effective and, when necessary, allow for urgent decision-making.
- 2.3 20 members out of 39 responded to the survey or provided comments on some aspects of it. All the responses were discussed by the Committee System Working Group and factored into its recommendations.
- 2.4 The majority of responses were positive both as regards how the new Committee System is working and how well each Committee is meeting the agreed objectives. Comments reflected the general feeling that members were more aware of what was happening in the Council as a whole and given the opportunity to participate in decision-making. Many comments acknowledged that the Committee System is causing both members and officers more work than they experienced under the Leader/Cabinet model.
- 2.5 The survey also identified the following issues raised by two or more members which were given consideration by the Committee System Working Group at its four meetings held between February and April 2022:
- (a) The number and frequency of meetings
 - (b) Reservation Scheme -v- lack of scrutiny
 - (c) Terms of Reference and membership of Committees – balancing out the workload and addressing length of meetings due to the number of items/reports on agendas
- 2.6 To facilitate the Working Group's discussions, officers looked at how the Committee System operated in other Councils to establish any lessons that we could learn and examples of good practice to simplify and streamline the structure. These were reflected in the options presented to members for inclusion in this Council's structure.
- 2.7 The recommendations proposed in this report comprise those elements of best practice which the Working Group accepted and wish to recommend to

fine tune the operational arrangements of the Committee System for the next municipal year.

- 2.8 The Working Group accepted that the Committee System results in a heavier workload for councillors and officers. The Working Group considered options to reduce the burden of the Committee System through rationalising the structure. It decided not to pursue those at this review but to allow the System to embed and undertake a further review starting in December 2022.

Internal Audit Review

- 2.9 A separate review by Internal Audit to consider the robustness of the Committee System considered feedback from officers and councillors. It identified risks and issues requiring attention and set out recommendations where improvements were considered necessary to manage the associated risks.
- 2.10 The proposed call-in procedure and training on scrutiny referred to in this report have already started addressing the concerns raised in the Internal Audit Review in relation to demonstrating a more robust scrutiny role within the Committee System. The findings from the Audit review and progress with recommended improvements will be presented to the Committee System Working Group when it begins its next review.
- 2.11 One of the recommendations arising from the Audit review concerned the importance of members having the skillset to participate effectively in decision making. A programme of training is being developed to improve councillors' knowledge and understanding of how decision-making works in a Committee System and how Members can make effective use of it. The training will also cover the changes proposed in this report, subject to Council approval, particularly relating to the Call-in procedure and criteria.

3. Options analysis and proposal

Number and Frequency of meetings

- 3.1 The recommendations of the Working Group on changes to the number and frequency of meetings are reflected in the draft calendar of meetings for 2022-2023 which is the subject of a separate recommendation from Corporate Policy and Resources Committee to Council for approval at this meeting.

Reservation Scheme

- 3.2 The Working Group considered how to address the issues raised by members around:
- (a) The delay to decision-making caused by referrals to Council
 - (b) The lack of effective scrutiny during debate of matters at Council
 - (c) The size of the Development Sub-Committee as a contributory factor leading to referrals to Council
- 3.3 The Working Group considered the revision of the Reservation Scheme and how matters were scrutinised, at length. It noted that in a Committee System every decision is taken in a politically balanced committee, where all councillors who are members of that committee have an opportunity to question and debate the issues at hand in a public forum and participate in the decision-making process. The existing terms of reference for the Service

Committees gives each the ability to call third party agencies, relevant to the Committee's functions, to account.

- 3.4 The Working Group acknowledged that councillors needed to become used to the new way of working. It agreed that councillors would benefit from training on the scrutiny function within the Committee System and requested that officers arrange this for the new municipal year.
- 3.5 The Working Group recommends that the Reservation Scheme be replaced by a Call-in procedure that brings items before the Administrative Committee. This would address the issues raised above by:
- (a) The ability to call extraordinary meetings of the Administrative Committee more easily and in a timely manner, if required
 - (b) The capacity for effective scrutiny at a Committee meeting
- 3.6 The Working Group recommends the adoption of one of the two options below for the Call-in procedure for Council to consider as drafted at Appendix 1:

Option A

Approve the Call-in procedure with the inclusion of paragraph 11, which states:

“In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Administrative Committee.”

This option enables the mitigation of significant reputational and financial risks to the Council in exceptional cases only and following consultation with both the Chair and Vice-Chair of the Administrative Committee.

Option B

Approve the Call-in procedure without the inclusion of paragraph 11 as stated above.

This option would mean implementation of a decision on any matter subject to a valid Call-in would be delayed by a minimum of 7 working days with the potential for significant risk implications in exceptional cases.

Development Sub-Committee - membership

- 3.7 The Working Group also considered whether the size of the Development Sub-Committee was a contributory factor in the number of matters which were being referred to Council for a decision [see para. 3.1(c)].
- 3.8 The Working Group recommends the adoption of one of the two options regarding the membership of the Development Sub-Committee, for Council to consider.

Option A

Agree to the increase in membership of the Development Sub-Committee to 11 members.

- 3.9 Pros - This option would result in a wider representation of members involved in decision-making on significant financial and high-profile development

matters. This *may* lead to less matters being subject to call-in with the inherent delays that brings.

- 3.10 Cons – The Working Group recognised the difficulty in filling the 7 seats on the Sub-Committee with suitably skilled members who have the necessary time to dedicate to this involved role and there is a possibility that the additional 4 seats will remain unfilled.
- 3.11 Members of the Development Sub-Committee are awarded a Special Responsibility Allowance of £2000 each. This option results in a financial implication of a further £8000 per annum under the current member allowances scheme, although this will be reviewed by the Independent Remuneration Panel in due course.

Option B

Agree to retain the existing membership of the Development Sub-Committee at 7 members

- 3.12 Pros – no financial implications from retaining the current position.
- 3.13 Cons – *potential* for continued level of call-ins on development matters if members feel they are excluded from the decision-making process, with consequential delays to implementation.

Composition of Development Sub-Committee membership

- 3.14 Regardless of the number of members that Council agrees for the Development Sub-Committee, the councillors filling those seats must be appointed for the Municipal Year 2022-23 in accordance with the Local Government Act 1972.
- 3.15 The current composition of the Development Sub-Committee is stated in the Constitution as:

“5 members nominated by the Corporate Policy and Resources Committee and 2 members nominated by the Environment and Sustainability Committee drawn from all members of the Council and reflecting political balance.”
- 3.16 This stipulation means that Council cannot appoint the members of the Development Sub-Committee at the Annual Council meeting in May 2022.
- 3.17 The Corporate Policy and Resources and Environment and Sustainability Committees are not scheduled to meet until early July 2022. Their nominations drawn from all members of the Council, for membership of the Development Sub-Committee would be put to Council in July 2022 for appointment.
- 3.18 The consequence of this procedure is that the Development Sub-Committee would be unable to meet between the Annual Council meeting in May 2022 until the end of July 2022 when the appointments are confirmed. This has the potential for significant legal and financial implications for the matters the Committee is responsible for.

Option A (recommended)

- 3.19 It is proposed to remove the stipulation for nominations by Service Committees, and permit Group Leaders to nominate members to fill the seats allocated to their groups, in the same way nominations are proposed for all Service Committee seats.

- 3.20 There are several benefits to this proposal:
- (a) Appointments can be made at the Annual Council meeting
 - (b) The Sub-Committee can meet in a timely manner after May 2022
 - (c) Decision-making is not delayed
 - (d) Group Leaders can nominate those members who are suitably qualified to sit on this Committee
 - (e) There will be no change in the political balance of the Committee whether members are nominated by the Service Committees or by the Group Leaders.

Option B

3.21 Council can decide to retain the requirement for nominations from the Corporate Policy and Resources and Environment and Sustainability Committees, drawn from all members of the Council on a politically balanced basis.

3.22 The disadvantages of this option are:

- (a) Appointments will not be confirmed until end of July 2022
- (b) Without appointments for the Municipal Year 2022-23 the Development Sub-Committee cannot meet before the end of July 2022.
- (c) There is the potential for delayed decision-making with accompanying significant financial and legal implications
- (d) Members of the nominating Committees may not have sufficient knowledge of other members of the Council to select those most suitably qualified to sit on the Sub-Committee.

3.23 **Option A is recommended to Council for approval.**

Terms of Reference of Committees and meeting workloads

3.24 The Working Group considered the workload of the Service Committees during the first 6 months operation of the new model of governance. It did not wish to pursue options to rationalise the structure by combining some of the Committees but agreed there was a need to fine-tune their terms of reference in an attempt to rebalance workloads.

3.25 The Working Group considered that changes to the meeting frequency of some Committees would address concerns around meeting length and quantity of items.

3.26 The proposed changes to Committees' terms of reference in this report will not, in isolation, lessen the workloads which are inherent in a Committee System. However, two initiatives aim to supplement the Committee reporting process with a view to providing Committees with additional capacity to scrutinise more substantial agenda items:

- (a) Reports that update, are 'to note' or are 'for information' being provided to all councillors in a monthly briefing pack instead of being considered during Committee meetings.
- (b) Management Team are now providing fortnightly 'all councillor' briefings covering a wide range of corporate matters

- 3.27 **The Working Group recommends that Council approves the proposed revisions to the terms of reference as set out in Appendix 2.**

Other changes to the Constitution

- 3.28 An internal review of other parts of the Constitution identified some technical matters which needed to be addressed and proposed changes to some procedural matters which if approved will improve the process for managing business at Council meetings.
- 3.29 A summary of the proposed changes is detailed in Appendix 3. The proposed revisions are included at Appendices 4 - 7.
- 3.30 **The Working Group considered and agreed to recommend Council to approve the proposed changes to Parts 3d, 4a and 4d of the Constitution.**
- 3.31 **Further changes identified in Parts 3c and 3d and explained in Appendix 3 are recommended to Council for approval.**

4. Financial implications

- 4.1 The primary financial implication arising out of the proposals in this report relate to the option of increasing the membership of the Development Sub-Committee, as set out at paragraph 3.10.
- 4.2 There are ongoing resource implications around officer time and capacity to facilitate the Council's governance arrangements, particularly in the event of there being additional meetings to those scheduled.

5. Other considerations

- 5.1 Tracked change versions of all the Parts of the Constitution shown in the Appendices have been made available to councillors in the Modern.Gov app library.

6. Equality and Diversity

- 6.1 The proposal in Part 4a Standing Orders, to limit the length and number of questions to Council from any one member of the public will provide greater opportunity for a wider range of residents to ask their question at Council meetings.

7. Sustainability/Climate Change Implications

- 7.1 The proposals have no effect on sustainability or climate change issues.

8. Timetable for implementation

- 8.1 Those proposals approved by Council will be implemented from the Annual Council Meeting on 26 May 2022.
- 8.2 The operation of the Committee System will be kept under review by the Committee System Working Group. Members' views on the operation of the committee system will again be sought towards the end of 2022, following 18 months of operation.
- 8.3 If further changes are then required to the Committee System these will be developed by the Working Group in early 2023 and proposed to Council in April 2023 for implementation from the Annual Council Meeting in May 2023.

9. Contact

- 9.1 Gillian Scott, Corporate Governance Support Officer.
G.scott@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix 1 – Proposed Call-in Procedure and pro-forma to request call-in (Part 4b)

Appendix 2 – Proposed revised Terms of Reference (Part 3b)

Appendix 3 – Summary of proposed changes to Parts 3c, 3d, 4a and 4d

Appendix 4 - Proposed revised Delegations in Consultation with Chairmen (Part 3c)

Appendix 5 – Proposed revised Delegations to Officers (Part 3d)

Appendix 6 - Proposed revised Standing Orders (Part 4a)

Appendix 7 – Proposed revised Financial Regulations (Part 4d)