

REPORT TO EXECUTIVE

Date of Meeting: 9 January 2024

Report of: Director Corporate Services

Title: Update Briefing on the Governance Review Working Group

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

This report provides Members with an overview update on the work completed by the Governance Review Working Group, setting out an overview of the board's work, its original purpose and why it is considered that its work is complete.

2. Recommendations:

2.1 That the Executive note the content of the report and to note that the actions from the last meeting of the Governance Review Board, as detailed in 8.4 of the report, are being taken forward; and

2.2 Thanks be given to the Governance Review Working Group for their contribution.

3. Reasons for the recommendation:

To provide clarity to Members of the original purpose of the Governance Review Working Group and the reason why meetings are no longer proceeding.

4. What are the resource implications including non financial resources

None.

5. Section 151 Officer comments:

There are no financial implications for Council to consider.

6. What are the legal aspects?

None.

7. Monitoring Officer's comments:

This report raises no issues for the Monitoring Officer.

8. Report details:

8.1 On 11th June 2019 a report was presented to the Executive Committee with a proposal to set up a small cross party Working Group at the request of the Leader to review the Council's constitution so that it remained fit for purpose and to bring a report

back to the Executive in October 2019. The working group was tasked to look into the following:

1. To review the size and membership of the Executive, and to consider: -
 - Whether the “Exeter Convention” to have representatives from the opposition groups sitting on the Executive should continue;
 - Whether individual members of the Executive should be given delegated powers to determine certain non-Key Decision and non-operational matters (rather than the make decisions collectively at executive meetings) as has been the custom and
 - The frequency of Executive meetings;
2. To review the continuing appropriateness of the current committee structure including:
 - The number of Scrutiny Committees, their terms of reference and their responsibilities;
 - Whether it is appropriate to continue with the pre scrutiny system devised locally; and
 - The size and frequency of Scrutiny meetings, together with their Chairmanship.
3. To review and amend the various articles of the constitution as a consequence of the above as appropriate;
4. To review the scheme of Delegations to Officers as a consequence of the above above as appropriate;
5. To review the Council’s representation on Outside Bodies bearing in mind the Council’s agreed priorities and limited resources; and
6. To ask the Independent Remuneration Panel to consider the impact of any changes made as a consequence of the above on the Council’s approved Scheme of Members Allowances.

A report was brought back to Executive on 8th October 2019 setting out the recommendations of the cross-party Working Group and was approved by Council 15th October 2019. A link to the report is as follows:-

<http://committees.exeter.gov.uk/documents/s71399/Report%20-%20Review%20of%20Constitution.pdf>

8.2 Why the Governance Working group continued once it has fulfilled its purpose

At the Executive Committee in October 2019, it was agreed that the new arrangements would be reviewed in September 2020. However due to the Covid lockdown period, the Group did not reconvene until September 2021 to review the arrangements. Some amendments were put forward as part of the review and taken as a report to Executive Committee and Council in October 2021.

The Governance Review Board met again in August, November and December 2022, to review the arrangements again. However, the scope of the group’s work was expanded - there was mission creep that led to additional items being considered beyond the scope of the original remit (as described in paragraph 8.1 above).

8.3 Why the meetings were concluded

A report had been prepared for Executive in April 2023 and was reviewed at the pre-Executive briefing meeting. At that meeting, it was observed by the Leader and officers that the remit of the group seemed to have expanded from its original purpose and some of the functions duplicated the role of the Audit & Governance Committee, leading to confusion around governance.

It was agreed that the work of the Governance Review Board had concluded and therefore no further meetings were required. The role of the Audit and Governance Committee would continue to monitor the Council's constitution having regard to any report of the Council's Monitoring Officer, as the statutory officer responsible for maintaining the constitution.

8.4 Discussion with group leaders

The Leader of the Council and the Chief Executive having discussed these issues at a meeting with other political Group Leaders, suggested that the recommendations of the report be picked up through the appropriate channels and/or referred to an existing committee as outlined below.

- The formation of a Strategic Scrutiny subcommittee, to review and monitor the work related to the climate emergency and ecological crisis. A proposal for a Climate Change Sub Committee was agreed in Principle at the meeting of the Strategic Scrutiny Committee in September 2023, subject to a meeting with relevant Members and Officer to discuss the way forward. This meeting has now taken place and an agreed way forward has been reached.
- Any amendments to the constitution suggested will be considered by the Monitoring Officer as the responsible Officer.
- Tabling of questions as requested by the group is now in operation.
- A review of the outside bodies on the work they have undertaken, number of meetings and relevance for retaining Councillor Membership was agreed at Council in July 2023. Letters were sent to all outside bodies requesting details of their work to ensure they remain appropriate for maintaining Councillor Membership and a report will follow.

A Members Briefing by the Director Corporate Services has also been suggested by the Chief Executive on the role and responsibilities of a Councillor who has been appointed to an outside body.

- The Lord Mayor's handbook would be reviewed by the Mayoralty team in regard to inviting representatives from other religious faith groups to Council meetings, as well as undertaking the Chaplaincy role to the Lord Mayor, whilst being respectful to the Lord Mayor's faith. A process has also been put in place for terminology used for requesting Members who are able to, to stand when requested to do so. Prayers will be taken prior to the formal commencement of the meeting. Other equalities issues relating to the Guildhall will be addressed by the Mayoralty team accordingly.
- A review of meeting commencement times with other authorities would be looked at, if relevant as part of any future review of the constitution if considered necessary.

- All Members would be sent an Annual Survey relating to their experience of being a Councillor, which would be considered by the Strategic Management Board (SMB).

8.5 All minutes of the Governance Review Working Group are available to Members on the internal intranet to view.

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

The Audit and Governance Committee will continue to monitor the Council's constitution and have regard to any report of the Monitoring Officer, as the statutory officer responsible for maintaining the constitution, to ensure a well-run Council.

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

None.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report is for information only

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

None, the Governance Review Working Group was not a formally constituted meeting and has completed its initial purpose. Governance matters will remain with the relevant committees and officers.

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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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