

Review of the Governance Working Group and Proposed Changes to the Committee Structure.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

1.1 That the Committee endorse the proposals of the working group for recommendation to the Council, when it appoints its committee structure, as outlined below and detailed at section 5, noting that the appointment of a new Land and Property Committee and proposed changes to the current Highways and Traffic Orders Committees are subject to separate reports on the agenda.

2) Background / Introduction

2.1 As part of the wider work being undertaken to review Governance procedures in the Council, it was recommended that the Committee Structure be reviewed.

2.2 This Report highlights the Working Group's deliberations, as well as outlining proposals for the Committee's endorsement and subsequent recommendations to Council.

3) Governance Working Group (GWG) Considerations and Consultations

3.1 Views were sought from the Governance Working Group, with a meeting on the 5th of February to consider the current Committee structure and which elements the Group might wish to consider. The GWG received a current structure outline and terms of reference for each Committee in the structure.

3.1 At that meeting, the Highways and Traffic Orders Committees (HATOC) were discussed at length, including the historical composition and role of District Councillors, the Locality Committees, how the Council deals with Land and Property issues such as disposal. They further considered the Public Rights of Way Committee (PROW), Transport Appeals Committee,

Personnel Partnership, Personnel Panel, length of Scrutiny Budget meetings, Council days timings and Corporate Parenting.

3.2 The next section of the Report outlines those individual deliberations in more detail.

4) Matters to be reviewed

4.1 Highways and Traffic Orders – This is subject to a separate report on the agenda, outlining the deliberations of the GWG and the proposed changes.

4.2 Land and Property - This is subject to a separate report on the agenda, outlining the deliberations of the GWG and the proposed changes. .

4.3 Public Rights of Way - It was clarified that the Public Rights of Way Committee (PROW) itself was not mandatory, but the Committee dealt with mandatory decisions. As a result, no changes were recommended and the Committee's role was not reviewed further.

4.4 Appeals Committee – Members commented that the current name did not reflect the decisions that were being made at the Committee and suggested the renaming of Appeals to School Transport Appeals.

4.5 Corporate Parenting – The GWG discussed this on the 4th March and felt that the current frequency of meetings and cycle was correct. The meeting should start at 11.15am for 1 hour and for it to be an in person meeting with Hybrid option by exception. The GWG however, wished to ensure this accorded with the thinking of the service and asked this was reviewed and this was confirmed on the 18th March 2024.

4.6 Council Day timings – The GWG heard representations from Members about the timings of Council and that it is a long day for many concerned. The GWH held this initial discussion on the 4 March and made suggestions as to whether Full Council should be spread over the whole day, whether the changes that had recently been made to try and streamline Council meetings (e.g. new processes for questions and Cabinet Member Reports) needed to be embedded first. Feedback regarding the Corporate Parenting Forum was also required before suggesting changes to the format of the day.

At the meeting on the 18th March, the GWG received benchmarking data on other Shire Counties in terms of Council start times, end times and length of meetings in 2023/24. This showed that the majority of other Councils started their full council meetings during the morning, which would not work at Devon due to Corporate Parenting on the same day. The GWG recommended to revisit this matter after the AGM when the new procedures have bedded in to ascertain the impact on the length of meetings.

4.7 Scrutiny Budget meetings – The GWG first raised this matter at its meeting on the 5th February, highlighting these were exceptionally long days and the subsequent impact on both officers and Councillors. A Report was then brought back to the group on the 4th March which reflected on the Budget Scrutiny process held in January 2024 for consideration for 2024/25 financial year. This provided context on what went well but also what might need review. The Report also included the views of the Scrutiny Chairs and Vice Chairs.

A number of suggestions were explored including reforming the Masterclass system, agenda management, whether separate days for the ordinary meeting and the budget would be more beneficial, the timings of briefings, travelling time for Members, adequate breaks etc.

Based on the Report and feedback from the Scrutiny Chairs and Vice Chairs, it was recommended that the all day meetings continued but with the special adviser meeting taking place in advance of the meeting. Also that the budget meeting started earlier in the morning and that the afternoon meeting had improved agenda management with fewer items on the agenda (where possible) to allow for a meaningful and timely meeting.

4.8 Locality Committees – At the GWG meeting on the 5th February, Members commented that the Locality Committees rarely met and that its initial intention for establishment had been overtaken by revised practices with locality budgets. At face value, it appeared the committee currently served no specific function. Meetings were typically cancelled or functioned as a discussion meeting only. Members were minded to recommend ceasing the Committee's but asked for further benchmarking data and an analysis of terms of reference and membership.

This was reviewed on the 4th March 2024. Additional membership included one observing DALC member and two non-voting District Councillor representatives.

The frequency of meetings over the last 2 years showed only 4 meetings having occurred, with three of those in Teignbridge who had previously received regular briefings from Network Rail on the rail line at Dawlish, which was now complete.

A number of County Councils had been benchmarked and not one Authority had locality / county / area committees (Dorset, Gloucestershire, Hampshire, Kent, Lancashire, Norfolk, Nottinghamshire, Oxfordshire, Surrey and East Sussex). Wiltshire, being a large unitary had Area Boards. West Sussex had County Local Forums, established in September 2021, which aimed to provide residents with the opportunity to participate in discussions on issues specific to their area, and question-and-answer sessions with local Councillors. It was trialled for one year and following an evaluation of the forums, the Council determined they be ceased, with Members supported to use other channels to engage with their residents. It was interesting to note

that Members felt they had not worked well, tending to be dominated by highways issues.

The Locality Development Officers, who have traditionally been the lead officers for Locality Meetings have been consulted and feel they are of limited value. When Locality Committees started, one of the key aims was to put some structure around the Locality Budgets when they were very first introduced with Members agreeing and signing off successful grants between them. The process has now changed for this.

Attendance was sporadic, with Members often having other commitments after the HATOC;s, therefore not staying for the Locality meetings.

The current terms of reference are below.

- 1) To receive briefings from and discuss with the relevant Locality Development Officer (who will act as Lead Officer to the Committee) and with other officers as necessary specific service and community issues and projects within the district and to make recommendations to the Cabinet on appropriate action.
- 2) To improve information and communication with the public about its access to County Council services in the area and to monitor its performance in the delivery of these services.
- 3) To develop and ensure effective partnership working with the City, District or Borough Council (as the case may be) and other partners in the discharge of local functions.
- 4) To undertake any additional responsibilities and allocate budgets which may be delegated by the Cabinet from time to time.
- 5) To consider, if required, any grant or award proposed by individual members from locality budget funds allocated by the Cabinet in line with the Locality Budget Operating Principles set out at Section Four hereunder.
- 6) To express a vision for the areas reflecting cohesion principles and community views, demonstrate understanding of the make-up of the community and champion the participation of under-represented groups and promote integration of different groups.
- 7) To administer those educational trusts in the Committee's area for which the County Council is Trustee.

The GWG felt it was appropriate to recommend that Locality Committees are not reappointed at the AGM.

4.9 Personnel Partnership - the GWG at its meeting on the 5th February heard about the role and remit of the Personal Partnership.

Personnel matters – save those issues dealt with by the Appointments, Remuneration and Chief Officer Conduct Committee, are meant to be dealt with by a Personnel Partnership (comprising an equal number of elected members and staff representatives with the Chairing alternating annually between a Member and a staff representative) and a Personnel Panel.

This partnership collaborates with staff representatives and acts as the forum for discussion of employee relations matters. It does not consider matters relating to individual employees (discipline, grievance, promotion or capability)

It is in place to seek to resolve issues referred to it by the Corporate Forum, through consensus. The forum rarely meets and had its last meeting in 2019.

The GWG heard that a failure to agree Policy might be another option to resolve issues, other than the partnership, and this would be subject to TU negotiation for agreement of the Policy.

Work was ongoing with the Director of Legal and Democratic Services and the Director of People and Culture on proposals and benchmarking to prepare a draft document.

At the GWG meeting on the 15th April, Members of the group were content to recommend that the partnership is not reappointed and that a failure to agree policy be negotiated with the Unions.

4.10 Personnel Panel - the GWG noted that this Panel was one to which Members attended to make decisions on staffing appeal issues (dismissal / discipline). Its terms of reference were simply to determine appeals under the Council's appeals procedures, as appropriate.

Members involved in the Panels advised these were complex cases and there was a question as to whether Members should be involved in staffing issues. The consensus was that they should not.

At the meeting on the 4 March, Members of the GWG were of the view that the Personnel Panel should not be reappointed and that the process should be dealt with at Director level (not the Director of the relevant service area) for future appeals. A revised process is being developed and will be consulted upon with the Trade Unions.

5) Recommendations

5.1 Appeals Committee – consider renaming the Appeals Committee to School Transport Appeals Committee.

5.2 Corporate Parenting – to note that the current frequency of meetings and cycle is felt to be fit for purpose.

5.3 Council Day timings – to note the intention to revisit this matter after the AGM when the new procedures for Member questions and Cabinet Member Reports have been in place to see the impacts on the length of meeting.

5.4 Scrutiny Budget meetings – to note the views of the Scrutiny Chairs and Vice Chairs that all day meetings will continue but with revised arrangements on starting times, briefing meetings and improved agenda management.

5.5 Locality Committees – to recommend that Locality Committees are not reappointed at the AGM and delegate authority to the Director of Legal and Democratic Services to establish whether any educational trusts in the Committee's area for which the County Council is Trustee exist and make any necessary amendment to the scheme of delegation, if required.

5.6 Personnel Partnership – to recommend that the Personnel Partnership is not reappointed at the Council AGM and that the Director of Legal and Democratic Services together with the Director of People and Culture be given delegated authority to negotiate and agree a failure to agree policy with the Trade Unions.

5.7 Personnel Panel - – to recommend that the Personnel Panel is not reappointed at the Council AGM and that the Director of Legal and Democratic Services together with the Director of People and Culture be given delegated authority to develop and agree a revised process with the Trade Unions.

6) Strategic Plan

6.1 This proposal aligns to the Council's Strategic Plan 2021 – 2025. The proposal supports the commitment of ensuring that the Council makes good decisions and is transparent and supports being a trusted and inclusive Council that hears the voices of communities and listens and learns.

7) Financial Considerations

7.1 There are no financial considerations.

8) Legal Considerations

8.1 Under Section 37 of the Localism Act 2011, the Council must prepare and keep up to date a Constitution. The proposed arrangements would not compromise this requirement. In addition, Council will be asked to appoint Committees in line with the requirements of the Local Government Act 1972 and principles of the Local Government and Housing Act 1989.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

9.1 There are no environmental related issues.

10) Equality Considerations

10.1 There are no equality related issues.

11) Risk Management Considerations

11.1 No risks have been identified.

12) Summary / Conclusions / Reasons for Recommendations

12.1 The Procedures Committee is asked to endorse the detailed work of the Governance Working Group by recommending the proposals to the Council for adoption. The recommended changes have been carefully considered and are therefore commended to the Committee.

Name - Director of Legal and Democratic Services – Maria Price
Cabinet Member – Andrew Saywell (Organisational Development, Workforce & Digital Transformation)
Electoral Divisions: All

Local Government Act 1972: List of background papers

NIL

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