

Special Council Meeting

Agenda

Date: Thursday 19th November 2020
Time: 2.00 pm
Venue: Virtual Meeting

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The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Cheshire East Council decision making meetings are recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with paragraph 1.32 of the Council Procedure Rules and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at the Council meeting on the item of business on the agenda only. Individual members of the public may speak for up to 2 minutes, but the Chairman will have discretion to vary this requirement where they consider it appropriate.

Members of the public wishing to ask a question or make a statement at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Proposed Change of the Council's Governance Arrangements: Formal Resolution to Move to a Committee System Form of Governance**
(Pages 3 - 130)

To consider making a formal resolution to move to a Committee System form of governance.



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Council

Date of Meeting: 19 November 2020

Report Title: Proposed Change of the Council's Governance Arrangements:
Formal Resolution to Move to a Committee System Form of
Governance

Senior Officer: Lorraine O'Donnell, Chief Executive

1. Report Summary

1.1 Council, at its annual meeting on 22 May 2019, resolved as follows:

'This Council is committed to implementing a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance, and the implementation of a full Committee model of governance; this to be developed during 2019/20 with a view to the new arrangements taking effect from the beginning of the 2020/21 Municipal Year, subject to a legally and constitutionally robust process, led by the Council's Constitution Committee, and agreed by Council'.

1.2 The Constitution Committee (the Committee) established a Governance Working Group (GWG) to progress the work arising from the Notice of Motion, with the terms of reference set out in Appendix A.

1.3 Since then, the GWG and the Committee have worked extensively to produce recommendations upon those key issues which they considered to be fundamental, and in respect of which Council would need reassurance, in order to give properly informed consideration to formally resolving to move to a Committee System with effect from the next Annual General Meeting of Council.

1.4 All of these issues are addressed in this report, and its appendices, and are now before Council, by way of recommendations from the Constitution Committee.

- 1.5** A change of decision-making arrangements by any local authority is a profound step to take and a decision which is binding for at least 5 years. For Cheshire East Council, a decision to change the model of governance is an important and fundamental change
- 1.6** If agreed, the Council will move to the decision-making framework which applied to all local authorities prior to 2000, when the Local Government Act introduced executive decision-making models, such as the Leader and Cabinet form of governance, which almost all local authorities adopted. District councils with populations under 85,000 could adopt alternative arrangements retaining a committee system.
- 1.7** The Leader and Cabinet model operates on the basis of up to ten members of a single political group, or a combination of political groups, making those decisions which The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 determines are “executive” in nature. The decisions of Cheshire East Council’s Cabinet and its Portfolio Holders are scrutinised by four bespoke overview and scrutiny committees, which hold the Cabinet to account, and which take an overview of matters which will come before the Cabinet in the future.
- 1.8** Under a Committee System, decisions are made by politically proportionate service committees. The power to make formal decisions is delegated by Full Council to the committees, sub-committees, or to officers. Unlike the executive model of governance, in which individual Portfolio Holders can make decisions, there can be no single-member decision-making under a Committee System.
- 1.9** Members are asked to note that one consequence of moving to a committee system is that there will be certain decision-making powers delegated to officers. In order to enable the effective operation of Council, officers exercising decision-making powers may be empowered to do so outright, or subject to consultation with lead members, such as chairs of committees.
- 1.10** There is no obligation to have any bespoke overview and scrutiny committee in a committee system, although certain statutory overview and scrutiny functions must still be undertaken e.g. that related to the responsibilities of the Council as a lead flood authority.
- 1.11** The Local Government Act 2000 Chapter 4 requires compliance with mandatory statutory provisions. Any change in the governance model is to be implemented with effect from the local authority’s annual general meeting. Therefore, if Council resolves to move to a

Committee System, this would be implemented with effect from May 2021. Furthermore, if Council resolves to move to a Committee System, it cannot resolve to change its governance arrangements for a period of 5 years following the resolution to do so, therefore not until May 2026 at the earliest. Once the Council formally resolves to move to a Committee System, the decision is binding. It must implement the change and cannot resolve to do otherwise.

- 1.12** Extensive work has been undertaken to develop the legal structures and mechanisms which would apply to the operation of a Committee System of decision-making. These are now before Council for consideration. A summary of the steps taken since May 2019 to bring the recommendations contained in this report to Council, is contained in the “Our Move to a Committee System” document which is appended to this report as Appendix F.
- 1.13** This charts the progress of the preparations which have been made for a proposed move to the Committee System and The Design Principles, and the initial Member engagement which helped to inform these proposals.
- 1.14** It also identifies those important features of the Committee System project which, at the time it was issued, remained to be considered by the Committee. The Committee have now considered these areas and have informed the recommendations which are before today’s meeting in the form of the Committee’s recommendations made following its meeting on 5 October 2020
- 1.15** An important consideration for members in making this decision is having assurance that the decision can be effectively implemented and that they understand the implications of the decision. Sections 4 to 9 of this report therefore outline the required actions to effect this change and Section 12 outlines the risks and how they can be mitigated.
- 1.16** There are strategic risks that the council is already managing ahead of implementing this proposed strategic change. The council has been managing its strategic response to the Covid-19 pandemic and has been working in the most challenging conditions experienced in at least a generation to understand, respond to and plan for recovery from an emergency that affects lives, health, care, education, businesses, livelihoods, culture and leisure. The council has been operating in this emergency mode for more than eight months and the next six months are expected to be even more challenging. The second wave of the pandemic will coincide with the period of EU transition, winter

pressures for health and social care and combined with the additional risk of severe weather events

- 1.17** The Council has also had to adapt to fundamental changes in the way that decisions are made because of the coronavirus pandemic. The most obvious of these changes is the shift to online meetings which has required a concerted effort on the part of members and officers to ensure that the council could conduct its business whilst minimising the use of urgency powers. Less obvious changes include the speed and volume of decisions required as a result of the fast changing nature of the pandemic and associated changes to legislation and government guidance. Many of these decisions have profound implications for communities in Cheshire East and have required coherent, complex and fast interactions with central government and partner organisations. Adding to the complexity, these bodies have also had to adapt their own decision-making arrangements
- 1.18** Officer resources are stretched and this must be taken into consideration in any transition and operation of a new system of governance. The decision to change the system of governance is the only major change facing the council that is entirely under its own control.
- 1.19** The conditions under which the Council is considering the resolution could not have been foreseen when the motion was unanimously agreed in 2019. The council has never before had to navigate through such high levels of uncertainty where it is difficult to forecast even over the short term and this presents a number of strategic risks for the organisation.

2. Recommendations

- 2.1** That Council agrees and adopts the following, subject to a formal resolution being made in accordance with Recommendation 2:
- a) Design Principles (appendix G)
 - b) Structure of the committees (Appendix H, I and J);
 - c) Roles of Leader and Deputy Leader (Appendix K);
 - d) Decision Review Process (Appendix L);
 - e) Urgency Provisions (Appendix M);

f) Role and powers of Committee and Sub-Committee Chairs
(Appendix N).

- 2.2** That the Council resolves to cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting on 12 May 2021.
- 2.3** The Council's Director of Governance and Compliance be authorised, in consultation with the Constitution Committee, to prepare such draft constitutional provisions as he/she considers necessary to give effect to the wishes of the Committee, which will be submitted to the Constitution Committee in phases during 2020/21 for recommendation to Council.
- 2.4** That the Director of Governance and Compliance be authorised to recommend such constitutional provisions as reflect the developing nature of the progression to a committee system form of governance and best practice.
- 2.5** The Council's Director of Governance and Compliance be authorised to recommend to full Council such constitutional provisions or amendments as he considers appropriate or required for the progression to a committee system form of governance.
- 2.6** The Director of Governance and Compliance shall by 12 November 2021 provide a report to Council on the implementation of the committee arrangements with any further recommendations or amendments to the constitution.
- 2.7** That the Council notes the required actions and timeline required to enable these recommendations to be implemented should Council resolve to do so
- 2.8** That the Council notes section 12 the risks and financial matters relating to this change.

3.0 Background

- 3.1** As part of their work so far, the GWG and the Committee have given detailed consideration to those matters which they consider should be agreed prior to a formal resolution of Council to move to a Committee System. These matters are briefly explained in the body of this report; further details of which being contained in the appended reports to the Committee on 19 March 2020, and 5 October 2020 (Appendices B&C).

The minuted recommendations of both Committee meetings are appended as Appendices D&E respectively.

- 3.2** In producing its recommendations to the Committee, the GWG undertook a desktop evaluation of the governance arrangements of other authorities. Visits were made to two authorities which had moved to a Committee System. Learning from the visits formed part of the GWG's findings and recommendations to the Committee.
- 3.3** Member Engagement workshops were held across the Borough in early November 2019. Feedback from the workshops was considered by the GWG. The Local Government Association was commissioned to assist the Council in its work and held meetings during the early days of January 2020 with Members and officers.
- 3.4** At a meeting held on 21 November 2019, and having been addressed by the Acting Chief Executive and visiting Members, the Committee asked officers to produce further detailed work on certain matters which would facilitate the introduction of a Committee System.
- 3.5** Following-on from the consideration, by leading Members, of progress made at that stage, and recognising what work remained to be done prior to the implementation of the new model of governance, the Group Leaders jointly wrote to all Members confirming that the Committee System would be implemented in May 2021.
- 3.6** The following sections of this report briefly address those matters which will, if agreed, facilitate the introduction of a Committee System. Further details of each matter can be found in the reports made to the Committee on 19 March 2020 and 5 October 2020 (Appendices B & C).
- 3.7** At the onset of the pandemic, there was cross party agreement to delay the planned implementation date from 2020 to 2021.

4. Design Principles

- 4.1** The Design Principles can be seen in Appendix G. These were created to ensure that a new governance model would meet the aspirations of the agreed Notice of Motion, and covered the following:
 - Openness
 - Quick and effective decision-making
 - Legal Requirements
 - A modern Committee system
 - Cost kept to a minimum

- 4.2** The Design Principles sought to emphasise the need for a new governance model which would reflect modern best practice; maximise the use of information technology; and ensure streamlined, efficient and quick decision-making. They were not intended to replicate every element of a traditional committee system which used to operate prior to 2000 but sought to facilitate the provision of a modern committee system which would meet the contemporary needs of the Council.
- 4.3** The Design Principles will be referred to in the future and will be used to assess whether desired outcomes have been achieved, or whether any necessary further amendments to the arrangement might be required.
- 4.4** Whilst, following a resolution to do so, the Council could not choose to change its decision-making arrangements for a period of 5 years, the way in which its Committee System operates could be changed. For example, the number of service committees and their functions/responsibilities could be changed. Other changes could be made to the Council's Constitution, in the same way as currently takes place, so as to improve the Council's Committee System arrangements.

5. Proposed Committee Structure

- 5.1** The proposed draft committee structure, functions and terms of reference for six service committees, Finance Sub-Committee and overview and scrutiny committee are attached at Appendices H, I and J for noting with further details being provided in the report to the Committee at Appendix B.
- 5.2** However, at least one further consolidated report of the constitutional changes will be presented to Council to approve the detail design and operation of the proposed committee structure

6. Roles of Leader and Deputy Leader

- 6.1** The roles of the Leader and Deputy Leader in a Committee System of governance are different to those which apply to an executive system of governance. Appendix K sets out the detailed proposals of those roles, as might apply to a Committee System.
- 6.2** One of the key factors defining the roles of Leader and Deputy Leader is established by Section 101 of the Local Government Act 1972, which enables local authorities to delegate powers to Committees, sub-Committees and officers. Section 101 does not permit the delegation of powers to individual councillors, and case law has, for many years, shown that it is unlawful to do so. It follows that care must be taken to ensure that any allocation of roles to the Leader and Deputy Leader

does not exceed the limitation imposed by section 101 of the Local Government Act 1972.

7 Decision Review Process

- 7.1** One of the Design Principles emphasises the need for ‘quick decision making’. A system of un-conditional delegated decision making to Committees, sub-Committees and officers would achieve this because the decision of the decision maker (be it Committee or sub-Committee or officer) should be ‘final’.
- 7.2** One view might therefore be that there should be no mechanism for referral of decisions to Council or other “referral” provisions. Some authorities operate in this way and, once the decision is made by a Committee, that decision is final, and may be implemented.
- 7.3** However, provision can be made for referral of certain decisions to another body prior to implementation. Such powers could apply in circumstances where an issue has a significant profile, and it is considered the decision may have been made erroneously or without all relevant information being available or proper regard to any relevant policy framework. The use of such powers would have the effect of halting implementation of the decision, pending the outcome of that process.
- 7.4** The recommended Decision Review process and criteria for referring decisions to Council is attached at Appendix L. The key features of this process are:
- Following publication of the minutes of a service committee any non-urgent decision may not be implemented for five working days.
 - During that period, any nine Members may ask for the decision to be reviewed, stating their reasons.
 - Subject to validation by the Monitoring Officer, the decision will be referred to the next scheduled meeting of Council for consideration.
 - Council may uphold the committee’s original decision, with or without modifications; or reject the committee’s decision and determine the matter itself.

8. Urgency Provisions

- 8.1** The Council’s Constitution contains a definition of those decisions which are regarded as “urgent”. This definition sets out a series of factors which determine urgency.
- 8.2** As is currently the case, urgent decisions under a Committee System would be taken by the Chief Executive (or Deputy). Cheshire East’s

existing constitutional arrangements empower the Chief Executive (or Deputy) to make a decision which would normally be taken by full Council, or by a committee, in circumstances of urgency, subject to consultation with the relevant Chair or Vice Chair prior to the decision being made. This approach would, under the new Committee System, apply to decisions made by Committees and Sub-Committees in addition to those normally made by full Council.

- 8.3** The recommended urgency provisions are attached at Appendix M for approval.

9. Role and Powers of Committee and Sub Committee Chairs

- 9.1** The law recognises the responsibility of a committee Chair for the proper conduct of his or her committee meeting. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is contained in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. Appendix N addresses the above, and sets out the proposed expectations of Council of the way in which Chairs are expected to fulfil their roles. This includes the need for Chairs to be filled on the basis of skills and experience, with a requirement to attend necessary training.

- 9.2** The Role and Powers of Committee and Sub Committee Chairs are attached at Appendix N for noting.

10. Next Steps

- 10.1** The Local Government Act 2000 provides that, as soon as practicable after the Council has passed a resolution to change the form of its governance arrangements, it must:

- a) secure that copies of the document, setting out the provisions that are to have effect following the resolution, are available at its principal office for inspection by members of the public.
- b) publish in one or more newspaper circulating in its area, a notice which:
 - states that the authority has resolved to make a change in its governance arrangements;
 - states the date on which the change is to have effect;
 - describes the main features of the change;
 - states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority's principal office for inspection by members of the public; and

- specifies the address of the authority's principal office.

c) the legislation provides that the earliest date by which a change in govern form may be implemented is the following Annual Council Meeting (in this case for the municipal year beginning in May 2021) or a later Annual Council Meeting specified in the resolution.

10.2 This report, its appendices, and recommendations, address those matters identified as being legally and constitutionally necessary to provide sufficient information to allow Full Council to consider a formal resolution to move to a Committee System. The work of the GWG and Constitution Committee will continue through to any implementation of the new arrangements, and beyond, and more recommendations will be brought to Council which will form part of Council's new way of working.

11.0 Implementation

11.1 The Constitution Committee and member workshops have debated the perceived pros and cons of the Cabinet system versus the Committee system

11.2 Many views have been expressed since 2019 about the pros and cons of the Cabinet system, versus the committee system. The following is a very brief summary of some key themes.

11.3 Some perceived that decision-making is quicker under an executive model; whilst others took the view that special meetings could always be arranged, or urgency powers used, where the timeliness of a decision was an issue.

11.4 Much has been said about the preference of some for the inclusiveness of a committee system, involving members from all Groups, whilst views were also expressed that executive decision-making led to more accountability and clarity around leadership. Although proportionality calculations will ensure a wider distribution of vacancies to a group it will still be a matter for groups to decide on the allocation of those vacancies to individual members.

11.5 Executive decision-making was viewed by some as ensuring "joined-up" decision making, but others held the view that it lacked transparency. Concern was expressed that the committee system might lead to "silo working", with one committee making decisions which were at odds with those made by others. Some, however, held

the view that this could be addressed by good coordination of decision-making processes.

11.6 There were preferences on the part of some for the robust challenge which is seen as being provided by overview and scrutiny committees under the Council's existing arrangements. Others referred to the fact that these were only introduced in 2000 with the option for executive decision making, but that overview and scrutiny was a feature of the committee system prior to that.

11.7 The council's ambitions set out in the motion of 2019 are clear and would result in Cheshire East becoming the largest unitary authority to adopt the committee system, one of a small number of top tier authorities in England and unique amongst recently formed county unitary peers. It follows that the council will be as ambitious for the new system to deliver the Corporate Plan.

12. Implementation Risk

12.1 There is inherent risk in any major change of governance, the council will be changing in the context described above (paragraph 1.16 onwards) which brings a number of challenges. The timing of the proposed change presents a strategic risk.

12.2 Council should satisfy itself that adequate preparation and mitigation is in place to ensure successful implementation.

13. Financial Implications

13.1 The new committees must operate within the policy and budgetary framework set by full council in February 2021. Committee members will need to fully understand their terms of reference.

13.2 Members and officers (CWG) have made significant progress in finalising terms of reference to ensure a coherent approach to decisions and clarity on which committee has locus to make the decision. It is inevitable that clarity and increased understanding will develop over time and Council should expect continuing improvements to be recommended over time.

13.3 Further mitigation can be achieved by member engagement in training. This may include a period of 'shadow committees' and scenario planning. A number of fundamental processes/decisions may be tested

such as a budget development, procurement within financial frameworks and emergency responses. Lessons from these events can be used to test the control environment and to suggest amendments before annual council.

- 13.4** The current financial outlook for local government is extremely volatile. Response and recovery linked to Covid-19 is ongoing. The medium term outlook is one of increasing demand and increasing complexity for council services alongside inflation and reduced income from taxes and sales, fees and charges. Government financial settlements for local government remain short term and rely on one-off funding allocations. The level of risk associated with short term planning is heightened as the Council holds relatively low levels of reserves.
- 13.5** During the pandemic the Council has needed to apply urgency powers to accelerate the decision making process, usually to respond to government guidelines and conditions based on the need for a rapid response that did not align with the Council's calendar of meetings. This has been managed effectively, with ongoing involvement from lead members, committee chairs, group leaders as well as officers from relevant frontline services with support from Finance, Legal, Audit and Democratic Services.
- 13.6** A significant risk for the Council is that the achievement of the Council's financial targets will require activity to commence from 1 April 2021 and any delays to implementation will present a financial risk to the MTFS. This risk is likely to challenge the assessment of the adequacy of the Council's reserves.
- 13.7** In the period whilst the Council transitions to the Committee system the Council should aim to eliminate the risk of decisions being delayed. To achieve this it will be necessary to, at least temporarily, extend delegated powers to implement budget proposals included within the February budget. As part of the February budget recommendations the Council will be asked to delegate delivery of approved proposals with the further use of delegation and urgency powers to ensure key procurement, consultation and strategic decisions will not be delayed.

14. Emergency response

- 14.1** The cumulative emergency planning scenarios are substantial and will impact on the transition period to a new system and potentially its early implementation in the following ways:
- joined up responses will continue to be required to complex issues in a timely and responsive manner

- senior management must prioritise the emergency response and recovery
- it would be prudent to assume that remote meetings will be the only option for committee meetings
- officers are already stretched and there are growing signs of fatigue

14.2 The council has responded well to the first phase of the pandemic and members and officers are becoming used to remote meetings. Whilst necessary at present and having advantages of reducing travel and the carbon footprint, there are also downsides such as the ability to 'read the room'. The enabling legislation for remote meetings has a sunset clause for May 2021. It is not known if this will be extended or made permanent. Members may be required to physically attend meetings from May 2021.

14.3 Council should satisfy itself that the proposed committee system is sufficiently clear and intelligible and Council has not inadvertently created a barrier to engagement or understanding if it is to meet its objective of greater openness.

14.4 Committees may wish to demonstrate the perceived advantage of this system of governance and Council may wish to consider the potential impact on the organisation if a multiplicity of full work programmes, sub committees or working groups arise. The transitional period will need to resolve priorities, phasing and provide a mechanism for resolution of competing resource demands. Council should also note that it is intrinsic in any committee style of governance that any matter not delegated to a committee will be resolved by officers. There is no provision for single member decisions (such as portfolio or leader decision) and there can be no gaps in decision making.

15 Effective Change Management

15.1 Structural change in isolation is rarely sufficient to achieve transformation, sustained improvement or even effective change. At a time when there are few fixed points and we are as far from 'business as usual' as possible, it will be crucial to ensure that the commitment to a positive workplace culture is maintained and is supportive and conducive to decision-making in an uncertain environment.

15.2 The culture change programme has strengthened officer/member relationships which have improved overall governance and decision making – the Council will clearly wish to see this being maintained. Any change in decision-making arrangements will introduce a new

dynamic, which will call for commitment from officers and members in order to continue to develop the culture of the Council in line with the values and behaviours that have been established collectively by officers and members.

16. Legal Implications

- 16.1** The ability for the Council to change from one of the permissible forms of governance arrangements of the local authority to another is provided for by Chapter 4 of the Government Act 2000 (as amended by the Localism Act 2011). Section 9K of the Act straightforwardly states that a “resolution of a local authority” (a simple majority) is required in order for the Council to make such a change in governance arrangements.
- 16.2** It should be noted, however, that a local authority may not then pass another resolution that makes a change from one to another of the permissible forms of governance arrangements ‘before the end of the period of 5 years’ beginning with the date the first resolution is passed, unless that change is by way of referendum.
- 16.3** A resolution passed by the Authority to change from one of the permissible forms of governance arrangements to another will then be implemented only during-
- a) the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
 - b) a later annual meeting of the local authority specified in that resolution.
- 16.4** Whilst some authorities which have moved to a Committee System resolved to do so on the basis of very little agreed detail, the recommendations made to Council provide much detail of the way in which the Council will work in the future, and are sufficient to support the formal resolution which this report seeks.

17. Finance Implications

- 17.1** One of the design principles is to keep costs to a minimum. This is being taken to mean that existing budgets within the Medium-Term Financial Strategy (MTFS) will remain adequate and growth will not be required to manage the on-going costs of the revised system of governance.

There are four main costs associated with the move to the committee system:

- One-off costs of consultancy to support the transition, such as the need for member and officer training. Such costs are not forecast to be significant. To date, the costs incurred are below £5,000. The level of training and member engagement as one off introductory training, scenario planning and continuous development post implementation will increase during the implementation period. Further support would be required to review Member allowances (see below).
 - Members allowances would need to be reviewed to reflect the new responsibilities of the Committee System. Although this review will be conducted following the decision to move to the committee system, the council is ultimately responsible for the cost envelope in which this is conducted so has the power to ensure it remains within existing budgets if required.
 - Officers within Democratic Services would continue to provide support under the new system of governance. The project lead has assessed the cost associated with servicing the frequency of meetings for the proposed committee structure and has provided assurance that this can continue to be managed within existing forecasts within the MTFS.
 - The Centre for Governance and Public Scrutiny identified that a key risk of the committee system is a potential requirement for more access to senior officers. This is potentially the greatest cost pressure if the productivity of these officers is significantly affected. Keeping within the design principles and implementing a revised member-officer protocol could manage this risk. Clearly this requires effective communication with and co-operation of members to succeed.
- 17.2** If the final design identified a requirement to vary the current MTFS this would need to be addressed through a supplementary estimate once the full implications are understood. This may be possible as part of the budget setting process for 2021/22.
- 17.3** The appropriate implementation and management of the 2021/22 budget, due for approval by Council in February 2021, would become the responsibility of the appropriate committees if the system is approved in accordance with the relevant terms of reference. Whilst the transition to the new system will aim to avoid any delays to decision making, it may be necessary to delegate appropriate powers to officers

that will mitigate any risk of financial proposals not being implemented in accordance with the timescales approved with the MTFS.

18. Policy Implications

18.1 Any relevant policies will need to be amended to reflect a Committee System of governance.

19. Equality Implications

19.1 The Council's governance arrangements must enable all groups to engage in the decision-making process. No equality implications are identified.

20. Human Resources Implications

20.1 There are significant human resource implications in relation to training and development.

20.2 In addition to the Member engagement referred to in paragraph 3, the Centre for Public Scrutiny held four training sessions for Members during the week beginning 14 September. Three sessions were provided for all Members, and one for aspiring chairs and vice chairs. These were well attended and, from the feedback received, appeared to have been regarded as beneficial to attendees. Further training is planned for the autumn, following which Members will determine whether, and what, more might be needed to properly prepare the organisation for the forthcoming change. There will also be a programme of training for officers.

20.3 Training

A change to a Committee System will introduce a system of decision making that is new to some Members, officers and partners. Training and briefing will be required to ensure that the transition is smooth and that there is not a delay in decision-making.

20.4 For the first time in the Council's history, many of its Members will become decision-makers as part of politically balanced committees and sub-committees, in respect of matters which have previously been exclusively determined by a relatively small executive body. Most Council Members, and a significant number of Council officers have no experience of a Committee System model. Care must be taken to ensure that they are appropriately equipped with the skills and knowledge required to properly fulfil these new roles. It will be necessary to review how successful Members and officers feel that the

proposed training has been, both before any implementation of a Committee System, and on an ongoing basis, so that the best decision-making outcomes for the Council can be achieved.

- 20.5** The Council will need to keep under review, the detail of its decision-making arrangements and may choose, from time to time, to amend these so as to make improvements to the way in which the Committee System operates.

21. Rural Communities Implications

- 21.1** There are no direct implications for rural communities.

22. Implications for Children & Young People/Cared for Children

- 22.1** There are no direct implications for children and young people/cared for children.

23. Public Health Implications

- 23.1** We are in a global pandemic and any transition to a different form of decision making must ensure that council is able to make fast, joined up decisions to complex issues.

24. Climate Change Implications

- 24.1** There are no direct climate change implications.

25. Ward Members Affected

- 25.1** All wards are equally affected.

26. Consultation & Engagement

- 26.1** There is no legal requirement to consult the public on a proposed change to the Council's governance model. Notwithstanding this, the GWG considered a report at its meeting on 14 October 2019. This related to consultation and engagement options. The GWG agreed that there should be no consultation. As the Notice of Motion had already been agreed by Council, the GWG did not consider there was any benefit in undertaking public consultation at that stage. Members were keen to ensure that residents and staff were kept updated about the proposals. To this end, an article was published in the November edition of 'The Voice' along with various updates on the Centranet for staff.

26.2 Three Member Engagement Workshops took place to inform the development of the proposals contained in this report. The feedback from these sessions was considered by the GWG.

26.3 As soon as practicable after Full Council resolves to change its form of governance arrangements, a public notice of the Council's resolution must appear in one or more newspapers, as detailed in paragraph 10.1.

27. Access to Information

27.1 Previous reports to the Constitution Committee provide the background to the governance review which are available on the Council's website.

28. Appendices

- a) Appendix A – Terms of Reference – Governance Working Group
- b) Appendix B – Constitution Committee Report – 19 March 2020
- c) Appendix C – Constitution Committee Report – 5 October 2020
- d) Appendix D – Constitution Committee Minute Extract – 19 March 2020
- e) Appendix E – Constitution Committee Minute Extract – 5 October 2020
- f) Appendix F – Member Prospectus: Our Move to a Committee System
- g) Appendix G – Agreed Design Principles
- h) Appendix H – Proposed Committee Structure Chart
- i) Appendix I – Proposed Committee Functions
- j) Appendix J - Draft Terms of Reference
- k) Appendix K – Roles of Leader and Deputy Leader
- l) Appendix L – Decision Review Process
- m) Appendix M – Urgent Decisions
- n) Appendix N – Role and Powers of Committee and Sub-Committee Chairs

29. Contact Information

Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

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Terms of Reference of the Governance Working Group

The working group is required to:

- Undertake all work necessary to respond to the notice of motion.
- Consider and learn from other Councils who have implemented a committee system.
- Establish a detailed timeline to ensure the Council is in a position to make a final determination upon those matters approved by full Council in the recent notice of motion.
- Develop a proposed form of governance for consideration by the Constitution Committee, giving consideration to:
 - any financial and constitutional changes that would be required;
 - the implications, for the timeliness of decision-making, of available alternative models of governance, and associated proposals.
- Report back to the Constitution Committee at key stages, as and when required. This may involve arranging additional meetings of the Constitution Committee.

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Working for a brighter future together

Constitution Committee

Date of Meeting: 19 March 2020

Report Title: Proposed Change to the Council's Governance Arrangements - Formal Resolution to Move to a Committee System Form of Governance

Senior Officer: Jan Bakewell – Director of Governance and Compliance

1. Report Summary

1.1 Council at its annual meeting held on 22 May 2019 agreed that the following Notice of Motion be referred to the Constitution Committee:

‘This Council is committed to implementing a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance, and the implementation of a full Committee model of governance; this to be developed during 2019/20 with a view to the new arrangements taking effect from the beginning of the 2020/21 Municipal Year, subject to a legally and constitutionally robust process, led by the Council's Constitution Committee, and agreed by Council’.

1.2 The Constitution Committee subsequently set up a Governance Working Group to progress the Notice of Motion.

1.3 At a meeting held on 21 November 2019, the Constitution Committee decided not to make a recommendation to Council at that stage. The Committee asked officers to produce further detailed work on certain matters with a view to reporting back to the Governance Working Group. Further details on those matters are now set out in this report.

2. Recommendations

1. That the Constitution Committee recommend to full Council that:

the Council resolves to cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021;

2. The Constitution Committee agree proposals to recommend to Council the following:
 - a. the structure of the committees (Appendix B, C and D);
 - b. Roles of Leader and Deputy Leader (Appendix E);
 - c. Decision Review Committee (Appendix F);
 - d. Urgency Provisions (Appendix G);
 - e. Role and powers of Committee and Sub-Committee Chairs (Appendix H).
3. The Council's Director of Governance and Compliance be authorised, in consultation with the Constitution Committee, to prepare such draft constitutional provisions as she considers necessary to give effect to the wishes of the Committee, which will be submitted to the Constitution Committee in phases during 2020/21 for recommendation to Council; and
4. That the Director of Governance and Compliance be authorised to recommend such constitutional provisions as reflect the developing nature of the progression to a committee system form of governance and best practice.

3. Background

- 3.1 As part of its work so far, the Governance Working Group has given consideration to:

- Design Principles
- Consultation/Engagement options
- Committee structure, functions and Terms of Reference
- Committee Procedure Rules
- Portfolio Holder decisions and levels of decision making
- Referral
- Urgent Decisions
- Role of Leader and Deputy Leader
- Role and Powers of Committee and Sub Committee Chairs

- 3.2 The Working Group has also considered a desktop evaluation of the governance arrangements of other authorities, and visits to two authorities that have moved to a committee system. Learning from these visits formed part of the Working Group's findings and recommendations.

- 3.3 Three Members' Engagement workshops were held across the borough on 1st, 7th and 12th November 2019. Feedback from these engagement sessions has been considered by the Working Group.
- 3.4 At a meeting held on 21 November 2019, the Constitution Committee asked officers to produce further detailed work on certain matters, which would facilitate the introduction of a committee system in May 2020. Since then, it has been agreed by Group Leaders in a jointly signed letter on 23 January 2020 that the new governance arrangements will be implemented in May 2021 to allow more time to prepare.
- 3.5 It is proposed that the Council meeting in July 2020 be asked to formally resolve to move to the new arrangements with effect from the Annual Council Meeting in May 2021 and, therefore, preparations must move at pace in order to achieve this.

4. Design Principles

- 4.1 The Working Group acknowledged that it is important to ensure a new form of governance model meets the aspirations of the agreed Notice of Motion. Therefore, the following set of design principles to guide the development of the new Committee system model were agreed:

- Openness
- Quick and effective decision-making
- Legal Requirements
- A modern Committee system

A copy of the agreed Design Principles is attached at Appendix A.

- 4.2 It is important to emphasise the need for a new governance model to reflect modern best practice. It is proposed that the Council's new working arrangements maximise the use of information technology to ensure streamlined, efficient and quick decision-making can continue. It is not intended to replicate a traditional committee system that used to operate prior to 2000, but to provide a modern committee system that meets the contemporary needs of the Council. It is essential that the Council's day-to-day business can continue to deliver the priorities and vision of the Council in a timely manner.
- 4.3 It is proposed to retain desirable elements of the Council's existing arrangements such as public speaking arrangements and a form of the forward plan and petition scheme (although this is no longer a legal requirement).
- 4.4 The Design Principles can be referred to in the future and used to assess whether or not the desired outcomes have been achieved or whether any necessary

further amendments to the arrangements and the constitution might be required.

5. Proposed Committee Structure

5.1 The proposed committee structure, functions and terms of reference for six service committees and a Finance Sub-Committee are attached at Appendices B, C and D, and were agreed by the Governance Working Group at its last meeting on 6 March 2020.

5.2 The Constitution Committee is now asked to agree the proposals in Appendices B, C and D and make that recommendation to Council.

6. Roles of Leader and Deputy Leader

6.1 The role of the Leader (and in a joint administration also the Deputy Leader) in a Committee system of governance is different from that under the executive system.

6.2 One of the key factors defining the roles of Leader and Deputy Leader is that of section 101 of the Local Government Act 1972 which enables local authorities to delegate powers to Committees, sub-Committees and officers. Section 101 does not permit the delegation of powers to individual councillors, and case law has, for many years, shown that it is unlawful to do so. It follows that care must be taken that any allocation of roles to the Leader and Deputy Leader should not exceed the limitation imposed by section 101 of the Local Government Act 1972.

6.3 Given the wording of section 101 of the Local Government Act 1972, it is important that in allocating roles to the Leader and Deputy Leader that the clear restrictions on delegation are not exceeded.

6.4 Nevertheless there is some scope for enhancing the role of the Leader and Deputy Leader by adding the following attributes, without breaching the requirements:

- An activity in relation to the development of policy could be established as follows:
“to establish the policy direction and priorities of the Council”
- In terms of the outward facing aspects of the role the following might be considered:
“to be the principal ambassadors for the Borough and the Council” and “to represent the Council on any external body”.

6.5 The proposed roles of the Leader and Deputy Leader are attached at Appendix E, which were agreed by the Governance Working Group at its last meeting.

- 6.6 The Constitution Committee is now asked to agree the proposed wording in Appendix E and make that recommendation to Council.

7 Decision Review Committee

- 7.1 It will be recalled that one of the design principles established in relation to the introduction of a Committee system is that of 'quick decision making'. A system of delegated decision making to Committees, sub-Committees and officers should foster an environment of quick decision making because the decision of the decision maker (be it Committee, sub-Committee) should be 'final' in the sense that it requires no further endorsement.
- 7.2 It may therefore be considered that there should be no mechanism for referral of decisions to Council or other "call in" provision. Some authorities operate in this way and once the decision is made by a Committee, the decision is final and must be adhered to.
- 7.3 However in circumstances where an issue does have a significant profile, and it is considered that the wrong decision has been made by a Committee, provision can be made for decisions to be referred up to another body. This would have the effect of halting the decision pending referral to another body.
- 7.4 A Decision Review Committee, as detailed in Appendix F, was proposed to the Governance Working Group. However, the Working Group took the view that decisions should be referred straight to Council only, particularly in view of the limited number of call-in requests in recent years. They also considered a dedicated Decision Review Committee created an additional unnecessary layer in the decision making process.
- 7.5 The Constitution Committee is now asked to consider the proposals in Appendix F and make a recommendation to Council.

8. Urgency Provisions

- 8.1 The Council's current Constitution defines an "urgent" decision. That definition sets out a series of factors which enable a determination to be made as to whether a matter is 'urgent'. It is suggested that this definition is comprehensive and would not benefit from further reformulation.
- 8.2 As is currently the case, urgent decisions would be taken by the Chief Executive (or deputy). Cheshire East's existing arrangements (under the Leader/Executive model) allow the Chief Executive (or deputy) to make a decision which would normally be taken by full Council in circumstances of urgency, subject to compliance with procedural requirements, including consultation with the relevant Chair or Vice Chair prior to the decision being made. This approach would also apply to decisions made by Committees and Sub-Committees in

addition to those normally made by full Council. The urgency provisions are attached at Appendix G which were agreed by the Governance Working Group.

8.3 The Constitution Committee is now asked to agree the proposed wording in Appendix G and make that recommendation to Council.

9. Role and Powers of Committee and Sub Committee Chairs

9.1 The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. Appendix H addresses the above, and set out the expectations of Council, outlining the way Chairs are expected to fulfil their roles. This includes the need for positions to be filled based on skills and experience and also to attend the necessary training, as and when required.

9.2 The Working Group agreed Appendix H, acknowledging the roles of Chairs and Vice Chairs outside of meetings may be further developed and brought back to the Working Group for consideration.

9.3 The Constitution Committee is now asked to agree the proposed wording in Appendix H and make that recommendation to Council.

10. Next Steps

10.1 The legislation provides that, as soon as practicable after the Council has passed a resolution to change the form of its governance arrangements, it must:-

- a. secure that copies of the document setting out the provisions that are to have effect following the resolution are available at its principal office for inspection by members of the public.
- b. publish in one or more newspaper circulating in its area, a notice which:-
 - states that the authority has resolved to make a change in its governance arrangements;
 - states the date on which the change is to have effect;
 - describes the main features of the change;
 - states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority's principal office for inspection by members of the public; and
 - specifies the address of the authority's principal office.

- c. the legislation provides that the earliest date by which a change in governance form may be implemented is from the following Annual Council Meeting (in this case for the municipal year beginning in May 2021) or a later Annual Council Meeting specified in the resolution.

11. Implications of the Recommendations

11.1 Legal Implications

- 11.1.1 The ability for the Council to change from one of the permissible forms of governance arrangements of a local authority to another is provided for by Chapter 4 of the Local Government Act 2000 (as amended by the Localism Act 2011). Section 9KC of the Act straightforwardly states that a “resolution of a local authority” (a simple majority) is required in order for the council to make such a change in governance arrangements.
- 11.1.2 It should be noted, however, that a local authority may not then pass another resolution that makes a change from one to another of the permissible forms of governance arrangements ‘before the end of the period of 5 years’ beginning with the date the first resolution is passed, unless that change is by way of referendum.
- 11.1.3 A resolution passed by the Authority to change from one of the permissible forms of governance arrangements to another will then be implemented only during-
 - a. the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
 - b. a later annual meeting of the local authority specified in that resolution.

11.2 Finance Implications

- 11.2.1 There are direct costs associated with making the change from one form of governance to another. These costs are associated with redrafting the constitution. There will also be associated costs with the training of members and officers.
- 11.2.2 Member allowances will require further consideration and a separate report with recommendations from the Independent Remuneration Panel will be considered in due course.
- 11.2.3 It is acknowledged that once implemented, one form of governance need not cost more than another.
- 11.2.4 By using every available opportunity to streamline decision-making; use available technology and optimise the officer support arrangements it is intended where possible to contain the cost of running the new system to a minimum with no net increase in resources.

11.3 Policy Implications

11.3.1 Any relevant policies will need to be amended to reflect a committee system form of governance.

11.4 Equality Implications

11.4.1 The Council's governance arrangements must enable all groups to engage in the decision making process. No equality implications are identified at this stage.

11.5 Human Resources Implications

11.5.1 There are significant human resource implications in relation to training and development. Any staffing issues as a result of moving to a Committee system will continue to be considered as the proposals are developed further.

11.6 Risk Management Implications

11.6.1 A change to a committee system will introduce a system of decision making that is new to members, officers and partners. Training and briefing will be required to ensure that the transition is smooth and that there is not a delay in decision making.

11.7 Rural Communities Implications

11.7.1 There are no direct implications for rural communities.

11.8 Implications for Children & Young People/Cared for Children

11.8.1 There are no direct implications for children and young people/cared for children.

11.9 Public Health Implications

11.9.1 There are no direct implications for public health.

11.10 Climate Change Implications

11.10.1 There are no direct climate change implications.

11.11 Ward Members Affected

11.11.1 All wards are equally affected.

11.12 Consultation & Engagement

11.12.1 There is no legal requirement to consult the public on a proposed change to the Council's governance model. Notwithstanding this, the Governance Working Group considered a report at its meeting on 14 October 2019 in relation to consultation and engagement options. The Working Group agreed they did not wish to consult on the proposals. Due to the fact that the Notice

of Motion had already been agreed by Council, they did not consider there was any benefit in undertaking public consultation at that stage. Members were keen to ensure that residents and staff were kept updated about the proposals. To this end, an article was published in the November edition of 'The Voice' along with various updates on the centranet for staff.

11.12.2 Three Member Engagement Workshops have taken place to inform the development of these proposals. The feedback from these sessions has been considered by the Working Group.

11.12.3 As soon as practicable after full Council has passed a resolution to change its form of governance arrangements, a public notice of the Council's resolution must appear in one or more newspapers, as detailed in paragraph 10.1.

12. Access to Information

Previous reports to the Constitution Committee provide the background to the governance review which are available on the Council's website.

13. Appendices

Appendix A – Agreed Design Principles

Appendix B – Proposed Committee Structure Chart

Appendix C – Proposed Committee Functions

Appendix D - Draft Terms of Reference

Appendix E – Roles of Leader and Deputy Leader

Appendix F – Decision Review Process

Appendix G – Urgent Decisions

Appendix H - Role and Powers of Committee and Sub-Committee Chairs

14. Contact Information

Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk

Appendix A**Design Principles****Openness**

The new form of governance (committee system) will be easy to understand and will include arrangements that enable people to easily find out about how decisions are made.

Committee meetings will be held in public by cross party (politically proportionate) committees. However, as is the case in all local government decision-making there will be rare occasions upon which a particular report is private or confidential. In these instances the decision will need to be made in private and members of the public will not be able to be present during the meeting.

There will be the opportunity for Councillors and Members of the public to ask questions at committee meetings and it will be clear how complaints can be made about services and Members behaviour.

Quick Decision Making

The new arrangements will ensure that decisions are made quickly, to meet the needs of the council and local community. The number of committees and number of meetings will be kept to a minimum, and technology will be used to provide instant access to information and avoid unnecessary paperwork.

There will be a process to deal with urgent decisions, which will be clear and, in most cases, open to the public. The need to make urgent decisions is, however, rare.

Affordability

Through the use of technology and a quick, streamlined decision making process, the cost of a committee system will be kept to a minimum.

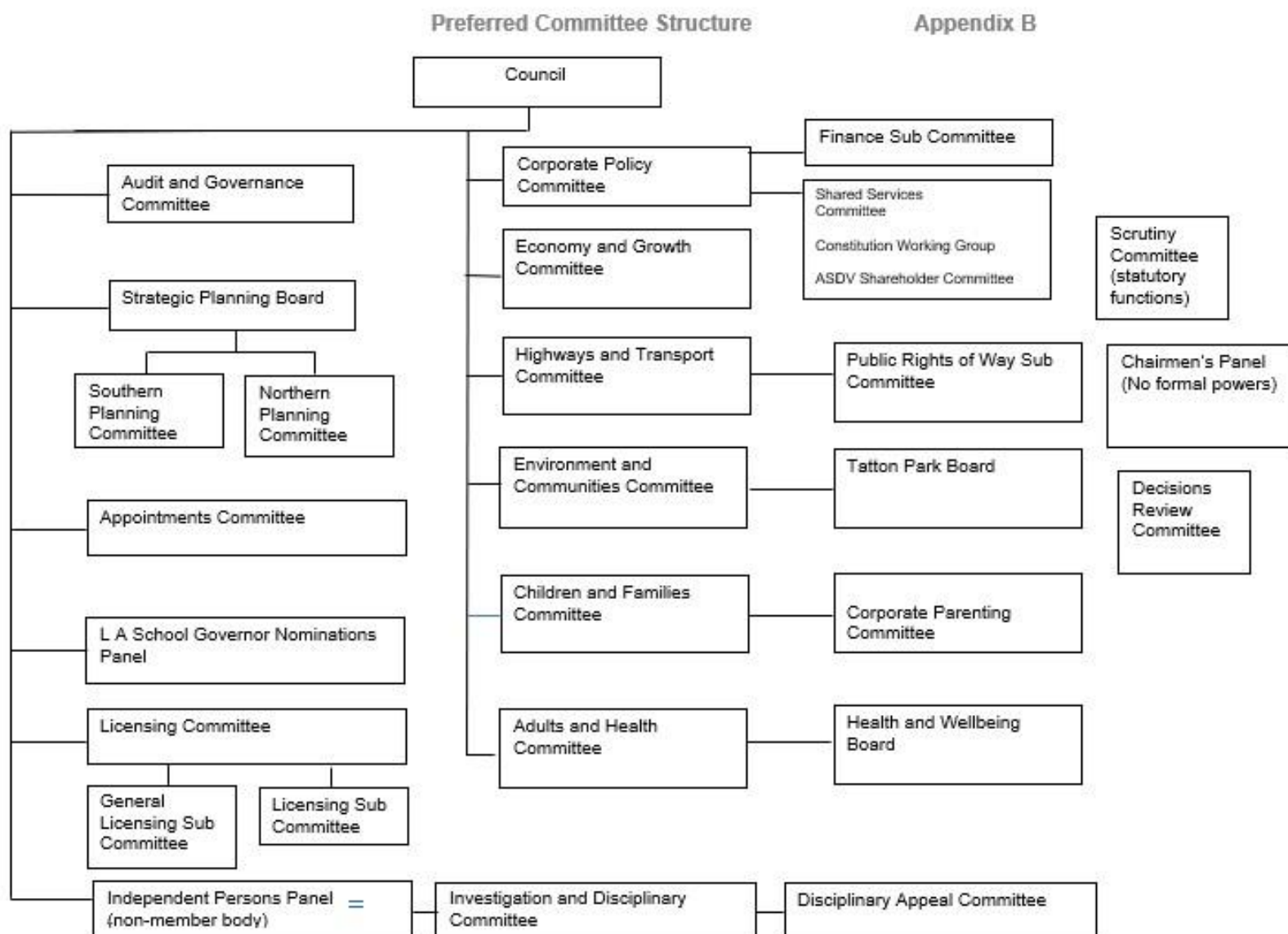
Legal Requirements

The council must comply with all legal requirements and relevant legislation. Where required, legal advice will be available to all meetings, to make sure that legal requirements are met.

The council will also follow best practice

A Modern Committee System

The Committee system will be modern, open and transparent. Public participation will be encouraged. There will be the opportunity for public speaking and petitions. There will also be a work programme outlining what decisions will be made and by which Committee. There will be a separate Scrutiny Committee to look at health partners, crime and disorder and flood risk management. The Scrutiny Committee will be able to look at future proposed decisions in these areas, and seek to influence them.



Appendix C

Committee	Function	Membership
Corporate Policy	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Overall responsibility of the Council's budget and resources • All Corporate Services functions including: • Democratic Services and Governance • Internal Audit, Risk and Compliance • Legal • Customer Services • Finance and Procurement • Transformation • Business Change • Human Resources • ICT • Strategic Partnerships • Governance of shared services with CWAC • Governance of ASDVs • overarching committee for cross cutting issues 	13
Finance Sub Committee	<ul style="list-style-type: none"> • Developing the MTFS and the Capital Programme • Budget and financial management and monitoring • Grants awards • Estates and property transactions • Investment Strategy 	8
Economy and Growth	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Housing • Regeneration • Economic development • Rural and cultural economy 	13

Highways and Transport	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Strategic transport • All transport and accessibility • Car parking • Highways • Infrastructure • HS2 	13
Environment and Communities	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Development management • Strategic planning • Environmental services (waste, recycling and bereavement) • Leisure • Licensing • Libraries • Regulatory Services • Contaminated land • Air quality 	13
Children and Families	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Children's mental health • Corporate Parenting – Annual Report • Prevention Services • Special needs and disabilities • Development and Partnerships • Education • Cared for children • Care leavers • Children in need • Child protection • Safeguarding • Children's Trust and Board 	13

Health and Adults	This Committee is responsible for: <ul style="list-style-type: none"> • Public Health • Lifelong learning 	
	<ul style="list-style-type: none"> • Health Improvement and intelligence • Community strategy • Adult safeguarding • Mental health • Learning difficulties • Adult social care operations • Care4CE • Domestic Violence • Commissioning 	13

Appendix D

COMPOSITION AND TERMS OF REFERENCE OF COMMITTEES

Full Council is responsible for the exercise of all the functions that are the responsibility of the local authority. Certain matters have been expressly reserved to be taken by a meeting of the full Council. To enable it to operate more effectively as a local authority, the Council has arranged for the discharge of all its other functions to be carried out by a Committee, sub-Committee or an officer of the Council or, in certain cases, by another local authority or public body.

This Article of the Constitution deals with the allocation of responsibility for carrying out those functions of the Council that are not reserved to the full Council. In some cases the law requires the Council to establish a Committee and also determines the

way in which the Committee is to operate. In most cases, however, the Council may decide on the size, terms of reference and membership of its Committees.

Article X of the Constitution lists the Committees of Council. Each Committee has a different set of functions allocated to it as set out below. For the more efficient exercise of functions Council may establish one or more sub-Committees of each Committee with terms of reference specified by Council.

This Article of the Constitution describes the Committees that the Council has established in greater detail and describes their membership.

1. CORPORATE POLICY COMMITTEE

Composition

The Corporate Policy Committee shall comprise 13 members of the Council appointed in accordance with the statutory rules in relation to proportionality.

The Leader of the Council shall be the Chair of the Committee and the Deputy Leader of the Council may be the Vice Chair.

Terms of Reference

The Corporate Policy Committee shall provide strategic direction to the operation of the Council by making decisions on policies and the co-ordination of expenditure where such decisions are not reserved to full Council. The

Committee shall also maintain a strategic overview of outcomes, performance, risk management and budgets.

Full Council has delegated to the Committee responsibility for:

- The formulation, co-ordination and implementation of the Corporate Plan and corporate policies and strategies, alongside the medium term financial plan (budget) which is the responsibility of the Finance SubCommittee. In the discharge of those responsibilities the Committee shall determine such matters to the extent that they are not reserved to full Council.
- The determination of key cross-cutting policies and key plans that impact on more than one service committee.
- The determination of policy matters not otherwise allocated to any other committee.
- The determination of any matter of dispute or difference between committees.
- The provision of a co-ordinating role across all other committees and to exercise a corporate view of performance, budget monitoring and risk management.
- The determination of any matter that has a major impact on a number of Council services or the Council as a whole.
- The oversight and scrutiny of the Corporate Services Directorate, including the following functions: Governance and Compliance, Finance and Customer Services, and Transformation; together with Strategic Partnerships and shared services.
- The oversight and monitoring of the Members' Allowance budget and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel (IRP) to advise full Council on the adoption of such scheme and any proposed amendments to such scheme.
- The review of the Council's Constitution and the recommendation of any changes to the Council.

- The making of recommendations to Council on civic issues including, but not limited to, the Mayoralty and honorary Freeman and Aldermen.
- The appointment of persons to fill vacancies on Parish Councils where such Councils are unable to act.
- The consideration of the recommendations and Annual Report of the ASDV Shareholder Committee.

2. FINANCE SUB COMMITTEE

Composition

The Finance Sub Committee shall comprise 8 members of the Council appointed in accordance with the statutory rules in relation to proportionality.

The Chair shall be a Member of the Corporate Policy Committee.

Terms of Reference.

The Finance Committee shall provide direction to the operation of the Council by co-ordinating the management and oversight of the Council's finance, performance and corporate risk management arrangements. The Committee shall make recommendations to the Corporate Policy Committee regarding the development of the Medium Term Financial Strategy and the setting and monitoring of the Capital and Revenue Budgets in accordance with the Corporate Plan.

Full Council has delegated to the Committee responsibility for:

- The determination of finance issues, including but not limited to Treasury Management, Insurance, Procurement, grant awards for sums in excess of £50,000, debt write off, settlement payments and virements in line with the constitution.
- The establishment of a Procurement Forward Plan.
- Investment Strategy
- Grant Awards
- Estates and Property Transactions

3. **ENVIRONMENT AND COMMUNITIES COMMITTEE**

Composition.

The Environment and Communities Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Environment and Communities Committee shall be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth, improving the quality of the environment and delivering improvement in key front line services.

Full Council has delegated to the Committee responsibility for:

- The development and delivery of the Council's strategic objectives for Environmental Management, sustainability and climate change.
- The development and delivery of Strategic Planning policies.
- The development and delivery of the Council's estates, land and physical assets policies.
- The determination of policies and making of decisions in relation to waste collection and disposal, recycling, leisure, culture, libraries, bereavement services, trading standards, environmental health, contaminated land and air quality.
- The determination of policies and making of decisions in relation to flooding and accessibility in co-ordination with the Scrutiny Committee.

4. **ECONOMY AND GROWTH**

Composition

The Economy and Growth Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Economy and Growth Committee shall be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth

- The determination of policies and making of decisions in relation to housing management and delivery.
- The determination of policies and making of decisions in relation to economic development and growth.
- The determination of policies and making decisions in relation to the rural and cultural economy

5. HIGHWAYS AND TRANSPORT COMMITTEE

Composition

The Highways and Transport Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as they affect the area of the Council taking into account regional and national influences.

Full Council has delegated to the Committee responsibility for;

- The formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters.
- The determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network.
- The discharge of the Council's responsibilities as Highway Authority, including, but not limited to, highway adoption, highway maintenance, road safety, network management and street lighting.

6. **CHILDREN AND FAMILIES COMMITTEE**

Composition

The Children and Families Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality

The Chair of the Committee shall be the statutory Lead Member for Children's Services

Terms of Reference

The Children and Families Committee shall be responsible for those services which help keep children and young people safe and enable them to achieve their full potential. The responsibility incorporates matters in relation to schools and attainment, early help and family support and social care for children and families. The Committee shall have a particular focus on those children who are looked after and for whom the Council has corporate parenting responsibility.

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making decisions in relation to the delivery of services to children and young people in relation to their care, well-being, education and health.
- The discharge of the Council's functions in relation to children in need and child protection including safeguarding and youth justice.
- The discharge of the Council's functions and powers in relation to the provision of education.
- The development and maintenance of relationships with schools in relation to the raising of standards of attainment.
- The co-ordination of the Council's role as Corporate Parent with a focus on fostering and adoption.
- The discharge of the Council's functions in relation to Special Education Needs and Disability (SEND).

- The discharge of the Council's functions in relation to early help and family support.

7. HEALTH AND ADULTS COMMITTEE

Composition

The Health and Adults Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference.

The Health and Adults Committee shall be responsible for the Council's communities, public health and adult social care services with a view to enabling all people to live fulfilling lives and to retain their independence. The Committee shall also be responsible for the promotion of the health and wellbeing of people living in the Council's area. In the discharge of its responsibilities the Committee shall recognise the necessity of promoting choice and independence.

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making decisions in relation to people aged 18 and over (some young people up to the age of 25 may still be within Children's services as care leavers or with a Special Educational Needs and Disability) with eligible social care needs and their carers including, but not limited to, adult safeguarding, adult mental health, physical health, older people and learning disabilities.
- Lifelong learning
- The determination of policies and making of decisions in relation to Public Health in co-ordination with Health and Wellbeing Board and the Scrutiny Committee.
- The oversight of the Communities Strategy.
- The provision and commissioning of domestic violence services and quality assurance.

In addition to the six named Committees there is a necessity for arrangements to be made so that the Council complies with statutory requirements in relation to the scrutiny of certain public services.

SCRUTINY COMMITTEE

Composition

The Scrutiny Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees.

Full Council has delegated to the Committee responsibility for;

- The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006, section 244 of the Health and Social Care Act 2006 and section 9FH of the Local Government Act 2000 in relation to flood risk management.

Appendix E

Leadership

Article XX - Role and Powers of the Leader and Deputy Leader of the Council

Appointment and General Role

The Annual Meeting of the Council will appoint the Leader and the Deputy Leader of the Council for the forthcoming municipal year.

The Councillors appointed will hold these offices until:

- (a) The next Annual Meeting of the Council; or
- (b) The Leader or the Deputy Leader resigns from the office; or
- (c) The Leader or the Deputy Leader is no longer a Councillor; or
- (d) The Leader or the Deputy Leader is removed from the office by resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.

A notice of motion must be submitted to a Council meeting, if it is proposed to remove the Leader or Deputy Leader from this office and must be submitted 7 clear working days before the meeting;

If the Council meeting resolves to remove the Leader/Deputy from office but fails to appoint a successor, then an item to appoint a new Leader/Deputy must be included on the next and successive Council agendas until a replacement Leader has been appointed.

Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the next meeting of the Council.

Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader.

The role of the Leader/Deputy is not a formal legal role, but he or she is in practice the political head of the Council, and the Member with greatest responsibility for driving forward the broad policies of the Council.

Fulfilling the Role of Leader

The Council expects that the Leader will:

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the Borough's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in overseeing service delivery and the implementation of policies approved by the Council;
- represent and pursue the interests of the Council in the community and at international, national and regional levels;
- act as Chair of the Corporate Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions mentioned at paragraph xx below;
- lead in providing policy direction and guidance to the Chief Executive and Chief Officers;

- meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.

The Leader shall be recognised in the following ways: -

- Chairing Corporate Policy Committee: the Leader shall be appointed at the Council's Annual Meeting as Chair of the Council's Corporate Committee.
- Right to attend and speak at any meeting of a Committee or SubCommittee of the Council, provided that he or she will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee.
- Reserve Power to call extraordinary Council Meetings: permit the Leader, if neither the Mayor nor the Deputy Mayor is available, to call extraordinary meetings of the full Council.
- Duty to be available for Questions: permit any Member of the Council to ask questions of the Leader and Deputy Leader at full Council meetings.
- The establishment of policy direction and the Council's priorities and the facilitation of discussion thereon.
- To be principal ambassador for the Borough and the Council (recognising the role of the Mayor).
- To represent the Council on any external body, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
- Involvement in Major Emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

Legal Powers and Duties

As the Council operates a Committee system, the Leader/Deputy has no formal legal powers and duties vested in him or her under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all local authorities need to appoint a Leader and each Leader will hold the most significant elected Member role within the Council. The Council's Leader will be the political/elected head, the focus for policy direction and community development and the chief advocate and ambassador for the Borough.

Deputy Leader

The Annual Meeting of the Council will appoint a Councillor to be the Deputy Leader of the Council for that municipal year.

The Deputy Leader may be appointed as the Vice Chairman of the Corporate Policy Committee of the Council.

The Deputy Leader is empowered to act in place of the Leader.

The Deputy Leader is empowered to represent the Council on any external body, as agreed with the Leader, and to make decisions and vote on behalf of the Council at meetings of such bodies.

Note

In the case of a joint administration, the Council will expect the Leader and Deputy Leader to share responsibilities between them and determine how the matters listed in paragraph XX are divided between them.

Appendix F**Decision Review Process**

Decisions made by one of the Services Committees, or an officer acting under delegated authority from one of those committees, are published, normally within a period of three working days after the relevant meeting. Unless the decision is urgent, the decision will not be implemented for a period of five working days from the date of publication, during which time any 9 Members from two or more political Groups of the Council may call-in the decision for review, subject to meeting the criteria set out below and being validated by the Monitoring Officer:

- Decision is outside the policy/budgetary framework
- Inadequate consultation relating to the decision
- Relevant information not considered
- Viable alternatives not considered

- Justification for the decision open to challenge on the basis of the evidence considered

If validated by the Monitoring Officer the decision will then be referred to a meeting of the Decision Review Committee for review, together with a statement of the reasons for the review request. Implementation of the decision shall be held in abeyance pending the conclusion of the process.

The Decision Review Committee is to consider the decision called in for review as soon as possible, and, normally within 15 working days. In doing so it shall provide an opportunity for a representative of the signatories to the call in the opportunity to address the meeting on the subject. The Decision Review Committee may either:

- ✦ uphold the original decision, in which case it has immediate effect, or
- ✦ refer it back to the decision-making Committee, Corporate Policy Committee or exceptionally, a meeting of the Full Council
- ✦ with or without recommendations for change. This is the only function of the Committee.

A decision may only be subject to review once.

Appendix G

Urgent Decisions Taken Outside of Meetings

Definition of an urgent decision

A decision will be urgent in the case of: civil emergency; natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive or in his/her absence the Deputy Chief Executive has declared that an urgent decision is required. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for the decision should be reported to the Audit and Governance Committee.

Urgent Decisions: Council (Paragraph XX)

If a decision would normally be required to be made by full Council the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with Group Leaders and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:

- ✦ The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting.
- ✦ The decision is reported for information to the next available meeting of the Council.
- ✦ The provisions of legislation are complied with.
- ✦ Advice has been taken from the Chief Executive, Council's Monitoring Officer and Section 151 Officer.
- ✦ All Members of the Council are notified of the decision taken by electronic means.

Urgent Decisions: Committees (Paragraph XX)

The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chairman and/or Vice-Chairman of the relevant committee or subcommittee has delegated authority to take decision subject to the following requirements being met:

- ✦ The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the decision-making body, or an urgently convened meeting.
- ✦ The decision is reported for information to the next available meeting of the decision-making body.
- ✦ The Leaders of all Opposition Groups have been notified of the matter and have been invited to make representations.
- ✦ The provisions of legislation are complied with.
- ✦ Advice has been taken from the Council's Monitoring Officer and Section 151 Officer.
- ✦ All Members of the Council are notified of the decision taken by electronic means.

In addition the following provisions shall apply:

- ✦ Rules paragraphs XX to XX of the Access to Information Procedure Rules shall be adhered to, relating to the content of the Forward Plan, general exceptions to the requirement to list decisions on the Forward Plan, and circumstances of special urgency
- ✦ Paragraphs XX to XX, relating to the Forward Plan and Key Decisions shall be adhered to
- ✦ Rules in relation to Call-in (paragraphs XX to XX) shall not apply to urgent decisions taken under this procedure (see paragraph XX)

- ✦ Paragraphs XX to XX of the Budget and Policy Framework Procedure Rules shall be adhered to in relation to urgent executive decisions taken under this procedure

Appendix H

ARTICLE XX – ROLE AND POWERS OF COMMITTEE AND SUB-COMMITTEE CHAIRS

Appointment and general role

- (a) The Council's Procedure Rules (xx) permit it to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's Annual General Meeting in May. If the Council does not appoint a Chair in any particular case, the

Chair is elected by the Committee or Sub-Committee. The Procedure Rules (xx) preclude any Member of the Council from being Chair of more than one Committee without the permission of the Council.

- (b) Usually the annual appointments made by the Council include Vice Chairs for each Committee and Sub-Committee, which are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.
- (c) Appointments will be based on relevant skills, knowledge, experience and suitability.
- (d) As further explained in paragraphs xx and xx below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. Paragraph xx outlines the way Chairs are expected to fulfil their roles.

Fulfilling the Role of Chair

The Council expects that its Chairs will:

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- attend all training sessions as required;
- lead in the development of the work of the Committee or Sub-Committee which they chair. This should take into account the wider vision, such as corporate, cross-service and partnership issues; lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee in relation to external affairs and communications;
- progress the Committee's or Sub-Committee's objectives with officers and Members, and as appropriate other people, groups and organisations;
- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies;
- in accordance with the Council's Constitution and the provisions summarised at paragraphs xx and xx below, ensure that:
 - (1) the meetings of the Committee or Sub-Committee which they chair are properly conducted and
 - (2) reports of proceedings are forwarded on as necessary, for example to full Council;
- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;

Legal powers and Duties

- (a) The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.
- (b) The following are specific functions which a Chair has under the Local Government Act 1972:
- a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
 - a duty to sign the minutes of the previous meeting;
 - a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.
- (c) To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound in law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee:
- (1) observes any particular legal duties relevant to a proposed decision and
 - (2) has regard as necessary to any general duties such as:
 - compliance with the Human Rights Act 1998; ○ equalities; ○ the general fiduciary duties to its Council Taxpayers to act with financial prudence.
- (d) Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant, including advice taken from the Monitoring Officer and Section 151 Officer.

Powers and Duties under the Council's Constitution

Under the Council's constitution, the role and powers of Chairs and, in their absence, Vice Chairs, are recognised in a number of ways, including the following:-

- (a) Appointment as Chair: Under the Council's Procedure Rules (XX), Chairs will normally be appointed at the Council's annual general meeting.
- (b) Setting the Agenda: Under the Council's Procedure Rules (XX), Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub-Committee (in consultation with Group Spokespersons) and the order in which business is arranged on the agenda.

- (c) Conducting the meeting: Under the Procedure Rules (in particular XX), the Chair controls the proper conduct of meetings of his or her Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Rules of Debate applicable to full Council meetings and such discretion is regularly exercised.
- (d) Reserve Power to call special Meetings: The Council's Procedure Rules (XX) permit a Chair to call a special meeting of his or her Committee or Sub-Committee at any time.
- (e) Reporting to full Council: It usually falls to Chairs to present any reports which need approval of full Council, under the Council's Procedure Rules (XX).
- (f) Duty to be available for Questions: The Council's Procedure Rules (XX) permit any Member of the Council to ask questions of any Chair at full Council meetings. Also a Chair can be questioned about any report which he or she is putting before the Council.
- (g) Right to be consulted: Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- (h) Special Responsibility Allowance: In recognition of the role played by Chairs, Schedule 1 of the Council's Members Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.

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Working for a brighter future together

Constitution Committee

Date of Meeting: 5 October 2020

Report Title: Committee System Form of Governance - Update

Senior Officer: Brian Reed – Head of Democratic Services and Governance

1. Report Summary

- 1.1. At its meeting held on 19 March 2020, the Constitution Committee resolved to recommend to Council to cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021.
- 1.2. The Constitution Committee also recommended to Council that the design principles; structure of committees; role of Leader and Deputy Leader; urgency provisions and roles and powers of committee and sub-committee chairs be approved.
- 1.3. Additionally, the Governance Working Group was requested to give further consideration to a decision review process and scrutiny functions. The Minute extract of the meeting held on 19 March 2020 is attached at Appendix A.
- 1.4. The Governance Working Group has also considered how Public Rights of Way and Licensing matters would be dealt with under a committee system model of governance.

2. Recommendations

- 2.1 That full Council be recommended to resolve that:
- 2.2 The Public Rights of Way Committee be a standalone committee.
- 2.3 The General Licensing Sub-Committee and Licensing Act 2003 SubCommittee, be retained to ensure that the Council complies with legislative provisions.

- 2.4 There be a single scrutiny committee, empowered to discharge the statutory scrutiny functions.
- 2.5 The Referral to Council Process at Appendix B be approved.

3.0 Background

- 3.1 At the Governance Working Group held on 6 July 2020, Members considered:

3.2 Public Rights of Way Committee

- 3.2.1 At its meeting on 19 March 2020, the Constitution Committee agreed that a Public Rights of Way Committee would sit as a sub committee of the Highways and Transport Committee, in the new committee system. However, it has since been suggested that this should remain a standalone committee for the following reasons:

- 3.2.2 The majority of matters which are considered by the Public Rights of Way Committee (Public Path Orders – mainly diversions and Definitive Map Modification Orders – ‘claims’ for paths) are not transport or access-related, but are decisions on changes to the rural path network. Most of the Committee decisions relate to the Wildlife and Countryside Act 1981 or Town and Country Planning Act 1990.

- 3.2.3 Members of the Public Rights of Way Committee are specifically trained in complex legislative requirements, in order to deal with the legal orders presented to them, and it is important that such quasi-judicial decisions are taken on an informed basis.

- 3.2.4 The Working Group therefore agreed to recommend to the Constitution Committee that the Public Rights of Way Committee should remain as a standalone committee.

3.3 Licensing Act Sub-Committee Structure

- 3.3.1 The Working Group considered whether or not the various sub-committees of the Licensing Committee should be consolidated when the committee system is introduced.

- 3.3.2 The option of reducing the number of sub-committees from two to one had been considered. However, given the specific nature of the sub-committees it is not possible to comply with two different and conflicting sets of legislation, procedures by consolidating arrangements.

- 3.3.3 Consideration has also been given to the impact of removing the General Licensing Sub-Committee and dividing its powers between officers and the Licensing Committee. However, this option would result in a committee of fifteen Members dealing with matters that are currently dealt with by a subcommittee of five Members. This is not the best use of resources and is

not as efficient as the current model. Furthermore, any additional powers delegated to officers would remove Members from an important decision-making process and applicants may see this change as an erosion of their right to have their application scrutinised by a quasi-judicial body.

3.3.4 The Working Group agreed that the Constitution Committee be recommended to retain both the General Licensing Sub-Committee and Licensing Act 2003 Sub-Committee, to ensure that the council complies with legislative provisions.

3.4 Scrutiny Function in a Committee System

3.4.1 The Working Group considered the following options for the Council's scrutiny function in a committee system:

- a) to have no bespoke overview and scrutiny committee (thereby meaning that the statutory scrutiny functions would be fulfilled by the service committees);
- b) to have a bespoke overview and scrutiny committee that fulfilled only the three main statutory scrutiny functions; or
- c) to have a specifically prescribed scrutiny function with responsibility for more than just the statutory scrutiny functions.

3.4.2 The nature of the scrutiny function is fundamentally different under a committee system form of governance, to that which applies under executive arrangements. Prior to the year 2000, there was no obligation upon local authorities to have an overview and scrutiny function at all. Now, scrutiny must only take place in respect of health, crime and disorder and flood risk management. This can be done either by full Council, or one of its committees. Under the current proposals considered by the Constitution Committee on 19 March 2020, these functions were to be performed by a single scrutiny committee, but could equally be performed by the appropriate service committees.

3.4.3 Previously, under a committee system, the committees themselves were responsible for the performance of the services areas within their remit, and it is currently proposed that the six service committees would be responsible for performance monitoring. The committees would also have the power to set up working groups to look at service issues, policy matters, or to undertake specific pieces of work.

3.4.5 Working Group Members clarified that, were the Council to establish an overview and scrutiny committee within its committee system structure, it would be included within the formal calendar of meetings and not set up to meet only on an ad hoc basis.

3.4.5 The Working Group agreed that the Constitution Committee be recommended to include one overview and scrutiny committee within its proposed committee

system structure, which would fulfil the council's statutory scrutiny requirements.

3.5 Referral to Council Process

- 3.5.1 At the meeting of the Governance Working Group on 6 March 2020, it was agreed to recommend to Constitution Committee the creation of a Decision Review Committee, in order to filter any referrals of decisions taken by service committees. It was proposed that the Decision Review Committee would consider referral requests, make recommendations to the service committees where it chose to do so or, exceptionally, refer the matter to full Council for review. This was intended to be a quick process which would avoid all referral requests having to be referred directly to full Council for consideration and would reduce the risk of undue delay to the implementation of decisions.
- 3.5.2 The Constitution Committee on 19 March 2020 decided not to recommend the proposals for a Decision Review Committee to full Council, as it was considered to be an unnecessary addition to the process. Instead, the Committee agreed that referrals should be made direct to full Council and asked the Monitoring Officer to review the process.
- 3.5.3 The Monitoring Officer has since taken the opportunity to review the process. Attached to this report at Appendix B are revised proposals, which were considered by the Governance Working Group on 6 July 2020 and agreed on 17 September 2020.
- 3.5.4 Unless specifically resolved by Council to the contrary, the remaining committees not affected by the change from a Leader and Cabinet model will continue under the proposed new committee arrangements. A revised Committee structure chart, including all of the proposals outlined above is attached at Appendix C.

2 Implications of the Recommendations

4.1 Legal Implications

- 4.1.2 The ability for the Council to change from one of the permissible forms of governance arrangements of a local authority to another is provided for by Chapter 4 of the Local Government Act 2000 (as amended by the Localism Act 2011). Section 9KC of the Act straightforwardly states that a "resolution of a local authority" (a simple majority) is required in order for the council to make such a change in governance arrangements.
- 4.1.3 The proposed change in governance arrangements would be implemented in May 2021, and any future change in such arrangements, unless by way of a referendum, could not be implemented until May 2026.

4.1.4 A resolution passed by the Authority to change from one of the permissible forms of governance arrangements to another will then be implemented only during-

- the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
- a later annual meeting of the local authority specified in that resolution.

4.2 Finance Implications

4.2.1 There are direct costs associated with making the change from one form of governance to another. These costs are associated with redrafting the constitution. There will also be associated costs with the training of members and officers.

4.2.2. Member allowances will require further consideration and a separate report with recommendations from the Independent Remuneration Panel will be considered in due course.

4.2.3 It is acknowledged that once implemented, one form of governance need not cost more than another.

4.2.4 By using every available opportunity to streamline decision-making; use available technology and optimise the officer support arrangements it is intended where possible to contain the cost of running the new system to a minimum with no net increase in resources.

4.3 Policy Implications

4.3.1 Any relevant policies will need to be amended to reflect a committee system form of governance.

4.4. Equality Implications

4.4.1 The Council's governance arrangements must enable all individuals to engage in the decision making process. No equality implications are identified at this stage.

4.5 Human Resources Implications

4.5.1 There are significant human resource implications in relation to training and development. Any staffing issues as a result of moving to a committee system will continue to be considered as the proposals are developed further.

4.6 Risk Management Implications

4.6.1 A change to a committee system will introduce a system of decision making that is new to members, officers and partners. Training and briefing will be required to ensure that the transition is smooth and that there is not a delay in decision making.

4.7 Rural Communities Implications

4.7.1 There are no direct implications for rural communities.

4.8 Implications for Children & Young People/Cared for Children

4.8.1 There are no direct implications for children and young people/cared for children.

4.9 Public Health Implications

4.9.1 There are no direct implications for public health.

4.10 Climate Change Implications

4.10.1 There are no direct climate change implications.

4.11 Ward Members Affected

4.11.1 All wards are equally affected.

4.12 Consultation & Engagement

4.12.1 There is no legal requirement to consult the public on a proposed change to the Council's governance model. Notwithstanding this, the Governance Working Group considered a report at its meeting on 14 October 2019 in relation to consultation and engagement options. The Working Group agreed they did not wish to consult on the proposals. Due to the fact that the Notice of Motion had already been agreed by Council, they did not consider there was any benefit in undertaking public consultation at that stage. Members were keen to ensure that residents and staff were kept updated about the proposals. To this end, an article was published in the November edition of 'The Voice' along with various updates on the centranet for staff.

4.12.2 Three Member Engagement Workshops have taken place to inform the development of these proposals. The feedback from these sessions has been considered by the Working Group.

4.12.3 As soon as practicable after full Council has passed a resolution to change its form of governance arrangements, a public notice of the Council's resolution must appear in one or more newspapers, as detailed in paragraph 10.1.

5.0 Access to Information

5.1 Previous reports to the Constitution Committee provide the background to the governance review which are available on the Council's website.

6.0 Appendices

Appendix A – Extract of the Constitution Committee minutes – 19 March 2020

Appendix B – Revised Decision Review Process

Appendix C – Proposed Committee Structure Chart

7.0 Contact Information

Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk

Appendix A**CONSTITUTION COMMITTEE MINUTE EXTRACT – 19 MARCH 2020****PROPOSED CHANGE TO THE COUNCIL'S GOVERNANCE ARRANGEMENTS -
FORMAL RESOLUTION TO MOVE TO A COMMITTEE SYSTEM FORM OF
GOVERNANCE**

The Committee considered the work of the Governance Working Group, and the proposed introduction of a committee system form of governance, specifically:

1. The design principles of the proposed committee system
2. Proposed service committee structure chart
3. Proposed committee functions
4. Draft Terms of Reference
5. Roles of Leader and Deputy Leader
6. Decision review process
7. Urgent decisions
8. Role and powers of committee and sub-committee chairs

It was confirmed to Members that further constitutional provisions, including the officer scheme of delegation, would be considered by the Constitution Committee at an appropriate time.

Consideration was also given to a recommendation that the Council should cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021.

RESOLVED

1. That full Council be recommended to resolve that the Council cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021;
2. That Appendix A to the report, Design Principles, be approved subject to paper copies of agendas being available to Members upon request.
3. That Council be recommended to approve the following, subject to the amendments to the appendices to the report, as detailed below:
 - a. The structure of the service committees (appendices B, C and D to the report); subject to the role of the Scrutiny Committee being considered further by the Governance Working Group.

- b. Roles of Leader and Deputy Leader (Appendix E to the report); subject to the removal of the power to call extraordinary Council meetings, given the existing procedures in place to deal with this.
 - c. Decision Review Process (Appendix F to the report); subject to decisions being referred direct to Council; it being agreed that the Director of Governance and Compliance should have an opportunity to review the proposed criteria and submit them to the Governance Working Group for further consideration and; the proposed requirement for referral of a decision to Council having to be made by two or more political groups be removed.
 - d. Urgency Provisions (Appendix G to the report); subject to the existing provisions of Appendix 4 to the Constitution being incorporated; which deal with urgent decisions made as a consequence of failure to plan appropriately, or work without due regard to timeliness.
 - e. Role and Powers of Committee and Sub Committee Chairs (Appendix H to the report), subject to (paragraph C) being amended to read 'appointments should take into account relevant skills, knowledge, experience and suitability subject to suitable training.
- 4. That the Director of Governance and Compliance be authorised, in consultation with the Constitution Committee, to prepare such draft constitutional provisions as she considers necessary to give effect to the wishes of the committee, which will be submitted to the Constitution Committee in phases during 2020/21 for recommendation to Council.
 - 5. That the Director of Governance and Compliance be authorised to recommend such constitutional provisions as reflect the developing nature of the progression to a committee system form of governance and best practice.

Appendix B**Referral of Decisions taken by Service Committees to Council Process**

Decisions made by one of the Service Committees, or an officer acting under delegated authority from one of those committees, are published, normally within a period of three working days after the relevant meeting. Unless the decision is urgent, the decision will not be implemented for a period of five working days from the date of publication, during which time any 9 Members of the Council may request with detailed reasons the decision to be referred to full Council for review, subject to meeting the criteria set out below and being validated by the Monitoring Officer:

- Decision is outside the policy/budgetary framework
- Inadequate consultation relating to the decision
- Relevant information not considered
- Insufficient consideration of legal and financial advice
- Viable alternatives not considered
- Justification for the decision open to challenge on the basis of the evidence considered

As part of the validation process, the Monitoring Officer may discuss the request with the lead member signatory, the Chair of the relevant service committee and the Mayor, with a view to any possible options to resolve the issue, without the need for referral to Council.

If validated by the Monitoring Officer the decision will then be referred to a meeting of Council for review, together with a statement of the reasons for the review request. Implementation of the decision shall be held in abeyance pending the conclusion of the process.

Council is to consider the decision called in for review at its next scheduled meeting. In doing so it shall provide an opportunity for a representative of the signatories to the referral request and the Chair of the relevant service committee the opportunity to address the meeting on the subject. Council may either:

- ✦ uphold the original decision with or without modifications, in which case it has immediate effect; or
- ✦ reject the original decision, and determine the matter itself.

A decision may only be subject to a referral to Council once.

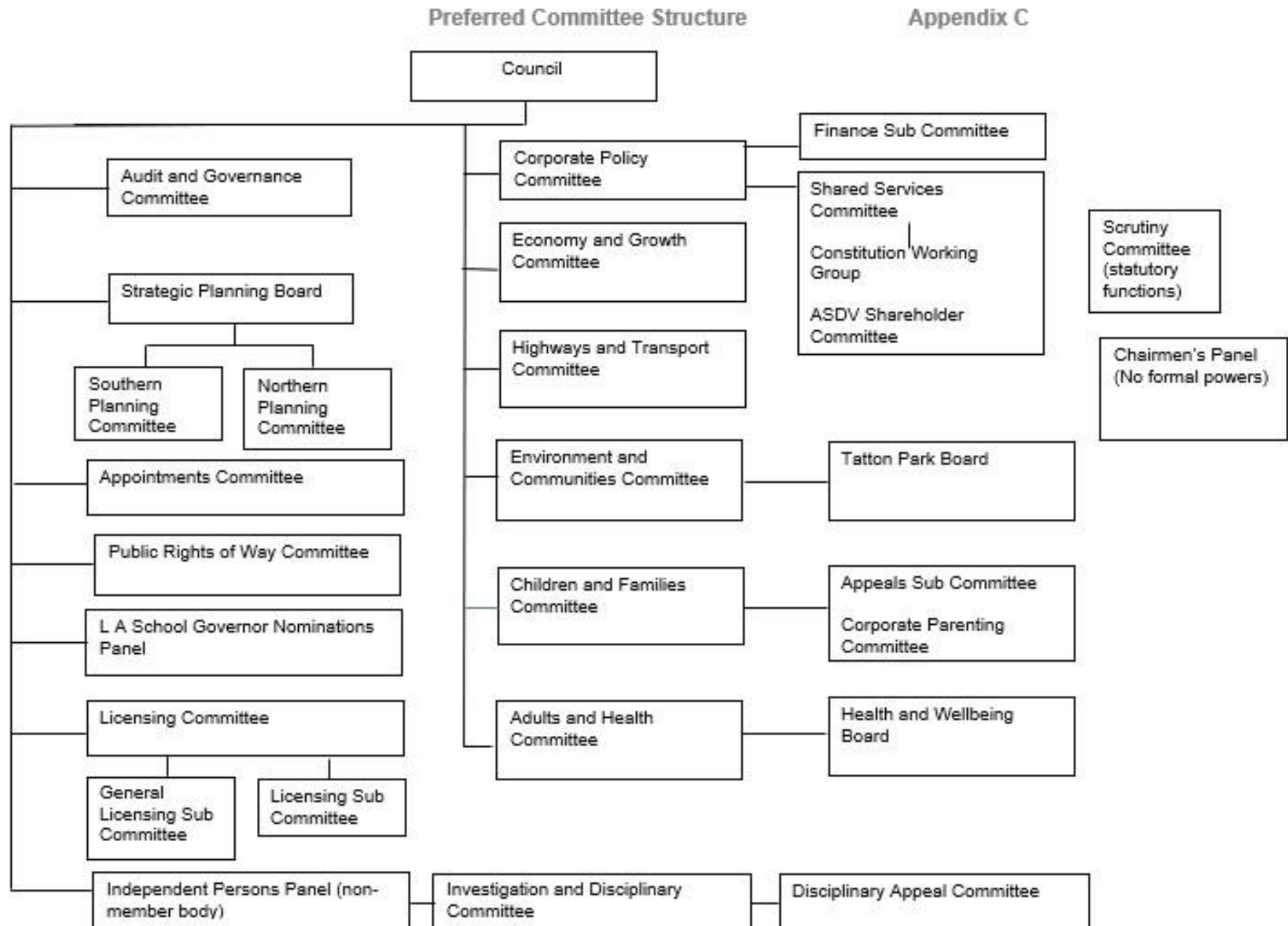
APPENDIX C

This referral to Council procedure shall not apply at or from any point where the decision being taken is considered to be urgent. The Constitution provides for urgent decisions taken outside of meetings. The definition of an urgent decision states:

“A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive has declared that an urgent decision is required.”

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

APPENDIX C



APPENDIX C

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CONSTITUTION COMMITTEE MINUTE EXTRACT – 19 MARCH 2020**PROPOSED CHANGE TO THE COUNCIL'S GOVERNANCE ARRANGEMENTS -
FORMAL RESOLUTION TO MOVE TO A COMMITTEE SYSTEM FORM OF
GOVERNANCE**

The Committee considered the work of the Governance Working Group, and the proposed introduction of a committee system form of governance, specifically:

1. The design principles of the proposed committee system
2. Proposed service committee structure chart
3. Proposed committee functions
4. Draft Terms of Reference
5. Roles of Leader and Deputy Leader
6. Decision review process
7. Urgent decisions
8. Role and powers of committee and sub-committee chairs

It was confirmed to Members that further constitutional provisions, including the officer scheme of delegation, would be considered by the Constitution Committee at an appropriate time.

Consideration was also given to a recommendation that the Council should cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021.

RESOLVED

1. That full Council be recommended to resolve that the Council cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021;
2. That Appendix A to the report, Design Principles, be approved subject to paper copies of agendas being available to Members upon request.
3. That Council be recommended to approve the following, subject to the amendments to the appendices to the report, as detailed below:
 - a. The structure of the service committees (appendices B, C and D to the report); subject to the role of the Scrutiny Committee being considered further by the Governance Working Group.
 - b. Roles of Leader and Deputy Leader (Appendix E to the report); subject to the removal of the power to call extraordinary Council meetings, given the existing procedures in place to deal with this.

- c. Decision Review Process (Appendix F to the report); subject to decisions being referred direct to Council; it being agreed that the Director of Governance and Compliance should have an opportunity to review the proposed criteria and submit them to the Governance Working Group for further consideration and; the proposed requirement for referral of a decision to Council having to be made by two or more political groups be removed.
 - d. Urgency Provisions (Appendix G to the report); subject to the existing provisions of Appendix 4 to the Constitution being incorporated; which deal with urgent decisions made as a consequence of failure to plan appropriately, or work without due regard to timeliness.
 - e. Role and Powers of Committee and Sub Committee Chairs (Appendix H to the report), subject to (paragraph C) being amended to read 'appointments should take into account relevant skills, knowledge, experience and suitability subject to suitable training.
- 4. That the Director of Governance and Compliance be authorised, in consultation with the Constitution Committee, to prepare such draft constitutional provisions as she considers necessary to give effect to the wishes of the committee, which will be submitted to the Constitution Committee in phases during 2020/21 for recommendation to Council.
 - 5. That the Director of Governance and Compliance be authorised to recommend such constitutional provisions as reflect the developing nature of the progression to a committee system form of governance and best practice.

CONSTITUTION COMMITTEE MINUTE EXTRACT – 5 OCTOBER 2020**Committee System Form of Governance - Update**

Further to its meeting on the 19 March 2020, the Committee gave consideration to recommendations of the Governance Working Group in relation to:

- a decision review process
- scrutiny functions in a committee system form of governance
- how public rights of way and licencing matters would be dealt with under a committee system form of governance.

The Committee also discussed the officer scheme of delegation which had been listed for consideration by the Governance Working Group at its December 2020 meeting.

REOLVED

That Full Council be recommended to resolve that:

1. The Public Rights of Way Committee be a standalone committee.
2. The General Licensing Sub-Committee and Licensing Act 2003 Sub-Committee, be retained to ensure that the Council complies with legislative provisions.
3. There be a single scrutiny committee, empowered to discharge the statutory scrutiny functions.
4. The Referral to Council Process at Appendix B to the Constitution Committee report be approved (*Appendix L of the Council report*)

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Cheshire East Council: Our Move to a Committee System



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1.0 The history to a Committee System form of governance at Cheshire East Council

- 1.1 Council, at its annual meeting held on 22 May 2019, agreed that the following Notice of Motion be referred to the Constitution Committee:

‘This Council is committed to implementing a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance, and the implementation of a full Committee model of governance; this to be developed during 2019/20 with a view to the new arrangements taking effect from the beginning of the 2020/21 Municipal Year, subject to a legally and constitutionally robust process, led by the Council's Constitution Committee, and agreed by Council’.

- 1.2 The Constitution Committee subsequently set up the Governance Working Group to progress the Notice of Motion.
- 1.3 The Governance Working Group submitted its proposals to recommend to Council that it should formally resolve to move to a Committee System form of governance after the AGM in May 2020 to the Constitution Committee on 21 November 2019. However, the Constitution Committee decided not to make a recommendation to Council at that stage, and asked officers to produce further detailed work on certain matters with a view to reporting back to the Governance Working Group.
- 1.4 To allow this further work to be developed, it was agreed by the Council's Group Leaders, in a jointly signed letter on 23 January 2020, that the new governance arrangements would be implemented in May 2021, to allow more time to prepare.
- 1.5 Further details of those matters were considered by the Governance Working Group, and were approved by the Constitution Committee at its meeting held on 19 March 2020, details for which, are enclosed below.

2.0 Where are we now?

- 2.1 It is proposed that the Council be asked to formally resolve to move to the new arrangements with effect from the Annual Council Meeting in May 2021 and, therefore, preparations must move at pace in order to achieve this.
- 2.2 Once the resolution has been passed, this form of governance arrangements must remain in place for at least 5 years.
- 2.3 As part of its work so far, the Governance Working Group has given consideration to:
- Design Principles
 - Consultation/Engagement options
 - Committee structure, functions and Terms of Reference
 - Committee Procedure Rules
 - Portfolio Holder decisions and levels of decision making
 - Referral to Council
 - Urgent Decisions
 - Role of Leader and Deputy Leader
 - Role and Powers of Committee and Sub Committee Chairs
 - Chairs Panel
 - Transition arrangements
 - Scrutiny arrangements
 - Work programme
- 2.4 The Working Group has also considered a desktop evaluation of the governance arrangements of comparator authorities and has made visits to two authorities that have moved to a committee system. Learning from these visits formed part of the Working Group's findings and recommendations.
- 2.5 Three Members' Engagement workshops were held across the Borough on 1st, 7th and 12th November 2019. Feedback from these engagement sessions has been considered by the Working Group.
- 2.6 The Constitution Committee, at its meeting held on 19 March 2020, agreed to recommend that:
- a) That full Council be recommended to resolve that the Council cease operating the existing Leader and Cabinet model of governance and implement a committee system model of governance, to take effect from the Annual Council meeting in May 2021;
 - b) That Appendix A to the to the Constitution Committee report, Design Principles, be approved subject to paper copies of agendas being available to Members upon request.

- c) That Council be recommended to approve the following, subject to the amendments to the appendices to the report, as detailed below:
- The structure of the service committees (appendices B, C and D to the Constitution Committee report); subject to the role of the Scrutiny Committee being considered further by the Governance Working Group.
 - Roles of Leader and Deputy Leader (Appendix E to the to the Constitution Committee report); subject to the removal of the power to call extraordinary Council meetings, given the existing procedures in place to deal with this.
 - Decision Review Process (Appendix F to the to the Constitution Committee report); subject to decisions being referred direct to Council; it being agreed that the Director of Governance and Compliance should have an opportunity to review the proposed criteria and submit them to the Governance Working Group for further consideration and; the proposed requirement for referral of a decision to Council having to be made by two or more political groups be removed.
 - Urgency Provisions (Appendix G to the to the Constitution Committee report); subject to the existing provisions of Appendix 4 to the Constitution being incorporated; which deal with urgent decisions made as a consequence of failure to plan appropriately, or work without due regard to timeliness.
 - Role and Powers of Committee and Sub Committee Chairs (Appendix H to the to the Constitution Committee report), subject to (paragraph C) being amended to read 'appointments should take into account relevant skills, knowledge, experience and suitability subject to suitable training.
- d) That the Director of Governance and Compliance be authorised, in consultation with the Constitution Committee, to prepare such draft constitutional provisions as she considers necessary to give effect to the wishes of the committee, which will be submitted to the Constitution Committee in phases during 2020/21 for recommendation to Council.
- e) That the Director of Governance and Compliance be authorised to recommend such constitutional provisions as reflect the developing nature of the progression to a committee system form of governance and best practice.

2.7 Several training sessions for all Members have taken place which covered:

- Understanding the Committee System Structure
- The decision-making process

- Transparency
- Policy development
- Democratic accountability
- Member role and responsibility
- How Members can have impact
- Check and balance – scrutiny and enquiry
- Strategic role of Committees
- Avoiding micro-management
- Pace and risk
- Organising the tasks of Committees
- Working arrangement and relationships with officers
- Working arrangement and relationships with partner organisations
- Collaborative working
- Public participation
- Objectives and outcomes
- Chairing the Committees for aspiring chairs/vice chairs

- 2.8 It is also proposed that further specific training for Chairs and Vice Chairs will take place in March/April 2021.
- 2.9 Learning points arising from the training will then be considered by the Governance Working Group and fed-into the ongoing work programme.

3.0 What still needs to be done?

Regulatory/other Committees and Scrutiny Function

- 3.1 At its meeting held on 6 July, the Governance Working made a recommendation to the Constitution Committee that the current arrangements in relation to Licensing Committees remain unchanged and that the Public Rights of Way Committee should remain as a stand-alone committee.
- 3.2 Also at that meeting, the Governance Working Group gave further consideration to what the scrutiny function will look like under a committee system. The Working Group made a recommendation to the Constitution Committee that the Council should have one bespoke Scrutiny Committee, to deal with the statutory scrutiny functions of health, crime and disorder and flood risk management.

Mock Service Committees

- 3.3 An appropriate selection of Cabinet reports relating to the business of each proposed committee, and which had previously been considered and disposed-of by Cabinet, will form the basis of “mock” committee meetings. Officers will present each report to the meeting. There will be options to include in the training, relevant committee business and

procedures such as “public” speaking; this followed by debate, and then decision. It can therefore be seen that, insofar as is possible, the training will replicate real-life committee procedures and practice.

- 3.4 Careful selection of reports would take place in order to ensure that the right number of appropriately important matters were selected for the mock committee meetings, thereby providing a meaningful insight into how the proposed committees would formally operate upon implementation of the new governance arrangements.
- 3.5 Consideration will need to be given to which Members should fulfil the role of Chairs, Vice Chairs and members of the “mock” committees.

General Review of the Constitution

- 3.6 A general review of the Constitution is taking place, to ensure it reflects a committee system form of governance and is generally fit for purpose. This will be considered by the Governance Working Group and Constitution Committee prior to being submitted to Council for approval.

Members Allowances

- 3.7 A change in Governance arrangements will require a new Members Allowance Scheme, which is currently being considered by the Independent Remuneration Panel. This will be submitted to Council for approval in due course.

Notice of Decision to Change Governance Arrangements

- 3.8 The legislation provides that, as soon as practicable after the Council has passed a resolution to change the form of its governance arrangements, it must:
- a. secure that copies of the document setting out the provisions that are to have effect following the resolution are available at its principal office for inspection by members of the public.
 - b. publish in one or more newspaper circulating in its area, a notice which: -
 - states that the authority has resolved to make a change in its governance arrangements;
 - states the date on which the change is to have effect;
 - describes the main features of the change;
 - states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority’s principal office for inspection by members of the public; and
 - specifies the address of the authority’s principal office.

- c. the legislation provides that the earliest date by which a change in governance form may be implemented is from the following Annual Council Meeting (in this case for the municipal year beginning in May 2021) or a later Annual Council Meeting specified in the resolution.

Timeline

Milestone	Date
Constitution Committee: Recommend Formal Resolution	Complete
Full Council Formal: Resolution Vote	Oct
Training Event	Sept
Mock Committee Meetings	Oct / Nov
Full Council – Formal Resolution	Oct
AGM	May

Design Principles

Openness

The new form of governance (committee system) will be easy to understand and will include arrangements that enable people to easily find out about how decisions are made. Committee meetings will be held in public by cross party (politically proportionate) committees. However, as is the case in all local government decision-making there will be rare occasions upon which a particular report is private or confidential. In these instances the decision will need to be made in private and members of the public will not be able to be present during the meeting.

There will be the opportunity for Councillors and Members of the public to ask questions at committee meetings and it will be clear how complaints can be made about services and Members behaviour.

Quick Decision Making

The new arrangements will ensure that decisions are made quickly, to meet the needs of the council and local community. The number of committees and number of meetings will be kept to a minimum, and technology will be used to provide instant access to information and avoid unnecessary paperwork. Paper copies will be provided upon request by members.

There will be a process to deal with urgent decisions, which will be clear and, in most cases, open to the public. The need to make urgent decisions is, however, rare.

Affordability

Through the use of technology and a quick, streamlined decision making process, the cost of a committee system will be kept to a minimum.

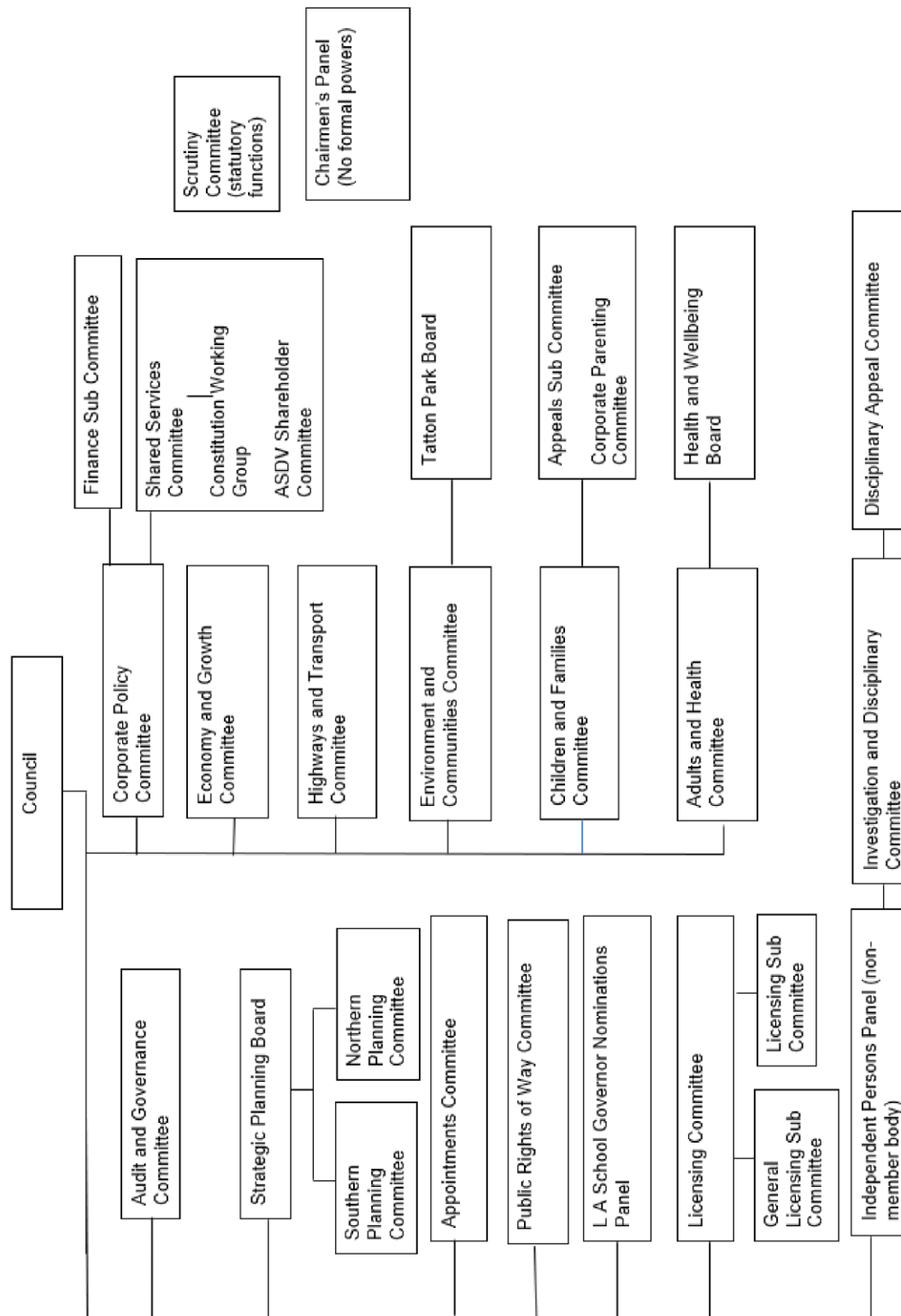
Legal Requirements

The council must comply with all legal requirements and relevant legislation. Where required, legal advice will be available to all meetings, to make sure that legal requirements are met. The council will also follow best practice.

A Modern Committee System

The committee system will be modern, open and transparent. Public participation will be encouraged. There will be the opportunity for public speaking and petitions. There will also be a work programme outlining what decisions will be made and by which Committee. There will be a separate Scrutiny Committee to look at health partners, crime and disorder and flood risk management. The Scrutiny Committee will be able to look at future proposed decisions in these areas, and seek to influence them.

Preferred Committee Structure



Committee Functions

Committee	Functions and Responsibilities	Membership
Corporate Policy	<ul style="list-style-type: none"> • Overall responsibility of the council's budget and resources • All Corporate Services functions, including: <ul style="list-style-type: none"> ○ Democratic Services and Governance ○ Internal Audit, Risk and Compliance ○ Legal ○ Customer Services ○ Finance and Procurement ○ Transformation ○ Business Change ○ Human Resources ○ ICT ○ Strategic Partnerships ○ Governance of shared services with Cheshire West and Chester Council ○ Governance of ASDVs • Overarching committee for cross-cutting issues 	13
Finance Sub Committee	<ul style="list-style-type: none"> • Developing the Medium-Term Financial Strategy (MTFS) and the Capital Programme • Budget and financial management and monitoring • Grants awards • Estates and property transactions • Investment Strategy 	8
Economy and Growth	<ul style="list-style-type: none"> • Housing • Regeneration • Economic development • Rural and cultural economy 	13
Highways and Transport	<ul style="list-style-type: none"> • Strategic transport • All transport and accessibility • Car parking • Highways • Infrastructure • HS2 	13

Environment and Communities	<ul style="list-style-type: none"> • Development management • Strategic planning • Environmental services (waste, recycling and bereavement) • Leisure • Licensing • Libraries • Regulatory Services • Contaminated land • Air quality 	13
Children and Families	<ul style="list-style-type: none"> • Children's mental health • Corporate Parenting—Annual Report • Prevention Services • Special needs and disabilities • Development and Partnerships • Education • Cared-for Children • Care leavers • Children in need • Child protection • Safeguarding • Children's Trust and Board 	13
Health and Adults	<ul style="list-style-type: none"> • Public Health • Lifelong learning • Health improvement and intelligence • Community Strategy • Adult safeguarding • Adults' mental health • Learning difficulties • Adult social care operations • Care4CE • Domestic violence • Commissioning 	13

Composition and Terms of Reference of Committees

Full Council is responsible for the exercise of all the functions that are the responsibility of the local authority. Certain matters have been expressly reserved to be taken by a meeting of the full Council. To enable it to operate more effectively as a local authority, the council has arranged for the discharge of all its other functions to be carried out by a committee, subcommittee or an officer of the council or, in certain cases, by another local authority or public body.

This Article of the Constitution deals with the allocation of responsibility for carrying out those functions of the council that are not reserved to the full Council. In some cases the law requires the council to establish a committee and also determines the way in which the committee is to operate. In most cases, however, the council may decide on the size, terms of reference and membership of its committees.

Article X of the Constitution lists the committees of the council. Each committee has a different set of functions allocated to it as set out below. For the more efficient exercise of functions, full Council may establish one or more sub-committees of each committee with terms of reference specified by full Council.

This Article of the Constitution describes the committees that the council has established in greater detail and describes their membership.

1. Corporate Policy Committee

Composition

The Corporate Policy Committee shall comprise 13 members of the Council appointed in accordance with the statutory rules in relation to proportionality. The Leader of the Council shall be the Chair of the Committee and the Deputy Leader of the Council may be the Vice Chair.

Terms of Reference

The Corporate Policy Committee shall provide strategic direction to the operation of the Council by making decisions on policies and the co-ordination of expenditure where such decisions are not reserved to full Council. The Committee shall also maintain a strategic overview of outcomes, performance, risk management and budgets.

Full Council has delegated to the Committee responsibility for:

- The formulation, co-ordination and implementation of the Corporate Plan and corporate policies and strategies, alongside the medium term financial plan (budget) which is the responsibility of the Finance Sub-Committee. In the discharge of those responsibilities the Committee shall determine such matters to the extent that they are not reserved to full Council.
- The determination of key cross-cutting policies and key plans that impact on more than one service committee.
- The determination of policy matters not otherwise allocated to any other committee.
- The determination of any matter of dispute or difference between committees.
- The provision of a co-ordinating role across all other committees and to exercise a corporate view of performance, budget monitoring and risk management.

- The determination of any matter that has a major impact on a number of Council services or the Council as a whole.
- The oversight and scrutiny of the Corporate Services Directorate, including the following functions: Governance and Compliance, Finance and Customer Services, and Transformation; together with Strategic Partnerships and shared services.
- The oversight and monitoring of the Members' Allowance budget and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel (IRP) to advise full Council on the adoption of such scheme and any proposed amendments to such scheme.
- The review of the Council's Constitution and the recommendation of any changes to the Council.
- The making of recommendations to Council on civic issues including, but not limited to, the Mayoralty and honorary Freeman and Aldermen.
- The appointment of persons to fill vacancies on Parish Councils where such Councils are unable to act.
- The consideration of the recommendations and Annual Report of the ASDV Shareholder Committee.

2. Finance Sub Committee

Composition

The Finance Sub Committee shall comprise 8 members of the Council appointed in accordance with the statutory rules in relation to proportionality.

The Chair shall be a Member of the Corporate Policy Committee.

Terms of Reference

The Finance Committee shall provide direction to the operation of the Council by co-ordinating the management and oversight of the Council's finance, performance and corporate risk management arrangements. The Committee shall make recommendations to the Corporate Policy Committee regarding the development of the Medium Term Financial Strategy and the setting and monitoring of the Capital and Revenue Budgets in accordance with the Corporate Plan.

Full Council has delegated to the Committee responsibility for:

- The determination of finance issues, including but not limited to Treasury Management, Insurance, Procurement, grant awards for sums in excess of £50,000, debt write off, settlement payments and virements in line with the constitution.
- The establishment of a Procurement Forward Plan.
- Investment Strategy
- Grant Awards
- Estates and Property Transactions

3. Environment and Communities Committee

Composition

The Environment and Communities Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Environment and Communities Committee shall be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth, improving the quality of the environment and delivering improvement in key front line services.

Full Council has delegated to the Committee responsibility for:

- The development and delivery of the Council's strategic objectives for Environmental Management, sustainability and climate change.
- The development and delivery of Strategic Planning policies.
- The development and delivery of the Council's estates, land and physical assets policies.
- The determination of policies and making of decisions in relation to waste collection and disposal, recycling, leisure, culture, libraries, bereavement services, trading standards, environmental health, contaminated land and air quality.
- The determination of policies and making of decisions in relation to flooding and accessibility in co-ordination with the Scrutiny Committee.

4. Economy and Growth Committee

Composition

The Economy and Growth Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Economy and Growth Committee shall be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making of decisions in relation to housing management and delivery.
- The determination of policies and making of decisions in relation to economic development and growth.
- The determination of policies and making decisions in relation to the rural and cultural economy

5. Highways and Transport Committee

Composition

The Highways and Transport Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as

they affect the area of the Council taking into account regional and national influences.

Full Council has delegated to the Committee responsibility for:

- The formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters.
- The determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network.
- The discharge of the Council's responsibilities as Highway Authority, including, but not limited to, highway adoption, highway maintenance, road safety, network management and street lighting.

6. Children and Families Committee

Composition

The Children and Families Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

The Chair of the Committee shall be the statutory Lead Member for Children's Services.

Terms of Reference

The Children and Families Committee shall be responsible for those services which help keep children and young people safe and enable them to achieve their full potential. The responsibility incorporates matters in relation to schools and attainment, early help and family support and social care for children and families. The Committee shall have a particular focus on those children who are looked after and for whom the Council has corporate parenting responsibility.

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making decisions in relation to the delivery of services to children and young people in relation to their care, well-being, education and health.
- The discharge of the Council's functions in relation to children in need and child protection including safeguarding and youth justice.
- The discharge of the Council's functions and powers in relation to the provision of education.
- The development and maintenance of relationships with schools in relation to the raising of standards of attainment.
- The coordination of the Council's role as Corporate Parent with a focus on fostering and adoption.
- The discharge of the Council's functions in relation to Special Education Needs and Disability (SEND).
- The discharge of the Council's functions in relation to early help and family support.

7. Health and Adults Committee

Composition

The Health and Adults Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Health and Adults Committee shall be responsible for the Council's communities, public health and adult social care services with a view to enabling all people to live fulfilling lives and to retain their independence. The Committee shall also be responsible for the promotion of the health and well-being of people living in the Council's area. In the discharge of its responsibilities the Committee shall recognise the necessity of promoting choice and independence.

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making decisions in relation to people aged 18 and over (some young people up to the age of 25 may still be within Children's services as care leavers or with a Special Educational Needs and Disability) with eligible social care needs and their carers including, but not limited to, adult safeguarding, adult mental health, physical health, older people and learning disabilities.
- Lifelong learning
- The determination of policies and making of decisions in relation to Public Health in coordination with Health and Wellbeing Board and the Scrutiny Committee.
- The oversight of the Communities Strategy.
- The provision and commissioning of domestic violence services and quality assurance.

Scrutiny Committee

In addition to the six named Committees there is a necessity for arrangements to be made so that the Council complies with statutory requirements in relation to the scrutiny of certain public services.

Composition

The Scrutiny Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees.

Full Council has delegated to the Committee responsibility for;

- The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006, section 244 of the Health and Social Care Act 2006, and section 9FH of the Local Government Act 2000 in relation to flood risk management.

Leadership—Role and Powers of the Leader and Deputy Leader of the Council

Appointment and General Role

The Annual Meeting of the Council will appoint the Leader and Deputy Leader of the Council for the forthcoming municipal year.

The councillors appointed will hold these offices until:

- a. The next Annual Meeting of the Council; or
- b. The Leader or the Deputy Leader resigns from the office; or
- c. The Leader or the Deputy Leader is no longer a Councillor; or
- d. The Leader or the Deputy Leader is removed from the office by resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.

A notice of motion must be submitted to a Council meeting, if it is proposed to remove the Leader or Deputy Leader from this office and must be submitted 7 clear working days before the meeting;

If the Council meeting resolves to remove the Leader/Deputy from office but fails to appoint a successor, then an item to appoint a new Leader/Deputy must be included on the next and successive Council agendas until a replacement Leader has been appointed.

Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the next meeting of the Council.

Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader.

The role of the Leader/Deputy is not a formal legal role, but he or she is in practice the political head of the Council, and the Member with greatest responsibility for driving forward the broad policies of the Council.

Fulfilling the Role of Leader

The Council expects that the Leader will:

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the Borough's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
- lead and work with the Council, particularly the Chairs of its Committees and Sub Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub Committees, in overseeing service delivery and the implementation of policies approved by the Council

- represent and pursue the interests of the Council in the community and at international, national and regional levels;
- act as Chair of the Corporate Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions mentioned at paragraph xx below;
- lead in providing policy direction and guidance to the Chief Executive and Chief Officers;
- meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.

The Leader shall be recognised in the following ways:

- Chairing Corporate Policy Committee: the Leader shall be appointed at the Council's Annual Meeting as Chair of the Council's Corporate Committee.
- Right to attend and speak at any meeting of a Committee or Sub-Committee of the Council, provided that he or she will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee.
- Duty to be available for Questions: permit any Member of the Council to ask questions of the Leader and Deputy Leader at full Council meetings.
- The establishment of policy direction and the Council's priorities and the facilitation of discussion thereon.
- To be principal ambassador for the Borough and the Council (recognising the role of the Mayor).
- To represent the Council on any external body, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
- Involvement in Major Emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

Legal Powers and Duties

As the Council operates a Committee system, the Leader/Deputy has no formal legal powers and duties vested in him or her under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all local authorities need to appoint a Leader and each Leader will hold the most significant elected Member role within the Council. The Council's Leader will be the political/elected head, the focus for policy direction and community development and the chief advocate and ambassador for the Borough.

Deputy Leader

The Annual Meeting of the Council will appoint a Councillor to be the Deputy Leader of the Council for that municipal year.

The Deputy Leader may be appointed as the Vice Chairman of the Corporate Policy Committee of the Council.

The Deputy Leader is empowered to act in place of the Leader.



The Deputy Leader is empowered to represent the Council on any external body, as agreed with the Leader, and to make decisions and vote on behalf of the Council at meetings of such bodies.

Note

In the case of a joint administration, the Council will expect the Leader and Deputy Leader to share responsibilities between them and determine how the matters listed in *paragraph XX* are divided between them.

Referral of Decisions taken by Service Committees to Council Process

Decisions made by one of the Service Committees, or an officer acting under delegated authority from one of those committees, are published, normally within a period of three working days after the relevant meeting. Unless the decision is urgent, the decision will not be implemented for a period of five working days from the date of publication, during which time any 9 Members of the Council may request with detailed reasons the decision to be referred to full Council for review, subject to meeting the criteria set out below and being validated by the Monitoring Officer:

Decision is outside the policy/budgetary framework

- Inadequate consultation relating to the decision
- Relevant information not considered
- Insufficient consideration of legal and financial advice
- Viable alternatives not considered
- Justification for the decision open to challenge on the basis of the evidence considered

As part of the validation process, the Monitoring Officer may discuss the request with the lead member signatory, the Chair of the relevant service committee and the Mayor, with a view to any possible options to resolve the issue, without the need for referral to Council.

If validated by the Monitoring Officer the decision will then be referred to a meeting of Council for review, together with a statement of the reasons for the review request. Implementation of the decision shall be held in abeyance pending the conclusion of the process.

Council is to consider the decision called in for review at its next scheduled meeting. In doing so it shall provide an opportunity for a representative of the signatories to the referral request and the Chair of the relevant service committee the opportunity to address the meeting on the subject. Council may either:

- uphold the original decision with or without modifications, in which case it has immediate effect; or
- reject the original decision, and determine the matter itself.

A decision may only be subject to a referral to Council once.

This referral to Council procedure shall not apply at or from any point where the decision being taken is considered to be urgent. The Constitution provides for urgent decisions taken outside of meetings. The definition of an urgent decision states:

“A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive has declared that an urgent decision is required.”

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

Urgent Decisions Taken Outside of Meetings

Definition of an Urgent Decision

A decision will be urgent in the case of: civil emergency; natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive or in his/her absence the Deputy Chief Executive has declared that an urgent decision is required. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for the decision should be subject to a formal report to the Audit and Governance Committee.

Urgent Decisions: Council (*Paragraph XX*)

If a decision would normally be required to be made by full Council the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with Group Leaders and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:

- The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting.
- The decision is reported for information to the next available meeting of the Council.
- The provisions of legislation are complied with.
- Advice has been taken from the Chief Executive, Council's Monitoring Officer and Section 151 Officer.
- All Members of the Council are notified of the decision taken by electronic means.

In the event that the Leader of a political group has an interest in the matter for decision which prevents him/her from considering the matter and offering views, the Deputy Leader of that Group may be consulted. If the Deputy Leader also has such an interest in the matter, the Leader, or in his absence the Deputy Leader, may nominate a member of the Group for the purpose of consultation.

Urgent Decisions: Committees (*Paragraph XX*)

The Chief Executive, or in his/her absence, the Deputy Chief Executive (or in their absence their nominee), in consultation with the Chairman and/or Vice-Chairman of the relevant committee or sub-committee, has delegated authority to take decision subject to the following requirements being met:

- The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the decision-making body, or an urgently convened meeting.
- The decision is reported for information to the next available meeting of the decision-making body.

- The Leaders of all Opposition Groups have been notified of the matter and have been invited to make representations.
- The provisions of legislation are complied with.
- Advice has been taken from the Council's Monitoring Officer and Section 151 Officer.
- All members of the Council are notified of the decision taken by electronic means.

In addition, the following provisions shall apply:

- Rules paragraphs XX to XX of the Access to Information Procedure Rules shall be adhered to, relating to the content of the Forward Plan, general exceptions to the requirement to list decisions on the Forward Plan, and circumstances of special urgency.
- *Paragraphs XX to XX*, relating to the Forward Plan and Key Decisions shall be adhered to.
- Rules in relation to Call-in (*paragraphs XX to XX*) shall not apply to urgent decisions taken under this procedure (see *paragraph XX*).
- *Paragraphs XX to XX* of the Budget and Policy Framework Procedure Rules shall be adhered to in relation to urgent executive decisions taken under this procedure.

Role and Powers of Service Committee and Sub Committee Chairs

Appointment and General Role

The Council's Procedure Rules (xx) permit it to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's Annual General Meeting in May. If the Council does not appoint a Chair in any particular case, the Chair is elected by the Committee or Sub-Committee. The Procedure Rules (xx) preclude any Member of the Council from being Chair of more than one Committee without the permission of the Council.

Usually the annual appointments made by the Council include Vice Chairs for each Committee and Sub-Committee, which are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.

Appointments should take into account relevant skills, knowledge, experience and suitability.

As further explained in *paragraphs xx and xx* below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. *Paragraph xx* outlines the way Chairs are expected to fulfil their roles.

Fulfilling the Role of Chair

The Council that its Chairs will:

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- attend all mandatory training sessions as required;
- lead in the development of the work of the Committee or Sub-Committee which they chair. This should take into account the wider vision, such as corporate, cross-service and partnership issues; lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee in relation to external affairs and communications;
- Progress the Committee's or Sub-Committee's objectives with officers and Members, and as appropriate other people, groups and organisations;
- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies;
- in accordance with the Council's Constitution and the provisions summarised at *paragraphs xx and xx* below, ensure that:

- (1) the meetings of the Committee or Sub-Committee which they chair are properly conducted, and
 - (2) reports of proceedings are forwarded on as necessary, for example to full Council;
- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
 - maintain professional working relationships and establish mutual respect with all members and officers.

Legal Powers and Duties

The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.

The following are specific functions which a Chair has under the Local Government Act 1972:

- a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
- a duty to sign the minutes of the previous meeting;
- a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.

To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound in law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee:

- (1) observes any particular legal duties relevant to a proposed decision, and (2) has regard as necessary to any general duties such as

- compliance with the Human Rights Act 1998;
- equalities; and
- the general fiduciary duties to its Council Taxpayers to act with financial prudence.

Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant, including advice taken from the Monitoring Officer and Section 151 Officer.

Powers and Duties Under the Council's Constitution

Under the Council's constitution, the role and powers of Chairs and, in their absence, Vice Chairs, are recognised in a number of ways, including the following:

- a) Appointment as Chair: Under the Council's Procedure Rules (XX), Chairs will normally be appointed at the Council's annual general meeting.
- b) Setting the Agenda: Under the Council's Procedure Rules (XX), Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub Committee (in consultation with Group Spokespersons) and the order in which business is arranged on the agenda.
- c) Conducting the meeting: Under the Procedure Rules (in particular XX), the Chair controls the proper conduct of meetings of his or her Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Rules of Debate applicable to full Council meetings and such discretion is regularly exercised.
- d) Reserve Power to call special Meetings: The Council's Procedure Rules (XX) permit a Chair to call a special meeting of his or her Committee or Sub-Committee at any time.
- e) Reporting to full Council: It usually falls to Chairs to present any reports which need approval of full Council, under the Council's Procedure Rules (XX).
- f) Duty to be available for Questions: The Council's Procedure Rules (XX) permit any Member of the Council to ask questions of any Chair at full Council meetings. Also a Chair can be questioned about any report which he or she is putting before the Council.
- g) Right to be consulted: Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- h) Special Responsibility Allowance: In recognition of the role played by Chairs, Schedule 1 of the Council's Members Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.

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Design Principles

Openness

The new form of governance (committee system) will be easy to understand and will include arrangements that enable people to easily find out about how decisions are made. Committee meetings will be held in public by cross party (politically proportionate) committees. However, as is the case in all local government decision-making there will be rare occasions upon which a particular report is private or confidential. In these instances the decision will need to be made in private and members of the public will not be able to be present during the meeting.

There will be the opportunity for Councillors and Members of the public to ask questions at committee meetings and it will be clear how complaints can be made about services and Members behaviour.

Quick Decision Making

The new arrangements will ensure that decisions are made quickly, to meet the needs of the council and local community. The number of committees and number of meetings will be kept to a minimum, and technology will be used to provide instant access to information and avoid unnecessary paperwork. Paper copies will be provided upon request by members.

There will be a process to deal with urgent decisions, which will be clear and, in most cases, open to the public. The need to make urgent decisions is, however, rare.

Affordability

Through the use of technology and a quick, streamlined decision making process, the cost of a committee system will be kept to a minimum.

Legal Requirements

The council must comply with all legal requirements and relevant legislation. Where required, legal advice will be available to all meetings, to make sure that legal requirements are met. The council will also follow best practice

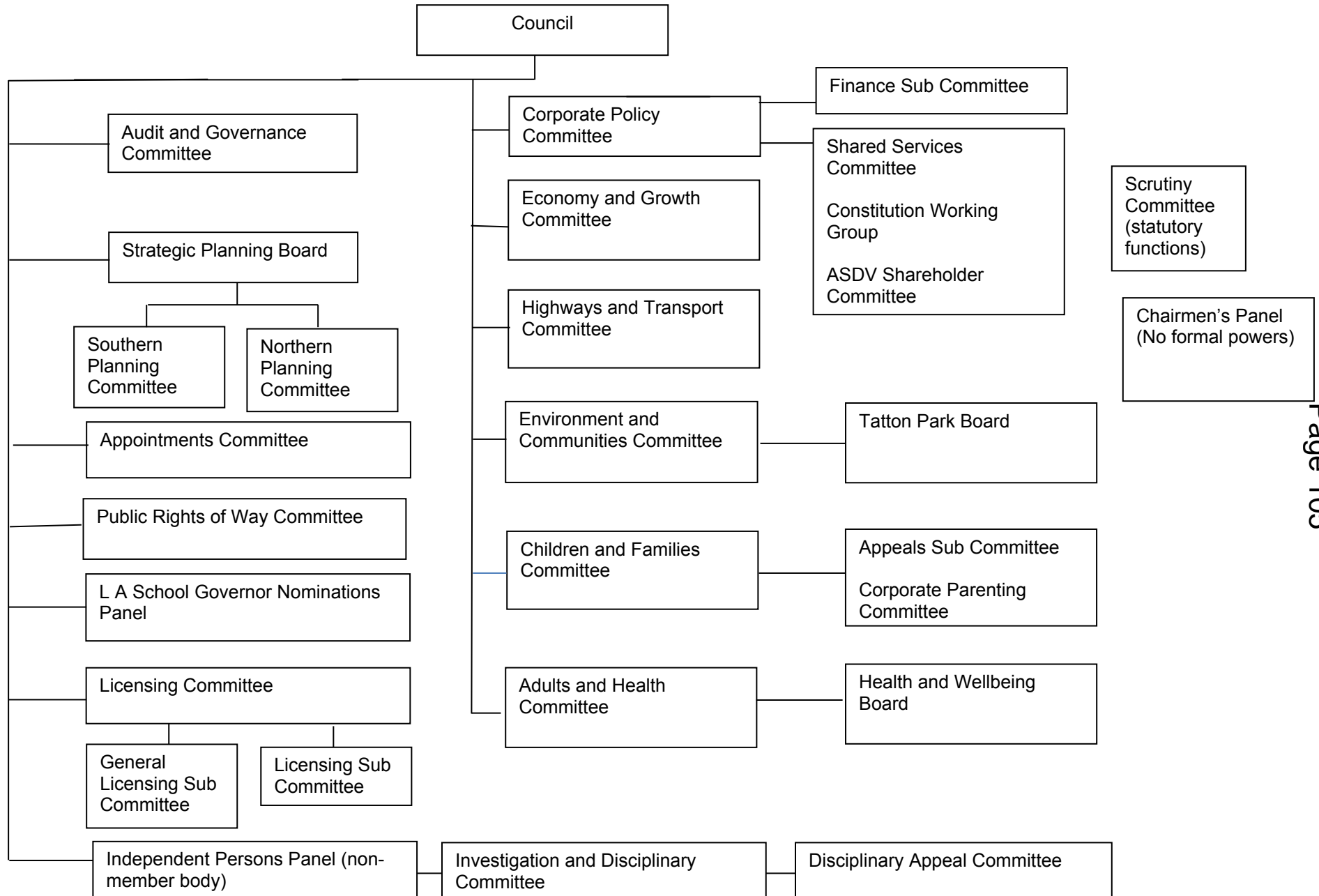
A Modern Committee System

The Committee system will be modern, open and transparent. Public participation will be encouraged. There will be the opportunity for public speaking and petitions. There will also be a work programme outlining what decisions will be made and by which Committee. There will be a separate Scrutiny Committee to look at health partners, crime and disorder and flood risk management. The Scrutiny Committee will be able to look at future proposed decisions in these areas, and seek to influence them.

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Preferred Committee Structure

Appendix H



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Committee	Function	Membership
Corporate Policy	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Overall responsibility of the Council's budget and resources • All Corporate Services functions including: • Democratic Services and Governance • Internal Audit, Risk and Compliance • Legal • Customer Services • Finance and Procurement • Transformation • Business Change • Human Resources • ICT • Strategic Partnerships • Governance of shared services with CWAC • Governance of ASDVs • overarching committee for cross cutting issues 	13
Finance Sub Committee	<ul style="list-style-type: none"> • Developing the MTFS and the Capital Programme • Budget and financial management and monitoring • Grants awards • Estates and property transactions • Investment Strategy 	8
Economy and Growth	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Housing • Regeneration • Economic development • Rural and cultural economy 	13
Highways and Transport	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Strategic transport • All transport and accessibility • Car parking • Highways 	13

	<ul style="list-style-type: none"> • Infrastructure • HS2 	
Environment and Communities	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Development management • Strategic planning • Environmental services (waste, recycling and bereavement) • Leisure • Licensing • Libraries • Regulatory Services • Contaminated land • Air quality 	13
Children and Families	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Children's mental health • Corporate Parenting – Annual Report • Prevention Services • Special needs and disabilities • Development and Partnerships • Education • Cared for children • Care leavers • Children in need • Child protection • Safeguarding • Children's Trust and Board 	13
Health and Adults	<p>This Committee is responsible for:</p> <ul style="list-style-type: none"> • Public Health • Lifelong learning • Health Improvement and intelligence • Community strategy • Adult safeguarding • Mental health • Learning difficulties • Adult social care operations • Care4CE • Domestic Violence • Commissioning 	13

COMPOSITION AND TERMS OF REFERENCE OF COMMITTEES

Full Council is responsible for the exercise of all the functions that are the responsibility of the local authority. Certain matters have been expressly reserved to be taken by a meeting of the full Council. To enable it to operate more effectively as a local authority, the Council has arranged for the discharge of all its other functions to be carried out by a Committee, sub-Committee or an officer of the Council or, in certain cases, by another local authority or public body.

This Article of the Constitution deals with the allocation of responsibility for carrying out those functions of the Council that are not reserved to the full Council. In some cases the law requires the Council to establish a Committee and also determines the way in which the Committee is to operate. In most cases, however, the Council may decide on the size, terms of reference and membership of its Committees.

Article X of the Constitution lists the Committees of Council. Each Committee has a different set of functions allocated to it as set out below. For the more efficient exercise of functions Council may establish one or more sub-Committees of each Committee with terms of reference specified by Council.

This Article of the Constitution describes the Committees that the Council has established in greater detail and describes their membership.

1. CORPORATE POLICY COMMITTEE

Composition

The Corporate Policy Committee shall comprise 13 members of the Council appointed in accordance with the statutory rules in relation to proportionality.

The Leader of the Council shall be the Chair of the Committee and the Deputy Leader of the Council may be the Vice Chair.

Terms of Reference

The Corporate Policy Committee shall provide strategic direction to the operation of the Council by making decisions on policies and the co-ordination of expenditure where such decisions are not reserved to full Council. The Committee shall also maintain a strategic overview of outcomes, performance, risk management and budgets.

Full Council has delegated to the Committee responsibility for:

- The formulation, co-ordination and implementation of the Corporate Plan and corporate policies and strategies, alongside the medium term financial plan (budget) which is the responsibility of the Finance Sub-Committee. In the discharge of those responsibilities the Committee shall determine such matters to the extent that they are not reserved to full Council.
- The determination of key cross-cutting policies and key plans that impact on more than one service committee.
- The determination of policy matters not otherwise allocated to any other committee.
- The determination of any matter of dispute or difference between committees.
- The provision of a co-ordinating role across all other committees and to exercise a corporate view of performance, budget monitoring and risk management.
- The determination of any matter that has a major impact on a number of Council services or the Council as a whole.

- The oversight and scrutiny of the Corporate Services Directorate, including the following functions: Governance and Compliance, Finance and Customer Services, and Transformation; together with Strategic Partnerships and shared services.
- The oversight and monitoring of the Members' Allowance budget and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel (IRP) to advise full Council on the adoption of such scheme and any proposed amendments to such scheme.
- The review of the Council's Constitution and the recommendation of any changes to the Council.
- The making of recommendations to Council on civic issues including, but not limited to, the Mayoralty and honorary Freeman and Aldermen.
- The appointment of persons to fill vacancies on Parish Councils where such Councils are unable to act.
- The consideration of the recommendations and Annual Report of the ASDV Shareholder Committee.

2. FINANCE SUB COMMITTEE

Composition

The Finance Sub Committee shall comprise 8 members of the Council appointed in accordance with the statutory rules in relation to proportionality.

The Chair shall be a Member of the Corporate Policy Committee.

Terms of Reference.

The Finance Committee shall provide direction to the operation of the Council by co-ordinating the management and oversight of the Council's finance, performance and corporate risk management arrangements. The Committee shall make recommendations to the Corporate Policy Committee regarding the development of the Medium Term Financial Strategy and the setting and

monitoring of the Capital and Revenue Budgets in accordance with the Corporate Plan.

Full Council has delegated to the Committee responsibility for:

- The determination of finance issues, including but not limited to Treasury Management, Insurance, Procurement, grant awards for sums in excess of £50,000, debt write off, settlement payments and virements in line with the constitution.
- The establishment of a Procurement Forward Plan.
- Investment Strategy
- Grant Awards
- Estates and Property Transactions

3. ENVIRONMENT AND COMMUNITIES COMMITTEE

Composition.

The Environment and Communities Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Environment and Communities Committee shall be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth, improving the quality of the environment and delivering improvement in key front line services.

Full Council has delegated to the Committee responsibility for:

- The development and delivery of the Council's strategic objectives for Environmental Management, sustainability and climate change.
- The development and delivery of Strategic Planning policies.
- The development and delivery of the Council's estates, land and physical assets policies.

- The determination of policies and making of decisions in relation to waste collection and disposal, recycling, leisure, culture, libraries, bereavement services, trading standards, environmental health, contaminated land and air quality.
- The determination of policies and making of decisions in relation to flooding and accessibility in co-ordination with the Scrutiny Committee.

4. ECONOMY AND GROWTH

Composition

The Economy and Growth Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Economy and Growth Committee shall be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth

- The determination of policies and making of decisions in relation to housing management and delivery.
- The determination of policies and making of decisions in relation to economic development and growth.
- The determination of policies and making decisions in relation to the rural and cultural economy

5. HIGHWAYS AND TRANSPORT COMMITTEE

Composition

The Highways and Transport Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as they affect the area of the Council taking into account regional and national influences.

Full Council has delegated to the Committee responsibility for;

- The formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters.
- The determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network.
- The discharge of the Council's responsibilities as Highway Authority, including, but not limited to, highway adoption, highway maintenance, road safety, network management and street lighting.

6. CHILDREN AND FAMILIES COMMITTEE

Composition

The Children and Families Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality

The Chair of the Committee shall be the statutory Lead Member for Children's Services

Terms of Reference

The Children and Families Committee shall be responsible for those services which help keep children and young people safe and enable them to achieve their full potential. The responsibility incorporates matters in relation to schools and attainment, early help and family support and social care for children and families. The Committee shall have a particular focus on those

children who are looked after and for whom the Council has corporate parenting responsibility.

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making decisions in relation to the delivery of services to children and young people in relation to their care, well-being, education and health.
- The discharge of the Council's functions in relation to children in need and child protection including safeguarding and youth justice.
- The discharge of the Council's functions and powers in relation to the provision of education.
- The development and maintenance of relationships with schools in relation to the raising of standards of attainment.
- The co-ordination of the Council's role as Corporate Parent with a focus on fostering and adoption.
- The discharge of the Council's functions in relation to Special Education Needs and Disability (SEND).
- The discharge of the Council's functions in relation to early help and family support.

7. HEALTH AND ADULTS COMMITTEE

Composition

The Health and Adults Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference.

The Health and Adults Committee shall be responsible for the Council's communities, public health and adult social care services with a view to enabling all people to live fulfilling lives and to retain their independence. The Committee shall also be responsible for the promotion of the health and well-being of people living in the Council's area. In the discharge of its

responsibilities the Committee shall recognise the necessity of promoting choice and independence.

Full Council has delegated to the Committee responsibility for:

- The determination of policies and making decisions in relation to people aged 18 and over (some young people up to the age of 25 may still be within Children's services as care leavers or with a Special Educational Needs and Disability) with eligible social care needs and their carers including, but not limited to, adult safeguarding, adult mental health, physical health, older people and learning disabilities.
- Lifelong learning
- The determination of policies and making of decisions in relation to Public Health in co-ordination with Health and Wellbeing Board and the Scrutiny Committee.
- The oversight of the Communities Strategy.
- The provision and commissioning of domestic violence services and quality assurance.

In addition to the six named Committees there is a necessity for arrangements to be made so that the Council complies with statutory requirements in relation to the scrutiny of certain public services.

SCRUTINY COMMITTEE

Composition

The Scrutiny Committee shall comprise 13 members of the Council in accordance with statutory rules in relation to proportionality.

Terms of Reference

The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees.

Full Council has delegated to the Committee responsibility for;

- The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006, section 244 of the Health and Social Care Act 2006 and section 9FH of the Local Government Act 2000 in relation to flood risk management.

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Leadership

Article XX - Role and Powers of the Leader and Deputy Leader of the Council

Appointment and General Role

The Annual Meeting of the Council will appoint the Leader and the Deputy Leader of the Council for the forthcoming municipal year.

The Councillors appointed will hold these offices until:

- (a) The next Annual Meeting of the Council; or
- (b) The Leader or the Deputy Leader resigns from the office; or
- (c) The Leader or the Deputy Leader is no longer a Councillor; or
- (d) The Leader or the Deputy Leader is removed from the office by resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.

A notice of motion must be submitted to a Council meeting, if it is proposed to remove the Leader or Deputy Leader from this office and must be submitted 7 clear working days before the meeting;

If the Council meeting resolves to remove the Leader/Deputy from office but fails to appoint a successor, then an item to appoint a new Leader/Deputy must be included on the next and successive Council agendas until a replacement Leader has been appointed.

Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the next meeting of the Council.

Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader.

The role of the Leader/Deputy is not a formal legal role, but he or she is in practice the political head of the Council, and the Member with greatest responsibility for driving forward the broad policies of the Council.

Fulfilling the Role of Leader

The Council expects that the Leader will:

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the Borough's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;

- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in overseeing service delivery and the implementation of policies approved by the Council;
- represent and pursue the interests of the Council in the community and at international, national and regional levels;
- act as Chair of the Corporate Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions mentioned at paragraph xx below;
- lead in providing policy direction and guidance to the Chief Executive and Chief Officers;
- meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.

The Leader shall be recognised in the following ways: -

- Chairing Corporate Policy Committee: the Leader shall be appointed at the Council's Annual Meeting as Chair of the Council's Corporate Committee.
- Right to attend and speak at any meeting of a Committee or Sub-Committee of the Council, provided that he or she will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee.
-
- Duty to be available for Questions: permit any Member of the Council to ask questions of the Leader and Deputy Leader at full Council meetings.
- The establishment of policy direction and the Council's priorities and the facilitation of discussion thereon.
- To be principal ambassador for the Borough and the Council (recognising the role of the Mayor).
- To represent the Council on any external body, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
- Involvement in Major Emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

Legal Powers and Duties

As the Council operates a Committee system, the Leader/Deputy has no formal legal powers and duties vested in him or her under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all local authorities need to appoint a Leader and each Leader will hold the most significant elected Member role within the Council. The Council's Leader will be the political/elected head, the focus for policy direction and community development and the chief advocate and ambassador for the Borough.

Deputy Leader

The Annual Meeting of the Council will appoint a Councillor to be the Deputy Leader of the Council for that municipal year.

The Deputy Leader may be appointed as the Vice Chairman of the Corporate Policy Committee of the Council.

The Deputy Leader is empowered to act in place of the Leader.

The Deputy Leader is empowered to represent the Council on any external body, as agreed with the Leader, and to make decisions and vote on behalf of the Council at meetings of such bodies.

Note

In the case of a joint administration, the Council will expect the Leader and Deputy Leader to share responsibilities between them and determine how the matters listed in paragraph XX are divided between them.

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Referral of Decisions taken by Service Committees to Council Process

Decisions made by one of the Service Committees, or an officer acting under delegated authority from one of those committees, are published, normally within a period of three working days after the relevant meeting. Unless the decision is urgent, the decision will not be implemented for a period of five working days from the date of publication, during which time any 9 Members of the Council may request with detailed reasons the decision to be referred to full Council for review, subject to meeting the criteria set out below and being validated by the Monitoring Officer:

- Decision is outside the policy/budgetary framework
- Inadequate consultation relating to the decision
- Relevant information not considered
- Insufficient consideration of legal and financial advice
- Viable alternatives not considered
- Justification for the decision open to challenge on the basis of the evidence considered

As part of the validation process, the Monitoring Officer may discuss the request with the lead member signatory, the Chair of the relevant service committee and the Mayor, with a view to any possible options to resolve the issue, without the need for referral to Council.

If validated by the Monitoring Officer the decision will then be referred to a meeting of Council for review, together with a statement of the reasons for the review request. Implementation of the decision shall be held in abeyance pending the conclusion of the process.

Council is to consider the decision called in for review at its next scheduled meeting. In doing so it shall provide an opportunity for a representative of the signatories to the referral request and the Chair of the relevant service committee the opportunity to address the meeting on the subject. Council may either:

- uphold the original decision with or without modifications, in which case it has immediate effect; or
- reject the original decision, and determine the matter itself.

A decision may only be subject to a referral to Council once.

This referral to Council procedure shall not apply at or from any point where the decision being taken is considered to be urgent. The Constitution provides for urgent decisions taken outside of meetings. The definition of an urgent decision states:

“A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive has declared that an urgent decision is required.”

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

*Urgent Decisions Taken Outside of Meetings***Definition of an urgent decision**

A decision will be urgent in the case of: civil emergency; natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive or in his/her absence the Deputy Chief Executive has declared that an urgent decision is required. If a decision is deemed an urgent decision caused by a failure to plan appropriately or work without due regard to timeliness, the circumstances giving rise to the need for the decision should be subject to a formal report to the Audit and Governance Committee.

Urgent Decisions: Council (Paragraph XX)

If a decision would normally be required to be made by full Council the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with Group Leaders and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:

- The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting.
- The decision is reported for information to the next available meeting of the Council.
- The provisions of legislation are complied with.
- Advice has been taken from the Chief Executive, Council's Monitoring Officer and Section 151 Officer.
- All Members of the Council are notified of the decision taken by electronic means.

In the event that the Leader of a political group has an interest in the matter for decision which prevents him/her from considering the matter and offering views, the Deputy Leader of that Group may be consulted. If the Deputy Leader also has such an interest in the matter, the Leader, or in his absence the Deputy Leader, may nominate a member of the Group for the purpose of consultation.

Urgent Decisions: Committees (Paragraph XX)

The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chairman and/or Vice-Chairman of the relevant committee or sub-committee has delegated authority to take decision subject to the following requirements being met:

- The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the decision-making body, or an urgently convened meeting.
- The decision is reported for information to the next available meeting of the decision-making body.

- The Leaders of all Opposition Groups have been notified of the matter and have been invited to make representations.
- The provisions of legislation are complied with.
- Advice has been taken from the Council's Monitoring Officer and Section 151 Officer.
- All Members of the Council are notified of the decision taken by electronic means.

In addition the following provisions shall apply:

- Rules paragraphs XX to XX of the Access to Information Procedure Rules shall be adhered to, relating to the content of the Forward Plan, general exceptions to the requirement to list decisions on the Forward Plan, and circumstances of special urgency
- Paragraphs XX to XX, relating to the Forward Plan and Key Decisions shall be adhered to
- Rules in relation to Call-in (paragraphs XX to XX) shall not apply to urgent decisions taken under this procedure (see paragraph XX)
- Paragraphs XX to XX of the Budget and Policy Framework Procedure Rules shall be adhered to in relation to urgent executive decisions taken under this procedure

ARTICLE XX – ROLE AND POWERS OF COMMITTEE AND SUB-COMMITTEE CHAIRS**Appointment and general role**

(a) The Council's Procedure Rules (xx) permit it to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's Annual General Meeting in May. If the Council does not appoint a Chair in any particular case, the Chair is elected by the Committee or Sub-Committee. The Procedure Rules (xx) preclude any Member of the Council from being Chair of more than one Committee without the permission of the Council.

(b) Usually the annual appointments made by the Council include Vice Chairs for each Committee and Sub-Committee, which are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.

(c) Appointments should take into account relevant skills, knowledge, experience and suitability.

(d) As further explained in paragraphs xx and xx below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. Paragraph xx outlines the way Chairs are expected to fulfil their roles.

Fulfilling the Role of Chair

The Council expects that its Chairs will:

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- attend all mandatory training sessions as required;
- lead in the development of the work of the Committee or Sub-Committee which they chair. This should take into account the wider vision, such as corporate, cross-service and partnership issues; lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee in relation to external affairs and communications;
- progress the Committee's or Sub-Committee's objectives with officers and Members, and as appropriate other people, groups and organisations;
- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies;
- in accordance with the Council's Constitution and the provisions summarised at paragraphs xx and xx below, ensure that:

(1) the meetings of the Committee or Sub-Committee which they chair are properly conducted and

(2) reports of proceedings are forwarded on as necessary, for example to full Council;

- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;

Legal powers and Duties

- (a) The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.
- (b) The following are specific functions which a Chair has under the Local Government Act 1972:
- a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
 - a duty to sign the minutes of the previous meeting;
 - a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.
- (c) To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound in law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee:
- (1) observes any particular legal duties relevant to a proposed decision and
 - (2) has regard as necessary to any general duties such as:
 - compliance with the Human Rights Act 1998;
 - equalities;
 - the general fiduciary duties to its Council Taxpayers to act with financial prudence.
- (d) Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant, including advice taken from the Monitoring Officer and Section 151 Officer.

Powers and Duties under the Council's Constitution

Under the Council's constitution, the role and powers of Chairs and, in their absence, Vice Chairs, are recognised in a number of ways, including the following:-

- (a) Appointment as Chair: Under the Council's Procedure Rules (XX), Chairs will normally be appointed at the Council's annual general meeting.
- (b) Setting the Agenda: Under the Council's Procedure Rules (XX), Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub-Committee (in consultation with Group Spokespersons) and the order in which business is arranged on the agenda.
- (c) Conducting the meeting: Under the Procedure Rules (in particular XX), the Chair controls the proper conduct of meetings of his or her Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Rules of Debate applicable to full Council meetings and such discretion is regularly exercised.
- (d) Reserve Power to call special Meetings: The Council's Procedure Rules (XX) permit a Chair to call a special meeting of his or her Committee or Sub-Committee at any time.
- (e) Reporting to full Council: It usually falls to Chairs to present any reports which need approval of full Council, under the Council's Procedure Rules (XX).
- (f) Duty to be available for Questions: The Council's Procedure Rules (XX) permit any Member of the Council to ask questions of any Chair at full Council meetings. Also a Chair can be questioned about any report which he or she is putting before the Council.
- (g) Right to be consulted: Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- (h) Special Responsibility Allowance: In recognition of the role played by Chairs, Schedule 1 of the Council's Members Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.

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