

The following are extracts from a report submitted to the Council's Policy and Resources Committee on 15 February 2000

THE GOVERNMENT'S DEMOCRATIC RENEWAL AGENDA

NEW POLITICAL MANAGEMENT STRUCTURES

1. Purpose

- 1.1 To seek the Committee's initial instructions in relation to the establishment of new political management structures.

2. Summary

- 2.1 The Democratic Structures Working Group has met on several occasions to consider how the Council's executive and scrutiny bodies might be established, and what their terms of reference might be.
- 2.2 The discussions have now reached a position at which it would be useful to obtain this Committee's approval to an outline structure and broad terms of reference. This will form the basis for further detailed work by the Working Group and officers.

3. Proposals

- 3.1 That the structures and decision-making processes, outlined in **Annex A**, be approved for implementation with effect from the Annual Council Meeting on 23 May 2000.
- 3.2 That further work be carried out in relation to the preparation of constitutional documents; rights, responsibilities and roles of Members, area/locality issues, partnerships and consultative assemblies, protocols, and all other outstanding matters, with a view to details being considered by this Committee at its meeting on 29 March 2000.
- 3.3 That the new structures be reviewed by January 2001, prior to a final scheme being submitted to the Secretary of State by 31 March 2001.

- 3.4 That the position of a civic ceremonial Mayor be continued, but that, once legislation permits, the post holder should no longer act as Chair of the Council.
- 3.5 That the membership and role of the Business Management Group be reviewed once the legislation is enacted and it no longer needs to consider Executive recommendations.
- 3.6 That an interim scheme of Members Allowances be prepared within the current budget allocation, pending the report of the proposed Independent Panel.
- 3.7 That the Committee endorses the principle of devolvement of powers to Parishes and agrees that the Parish and Neighbourhood Councils be openly consulted on potential devolved decision making processes, with at least a view towards establishing a pilot scheme or pilot schemes in future, and that cross party agreement be sought to approve the consultation documentation and procedure.

4. **Background**

- 4.1 Since September 1998, the Council has been considering how it will respond to the government's plans to change the format of local authorities' political management structures. In September 1999, a Democratic Structures Working Group was established and has met frequently since then. Having established some areas of common agreement, this Working Group has progressed to consider a detailed paper on what the new structure might look like, and how each of the groups might operate.
- 4.2 During the life of the Working Group, the Government has published the Local Government (Organisation and Standards) Bill, its response to the views of the Joint Committee of the House of Lords and the House of Commons, and Consultative Drafts of Proposed Guidance and Regulations. The Bill itself is presently completing its passage through the House of Lords prior to being introduced into the House of Commons. It is likely to pass into law during this Parliamentary Session, and councils will be required to propose schemes to the Secretary of State early in 2001 for implementation by April 2002. The Working Group's proposals are broadly in accordance with the Government's expectations.
- 4.3 The Council has already agreed to move to an experimental scheme at the earliest opportunity. The Democratic Structures Working Group believes that new structures should be implemented from the Annual Council Meeting in May 2000 so that a review can take place by January 2001, prior to a longer-term scheme being submitted to the Secretary of State's deadline of May/June 2001.
- 4.4 The Committee has previously agreed the division of executives and scrutiny lead roles at officer level (Minute PR77/00 refers), and detailed staffing support structures have now been established and will be implemented in accordance with normal procedures.

5. **Issues and Choices**

- 5.1 The Democratic Structures Working Group has considered a wide range of issues associated with the possible new structures, and has been clear throughout that the new structures need to:
- (a) improve the quality and efficiency of Council decisions;
 - (b) be transparent and open;
 - (c) afford the opportunity for real scrutiny of the Council's activities, policies and budgets;
 - (d) be understandable and accessible for the community; and
 - (e) develop the representational opportunities for Members.
- 5.2 The Working Group has now reached a position where it can submit an outline proposal for a structure which meets these objectives. It has suggested that the proposals be implemented with effect from the Annual Council Meeting in May 2000, with a review in January 2001, so that a final submission can be made to the Secretary of State by the end of March 2001, to meet the Government's timetable.
- 5.3 **Annex A** provides an outline of the proposed structure, and broad terms of reference for each of the bodies in the structure.
- 5.4 If this structure is approved, detailed work will progress on the development of:
- (a) Executive and non-executive Member roles;
 - (b) Member services and training;
 - (c) Partnerships and consultative arrangements;
 - (d) Co-options;
 - (e) Constitutional Documents (Standing Orders, Scheme of Delegation, Financial Regulations);
 - (f) Protocols;
 - (g) Communication and Information Management; and
 - (h) Scrutiny and Best Value programmes.
- 5.5 One of the fundamental positions of the Working Group is that the position of ceremonial Mayor should be removed as far as possible from the political arena.
- 5.6 The Working Group has had several discussions about how local issues might be dealt with under the new arrangements, and the extent to which Parish and Neighbourhood Councils can be involved. The Working Group has suggested that a consultation exercise

be carried out to establish the views of Parish and Neighbourhood Councils, with the possibility of a small number of pilot arrangements being introduced.

NEW DEMOCRATIC STRUCTURES - THE DECISION-MAKING PROCESS

1. The Council's Business

(a) Council

- it will meet twice a year, in May and February/March
- it will be chaired by the Mayor
- at the Annual Meeting in May, it will:
 - elect the Mayor
 - appoint the Deputy Mayor
 - appoint the Leader of the Council
 - determine the political composition of the Executive
 - appoint those Members who will serve on the Executive
 - appoint those Members who will serve on the Scrutiny Committees, in accordance with the Local Government and Housing Act 1989 (political proportionality)
 - appoint the Chair and Vice Chair of the Council Assembly
 - appoint quasi-judicial committees; and
 - put in place any other constitutional arrangements for the yearon the recommendation of the Council Assembly
- at the February/March meeting, it will set the Council Tax Base and the Council Tax for the ensuing year, on the recommendation of the Council Assembly
- its meetings will be open to the public in accordance with the Local Government Act 1972
- it will only meet on other occasions when statute requires

(b) Council Assembly

- it will comprise all Members of the Council
- it will be chaired by a non-executive councillor elected by the Council
- it will meet monthly except for April and August
- its meetings will be open to the public in accordance with the Local Government Act 1972
- its agenda will be set by the Business Management Group
- it will:
 - act as the Council’s Social Services Committee, pending further legislation
 - consider and adopt the annual performance plan
 - debate and determine other major strategic policies of the Council
 - determine the annual General Fund, Housing Revenue Account and Capital budgets
 - recommend the Council Tax Base and the Council Tax to the Council
 - determine constitutional matters
 - resolve matters where agreement between the Executive and the Scrutiny bodies cannot be achieved within the prescribed procedures
 - determine all matters which do not fall within the remit of any other body
 - appoint and determine the remit of the Policy Review Forums and alter bodies as required
 - provide a forum for debate in public on matters of major interest

Note: The ‘major strategic policies’ of the Council will include:

- Annual Library Plan
- Best Value Performance Plan
- Children’s Services Plan

- Community Care Plan
- Community Partnership Plan
- Crime and Disorder Reduction Strategy
- Development Plan
- Early Years Development Plan
- Education Development Plan
- Local Transport Plan
- Youth Justice Plan

(c) The Business Management Group

- it will have 5 to 7 Members
- its composition will reflect the political composition of the Council
- its membership will include the Leader of the Council (or a representative), the Leaders of the other political groups (or their representatives) and a representative of the scrutiny bodies
- it will be chaired by the Chair of the Council Assembly
- it will determine the frequency of its meetings
- its meetings will be open to the public in accordance with the Local Government Act 1972
- it will set the agenda for Council Assembly meetings
- it will approve or refer back to the Executive matters referred to it with a recommendation from the Executive which have not been called in
- it will manage the flow of business between the Executive, the Scrutiny bodies and the Council Assembly, including establishing protocols to limit the number of times a recommendation from the Executive can be subject to scrutiny before it is automatically referred to the Council Assembly
- it will publish a regular information sheet which summarises the decisions which have been made and its decisions on the process for dealing with unresolved matters
- it may recommend the establishment of ‘task and finish’ Select Committees to investigate specific matters as appropriate, either on its own accord or after consideration of a recommendation of either the Executive or a Scrutiny body

- it will keep under review the remit of the Policy Review Forums and suggest amendments to the Council Assembly for decision

2. The Work of the Executive

The Executive

- it will have 7 Members
- it will be chaired by the Leader of the Council
- it will determine the responsibilities to be allocated to each of its Members
- it will determine the frequency of its meetings and whether they will be open to the public
- at the point of making formal recommendations the meetings of the full Executive will be open to the press and public, with agendas and supporting papers published in advance, subject to the provisions of the Local Government Act 1972
- it will keep under review the Council's objectives and priorities and propose changes as appropriate
- it will maintain a strategic focus for the Council
- it will propose an annual performance plan and other key strategies and plans
- it will propose the annual General Fund, Housing Revenue Account and Capital budgets
- it will, by whatever means it deems appropriate, make recommendations on matters for decision which are not delegated to officers or where delegated powers have not been used
- it will record the issues and advice it has considered in reaching its recommendations
- it will convey its recommendations to all councillors and the public in accordance with the 'calling in' procedure
- it will play a full part in the development of the Council's policies through the work of the Policy Development Panels
- it will foster the Council's community leadership role by encouraging joint working between the Council and other organisations
- it will lead the Council's partnership work and ensure that the Council plays a full part in partnership working
- it will lead the Council's Best Value service reviews and the implementation of the recommendations arising from the reviews

- it will ensure that the community is enabled to participate in the decision-making processes and work of the Council whenever appropriate and desirable
- it will ensure that effective arrangements are in place to establish a positive image for the Council and the Borough at local, regional, national and international levels
- it will carry out its functions either collectively or within approved delegations to individual Executive Members or groups of Executive Members

3. Scrutiny

(a) The Scrutiny Committees

- there will be 4 standing Scrutiny Committees with the following remits:
 - Treasury
 - Housing, Social Affairs and Health
 - Environment, Transport and Localities
 - Learning, Community and Economic Development
- each Committee will have 7 Members, and will reflect the political balance of the Council
- each Board will elect its own Chair from among its membership, in accordance with a scheme which will seek to reflect, as closely as possible, an allocation of Chairs to the various political groups in accordance with the proportion of seats which they hold on the Council
- each will consist of no more than 7 non-executive members
- each will hold scheduled meetings four times per year but may meet on other occasions as circumstances require
- their meetings will be open to the public in accordance with the Local Government Act 1972
- each will ensure that the work of the Council within its remit is properly and effectively scrutinised and for this purpose will adopt an annual planned programme of reviews, as well as scrutinising policy recommendations, operational recommendations, implementation of decisions and service delivery
- each will be able to invite ‘expert witnesses’ to give evidence in support of its enquiries

- each will ensure that matters which are ‘called in’ which are within its remit are considered within as short a timescale as is practicable and will stand ready to be called on a set day/date each month to facilitate this process
- each will scrutinise the reports of the Council’s Best Value reviews which are relevant to its remit
- each Scrutiny Committee may scrutinise the work of relevant partnerships and other agencies
- each will have the opportunity to play a full part in the development of the Council’s policies through the work of the Policy Review Boards where they are relevant to the remit of the Scrutiny Committee
- each will contribute to the preparation of an annual report on the Council’s scrutiny work

(b) The Select Committees

- each Select Committee will be set up by the Business Management Group to investigate a specific matter
- there will be no more than 3 Select Committees in operation at any one time
- each will consist of no more than 7 Members
- their meetings will be open to the public in accordance with the Local Government Act 1972
- the membership will reflect the political balance of the Council
- each Select Committee will elect its own Chair in accordance with a scheme which will seek to reflect, as closely as possible, an allocation of Chairs to the various political groups in accordance with the proportion of seats which they hold on the Council
- each Select Committee will be disbanded once its task is completed
- each Select Committee will be able to invite appropriate ‘expert witnesses’ to give evidence as part of its investigation
- each Select Committee will report, and make recommendations in accordance with its terms of reference

4. Policy Review Forums

- there will be 2 Policy Review Forums
- they will consist of Executive and Scrutiny councillors

- they will have 7 Members
- all Members of the Council will be invited to attend
- they will determine their own timetables
- as informal bodies, their meetings may or may not be open to the public
- they will submit their proposals to the Executive in the first instance for consideration in the normal way
- the remit of each panel will be kept under review and may be changed in response to changing circumstances by the Council Assembly on the recommendation of the Business Management Group

5. Quasi-Judicial Bodies

- the Annual Meeting of the Council will appoint the Members of the Licensing and Enforcement Committee (which will include in its remit health and safety at work legislation, environmental protection and registration of care establishments - 5 non-executive members), the Development Control Committee (9 non-executive members) and Appeal Commission (10 non-executive members) and the Standards Committee (5 non-executive members) all of which will reflect the political balance of the Council
- in addition the Standards Committee will have an independent person as its Chair
- each of the other quasi-judicial Committees will elect its own Chair in accordance with a scheme which will seek to reflect as closely as possible, an allocation of Chairs to the various political groups in accordance with the proportion of seats which they hold on the Council
- the Licensing and Development Control Committees will each meet every calendar month, with the other Committees meeting as necessary
- appeals bodies will be drawn from the Appeals Commission as necessary in accordance with a scheme to be devised

6. Other Bodies

- other bodies will be appointed from time to time by the Council Assembly with appropriate membership