

Committee Model Working Group

27th October 2023



Report of: Director – Legal and Democratic Services

Title: Roles and Responsibilities and Rules of Procedure

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 sets out a number of additional matters for consideration by the Working Group relating to Parts 3 and 4 of the Council's Constitution: Roles and Responsibilities and Rules of Procedure.



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 some further proposals in respect of the discharge of certain Roles and Responsibilities and some technical changes to Rules of Procedure under Parts 3 and 4 respectively of the Council's Constitution.

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. Detail of report

There are a number of outstanding matters in the Council's Constitution that need to be reviewed as part of the preparations for the Committee Model of governance. In particular there are some further changes that need to be made to Part 3 – Roles and Responsibilities and a number of matters for consideration by the Working Group in respect of Part 4 – Rules of Procedure.

Part 3 – Roles and responsibilities

There are various decision-making arrangements that the Council has, some of which are already incorporated into the Council's Constitution. There are other arrangements that it is recommended are also incorporated as part of the Committee model.

Downs Committee

Under the Clifton and Durdham Downs (Bristol) Act 1861, the Council and the Society of Merchant Venturers are responsible for the management of the Downs by the Downs Committee. However, the governance arrangements that sit around the Downs Committee are not currently included in the Council's Constitution and it is recommended that the arrangements are captured in the same way as other joint working arrangements, such as the Health and Well-being Board.

Harbour Committee

The recent review of the harbour has recommended that the Council puts in place a Harbour Committee to have oversight of the Council's operations in the Harbour. This is recommended as best practice and would enable the Council to co-opt appropriate expertise to support the Council's decision-making. The Harbour Committee would sit outside the structure of the Policy Committees in the same way as the Health and Well-being Board and the proposals in respect of the Downs Committee above.

Lead Member for Children's Services

At its meeting on 29 September, one of the points raised by the Working Group was the arrangements for the discharge of the statutory responsibility of the Lead Member for Children's Services. This role is responsible for the leadership, strategy and effectiveness of local authority children's services. The

Lead Member for Children's Services is also democratically accountable to local communities and has a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council.

The Working Group should consider who would be the most appropriate elected representative from Bristol to discharge the responsibilities of the Lead Member for Children's Services, for example the Chair of the Children and Young People Committee.

Emergency Planning

At its meeting on 29 September, the Working Group also raised the role of elected members in respect of emergency planning and civil contingencies. Whilst the response to a civil emergency will be led by officers, currently, there is political oversight by the Mayor and Cabinet. This will include liaison between the Chief Executive, Executive Directors and Directors with the Mayor and Cabinet, to identify and promote the Council's response and recovery objectives and to ensure effective communications to the Council and to the City.

Under the Committee Model of governance, it is anticipated that the Leader of the Council and Policy Committee Chairs will have a similar role as the Mayor and Cabinet at present to ensure political oversight and effective communications.

Part 4 – Rules of Procedure

There are a number of procedural matters that need to be reviewed as part of the Committee Model, to ensure that the Council's decision-making procedures are robust and effective. There are also some additional matters that can be reviewed at this time.

Access to Information Procedure Rules

A number of changes are required to these rules, to reflect the change of governance, in particular the deletion of rules relating to Cabinet and Overview and Scrutiny Commissions.

The rules relating to Forward Plans will be updated to reflect the new governance arrangements: APR 14 (Forward Plans), APR 15 (General exception), APR 16 (Special urgency), APR 18 (Decision records). At its meeting on 29 September, the Working Group recommended that the rules relating to urgent decision making under APR 15 and 16 should continue in broadly the same way as currently.

Policy and Budget Framework Procedure Rules

The Policy and Budget Framework Procedure Rules set out the arrangements for the development of the Council's budget.

These rules will be updated to reflect the new arrangements for the development of the Council's annual budget by the Finance Sub-committee and the Strategy and Resources Committee as agreed by Full Council on 9 May and 11 July. References to the role of the Mayor and Cabinet within these rules will also be amended so that the responsibilities are aligned to the relevant Committee/Full Council.

This will specifically include amendment of the rules that relate to the Mayor's responsibility to develop a budget to ensure that this falls to the Finance Sub-committee and Strategy and Resources

Committee.

The overall responsibility for setting the budget will be that of Full Council, however there will also be some amendments to the procedure at the budget setting meeting to reflect the change to the Committee Model, for example the budget is proposed by the Strategy and Resources Committee and there will only need to be a majority vote.

Officer Employment Rules

In the Officer Employment Rules, there is currently a mechanism whereby a Cabinet Member can raise an objection to a senior officer appointment with the Monitoring Officer, for consideration by the Mayor. This is a specific process that applies where a Council is operating a Mayor and Cabinet or Leader and Cabinet Model of governance. It is not a legal requirement to have such a process in place under the Committee Model of governance. However, the Council could decide to retain a similar process under the Committee Model of governance and if it did it would be for the Council to determine who would consider such an objection. For example, Members of a relevant policy committee could raise an objection with the Monitoring Officer, for consideration by the Leader of the Council.

Committee Procedure Rules

There are a number of potential changes to the Committee Procedure Rules for the Working Group to consider which would ensure consistency across all Council meetings for public forum.

The Procedure Rules of Full Council state that public forum should be from people who live or own a business in Bristol and the rationale for this is that those people would pay Council Tax or Business Rates to Bristol City Council. Full Council also limits the number of public forum questions per person to 2 (with 1 supplementary question per public forum question). Full Council also has a deadline of 12 noon, 2 working days before the meeting for public forum statements.

- Should public forum for all committees (regulatory and policy) be from people who live or own a business in Bristol?
- Should public forum questions for all committees (regulatory and policy) be limited to 2 questions (with 1 supplementary question per public forum question)?
- Should the deadline for public forum statements for all committees (regulatory and policy) be 12 noon, 2 working days before the meeting?
- Should there be a limit on the length of public forum statements?

Similar rules will need to be incorporated into the Policy Committee Procedure Rules.

Policy Committee Procedure Rules

The general provisions of the Policy Committee Procedure Rules were agreed at Full Council on 11 July, and this will form the basis for a new set of rules.

The Policy Committee Procedure Rules will also need to incorporate, where relevant, parts of the current Executive Procedure Rules and the Overview and Scrutiny Procedure Rules for example:

- Rules relating to task and finish groups, statutory co-optees and where relevant, statutory scrutiny;

- Details relating to the preparation of Forward Plans/Work Programmes;
- Provisions enabling the calling of people to attend the relevant Committee;
- Details relating to Public Forum as set out under the Committee Procedure Rules section above;
- Rules relating to the debating of petitions that reach a threshold of 1,000 signatures.

Escalation Panel Procedure Rules

The general provisions relating to the Escalation Panel Procedure Rules were agreed at Full Council on 11 July and this will form the basis for a new set of rules.

In addition, it is proposed that membership of the Escalation Panel will be determined by the Whips based on the relevant political proportionality, noting the previous agreement that the original decision makers be excluded. Regarding chairing, it is suggested that this role rotates between the political parties, the order of which will be agreed by the Whips at the start of each Municipal Year.

3. Legal and Constitutional matters

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

The Clifton and Durdham Downs (Bristol) Act 1861 sets out the arrangements for the management of the Downs.

Section 19 of the Children Act 2004 requires every local authority with responsibility for Children's Services to designate one of its members as Lead Member for Children's Services.

The Local Authorities (Standing Orders) (England) Regulations 2001 prescribe the current arrangements for senior officer appointments.

4. 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 support the proposal to incorporate the governance arrangements for the Downs Committee into Part 3 of the Council's Constitution?
- b. Does the Working Group support the proposal to incorporate the governance arrangements for a Harbour Committee into Part 3 of the Council's Constitution?
- c. Which role should discharge the responsibilities of the Lead Member for Children's Services?
- d. Should the Council retain a process similar to the Executive Objection Procedure for senior officer appointments?
- e. Does the Working Group support the proposals to achieve consistency for Public Forum for public meetings of all committees?
- f. Does the Working Group support the proposals for appointments to and chairing of the Escalation Panel?

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None