

REPORT TO: AUDIT AND GOVERNANCE COMMITTEE
Date of Meeting: 19 September 2018

Report of: John Street, Corporate Manager, Democratic and Civic Support

Title: Governance Review Report

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

To report the findings of this Review Group to the Audit and Governance Committee.

2. Recommendations:

The Audit and Governance Committee recommend to Council that it approves:-

- (a) The amendment of Standing Order 8 (3) (a) to state that questions should be submitted in written form no later than 10 am on the working day before the meeting.
- (b) The addition to Standing Order 10 (6) of the following: "As long as the effect is not to negate the motion".
- (c) The publicising, through social media and other means determined by officers, of the Council agenda prior to commencement of the Council meeting.
- (d) That Committee Chairs will move the minutes of their respective Committees for noting on block rather than minute by minute (with the exception of any minutes containing recommendations).
- (e) That Executive recommendations will be identified and highlighted more clearly at Council meetings and voted on accordingly.
- (f) That the current system of three Scrutiny Committees be retained.

3. Reasons for the recommendation:

For clarity, please see Appendix 1 attached to this report in respect of Recommendations (a) and (b).

- The proposed amendment of Standing Order 8 (3) (a) is to reflect submission of questions in written format. This will ensure clarity and accuracy and enable copies of the questions to be circulated to all Councillors at the start of Council meetings.
- Direct negative motions can create confusion and hinder the effectiveness of the democratic process.
- To better publicise the Council's Agenda and in particular items of a prominent nature will encourage more public engagement.

- Councillors will continue to have the opportunity to raise questions on minutes which are moved by respective Committee Chairs. However, but the current practice of the Committee Chair simply introducing the relevant minute numbers is meaningless to the public.
- The efficiency of Council meetings will be enhanced by taking all minutes of individual committee meetings together.
- Raising the profile of Executive recommendations at Council is essential. These recommendations often encompass key decisions which could have a significant impact, both of a positive or negative nature, on the City of Exeter and its residents.
- The recommendations contained within this report will generally allow all Councillors to have a better opportunity to openly challenge, commend or comment upon recommendations which will result in a more robust democratic process.
- It is considered that the current three Scrutiny Committee process works well and that there is no good reason to change this.

4. What are the resource implications including non-financial resources:

None in respect of this report.

5. Section 151 Officer Comments:

There are no financial implications contained within this report.

6. What are the legal aspects?

Exeter City Council continues to discharge its duty under the Local Government Act 2000 Section 37(1)(a) and as such this report raises no legal issues.

7. Monitoring officer Comments

The Local Government Act 2000 Section 37(1)(a) sets out a statutory requirement for each Local Authority (operating executive or alternative arrangements) to prepare and keep up to date a document setting out their Constitution. This document is required to specifically include Standing Orders and a Code of Conduct, together with such other information as the Local Authority considers appropriate. Exeter City Council's Constitution sets out in detail how the Council operates, how decisions are made, who makes them and the procedures that must be followed to ensure that the process is efficient, transparent and accountable to local people. The recommendations contained within this report demonstrate that Exeter City Council not only satisfy the statutory requirements, but also reflect good practice in keeping the Constitution up to date and fit for purpose.

8. Report Details:

8.1 The basis for this Review arose out of the Audit and Governance Committee meeting held on the 14th March 2018. The Committee agreed to the formation a Governance Review Group to address the roles and responsibilities of the various Committees, to ensure that they continue to meet the Council's priorities, aims and objectives and that the standing orders and procedural rules contained within the Constitution remain fit for purpose.

For the purposes of this Review, membership consisted of:-

- Cllr Edwards
- Cllr Leadbetter (though did not attend)
- Cllr Musgrave (though did not attend)
- Cllr Sutton
- Cllr Thompson
- Cllr Wardle
- Cllr Wood
- Baan Al-Khafaji, City Solicitor and Head of HR
- John Street, Corporate Manager, Democratic Services and Civic Support
- Sarah Selway, Democratic Services Manager (Committees)
- Anne-Marie Hawley, Scrutiny Programme Officer

8.2 There were three main aspects to this Review:-

- i. To draw a comparison between Exeter and other similar sized Authorities in terms of the democratic services offer;
- ii. Whether the Constitution and Standing Orders remain fit for purpose;
- iii. To identify ways in which the structure and content of the Council's democratic processes might be streamlined and improved.

8.3 Prior to the first meeting of the Group on the 10th July, research was carried out so that a comparison could be drawn with other similar sized Local Authorities (Norwich, Cambridge, Sedgemoor and Taunton Deane) in terms of staffing, committees, number of meetings and available budget for Democratic Services.

8.4 It was quickly established that the workload of each Authority's Democratic Services' teams was not uniform and that Exeter services a wide range of meetings and provides extra support outside the Committee Structure and the Authority.

8.5 The work of Exeter City Council's Democratic Services Team has evolved over the last 3 months with the Team now providing a similar service to Teignbridge District Council (recently extended formally on a two year basis). This represents a positive step towards increasing collaborative working with our neighbouring Authorities and provides an opportunity to secure an income stream for Exeter City Council through Democratic Services.

8.6 It is fair to say that Exeter is about midway between the other Authorities in terms of the budget allocated for Democratic Services. There were some small anomalies such as number of Portfolio Holders and difference in number of Committees, but nothing substantial to indicate that Exeter needs to drastically re-consider budget, procedure, practice or process.

8.7 During the Review Group meetings, Members considered some specific aspects such as:-

- The appetite for revision of the work load of the Scrutiny Committees – are they working as effectively as possible in their current form and number?
- Is there merit in introducing the facility for public speaking at all Committees? Currently Exeter facilitates public speaking at Planning Committee and Scrutiny Committees only.

- Should there be a restriction on the amount of time Councillors have to speak or restricted to a right to reply or point of clarification?
- Should amended recommendations be projected onto a screen at respective Committee meetings before the vote is taken so that Councillors are absolutely clear as to what they are voting upon?

8.8 The Group considered the opportunity for Members, together with members of the public to speak on planning matters and it was confirmed that any Member could attend Delegated Briefings and that the Planning Member Working Group also provided Members with an opportunity to put forward their views and discuss significant issues or objections. It was clear that applications could be referred to the Planning Committee for full debate and consideration and that the general public could speak at the Planning Committee either for or against an application. Delegated powers (as authorised by Council) enabled planning officers to deal with simple applications and it was generally accepted by the Review Group that all of these mechanisms enabled the current planning process to work effectively and efficiently without exclusivity, providing sufficient opportunity for the involvement of Members and the general public alike.

8.9 The Group agreed that it would be useful for the Chairs of the Scrutiny Committees to attend Executive meetings to clarify discussion and debate in relation to large issues which would assist the Executive in understanding any Scrutiny Committees' recommendations. This would be particularly helpful in furthering Executive Members' understanding of the background of discussions around certain issues.

8.10 The second meeting of the Group took place on the 2nd August 2018 and concentrated upon the Council's Constitution and Standing Orders and whether these remained fit for purpose in their current form. An example of a recent change to Standing Orders was the provision of copies of those questions received from Members in accordance with Standing Orders, which in future will be circulated to all Councillors at the start of Council meetings.

8.11 The Group strongly agreed that a time limit for Councillors to speak at Council should not be imposed as this would interfere with the democratic process. Similarly negative amendments to motions should not be permitted as they can be confusing and contradictory by their very nature. Exeter City Council is distinct in that minutes of other Committee meetings are received by Council for noting (not approval) and this should continue.

8.12 An area which Members of the Group expressly discussed was how the public could gain a better understanding of the issues discussed and voted upon at Council meetings. It was not realistic to expect that those viewing the meeting via social media would have necessarily read the Agenda and so the Group considered that it would be helpful for the recommendations of the Executive to be highlighted thereby improving public understanding. The Communications Team could be asked to publicise, through social media before the Council meeting, the Agenda items to be discussed, specifically highlighting those of a prominent nature in terms of public interest and likely Council debate. This also followed feedback received by the Communications Team which indicated that the public mainly found it difficult to understand what is happening at Council meetings and it was felt that this could easily be addressed with the release of specific information prior to webcasting of the meeting.

8.13 It was established as useful for the minutes of all meetings to be taken on block (assuming that there were no recommendations contained within them) with the

Chair of the relevant committee being invited to move the minutes. This would continue to provide Councillors with the opportunity to raise questions on particular minutes but would enhance the public's understanding of proceedings. The Leader, when presenting the Executive minutes could introduce each minute individually upon which there is a recommendation contained. This would again enhance the public's understanding of proceedings as well as lending clarity to the voting process in respect of each and every recommendation.

8.14 In relation to members of the public or Councillors who submit questions to the Committee/s and then do not attend meetings, it was agreed that the question should still be dealt with in their absence as this supports an open democratic process.

8.15 To conclude this report, the Audit and Governance Committee are invited to agree with the Governance Review Group's findings that the Constitution and Council procedures largely remain fit for purpose subject to the slight alterations recommended within this report and that, in the main, the Democratic process and structure at Exeter City Council works well with a reasonable comparison drawn with other similar sized Authorities.

9. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, Economy safety and the environment?

A robust democratic structure and process that works efficiently and with transparency and open challenge means that Councillors individually and the Council as a whole can make well informed decisions which, invariably, might have an impact on some or all of these areas.

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Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:
None

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