



Cheshire East Council: Our Move to a Committee System



Contents

The History to a Committee System form of governance in Cheshire East Council	3
Where are we now?	4
What still needs to be done?	6
Appendix A: Design Principles	9
Appendix B: Preferred Committee Structure	10
Appendix C: Committee Functions	11
Appendix D: Composition and Terms of Reference of Committees	13
Appendix E: Role and Powers of the Leader and Deputy Leader of the Council	18
Appendix F: Referral to Council Process	21
Appendix G: Urgent Decision Procedures	22
Appendix H: Role and Powers of Service Committee and Sub Committee Chairs	25

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.

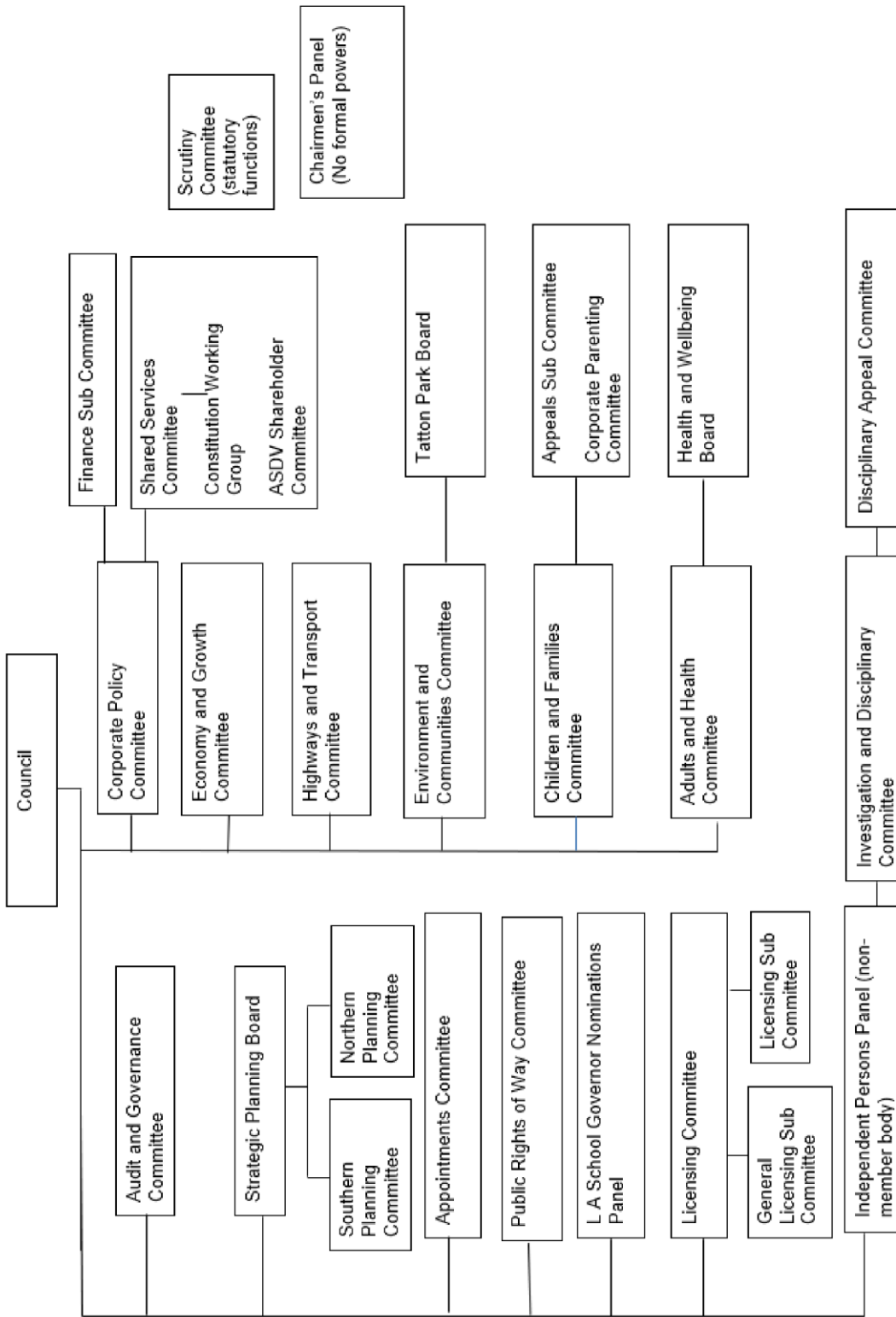
Legal Requirements

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.