

PROCEDURES COMMITTEE

4 July 2018

Present:-

Councillors C Chugg, J Hart, S Hughes, R Hannaford and C Wright

Apologies:-

Councillors S Aves, A Connett and N Way

* 30

Minutes

RESOLVED that the minutes of the meeting held on 18 April 2018 be signed as a correct record.

* 31

Items requiring urgent attention

There was no item raised as a matter of urgency.

32

Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee

The Committee considered the Report of the County Solicitor (CSO/18/22) on proposals for the establishment of a Joint Scrutiny Committee, to provide a strategic scrutiny function of the Local Enterprise Partnership (LEP).

The Report highlighted the content of the Mary Ney report, Review of Local Enterprise Partnership Governance & Transparency, which had been published in October 2017 and the Committee noted the advice within that Report that Scrutiny arrangements should be in place to monitor decision-making and achievements of the Local Enterprise Partnership (LEP). There was no current legislative framework for elected Member Scrutiny, but statutory guidance was anticipated in the next few months.

On a local level, there was no collective local authority scrutiny arrangement in place for the HotSW LEP and the Annual Conversation process for the HotSW LEP with the Government identified them as not being compliant in relation to Scrutiny. Future LEP funding from Government depended on the LEP having compliant local arrangements in place in conjunction with local authorities and Scrutiny was identified as a key area for improvement.

Mr Garcia, Chief Executive of the HotSW LEP therefore approached Somerset County Council (administrative authority for the LEP), with a formal request to urgently address the lack of compliant Scrutiny arrangements.

The Committee noted that other options had been considered such as LEP attendance at relevant existing Somerset County Council and Devon County Council Scrutiny Committees or using the HotSW Joint Committee, but neither option was considered sufficient by the Government.

The aim therefore was to develop a proposal for a formal joint LEP Scrutiny arrangement with Elected Members involved in the Scrutiny function, but independent of existing Scrutiny Committees, with a focus on strategic Scrutiny of the LEP and its strategies but ensuring there was no 'removal' of local scrutiny 'rights'.

Officers from Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council met and proposed potential terms of reference for how a joint Scrutiny

Committee might work and on 30th May 2018, both Officers and Members from Devon County Council, Somerset County Council, Plymouth City Council, Torbay Council and West Somerset District Council held a meeting / review session at Devon County Council to consider and discuss the proposed terms of reference, the final version of which was attached at Appendix 1 to the Report.

The current proposals were light touch and appropriate in the absence of any such guidance, but of course may need to be revisited in light of the anticipated statutory guidance.

The Committee also noted that similar recommendations were being made to the other strategic authorities with direct representation on the proposed Joint Committee. If the recommendations were agreed by the four Councils, invitations would be sent to the District Councils in both County areas to invite the appointment of district representatives in accordance with Appendix 1.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

RESOLVED

(a) that the implementation of a Joint Scrutiny function (Committee) for the Heart of the South West Local Enterprise Partnership (LEP) be approved and the Terms of Reference and Operating Procedures, as outlined in appendix 1, be endorsed, together with the required amendments to the Constitution, reflecting the new joint arrangements and Delegation of the Overview and Strategic Scrutiny of the LEP functions (as outlined in the roles, duties and responsibilities of appendix 1); and

(b) that Devon County Council becomes the host Authority to support the new Heart of the South West Local Enterprise Partnership (LEP) Joint Scrutiny Committee, which will operate under the Standing Orders of Devon County Council.

* 33

Member Development - External Opportunities

The Committee considered the Report of the County Solicitor (CSO/18/23) on proposals to extend the current Member Development offer in light of externally offered opportunities.

The Report outlined Minute *21 from the Procedures Committee from February 2018 which RESOLVED to look at the Member Development Strategy with a particular focus on how Members were supported to access learning opportunities provided by external providers.

This matter had also been raised at the Member Development Steering Group.

The Report highlighted that Councillors were supported to develop through different methods depending on needs identified as part of one to one interviews. This included Self-Development, Scrutiny Masterclasses, Briefings before Full Council, E-learning, Shared Service learning events, Bespoke Training Events and Approved Conferences.

Currently, attendance at any other conference(s) (other than those approved) required the specific approval of the Leader of the Council, with a presumption that attendance would not be permitted unless a case was made.

More recently, there had been a small number of events that might have supported a Councillors development and / or helped with a specific piece of work, for example courses provided by CIPFA, LGA and CCN.

The Report proposed a way forward to ensure the best use was made of training opportunities and the greatest value was achieved. It was suggested that a framework of conditions could be applied to any opportunity to complement the current limited list which included;

- that an expression of interest in a course needed to be submitted to the Democratic Services and Scrutiny Team - ideally a month before the date of the training in question;
- the attendee must have undertaken a Personal Development Interview (within the last 12 months);
- the applicant to demonstrate practical application of the training in their role at Devon County Council (for example in their work as Chair of a Scrutiny Committee); and
- an undertaking to share the learning from the development opportunity either through a simple written template and/or through a presentation of the learning as appropriate.

If more Members applied for training than there was a budget, there would need to be a competitive consideration with the final decision being made by the budget holder for this area, the Head of Democratic Services, in liaison with the Leader of the Council as appropriate.

Members highlighted that events such as the LGA and CCN should be the focus as opposed to more commercial events.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hughes, and

RESOLVED that the framework outlined at section 4 of the Report be endorsed, but with the caveat that other mechanisms be explored first, such as training provision through the South West shared service or South West Councils.

34 Delegation of Off Street Parking Processing Functions

The Committee considered the Report of the County Solicitor (CSO/18/24) on the delegation of functions in relation to off-street parking.

The Report outlined that Exeter City Council was responsible for off street parking pursuant to the Road Traffic Regulation Act 1984 and had a number of car parks for the purposes of providing off street car parking within its administrative boundary. The County Council was responsible for on-street parking and had a team of officers providing back office support to its on-street car parking function.

The County Council and City Council wished to enter into a delegation agreement for the County Council to undertake on behalf of the City Council certain parking services. The County Council's Traffic Management Team were committed to sharing the benefits of the anticipated economy of scale.

The proposal was to assist Exeter City Council in the processing and handling of penalty charge notices issued in their off-street parking areas and a delegation to allow the County Council to provide services, including the handling of appeals and debts. This would be a three-year agreement which would also include accommodation for DCC operations staff. The processing service provided would be of equal value to accommodation so effectively a nil financial transfer.

In line with Article 4 of the Constitution 'Functions of the full Council', the decision whether or not to accept a delegation of functions from another Local Authority was reserved to the Council.

It was **MOVED** by Councillor Hughes, **SECONDED** by Councillor Hannaford, and

RESOLVED that the Committee recommend to the Council the following delegation of function in relation to off-street parking:

The provision by the County Council of a fully managed service (utilising County Council staff and back office IT system) to process the Penalty Charge Notices issued by the City Council, in respect of its off-street carparks, the specific functions fully outlined at appendix 1 to the Report.

* **35** **Notices of Motion at Council**

The Committee was asked to consider whether there should be a restriction on the numbers of Motions submitted by individual Members for a single meeting.

Members discussed the objective of Notices of Motion in that they should be holistic and affecting the County as a whole as opposed to singular or local issues.

They further discussed the alternatives to submitting Motions such as the current facility for asking formal Questions, the Cabinet Member Reports process and also the role of Group Leaders advising their Group on the most appropriate mechanism for achieving a particular objective.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hannaford, and

RESOLVED that Group Leaders be asked to remind their Groups of the processes and facilities that exist under the current Standing Orders and also highlight the purpose of Notices of Motions submitted ensuring Members use the best mechanism to achieve their aims.

36 **Cabinet Member Reports at Council - Responding**

The Committee was asked to consider the current process in relation to Cabinet Member Reports at Council, in particular the Cabinet Member responding and / or concluding after giving their Report.

The current process, as outlined in the Constitution, was circulated with the agenda and highlighted that the Cabinet Member should first present their Report and make any statement(s) in response to any matter specifically requested by a Member.

Councillors may then comment upon or ask a question of the Cabinet Member on any matter referred to in their Report or relating to their Cabinet remit. The Cabinet Member then responded to any such comments or questions immediately before the conclusion of the item.

Members were asked to consider whether the current process was sufficient or whether Cabinet Members should be responding to each point raised by other Members of the Council individually.

Members then discussed the importance of flexibility for Cabinet Members in how they might wish to respond.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hannaford, and

RESOLVED that for a trial period, Cabinet Members can either respond to all matters raised, in line with the current process or, if preferred, take three questions at a time (posed by Members of the Council) and respond accordingly before taking further questions. During the Council meeting, the Chair of the Council will ask Cabinet Members how they wish to proceed when responding.

* **37** **Chair's Room**

Members were asked to consider the Chair's room in the Committee Suite Corridor, currently known as the 'Chairman's Room' and give consideration to renaming the room 'Hooper' in

memory of Rob Hooper, former Head of Democratic Services, who had recently passed away, but had served the Council, Councillors and Local Government for 47 years.

The Committee rooms, traditionally, had been named after former Chairs of the Council. Members, therefore, expressed their wish for a more appropriate memorial to remember Rob, for example, a tree and / or bench with appropriate plaque, in the grounds of County Hall.

RESOLVED that the Head of Democratic Services be asked to liaise with Rob Hooper's family to gauge their views on a suitable memorial.

* **38** **Electoral Review of North Devon District Council - Final Recommendations**

The Committee received the Report of the County Solicitor which outlined that the Local Government Boundary Commission for England had, on 8 May 2018, written to the Chief Executive outlining the final recommendations on the future electoral arrangements for North Devon District Council.

The Committee noted that the final recommendations proposed that North Devon District Council should have forty-two Councillors, which was one fewer than the current number.

Those Councillors should also represent five three-councillor wards, seven two-councillor wards and thirteen one-Councillor wards across the District. North Devon District Council would have twenty-five wards, two fewer than current.

The boundaries of twenty-two wards would change, but five would stay the same. A detailed report on the recommendations and interactive mapping was available on the website at: www.lgbce.org.uk.

* **39** **East Devon Review of Polling Districts, Places and Stations**

The Committee was made aware of the East Devon Review of Polling Districts, Places and Stations, which had been necessitated by the approval of the new electoral arrangements on 13th June 2017 by the Local Government Boundary Commission for England.

The consultation period for this review of Polling Districts, Places and Stations ended on 6 July 2018 and all representations must be made by 5pm on that day.

The County Council were a consultee in this Review and the Committee noted that all East Devon County Councillors had been informed to ask if there were any matters to which they would wish the Council to refer to in any response. The Head of Democratic Services updated the Committee on the responses received so far.

Members also noted that they were able to make representations in their own right.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Hannaford, and

RESOLVED that the County Council response be prepared using the views and comments of the Local Members.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 11.30 am