

Standards Committee

10 April 2024



Title	Change to the structure of the Committee System
Purpose of the report	To make a recommendation to Council
Report Author	Farida Hussain, Group Head of Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
Recommendations	Committee is asked to: Recommend to Council: <ol style="list-style-type: none">1. To agree a revision to the number and terms of reference of Committees established under the Committee system form of governance, effective from the Annual Council meeting 2024, as proposed in Appendices E and F,2. To agree to amend the terms of reference of the Investigating and Disciplinary Committee in relation to the power to suspend any relevant officer in an emergency, as detailed at paragraphs 3.19 to 3.24 of the report,3. To agree changes to the Scheme of Officer Delegation (Appendix G) in relation to land issues, and4. To authorise the Monitoring Officer to make any consequential changes to the Constitution as a result of the change in Committee structure and terms of reference.
Reason for Recommendation	<p>To respond to a recommendation of the LGA Corporate Peer Challenge 2022 on creating a fit for purpose Committee system, and the findings of the Internal Audit Review of 2022 by reducing the number of Committees and rationalising their terms of reference with effect from the Annual Council meeting 2024.</p> <p>To respond to the requirements and recommendations in the Model Disciplinary Procedures and Guidance contained in the Joint Negotiating Committee (JNC) for Local Authority Chief Executives Handbook, in relation to the Investigating and Disciplinary Committee.</p>

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> The current Committee governance structure comprises 6 service committees: Corporate Policy and Resources, Environment and Sustainability, Community Wellbeing and Housing, Neighbourhood Services, Economic Development and Administrative. 	<ul style="list-style-type: none"> To respond to recommendations arising from the 2022 LGA Corporate Peer Challenge and the Internal Audit Review.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Reduce the number of committees in the governance structure to 4. 	<ul style="list-style-type: none"> A recommendation from this Committee will be taken to Council for implementation of a new Committee structure from the Annual Council meeting in May 2024.

- 1.1 The Committee system of governance was adopted in May 2021 based on a structure of 6 service committees covering all the service areas in the Council. **Appendices A and B.**
- 1.2 This report seeks a recommendation to Council to approve the proposed changes to the number of committees established under the Committee system, and their terms of reference as detailed in **Appendices E and F.**
- 1.3 An Internal Audit review in April 2022 found the increased demands on resource and time under the Committee system had exacerbated the already overstretched corporate capacity and that the current position was untenable. The assurance opinion identified that major improvement was needed.
- 1.4 The Local Government Association (LGA) Corporate Peer Challenge which took place in November 2022 considered, amongst other things, how the Committee system was operating after one year. A key recommendation arising from the Peer Challenge was that the Council review how the Committee system was working by looking at best practice elsewhere to consider how to create a system that is fit for purpose (Recommendation 9).
- 1.5 The Committee System Working Group provided its view on what a new structure should look like. Officers considered the committee system structures of other Local Authorities, either recommended by the LGA or identified as similar in size to Spelthorne, in developing the proposed revised structure.
- 1.6 The proposed revised number and terms of reference of committees was discussed with the Committee System Working Group on 4 January 2024.

The Working Group endorsed these proposals for consideration by the Standards Committee.

2. Key issues

- 2.1 There are currently 6 committees established to cover the service areas of the Council. The current structure and outline areas of responsibility are shown at **Appendix A** and their detailed terms of reference at **Appendix B**.
- 2.2 The Internal Audit review undertaken in April 2022 included member and officer surveys. The proposals in this report aim to address the following key themes identified from that feedback:
 - There appears to be too many Committees and the workload is very high,
 - Roles and responsibilities appear unclear, including Terms of Reference for each Committee,
 - The Committees are working completely independently and as such there is a failure of joined up thinking and collaboration of cross cutting themes,
 - There are too many Committees and Sub Committees with the authority either by vested power or by number of votes able to veto decisions made by other Committees and Sub-Committees. This means that initiatives / projects either stall or take a very long time to arrive at a decision / conclusion, and
 - Decision making is hard and slow.
- 2.3 The Local Government Association (LGA) Corporate Peer Challenge undertaken in November 2022 concluded that the current Committee system “does not work well”. Its report suggested some areas of detail that could be included in a review of the Committee system to help it work better.
- 2.4 Several of the suggested areas of detail, namely, the role of the Chair and Vice-Chairs, the ability of the system to encompass effective forward planning and clarity around who sets the agenda for committee meetings, were addressed in changes to the Constitution agreed by Council on 14 December 2023.
- 2.5 The proposals in this report are intended to address other areas for review suggested by the Peer Challenge recommendation, i.e. the number of committees and the length of meetings.
- 2.6 In order to achieve a viable reduction in the number of committees, without increasing the length or frequency of meetings, it is necessary to address how members will receive information reports in the new structure.
- 2.7 As part of the review of terms of reference of Committees (Part 3b of the Constitution), officers have reviewed guidance within the Joint Negotiating Committee (JNC) for Local Authority Chief Executives Handbook relating to the establishment and procedures of the Investigating and Disciplinary Committee.
- 2.8 The proposed changes to the Committee structure have implications for the Special Responsibility Allowances paid to recognize the significant additional time and responsibility that certain roles in the Council require of councillors, over and above the generally accepted duties of a councillor. The review of

the Member Allowances Scheme for 2024-2025 is the subject of a separate report which will be presented to Council at its April 2024 meeting.

3. Options analysis and proposal

Number of Committees

- 3.1 The Committee System Working Group (CSWG) compared the structures of 6 Councils operating a Committee System in considering the proposals to reduce the number of committees. Those Councils and their structures are shown at **Appendix C**.
- 3.2 Two of these Councils are responsible for social services, which Spelthorne Borough Council is not responsible for. Although they have established 4 strategic committees, one of those is dedicated to social services.
- 3.3 The CSWG also noted statistics from the past three years for all current committees, comparing the number of decisions made to the number of items for information at committee meetings. The statistical comparison is shown at **Appendix D**. It is evident that 4 of the existing 6 committees have made on average, 2 or less decisions per meeting since the establishment of the Committee system.
- 3.4 The recommended proposed structure, taking into account the information contained within appendices C and D, is to establish 4 Strategic Committees. The proposed structure is shown at **Appendix E**.
- 3.5 The proposed terms of reference for the new committee structure are detailed in **Appendix F**.
- 3.6 The proposed terms of reference have been drafted with the following aims in mind:
 - To give the Strategic Committees greater responsibility for making decisions without referral to Corporate Policy and Resources Committee. This should speed up decision making and address two of the findings of the Internal Audit review (paragraph 2.2).
 - To give greater clarity to each Committee's areas of responsibilities. This will address one of the Internal Audit review findings.
 - To emphasise that Committees are responsible for working to achieve agreed priorities in the Corporate Plan. This will encourage a common approach among the Committees of setting the strategic priorities for the service areas within their remit. It is hoped this will address the remaining Internal Audit review finding.
- 3.7 To reflect the proposed terms of reference of the Business, Infrastructure and Growth Committee, two new delegations have been added to the Officer Scheme of Delegation. (**Appendix G**). In addition, it is proposed to include a delegation to officers to take urgent action in relation to new lettings, subject to consultation with the Chair and Vice-Chair of the Committee where the matter would ordinarily come to Committee or could be considered sensitive.

Length of meetings

- 3.8 Based on the statistics at **Appendix D**, there is a possibility that rather than reducing workload by reducing the number of Committees, each new Committee will simply have a great deal more work to get through at each

meeting. This could either result in very lengthy meetings or the need to schedule additional meetings, thereby forgoing some of the intended benefits of a new structure. In order for the new structure to be successful, it will be essential for Chairs and Vice-Chairs to chair meetings effectively so that the business is concluded within the scheduled meeting time.

- 3.9 To help prevent such a scenario occurring, it is proposed that all information only reports, as distinct from those requiring a decision, are included in the monthly Member's Briefing pack and not routinely on Committee meeting agendas. This will avoid excessive items on meeting agendas, ensure that members have adequate time to discuss the substantive matters requiring a decision and facilitate timely decision making. The expanded areas of responsibility of the new Committees should not therefore adversely affect the length of meetings. Training for Chairs and Vice-Chairs is to be arranged.
- 3.10 The Members' Briefing pack is circulated monthly to all members by email and available to the public on the website. If councillors have any questions in relation to reports included in a Briefing pack, they are invited to approach the contact officer whose details are provided at the end of every report. Councillors are encouraged to copy in their Committee member colleagues when raising queries on a report relevant to their Committee's remit. Officer responses will then be shared with all the relevant councillors.
- 3.11 A review of a sample of agendas of other Councils operating the Committee system (referred to at **Appendix C**), indicated that it was a very rare occurrence for information only reports to be taken to Committee meetings.
- 3.12 The CSWG supported this approach, subject to report authors seeking the Chair's agreement to include a report in the Members' Briefing pack at an early stage in its preparation.

Frequency of meetings

- 3.13 Although the workload of the new Committees would appear to be increased due to their expanded remit, provided agendas consist mainly of items requiring a decision, it is hoped the new Committees can deal with their business in the same number and frequency of meetings as presently.
- 3.14 The CSWG will keep a watchful eye on how many meetings are being held under the new structure.
- 3.15 **Appendix C** indicates that other Councils with a similar number of Committees to that proposed, deal with all their business at an average of 6 meetings per year for Corporate Policy and Resources Committee (or their equivalent) and an average of 5 meetings per year for the other Strategic Committees.
- 3.16 It is important to note however, that the other Councils' schemes of delegation to officers may authorise officers to take decisions which at Spelthorne are currently delegated to the Committees.
- 3.17 The frequency of the new Committees is proposed as:
 - Corporate Policy and Resources – 8 meetings per year (as currently)
 - Environment and Sustainability – 5 meetings per year (as currently)
 - Community Wellbeing and Housing – 5 meetings per year (one additional meeting)

Business, Infrastructure and Growth - 5 meetings per year (new committee)

- 3.18 A draft Calendar for 2024-2025 based on the above frequency of meetings will be presented to Council at the same meeting as the recommendations from this Committee on the proposed committee structure.

Investigating and Disciplinary Committee

- 3.19 The Investigating and Disciplinary Committee (IDC) was established in April 2017 based on the Model Disciplinary Procedures and Guidance (the Guidance) in the Joint Negotiating Committee (JNC) for Local Authority Chief Executives Handbook. Currently, all councillors form a panel and are eligible to serve on the Committee with membership of 5 councillors selected by the group leaders on a proportional basis as and when the Committee is required to sit. The Committee has not been called to sit since its establishment 7 years ago.
- 3.20 In 2021, a circular from the JNC reminded Councils of its recommendation in the Guidance that the IDC is established as a politically balanced standing committee to prevent an unwelcome and frustrating delay for all, should a serious disciplinary allegation arise against a Chief Executive or other statutory officer. The Guidance also recommends arrangements are made for flexibility in the event that a member of the standing committee has a conflict of interest. It is therefore proposed that 5 named councillors and 5 substitute councillors are appointed to the Committee.
- 3.21 Establishing a standing committee of 5 named councillors and 5 substitute councillors, will allow those members to receive training before they need to consider an issue. The JNC provides training for members and subject to Council approval to establish IDC as a standing committee at the Annual Council meeting in May 2024, this training will be arranged as soon as possible thereafter.
- 3.22 The current terms of reference of the IDC paragraph 3. state:
“The Chairman of the IDC may suspend the Statutory Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.”
- 3.23 This accords with the Guidance which recommends that an elected Member should hold the delegated power to suspend a Chief Executive in an emergency.
- 3.24 However, under section 101 of the Local Government Act 1972, Council may only delegate its non-executive functions to a committee, sub-committee or officer of the Council. Personnel matters are a non-executive function under the Local Authorities (Responsibilities and Functions) (England) Regulations 2000, so cannot be delegated to an elected member.
- 3.25 In order to comply with the law and follow the spirit of the model procedure, it is proposed that the power to suspend a statutory officer in an emergency be delegated to the other statutory officers jointly in consultation with the Chair of IDC. The proposed term of reference would state:
“If an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that their remaining presence at work poses a

serious risk to the health and safety of others or the resources, information or reputation of the authority, the following may suspend the Statutory Officer immediately, in an emergency:

In relation to serious allegations of misconduct against the Chief Executive, the Monitoring Officer and Chief Finance Officer jointly in consultation with the Chair of the IDC or

In relation to serious allegations of misconduct against the Monitoring Officer or Chief Finance Officer, the Chief Executive in consultation with the Chair of the IDC.”

4. Financial implications

- 4.1 There are no key financial implications arising from the proposals in this report.
- 4.2 Any changes to councillors’ Special Responsibility Allowances are the subject of a review by the Independent Remuneration Panel.
- 4.3 There is the possibility of minor budget savings in terms of the committee attendance allowance paid to Council officers below Group Head scale for attending evening meetings, provided business is capable of being dealt with at the agreed schedule of ordinary meetings.
- 4.4 The Independent Remuneration Panel have considered Members Allowances for 2024/25 in line with the proposals set out in this report and there will be a small reduction in the budget as a result of the proposals.

5. Risk considerations

- 5.1 As stated above (paragraph 3.8) there is a risk that reducing the number of Committees will increase the workload of each Committee resulting in longer and/or more meetings to deal with all the business. It is proposed this risk is mitigated by requiring all reports for information to be included in the monthly Members’ Briefing pack and not routinely on a Committee agenda, subject to the Chair’s agreement.
- 5.2 If despite the above measure, it becomes apparent that the revised structure has not brought about a reduction in workload, the Committee System Working Group will undertake a review after 6 months.

6. Procurement considerations

- 6.1 There are no procurement considerations arising from the proposals in this report.

7. Legal considerations

- 7.1 It is the responsibility of the Council to agree the establishment of Committees, their terms of reference and size.
- 7.2 The proposal to establish a standing Investigating and Disciplinary Committee and proposed approach to suspending the Statutory Officers in an emergency will ensure compliance with Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and the JNC Model Procedure and Guidance relating to the potential dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance (s151) Officer, in the unlikely event that such circumstances should occur.

8. Other considerations

- 8.1 At the first meeting of each Committee following their establishment, if approved, in May 2024, councillors will be trained on the remit of their Committee. The Committees will also discuss and agree to set their strategic priorities for the year to work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- 8.2 Notwithstanding the possibility of an early review in the scenario described at paragraph 5.2, the Committee System Working Group will in any case examine how the new structure is working after 6 months (Dec 2024). This will include an assessment of workloads, number of meetings and the effectiveness of each Committee.

9. Equality and Diversity

- 9.1 There are no equality and diversity impacts arising from the proposals in this report.

10. Sustainability/Climate Change Implications

- 10.1 These proposals will not have any implications for sustainability or climate change. The Environment and Sustainability Committee, together with its Working Group on Climate Change will continue to develop new environment policies which will help move the Council and Borough towards carbon neutrality by 2030.

11. Timetable for implementation

- 11.1 A recommendation from Standards Committee will be put to Council on 25 April 2024 for implementation from the Annual Council meeting on 23 May 2024.

12. Contact

- 12.1 Gillian Scott, Corporate Governance Support Officer
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Background papers: There are none.

Appendices:

Appendix A – Current Committee system governance structure

Appendix B – Current Terms of Reference of Committees (Part 3b of the Constitution)

Appendix C – High level structure comparison with other Local Authorities

Appendix D – Meeting items statistics 2021-2023

Appendix E - Proposed Committee system governance structure

Appendix F - Draft Terms of Reference under the proposed structure

Appendix G – Proposed Scheme of Delegations to Officers.