

PROCEDURES COMMITTEE

6 February 2019

Present:-

Councillors C Chugg, J Hart, S Hughes, F Biederman, A Connett, R Hannaford and C Wright

Apologies:-

Councillors S Aves and N Way

* **52** **Minutes**

RESOLVED that the minutes of the meeting held on 7 November 2018 be signed as a correct record.

* **53** **Items requiring urgent attention**

There was no item raised as a matter of urgency.

MATTERS FOR DECISION

54 **Report of the Independent Remuneration Panel - Members Allowances**

The Committee considered the Report of the Independent Members' Allowances Remuneration Panel for 2019. The Head of Democratic Services presented the Panel's Annual Report, on behalf of the Panel, highlighting specifically:

- that the conclusions and recommendations made by the Panel had been based on sound evidence;
- the Panel felt it was better to raise allowances incrementally, rather than being allowed to fall behind; and
- in view of the rise previously awarded, the Panel had conducted a more 'light touch' review for 2019.

Members welcomed the Panel's acknowledgment that while historically there had been little scope for improvement, the structure of the County Council's scheme remained fit for purpose with sound principles and noted that, in commending its Report to the Council, the Panel had not suggested any significant changes to the structure of the Council's scheme.

The Panel had nonetheless recommended a small number of amendments to the Scheme in support of their view that allowances should keep pace with the economy generally and that consideration should be given by the County Council to the uprating of basic and special responsibility allowances, as set out in Appendix 1 of its Report.

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

RESOLVED

(a) that the Report of the Independent Panel be welcomed and its Members be thanked for their work;

(b) that the Committee notes the Report's conclusions and recommends the County Council accept recommendations (a) to (g), as outlined below.

- (a) The basic structure of the current scheme is endorsed and retained;*
- (b) From May 2019, the Basic Allowance is increased to £12,859 (which includes the agreed 2% pay award for 2019) and the multipliers be recalculated accordingly. (See Appendix 1 for revised figures);*
- (note: £12,859 is the allowance rate for 2018 uprated in line with the 2% staff pay award)*
- (c) that the overnight rate for London be increased to £149.00, in line with the rates calculated by Price Waterhouse Cooper for the average daily rate (ADR) for London*
- (d) Careful consideration should be given, in the future, to the levels of allowances to ensure they keep pace with the economy generally;*
- (e) The sustained reduction in the number of SRA's be welcomed and that the levels be kept below the 50% threshold, as is currently the case;*
- (f) The Panel keep a watching brief on the Devolution / Combined Authority Agenda to assess any impact on allowances;*
- (g) Current procedures for performance management could be strengthened and that Group Leaders take a robust approach to the performance management of their Members.*

* **55** **Notices of Motion at Council - Consideration of Alternative Ways of Working**

The Committee considered the Report of the County Solicitor (CSO/19/5) outlining how other Authorities dealt with Notices of Motion both at Council meetings and when they returned to the Council following consideration by the Cabinet, and presented a series of options for revising the process, which Members were asked to consider, notwithstanding no change to processes was also an option.

The Report outlined the current process for submitting and debating motions, as outlined in the Constitution, including the automatic referral to the Cabinet or other relevant Committee and also how the Cabinet recommendation (Cabinet minute) was dealt with at the Council meeting.

The Committee also noted the subject matter of motions submitted to the Council over the last three years.

The Report gave some background research on how other Authorities dealt with submitted Notices of Motion, including deadlines for submission (some requiring as many as 10 clear days), the distinction between Executive functions, referring Motions to the most appropriate decision making body, and also the presumption in some authorities that Notices of Motion which related to Executive functions did not come back to the Council at all.

The Report made suggestions for change including the current scope for the submission of Motions, how Motions were formally moved at the Council meeting, potentially changing standing orders to permit Members to speak on the content of the Motion and then how motions were treated and dealt with when they came back to the Council meeting for debate and determination.

Members discussed their ability, using the motions process, to bring matters to the Council that were of public interest, potential time limits for dealing with motions at Council meetings, other methods of debating issues (for example, spotlight debates), how other authorities / public bodies organised debates and how Members brought issues forward for debate generally.

Members also stressed the importance of not overloading the Council agenda with too many motions.

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

RESOLVED that a working group be established, comprising Councillors Chugg, Wright and Connett, to consider alternative mechanisms, including best practice from other Local Authorities / Public Bodies and also the issues raised in the Report and that the working group report back to the Committee in due course.

56 **Cabinet Member Reports - Deadlines for Submission**

The Procedures Committee was asked to consider the current deadlines for submission of requests for Cabinet Member Reports for the Council meeting. The current process was outlined on the agenda, as replicated below.

A regular item shall be placed on the agenda of all meetings of the County Council (Standing Order 5(1)(k) refers) to enable Cabinet Members to report, save in exceptional circumstances, in writing, on:

- *any decisions taken by the Cabinet (i.e. key decisions) or by them under delegated powers (i.e. routine matters); and*
- *any other areas of interest or service related developments relating to his/her remit that may have occurred since the previous meeting or are likely to impact on the service in the coming months; and*
- *any other issue or matter specifically requested by a Member (by no later than 12 noon on the day before the meeting), which cannot adequately be covered by the opportunity that already exists under Standing Orders for Members to submit a Notice of Motion or written questions to Cabinet Members or Chairs of Committees relating, particularly, to factual and local issues.*

Members noted the pressures on service areas to respond to such requests the day before the meeting and also highlighted the importance of having a mechanism to report on urgent matters.

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

RESOLVED that the current deadline for submission of requests for Cabinet Member reports for the Council meeting be amended to be brought into line with the deadline for submission of questions (12 noon, four working days before the meeting).

57 **Notice of Motion - Heart of the South West Joint Scrutiny Committee (Local Enterprise Partnership)**

The Committee considered the factual briefing note provided by the County Solicitor (CSO/19/3) in response to the Notice of Motion previously submitted to the Council Meeting on 6 December 2018 and referred to the Procedures Committee under Standing Order 6(6).

The factual briefing note had been prepared in order to facilitate the Committees discussion of the Notice of Motion outlined below:

This County Council welcomes the fact that the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee has now met, but believes that for effective scrutiny to take place:

(1) two of the Council's four places on the Committee should be made available to opposition groups from next May;

(2) there should be an opportunity for the Non-Aligned Group to be represented from time to time;

(3) an opportunity for public participation should be provided;

(4) proceedings should be webcast.

It highlighted that the Mary Ney report, [Review of Local Enterprise Partnership Governance & Transparency](#), had been commissioned by the Government and published in October 2017 which contained advice that Scrutiny arrangements should be in place to monitor both the decision-making and achievements of the Local Enterprise Partnership (LEP). The new guidance '[Strengthened Local Enterprise Partnerships](#)' received in August 2018 was not detailed in terms of how any local arrangements should operate, but recognised the role of local authorities in scrutinising LEPs.

At a local level, it was intended to develop a proposal, independent of existing Scrutiny Committees, with a focus on Strategic Scrutiny of the LEP and its strategies, adding value and meeting the Government's requirements for LEP Scrutiny and the terms of reference / operating procedures were agreed by Members through all four constituent authorities between July and September 2018, including the Procedures Committee on [4th July 2018](#).

In terms of Membership of the Committee and in line with the requirements of the Local Government and Housing Act 1979, political proportionality wasn't considered to be appropriate to apply to the collective membership. However, where a Council appointed three or more Members, political proportionality would apply to those appointments in line with the legislation.

The first meeting of the LEP Scrutiny Committee (2nd November 2018), considered the guidance (which was not prescriptive in any way), and resolved that the processes agreed in relation to Scrutiny were currently fit for purpose. There was also a commitment to review and evaluate its operation to assess effectiveness, added value and consider whether any changes to its constitution and operation were necessary and / or appropriate. This review was scheduled for autumn 2019, to give time for the Committee to settle into its role and for the LEP's role in the development and delivery of the Local Industrial Strategy and the impact of its change of focus on its operation and relationship with the HotSW Joint Committee to become clear.

It was also noted that any changes proposed to the current model would be subject to the approval of the Constituent Authorities and may require wider consideration across the Heart of the South West Councils.

Members discussed the importance of continuity of membership of the Committee and also that they welcomed the opportunity to scrutinise the LEP.

RESOLVED that the Procedures Committee support the Motion in terms of the emphasis on transparency and open democracy and therefore recommends to the Council;

(a) that group leaders and whips be asked to consider the matter of representation and terms of appointment on the Committee when those allocations and appointments are reviewed prior to the Annual Council Meeting in May 2019; and

(b) that the issues of public participation at, and webcasting of, the LEP Scrutiny Committee meetings be raised as part of the evaluation of the operation of the Committee in Autumn 2019, highlighting that Devon supports both processes being introduced, notwithstanding any changes to the terms of reference will need to be agreed by both the Procedures Committee and subsequently all Constituent Authorities.

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

The Meeting started at 10.30 am and finished at 11.35 am