

## REPORT TO EXECUTIVE

Date of Meeting: 5 October 2021

## REPORT TO COUNCIL

Date of Meeting: 18 October 2021

Report of: Corporate Manager, Democratic & Civic Support

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?

This report sets out the recommendations of the Governance Review Board, following its review of the changes made to the Council's governance arrangements in October 2019.

### 2. Recommendations:

That the Executive **RECOMMEND** to Council the following changes to Exeter City Council's constitution with effect from the 18 October 2021:

2.1 That Standing Order 44 be amended to state:-

- i. A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak **or ask a question** if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am on the day of the meeting to the Corporate Manager Democratic and Civic Support and has specified in the notice the particular agenda item or items on which he/she wishes to speak **or ask a question**.
- ii. Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak **or ask a question** on any items on the Executive agenda.

2.2 That the Petition Scheme to be amended to:-

- i. request that petition signatories must identify through the tick box facility on the petition form, which of the eligibility criteria of they live, work or study in Exeter, they are relying upon in signing the petition. Any signatories which do not so indicate, will not be included in those signatures which are accepted; and
- ii. state that all petition organisers will be given the opportunity to speak for up to five minutes on their petition, when it is considered at any appropriate Council body to which it has been referred. For clarity, this includes the provision for organisers of petitions of over 2,000 signatures, to do so at the appropriate Council body to

which it has been referred, as well as the ability to address the full Council when initially submitting the petition.

2.3 That Article 7.05 of the Constitution (The Executive) be amended to include the following paragraph:-

- (3) Executive members will, on allocation by the Leader of the Council, assume roles as Portfolio Holder with specific responsibilities. These responsibilities will be listed in Part 3 (b) the Council's Constitution. For clarity, not all Executive members may be allocated a Portfolio holder responsibility by the Leader of the Council.

The Executive to **RESOLVE**

2.4 To reinforce the focus of Scrutiny and manage the available resources to develop scrutiny training for all Members.

2.5 To continue to maximise the use of available resources for member training and development, including joint training with other authorities as appropriate.

2.6 To agree that Deputy Chairs of Scrutiny Committee will provide a leadership role to any Task and Finish Groups or Spotlight Reviews, as and when established.

2.7 To review the Council's representation on outside bodies, including the issue of an Annual Feedback Form to Members for the Outside Bodies on which they sit, and for such information to be presented to the Governance Review Board for consideration;

2.8 To establish an annual meeting of the Governance Review Board, which will consider any necessary amendments to the Council's governance arrangements, and present their findings to the relevant Council body for consideration and approval.

### **3. Reasons for the recommendation:**

Following a review of the Council's governance arrangements by a small cross party working party, particularly those introduced in October 2019, further changes to the Constitution are suggested which, the Working Group feel, would continue to improve the decision making process and further enhance public engagement.

### **4. What are the resource implications including non financial resources?**

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:**

There are no financial implications for Council to consider contained within this report.

### **6. What are the legal aspects?**

The Council's Executive arrangements were agreed and adopted by full Council following the introduction of the Local Government Act 2000 and amended in October 2019. These recommendations are aimed at further refining these arrangements as well as suggesting changes to the constitution as appropriate/necessary.

## **7. Monitoring Officer's comments:**

The suggested amendments contained in this report, and to the constitution, continue to improve the governance arrangements for the City Council, as well as enhancing public engagement as appropriate. They therefore raise no issues for the Monitoring Officer.

## **8. Report details:**

8.1 Members are reminded that the Council's governance arrangements were amended in October 2019, following a review of these arrangements by a small cross party review board. The main changes were:-

- To reduce the number of Scrutiny Committees to two;
- To replace the existing pre-scrutiny convention;
- To remove the previous convention which allowed a seat on the Executive for all opposition groups on the Council;
- To allow for public participation at Scrutiny Committees, the Executive and full Council, via the allocation of a 15 minute public question time.

8.2 In general these new arrangements have worked well, although it has to be said that the COVID-19 pandemic had an adverse effect on all operational issues, including Council decisions. In particular, the role of the Scrutiny Committees was very much re-focussed on the Council's response to the pandemic (both immediate and recovery), thereby meaning that the setting up of Task & Finish Groups and Spotlight Reviews, was very much restricted.

8.3 As a consequence of this, it is felt that the role of Scrutiny under the new arrangements should again be highlighted to all councillors. This should include training as and where appropriate, including the possibility of sharing such training with other local authorities. A separate Scrutiny section on the Council's intranet page will be introduced to further highlight the role of Scrutiny and its importance. The Scrutiny page will act as a central location for Councillor training, knowledge and development needs.

8.4 The Board referred to the enhanced public engagement offered by the introduction of the ability for members of the public to ask questions at meetings where the opportunity had not previously been afforded. In particular, meetings of the Council and Executive now regularly receive questions from members of the public. In all cases, there has yet to be an occasion when the 15 minute time period has been inappropriate to meet demands from the public; or that any member of the public had not been able to ask a question. It is therefore felt that the 15 minute timeframe for this be continued, but be reviewed at regular intervals.

8.5 In response to issues raised by Members, it is suggested that Standing Order 44 (Attendance at Committees, Sub-Committees, and Executive) be amended to provide clarity for all concerned, so as to ensure that Members requesting to speak in accordance with this Standing Order, be allowed to ask appropriate questions, as part of their ability to speak. Members felt that the previous interpretation of the

Standing Order (whereby members were only allowed to speak) was incongruous with the ability of members of the public to ask questions. Members also felt that it was part of the role of non-committee members to ask pertinent questions.

- 8.6 It was also suggested that in order to ensure questions being put forward to meetings of the Executive remain focussed, they should relate to matters on the agenda only and, if possible, be submitted in advance, so that a detailed and appropriate response can be presented at the meeting. The opportunity for supplementary questions will be available, but they should relate to the responses received to the original question.
- 8.7 For clarity, it was further felt that Standing Order 44 be extended to include details of the previous Council decision which allows Opposition Group Leaders to attend all Executive meetings, and speak on any item on the agenda without giving notice. It was further suggested that the ability for opposition group leaders to speak at such meetings, should be replicate that for all other Members, and include the ability to ask questions on matters on the agenda.
- 8.8 One of the other previous recommendations of the Governance Review Board in 2019, was to undertake a review of the Council's representation on Outside Bodies. Due to the COVID-19 pandemic, this has not happened, and the Board therefore requested that this review now be undertaken. As a first stage, it was suggested that a feedback form be developed which would be circulated to those Councillors who are appointed to outside bodies, to ascertain certain information relating to the worth of the Council continuing to appoint representatives to these bodies.
- 8.9 Reference was also made to the fact that the terms "Executive members" and "Portfolio holders" were both used – this was felt to be confusing to members of the public who may not consider that, in the main, these could be one and the same. It was therefore suggested that reference to these terms within the Constitution be amended, so as to give clarity that the Leader of the Council appoints members to the Executive, and may give some of them responsibilities as portfolio holders – any such responsibilities should be also detailed in the constitution.
- 8.10 The Board felt that to ensure that the constitution was kept up to date on all matters, particularly those of a governance nature, an annual meeting of the Board should be held. This would allow for there to be a continuing review of the new arrangements, as well as consider any further suggestions, with these then being forwarded to either the Executive or Audit & Governance as appropriate.
- 8.11 Finally, the Board received a written report from the Progressive Group which suggested further issues for consideration as part of a suggested wider review of the constitution. Those not considered as part of the Board's discussions at this meeting, would be considered at a future date.

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

This decision will help ensure that a Council which provides value for money services is maintained. It will ensure that openness and transparency is maintained by allowing for

appropriate questions to be asked at its meetings, as well as allowing members of the public to engage in the Council's decision making process.

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

There are no risks associated with the proposals.

#### **11. Equality Act 2010 (The Act)**

In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

#### **12. Carbon Footprint (Environmental) Implications:**

No direct carbon/environmental impacts arising from the recommendations.

#### **13. Are there any other options?**

To retain the current constitutional requirements.

#### **Corporate Manager Democratic & Civic Support, John Street**

Author: Corporate Manager Democratic & Civic Support, John Street on behalf of the Governance Review Board

#### **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

None

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