

REPORT TO Executive & Council

Date of Meeting: 8th October 2019 & 15th October 2019

Report of: Corporate Manager, Democratic & Civic Support and City Solicitor & Head of HR

Title: Review of the Council's Governance Arrangements

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report sets out the recommendations of the cross party Working Group attached as an appendix to this report, set up by the Executive in June 2019 to review the Council's governance arrangements.

2. Recommendations:

2.1 That the Executive recommend to Council the following changes to Exeter City Council's constitution with effect from the 16 October 2019:

2.2 In relation to the Executive Council to agree:

2.2.1 The deletion of the Exeter convention requiring the Leader to allocate a seat on the Executive to a member from each political group.

2.2.2 That the opposition group leaders shall not be required to give notice under Standing Order 44 to speak on any item on the Executive Agenda.

2.3 In relation to the Council's Scrutiny arrangements, Council to agree:

2.3.1 The reduction to the number of scrutiny committees from three in number to two to be known as Strategic Scrutiny Committee and Customer Focus Scrutiny Committee;

2.3.2 To agree the terms of reference for these two Scrutiny Committees as set out in the appendix attached to this report;

2.3.3 To increase the membership of both scrutiny committees from 10 to 14 members.

2.3.4 For the avoidance of doubt, members of the Executive may not serve on either the Scrutiny Committees or the Scrutiny Programme Board.

2.2.5 To set up a Scrutiny Programme Board ("SPB") to be made up of one member appointed by the Leader together with the Chairs and Deputy Chairs of each of the two Scrutiny Committees.

2.2.6 To agree the terms of reference for the Scrutiny Programme Board as set out in the appendix to this report;

2.2.7 To cease the current practice of pre-scrutinising reports destined for the Executive.

2.4 In relation to enhancing public participation at Council meetings, Council agrees to:

2.4.1 To encourage public participation in city council meetings by agreeing public questions at Council meetings, the Executive and Scrutiny Committees as set out in the terms of reference attached In the Appendix to this report.

2.4.2 For the avoidance of doubt members of the public may not ask questions at annual council or special meetings.

2.5 Authorise the Monitoring officer to amend Exeter City Council's constitution to give effect to these recommendations.

2.6 In relation to Members allowances as a result of these changes, Council agrees:

2.6.1 To request that the Independent Remuneration Panel on Members' Allowances consider whether an allowance should be paid to:

- (a) Opposition Group Leaders ;
- (b) Holding the office of Scrutiny Committee and Planning Committee Deputy Chair,
- (c) And if so, the level of such allowances

2.6.2 Subject to 2.6.1 above, to agree a budget of up to £20,000 for the additional responsibility allowances created as a result of these changes.

2.7 In the event that recommendations 2.1- 2.5 are agreed, that Council agrees:

2.7.1 The appointment of 14 members to each of the two Scrutiny Committees;

2.7.2 The appointment of the Chair and Deputy Chair for the Strategic Scrutiny Committee;

2.7.3 The Appointment of the chair and Deputy Chair for the Customer Focus Scrutiny Committee,

2.7.4 The appointment of members to the Scrutiny Programme Board

2.7.5 The appointment of the Chair and Deputy Chair of the Scrutiny Programme Board.

3. Reasons for the recommendation:

3.1 Following a review of the Council's governance arrangements by a small cross party working party, changes to the Constitution and therefore the Committee process are suggested which, the Working Group feel would accelerate the decision making process and enhance transparency. The changes recommended are designed to encourage more public engagement and participation.

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

4.1 A review of the officer support particularly within the Democratic Services team, will now be undertaken to ensure that it remains appropriate for the new governance structure.

5. Section 151 Officer Comments:

5.1 The proposals suggest the introduction of special responsibility allowances for the Deputy Chairs of the two Scrutiny Committees, the Deputy Chair of Planning as well as for the Leaders of the Opposition Groups. This needs to be considered by the Independent Remuneration Panel, but could lead to an increase in the overall budget for Members' Allowances.

6. What are the legal aspects?

6.1 The Council's Executive arrangements were agreed and adopted by full Council following the introduction of the Local Government Act 2000. These recommendations are aimed at further refining the constitution in relation to the Leader and Cabinet model adopted at that time.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer has been working very closely with the working group appointed to review the Constitution within the agreed terms of reference and therefore this report raises no issues for the Monitoring Officer.

8. Report details:

8.1 The Executive at its meeting on 11th June 2019, (minute number 56 refers), set up a small cross party working group to review the Council's constitution so that it remains fit for purpose, and provides an efficient and effective decision making process for the Council.

8.2 This Group has met on two occasions and have prepared the attached document shown by way of Appendix to this report setting out its recommendations for changing and improving some of the governance arrangements for the Council.

8.3 The main elements proposed are:-

- To remove the existing convention which allows for Leaders of Opposition Groups to be members of the Executive, therefore meaning that all places are taken by members of the administration;
- To reduce the number of Scrutiny Committees to two, with each being increased to have a membership of 14 councillors (non-Executive members);
- To replace the current pre-scrutiny convention;
- To suggest that the Deputy Chairs of the two Scrutiny Committees be taken by members of the opposition groups;
- To allow public participation at Scrutiny Committees, the Executive and full Council via a 15 minute question time;

- To suggest an allowance for the leader of the two opposition groups, as well as introducing an allowance for the deputy chairs of the 2 new scrutiny committees, as well as the Deputy Chair of the Planning Committee.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 This decision will help ensure that a Council which provides value for money services is maintained, as well as allow members of the public to have a greater participation in the Council's decision making process.

10. What risks are there and how can they be reduced?

10.1 There are no risks associated with the proposals.

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

11.1 None applicable with this decision

12. Are there any other options?

12.1 To retain the current constitutional requirements.

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Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

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