

Committee Model Working Group

30 June 2023



Report of: Director – Legal and Democratic Services

Title: Council Procedures under the Committee Model of Governance

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

This report considers various procedural matters relating to the functioning of the Committee Model of governance.



1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers various procedural matters relating to the functioning of the Committee Model of governance: Terms of Reference of Policy Committees, Policy Committee Procedure Rules, Escalation Panel Procedure Rules, Budget and Policy Framework Procedure Rules. The report also sets out some additional matters relating to the Forward Plan/Decision Pathway and proposals relating to Member Forum and the Petitions Scheme. It should be noted that Members are considering the arrangements relating to maintaining or expanding local decision making via a Sub-group, which is anticipated to report back to the Working Group in autumn 23.

The Working Group will need to make recommendations about the matters raised in this report. Those recommendations, together with recommendations from other meetings of the Working Group, will be reported to Full Council in due course, where a final decision will be taken regarding the arrangements for the Committee Model of governance.

2. Terms of Reference of Policy Committees (including sub-committees)

Full Council has approved the structure and responsibilities of Policy Committees. Whilst each Policy Committee will have its own areas of responsibility, there will be common ways of working for each of these committees and it is recommended that standard terms of reference should be put in place.

It is recommended that the terms of reference for a Policy Committee should cover the following matters:

- To deliver its functions in accordance with the Corporate Plan and any other plan or strategy approved by Full Council;
- To take decisions above the financial threshold of £500,000 for decisions of Policy Committees and in accordance with the Council's approved budget and policy framework;
- To develop and agree strategies, policies and plans in respect of the areas of responsibility of the Committee;
- To approve fees and charges;
- To exercise statutory scrutiny functions through the appropriate Policy Committee, or Sub-Committee established for that purpose (health, flood risk management and crime and disorder);
- To review risk management, financial management and performance reports from service areas within the areas of responsibility of the Committee;
- To establish Sub Committees and delegate functions to them;
- To conduct task and finish activities to consider policy development matters. It is recommended that this be two per Policy Committee per municipal year;
- To foster relationships with residents, businesses and stakeholders within the city and encourage them to participate in the Council's democratic processes.

It is anticipated that the Council will establish at least two standing sub-committees: a Finance Sub-committee and a Health Scrutiny Sub-committee. These Sub-committees will also have their own

terms of reference with specific responsibilities as follows.

The Finance Sub-committee will be a sub-committee of the Strategy and Resources Committee and will be responsible for the development of the Council's annual budget which will be presented to the Strategy and Resources Committee and then Full council for approval. This sub-committee will also have responsibility for cross-cutting financial monitoring.

The Health Scrutiny Sub-committee will be responsible for the exercise of the statutory scrutiny functions as set out in under section 244 and 245 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Whilst health matters are cross-cutting and relate to all policy committees, it is recommended that the Health Sub-committee reports to the Public Health and Communities Committee.

3. Policy Committee Procedure Rules

Full Council has approved the establishment of 8 Policy Committees. The Policy Committees will require their own set of procedure rules. Those rules will also apply to sub-committees of the Policy Committees. The Policy Committee Procedure Rules will cover the following matters:

- The calling of meetings, including extraordinary meetings;
- Agenda publication and the publication of papers;
- The publication of a Forward Plan;
- Public participation in meetings: petitions, statements and questions, including the time permitted and deadline for submissions;
- Establishment of sub-committees and task and finish groups, including membership arrangements, which can include Councillors who don't sit on the parent body;
- Rules relating to policy development and where relevant, the exercise of statutory scrutiny functions;
- Voting arrangements, including Chair's casting vote;
- Recording of decisions;
- Alignment with the Committee Procedure Rules.

These matters will be developed into a set of procedure rules for the Policy Committees.

4. Escalation Panel Procedure Rules

Full Council has approved the establishment of an Escalation Panel, which would consider matters escalated to it, in line with the principles set out in Article 14 of the Council's Constitution (which apply to all decisions of the Council).

The principles in Article 14 of the Council's Constitution are as follows: proportionality, due consultation, the taking of professional advice from officers, respect for human rights, a presumption in favour of openness, clarity of aims and desired outcomes, due regard to public sector equality duty aims and the highest standards of ethical conduct avoiding actual, potential and perceived conflicts of interest.

Currently, a decision may be called in by Councillors and the matter will be considered by a Scrutiny Call-in Panel. These are specific legal requirements which the Council is required to have under the Mayor and Cabinet Model. In practice, the power of call-in is rarely used.

It is necessary that appropriate rules governing the escalation of matters to the Escalation Panel are established and that a set of procedure rules for the Escalation Panel are put in place.

Whilst there may be some similarities between the role of an Escalation Panel and the role of a Scrutiny Call-in Panel, it is open to the Council to determine exactly how the Escalation Panel will function. For example, the Working Group may want to consider giving the Escalation Panel the ability to determine that a decision is not implemented or to recommend to Full Council that a decision is not implemented.

As with the current arrangements, any matter escalated to an Escalation Panel should be suspended from implementation until the Escalation Panel has considered the matter. It is also recommended that, as at present, the ability to exclude a matter from escalation is available where a decision is urgent.

The Escalation Panel Procedure Rules will cover the following matters:

- The calling of meetings, including timeframe
- Agenda Publication and the publication of papers;
- Rules relating to the escalation of matters to the Escalation Panel, including the minimum number of signatories (e.g.10 signatories) and requirement for cross-party signatories;
- Rules relating to the powers of the Escalation Panel, for example, determining that a decision is not implemented, recommending to Full Council that a decision is not implemented, referral of a decision back to the decision maker, referral of a decision to Full Council;
- Voting arrangements, including Chair's casting vote;
- Recording of decisions;
- Alignment with the Committee Procedure Rules.

These matters will be developed into a set of procedure rules for the Escalation Panel.

5. Budget and Policy Framework Procedure Rules

Under the current Mayor and Cabinet model of governance, the Mayor and Cabinet are responsible for the development of the Council's budget and will make recommendations to Full Council. It is recommended that under the Committee Model of governance those responsibilities will be discharged by the Strategy and Resources Committee.

Full Council has approved the establishment of a Finance Sub-committee as a sub-committee of the Strategy and Resources Committee. As noted above, this sub-committee will be responsible for the development of the Council's annual budget. The Finance Sub-committee will make budget recommendations to the Strategy and Resources Committee. The Strategy and Resources Committee will then make final recommendations to Full council for approval.

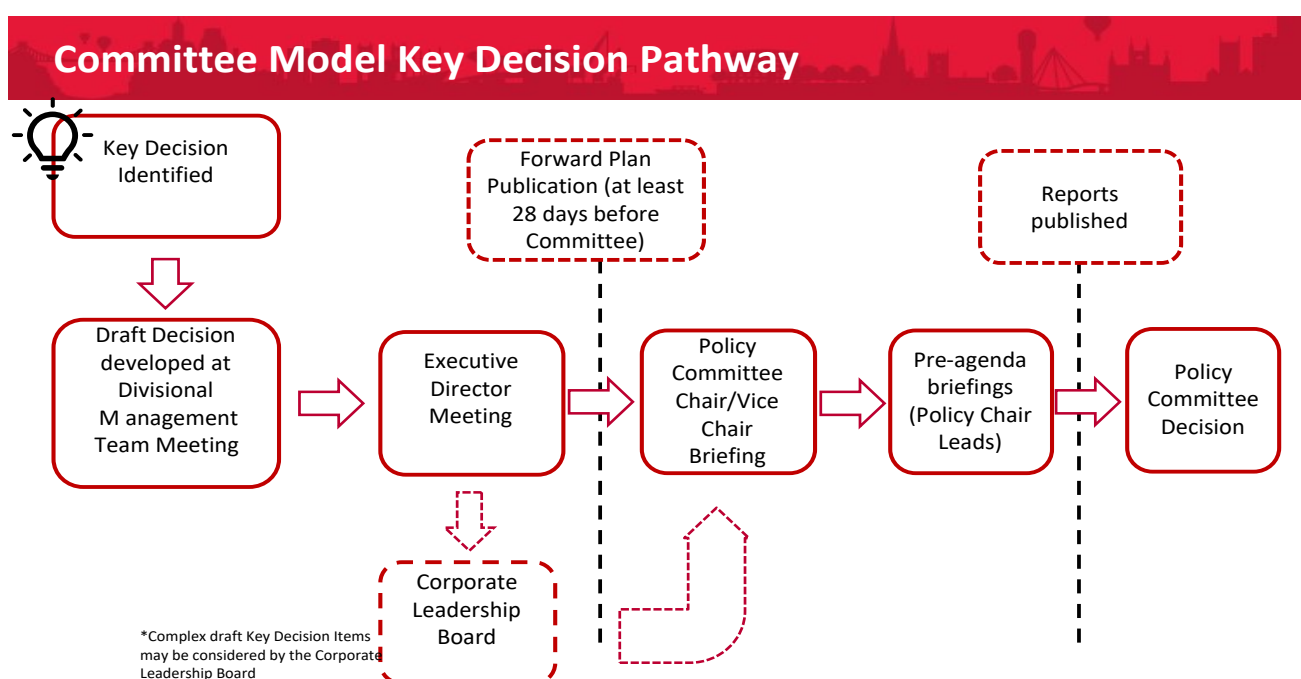
These changes to the development of the budget will require some technical changes to the Council's Budget and Policy framework Procedure Rules.

6. Forward Plan and Decision Pathway

Full Council has endorsed the principles that a minimum financial threshold of £500,000 should be in place for decisions taken to Policy Committees and that arrangements will be in place for the publication of a Forward Plan for meetings of the Policy Committees.

Each Policy Committee will also have its own Forward Plan that will be administered by the Executive Office, which comprises staff who support the Chief Executive, Executive Directors and Directors. The Forward Plan will include decisions that will need to be taken that are above the financial threshold, items of business that roll over from the current scrutiny work programmes and standard items of business for noting, such as risk reporting, financial management reports and performance reports. Members are asked to confirm whether they also wish to recommend that the existing provision for decisions that are ‘significant in terms of its effects on communities living or working in two or more wards in the city’ be included on the Forward Plan. It is anticipated that Forward Plans for the Policy Committees will be prepared in consultation with the Chair and Vice-chair of the relevant committee through Policy Committee Chair/Vice-chair briefings.

Work will be carried out in advance of May 2024 to ensure that Forward Plans for the Policy Committees will be published at least 28 days in advance of the first meeting of each Policy Committee and on a rolling monthly basis thereafter. It is proposed that this be achieved via a regular cross party work programme setting workshop, but Members are asked to consider this more fully in due course. The detail relating to Forward Plans will be incorporated into the Policy Committee Procedure Rules. The Forward Plans for the Policy Committees will support the decision pathway that will underpin how reports are prepared and taken for decision. The key points to note relating to the decision pathway are that reports will be prepared by officers and developed through officer management meetings (Divisional Management Team/Executive Director Meeting) and in consultation through the relevant Policy Committee Chair/Vice-chair briefings. There will be pre-agenda briefings for the Policy Committees which will be attended by the lead Members, following which the reports will be finalised. The diagram below shows how the decision pathway will look under the Committee Model of governance.



7. Member Forum

Currently, Member Forum is an opportunity for councillors to ask questions of the Mayor. Member Forum takes place on the same day as Full Council, immediately before the start of the Full Council meeting.

The arrangements for Member Forum could continue under the Committee Model of governance. Rather than councillors asking questions of the Mayor, councillors could ask questions of the Leader of the Council or the Chair of a Policy or Regulatory Committee.

8. Petitions Scheme

The Council currently has a Petitions Scheme in place which enables a petition debate at Full Council when a petition has amassed at least 3,500 signatures. Under the Committee Model of governance, there would be an opportunity to reconsider how petitions are dealt with. For example, should petitions debates be allowed at Policy Committees, perhaps with a local signature threshold? The Sub-group looking at the arrangements for local decision making through Area Committees will also consider whether arrangements should be put in place for Area Committees to debate petitions.

9. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

The terms of reference of committees will be incorporated into Part 3 of the Council's Constitution.

Under the Committee Model of governance, the Council is able to establish committees and determine the rules of procedure relating to those committees. Provided that the rules of procedure comply with the requirements of Schedule 12 of the Local Government Act which sets out the minimum requirements for meetings of local authorities, it is open to the Council determine the most effective way of discharging its functions and responsibilities.

As noted in the report above, there will need to be some technical changes to existing procedure rules and the creation of new procedure rules which will be incorporated into Part 4 of the Council's Constitution.

10. Matters for the Working Group to consider

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

- a. Does the Working Group agree with the standard terms of reference for a Policy Committee?
- b. Does the Working Group agree that the Health Scrutiny Sub-committee should be a sub-committee of the Public Health and Communities Committee?
- c. Does the Working Group support the creation of a set of Policy Committee Procedure Rules?
- d. How will public forum operate in the Policy Committees e.g., how long will be permitted and what will be the deadline for submissions?
- e. Does the Working Group support the principles relating to the Escalation Panel and the creation of a set of procedure rules for the Escalation Panel?
- f. Should the Escalation Panel have the ability to determine that a decision is not implemented or

- to recommend to Full Council that a decision is not implemented?
- g. Does the Working Group endorse the proposal for the development of the Council's annual budget by the Finance Sub-committee and recommendations from the Strategy and Resources Committee to Full Council?
 - h. Does the Working Group support the proposed arrangements relating to the creation and publication of a Forward Plan for each of the Policy Committees?
 - i. Should the Forward Plan (s) also include decisions that are 'significant in terms of its effects on communities living or working in two or more wards in the city.'
 - j. Does the Working Group agree that Member Forum should continue and that councillors could ask questions of the Leader of the Council or the Chair of a Policy/Regulatory Committees?
 - k. Would the Working Group like to see any changes to the Council's Petitions Scheme?

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None