

COUNCIL MEETING 16<sup>TH</sup> APRIL 2007POLICY RECOMMENDATIONS IN PUBLIC SESSION**A CABINET – 26<sup>TH</sup> MARCH 2007****98 LOCAL GOVERNMENT REFORM CABINET SUB GROUP.**

The Cabinet received the minutes of the meeting of the Local Government Reform Cabinet Sub Group of 12<sup>th</sup> March 2007. Discussions had taken place at this meeting on a proposed review of the overview and scrutiny functions and the Leader summarised these proposals together with the Group's findings. He advised that the Group had also considered the draft Member Induction Programme, Public Question Time, Council procedure rules and the Employment Appeals Committee. Details of the proposals and Group's discussions were set out in the report.

In response to points raised during discussion on this report, it was acknowledged that the management of the 'task and finish' groups would be of prime importance to ensure that the structure, cohesion and drive is led by the Chairs of the groups. It is therefore important to ensure that Members with particular skills and interests are self selected onto the groups and that the reporting arrangements and relationship with the Overview and Scrutiny Committee is managed effectively. It was hoped that a degree of innovative practice would be seen coming from this structure with Members being equipped to do some of the work themselves using their own initiative whilst recognising that the process will need to be reviewed. The first year would be used as a 'pilot'.

**DECISION:-**

- (1) That the minutes of the meeting of the Local Government Reform Cabinet Sub Group held on 12<sup>th</sup> March 2007 be received and noted.
- (2) That a Member Seminar be held on Saturday 12<sup>th</sup> May at Causeway House for all new and existing Councillors with invites also going to Members of PACT;
- (3) That the Member Services Manager, in consultation with the Leader and the Chief Executive, puts together a programme of events in line with the views expressed by Members having considered the draft programme as set out in the report;
- (4) That a welcome letter to all newly appointed Councillors, setting out details of the Induction Programme, be handed out immediately after the results have been declared on 4<sup>th</sup> May 2007;
- (5) That Members of the Local Government Reform Cabinet Sub Group oversee the work surrounding the implementation of the Member Development Charter.
- (6) That it be **Recommended to Council**
  - (a) That the revised Overview and Scrutiny process, as set out in the report, be approved;
  - (b) That the revised order of Council business be endorsed and the Democratic Services Manager be authorised to make any consequential changes to paragraph 10 of the Council procedure rules in part 4 of the Constitution;
  - (c) That the terms of reference of the Employment Appeals Committee, as set out in part 3 of the Constitution, be amended to incorporate the change set out in the report;
  - (d) That the rules for public question time at full Council meetings be amended to reflect the rules that apply to all other public meetings of the Council;
  - (e) That paragraph 9 of the Council Procedure Rules in part 4 of the Constitution be amended to reflect those changes highlighted in the report.

## **B STANDARDS COMMITTEE – 28<sup>th</sup> MARCH 2007**

(Note Council is only being asked to approve recommendation (1) below)

### **23 DRAFT RECRUITMENT PACK**

The Committee considered a Draft recruitment pack for the appointment of Independent Members of the Standards Committee. The pack contained a draft advertisement, press release, role and function of the Standards Committee, job description, person specification.

#### **DECISION: -**

- (1) That the role description included in the draft recruitment pack be approved and that it be **RECOMMENDED** to Council that it be included in Section 7 of Part 3 of the Constitution (Roles and Responsibilities of Members of the Council).
- (2) That the person specification included in the draft recruitment pack be approved.
- (3) That, subject to advice and comments from the Council's PR Officer, the form of advertisement and press release be approved for publication in accordance with the timetable set out in the draft recruitment pack.
- (4) That the advertisement, in addition to its publication in the press, be sent to all Parish and Town Councils with a request that it be displayed on notice boards within the relevant parish area.
- (5) That the letter to respondents, selection criteria and application form be approved and that authority be granted to the Monitoring Officer to make any amendments that may be necessary to achieve the Council's statutory duty to appoint independent members in accordance with the Relevant Authorities (Standards Committee) Regulations 2001.
- (6) That, with regard to paragraph 7 of the application form, references will not be required from any existing independent members of the Committee seeking re-appointment.
- (7) That appointment of the Interview Panel be deferred until the first meeting of the Committee following the AGM on 21 May 2007.

*NB: For supporting papers relating to the recommendations from Cabinet referred to in paragraph A – Minute 96 recommendations 6(a) to 6(e) above please refer to the papers attached as **Appendix 1** to this report.*

*NB: For proposed role description referred to in paragraph B recommendation 23(1) above see **Appendix 2** to this report.*

**Agenda Item 7 – Policy Recommendations (Additional Supporting Papers)**

**Extract of the Minutes of the Local Government Reform Cabinet Sub Group meeting held on 12<sup>th</sup> March 2007**

**Cabinet Recommendation – Minute 6(a)**

**15 OVERVIEW AND SCRUTINY**

The Scrutiny Manager presented a report following the last meeting of the Group held on 7<sup>th</sup> February 2007, where a further discussion paper was requested on an Overview and Scrutiny system based on having one Scrutiny Panel (with its own work programme) operating as it does at present, but with additional powers to appoint a series of Task and Finish Groups. The groups would each have one subject at a time to examine in detail. The report outlined the proposed timetable for achieving such a system together with details of associated issues.

On discussing the report, Members raised a number of issues namely:-

- The title of the task and finish groups - a more exciting name?;
- The types of subjects and issues to be discussed;
- Appointing the Members and Chairman to the groups;
- The number of groups;
- The timetabling of the meetings of the groups - some rigidity required? ;
- The reporting arrangements;
- The skills of the group members;
- The terms of reference of the groups

When discussing the above issues, the Group was advised that the names of the groups would depend on the issues they were being tasked with and that the Scrutiny Panel would decide on those issues. The only Members exempt from sitting on a group would be Cabinet Members. It was proposed that the group leaders and Chair of the Scrutiny Panel would make recommendations to the Scrutiny Panel as regards to the Chairmen and members of the groups. Each issue would need to be project managed by each Chairman. It had been decided that there should be three groups so as not to confuse with the previous four Policy Development groups and to take into account limited resources. It was felt that the programming around the issues should be fluid and led by the project manager [Chairman] with key dates flagged up in advance as opposed to being fed into and led by the annual timetable of meetings. The group's findings would be reported to the Scrutiny Panel with recommendations going to Council. This will enable the Scrutiny Panel to undertake its 'overseeing' role but give all Members at Council the opportunity to participate in a discussion of the issues. It will also allow the groups the opportunity to demonstrate to full Council the work that it has been doing. Chairmen and Members of the groups will be appointed based on their levels of interest and skills and the Member Development Programme will be built

around the key skills required by Members over the four year term. This will form part of the Member Development Strategy. The terms of reference of the groups will broadly reflect those of the existing Policy Development Groups but will be 'tidied up' for the purposes of the Constitution.

Allan Reid offered to present this report, including the issues raised at this meeting, to the meeting of the Cabinet on 26<sup>th</sup> March 2007 and he also offered to present this at group meetings upon request.

DECISION: That it be **recommended to Cabinet:-**

That Council be recommended to approve the proposed Overview and Scrutiny process, as set out in the report.

## Discussion Paper

### Local Government Reform - Cabinet Sub Group – 12<sup>th</sup> March 2007

#### Overview and Scrutiny System based on one Scrutiny Panel with its own work programme plus up to 3 Task and Finish Groups.

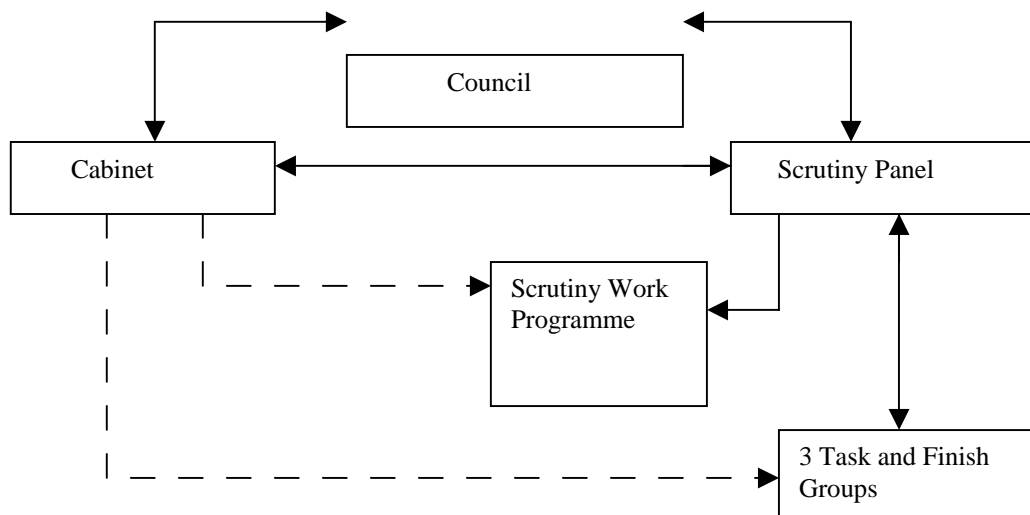
### 1. Introduction

At the meeting of the Sub Group held on 7<sup>th</sup> February 2007, Members requested a further discussion paper for an O and S system based on having one Scrutiny Panel (with its own work programme) operating as at present, but with additional powers to appoint a series of Task and Finish Groups which would each have one subject per year to examine in detail.

There would no longer be any Policy Development Groups.

The relationships between Council, the Cabinet and Scrutiny are set out in diagrammatic form in paragraph 2; a possible timeline of events is set out in paragraph 3; and paragraph 4 contains a series of associated issues which would the Group may no doubt also wish to consider.

### 2. Basic Diagrammatic Form



### **3. Timeframe for 2007/08 Civic Year**

- **21/5/07** – Council AGM: Cabinet appointed – Scrutiny Panel appointed.
- **23/5/07** – **Suggest** informal meeting between Leader of the Council and Chair of Scrutiny Panel to discuss:-

(1) Scrutiny Panel's own work programme;

(2) Subjects for Task and Finish Groups (discussion to focus on: details of the topics and their relationship to the Council's priorities (Direction and Ambition); the name(s) of the relevant Cabinet portfolio holder; the name(s) of the lead officers; details of any resourcing implications).

(3) Possible bid for O and S budgets.

- **30/5/07** – First Meeting of Scrutiny Panel

Leader of the Council attends to set out Cabinet's portfolio priorities for the year ahead.

Scrutiny Panel approves:-

- \* Panel's own work programme (Panel will make appropriate recommendations to Cabinet in the normal way as each item on its work programme is completed);
- \* Subjects to be studied by the 3 Task and Finish Groups.

**Suggest** Panel delegates authority to the lead officer in consultation with the Chair of Scrutiny Panel to approve Terms of Reference of Task and Finish Groups. Terms of Reference to include a requirement for each Group on completion of its work to carry out a self-evaluation exercise on the benefits of its study, lessons learnt, etc. and to incorporate the results of this assessment in its final report.

- **June onwards**

O and S support officers (in liaison with previously identified lead officers) commence scoping of the subjects of the three Task and Finish Groups to identify the key issues in preparation for the first meetings of the Groups in September.

Organise Member training on: Project Management; Research Skills; Technical Surveys; Community Involvement etc. (Training to be completed **by September**).

- **11/6/07** - All non executive members to be informed of the Task and Finish Groups and the subjects to be studied, and advised to express their interest in becoming a member of any of the Task Groups by completing and submitting a form by a set deadline **say (29/6/07)**.
- **July '07 – Suggest** informal meeting of Group Leaders and Chair of Scrutiny Panel to consider expressions of interest and to make recommendations to Scrutiny Panel as to Chairs of the 3 Task and Finish Groups and their composition.

**Suggest** composition to be non-Widdicombed.

Task and Finish Groups – **suggest** maximum membership: 12 – minimum 6.

- **18/7/07** – Scrutiny Panel meeting.

Panel formally appoints Chairs and members of the 3 Task and Finish Groups.

Chairs of Task and Finish Groups to be paid Special Responsibility Allowance from date of appointment, and ends when Scrutiny has adopted report.

- **September** - Member training completed.
- **September onwards** – Task and Finish Groups formally commence their work.

**Suggest** Chairs of Task and Finish Groups attend each subsequent meeting of Scrutiny Panel to give brief report on progress.

Each Task and Finish Group to complete its work and submit a final report (with recommendations) to the Scrutiny Panel for consideration at its meeting on **27/2/08**.

- **27/2/08** – Final meeting of Scrutiny Panel in current civic year.

Recommendations of the 3 Task and Finish Groups to be considered by the Panel and, if adopted, forwarded to Cabinet with or without amendment.

Cycle of approving Scrutiny Panel work programme and subjects for Task and Finish Groups for 2008/09 civic year begins again.

- **3/3/08** – Final meeting of Cabinet in 2007/08 civic year.

Cabinet considers recommendations from Scrutiny Panel in respect of the studies conducted by the 3 Task and Finish Groups in 2007/08 civic year.

#### **4. Associated Issues**

- Meetings of Task and Finish Groups – the Groups may wish to conduct some of their work without meeting formally. However, the O and S Procedure Rules allow for public participation and hopefully the subjects investigated by the Task Groups will generate public interest. **Suggest** the Council should advertise the topics being studied and seek public views and, if appropriate, participation.
- Should the Council set any limit to the number of Task and Finish Groups to which an individual backbencher can be appointed? There is no legislative limit.
- **Suggest** that members of the Scrutiny Panel should be eligible to sit on Task and Finish Groups the same as any other backbencher.
- Similarly, **suggest** that members of the Scrutiny Panel should be eligible to be appointed as Chair of a Task and Finish Group.

#### **5. Recommendation**

The Sub Group is Recommended to consider the report and to determine whether it wishes to pursue the new O and S system as indicated in outline in the report.

Steve Bore  
Scrutiny Manager  
6/3/07

## Extract of the Minutes of the Local Government Reform Cabinet Sub Group

12<sup>th</sup> March 2007

### Cabinet Recommendations as contained in Minutes 6(b), 6(c), 6(d) and 6(e)

#### 17 CURRENT ISSUES

The Democratic Services Manager presented a report covering a number of issues raised at the last meeting the Group when changes were agreed around the layout of the Council agenda, the appointment to the Employment Appeals Panel and public question time at Council meetings.

On discussing the topic of public question time, it was acknowledged that not all Chairmen use their discretionary powers to enable a discussion on any issue raised during public question time and that this would be referred to as part of the Chairman's training.

**DECISION:** That it be **recommended to Cabinet:-**

That Council be recommended to approve:-

- 1) That the revised order of Council business be endorsed and the Democratic Services Manager be authorised to make any consequential changes to paragraph 10 of the Council procedure rules in part 4 of the Constitution;
- 2) That the terms of reference of the Employment Appeals Committee, as set out in part 3 of the Constitution, be amended to incorporate the change set out in the report;
- 3) That the rules for public question time at full Council meetings be amended to reflect the rules that apply to all other public meetings of the Council;
- 4) That paragraph 9 of the Council Procedure Rules in part 4 of the Constitution be amended to reflect the changes made.

**Extract of the report to the Local Government Reform Cabinet Sub Group meeting held on 12<sup>th</sup> March 2007**

**2. Council Procedures**

At the last meeting it was agreed that the Council agenda be amended so that statements would only be permitted where Members have given notice of this and the subject appears on the Council agenda.

Attached as appendix 1 is a mock Council agenda showing how the suggested change to the Council agenda will look, if approved by Council.

**That it be recommended to Council:**

That the revised order of Council business be endorsed and the Democratic Services Manager be authorised to make any consequential changes to paragraph 10 of the Council procedure rules in part 4 of the Constitution.

Extract of Council Agenda – Appendix 1 (*in italics below*) shows the intention of the above proposal:

**“9. Statements by Members.**

*To receive any statements by Members of which the appropriate written notice has been given to the Chief Executive in accordance with Council Procedure Rule 10.4(a). The Chairman will invite the Leader or relevant Cabinet Member to comment on each statement.*

- (a) *Statement by Councillor Brown concerning anti-social behaviour within his Ward;*
- (b) *Statement by Councillor Black concerning the delay in the local health trust providing a community hospital.*

***[Please note that the maximum time set aside for item 9 shall not exceed 30 minutes]***

**3. Employment Appeals Panel**

**That it be recommended to Council:**

That the terms of reference of the Employment Appeals Committee, as set out in part 3 of the Constitution, be amended to incorporate the change set out in Appendix 2.

Appendix 2 (*in italics below*) shows the effect of this proposal on the Constitution.

## **“EMPLOYMENT APPEALS COMMITTEE**

### **1.0 Introduction**

*Comprising any three Members drawn from the Council, provided that each Member of the Panel should have a nominated substitute to attend a meeting of the Committee in their absence.*

### **2.0 Functional Responsibilities**

*To make a decision on any appeal under the Council's employment procedures.*

### **3.0 Relationship with the Council**

*Minutes of the Panel will be submitted to Council.”*

## **4. Public Question Time**

### **That it be recommended to Council:**

- (a) That the rules for public question time at full Council meetings be amended to reflect the rules that apply to all other public meetings of the Council.
- (b) That paragraph 9 of the Council Procedure Rules in part 4 of the Constitution be amended to reflect those changes highlighted in Appendix 3.

Appendix 3 is not copied below. However, this shows the impact of the changes on Part 4 of the Constitution.

INDEPENDENT MEMBER OF STANDARDS COMMITTEE

ROLE DESCRIPTION

**Responsible to:** The Standards Committee and to the Council

**Liaison with:** Members of the Standards Committee, Officers and Members of the District Council and of Town and Parish Councils within the District, Independent Members of the other Standards Committees, key stakeholders within the community.

1. To attend regularly and participate in meetings of the Standards Committee and any sub-committees (NOTE: meetings will normally be held in the evening but may be held during the day and may occasionally be called at short notice).
2. To participate in and/or chair hearings in relation to complaints of member misconduct under the Code of Conduct.
3. To actively promote ethics and standards within the District Council and within Town and Parish Councils within the district area.
4. To develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct.
5. To analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour.
6. To provide a view on the governance of the Council from an external perspective which will better enable the Committee to advise the Council on conduct issues.
7. To develop a sound understanding of the ethical and wider regulatory framework within which the Council operates and to contribute to the overall effectiveness of the full scope of the work of the Committee.
8. To be aware of the views of the local community on ethical standards and to reflect these in the activities of the Committee
9. Be prepared to undertake training and to participate in training events organised by the committee to promote awareness of the Code of Conduct.
10. To attend meetings of the District Council and civic and other functions in order to raise the profile of ethics and standards within the authority.
11. In the absence of the Chairman, to participate in any forum established for independent Members of the Standards Committee.