

Surrey Heath Borough Council
Council
25 October 2023

Governance Working Group

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Wards Affected: n/a

Summary and purpose

To consider the recommendations of the Governance Working Group concerning:

- a) Changes to committees and their procedure rules;
- b) Introducing Public Question Time at Committee meetings;
- c) Revisions to the Petitions Scheme; and
- d) An updated Protocol for the Appointment and Role of Honorary Freemen and Honorary Aldermen.

Recommendation

The Council is advised to RESOLVE that

- (i) Article 9 of the Constitution be updated, as set out at Annex A to this report;
- (ii) The Terms of Reference of the Executive, Committees and Other Bodies at Part 3, Section E of the Constitution be updated as set out at Annex B to this report;
- (iii) The Executive Procedure Rules at Part 4, Section B of the Constitution be updated as set out at Annex C to this report;
- (iv) The Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section D of the Constitution be updated as set out at Annex D to this report;
- (v) The Substitution Procedure Rules at Part 4, Section K of the Constitution be updated as set out at Annex E to this report;
- (vi) The Public Speaking Procedure Rules at Part 4, Section E of the Constitution be updated as set out at Annex F to this report;
- (vii) The Petitions Scheme at Part 4, Section L of the Constitution be updated as set out at Annex G to this report; and
- (viii) The Protocol for the appointment and role of Honorary Freemen and Honorary Aldermen at Part L of the Documents which support the Constitution be updated as set out at Annex H to this report.

1. Background

- 1.1 The Governance Working Group has met on 4 & 11 August, 11 September, and 10 October 2023 and has made a number of recommendations, which are set out below.

2. Proposed changes to Committees

- 2.1 The Working Group has proposed a number of changes to committees and other bodies of the Council, and their associated procedure rules.
- 2.2 The Working Group has suggested that Performance and Finance Scrutiny Committee should meet six times per year, with two meetings focussed upon finance. This does not require any constitutional changes as Part 4, Section C of the Constitution already provides for scrutiny committees to have up to six ordinary meetings in each municipal year and committees are free to set their own work programmes. The Chair and Vice Chair of the Committee will be advised of this recommendation and future committee timetables drafted to reflect this decision.

Membership of the Standing Committees and Other Bodies of the Council

- 2.3 The Working Group has proposed a reduction in the size of committees, with consequential changes to the scheme of political proportionality, and this is addressed separately at item 10 of this agenda.
- 2.4 The Joint Staff Consultative Group, which currently comprises eight Member Representatives and eight Staff Representatives, has been consulted on the proposal to amend its composition to six representatives for each side.
- 2.5 The Governance Working Group is proposing that its own membership is amended to seven members, with the membership including four representatives from the Liberal Democrats Group and all opposition group leaders represented on the Working Group.

Audit and Standards Committee

- 2.6 It is proposed to rename the Audit and Standards Committee as the Audit, Standards and Risk Committee and Article 9 of the Council's Constitution has been updated to reflect this change. The Committee's Terms of Reference have been updated to establish a clearer role for risk management and to clarify that the Council has delegated its responsibility for Treasury Management functions.
- 2.7 Discussions about Independent Representatives sitting on the Committee, potentially as its Chair, are ongoing and any final recommendations on this proposal will be reported to a future meeting.

Quorum

- 2.8 The Working Group is proposing that the quorum of meetings is changed from one third rounded up, subject to a minimum of two, to 50% of the body's membership rounded down, plus one.

Substitution Procedure Rules

- 2.9 The Working Group is proposing an amendment to the Substitution Procedure Rules to allow for any member of a political group to substitute for a committee member where an appointed substitute is not available. Nominated substitutes will remain the preferred option to substitute for members unable to attend a meeting, but other members of the political group will be entitled to substitute if no appointed substitute from their group is available.
- 2.10 Any member substituting will be required to meet any necessary requirements for attending and voting at meetings, including any mandatory training.

3. Public Question Time

- 3.1 The Working Group proposes that a period for public questions is introduced for all public committees, except the Planning Applications Committee and Employment Committee.
- 3.2 Procedures rules have been drafted to mirror the current provisions for public questions at meetings of the Full Council.

4. Petitions

- 4.1 The Working Group proposes that the Petitions Scheme is be updated by:
- 4.1.1 reducing the current thresholds for responses by 50%;
 - 4.1.2 amending the response categories to remove a response from officers;
 - 4.1.3 agreeing the following categories for response:
 - response from the relevant portfolio holder or committee chair;
 - referred to the relevant standing committee or the Executive;
 - referred to Full Council;
 - 4.1.4 allowing petitions facilitated through a third party to be included in the scheme;
 - 4.1.5 aligning the scheme with the new Residents Panel process.

5. Protocol for the Appointment and Role of Honorary Freemen and Honorary Aldermen

- 5.1 The Protocol for the Appointment and Role of Honorary Freemen and Honorary Aldermen has been updated to reflect gender neutral terminology

6. Proposal and Alternative Options

- 6.1 It is proposed that the Council adopts each of the recommendations, with or without any further amendments it considers appropriate.

7. Resource Implications

- 7.1 There are no specific resource implications associated with the proposals in this report, although it should be noted that any the introduction of Public Questions at Committees and the revisions to the Petitions Scheme may have an impact upon officer workloads. This would be expected to be met within existing resources, which may require other work to be reprioritised.

8. Section 151 Officer Comments

- 8.1 Any costs can be contained within existing budgets.

9. Legal and Governance Issues

- 9.1 The Governance Working Group's Terms of Reference include reviewing and making recommendations to the Full Council on changes to the Constitution. Only the Full Council can make changes to the Constitution, although the Head of Legal & Democratic Services has delegated authority to make minor changes to the Constitution due to administrative error or oversight in order to give effect to the intended changes.

10. Monitoring Officer Comments

- 10.1 No matters arising.

11. Other Considerations and Impacts

Environment and Climate Change

- 11.1 No matters arising.

Equalities and Human Rights

- 11.2 No matters arising.

Risk Management

- 11.3 No matters arising.

Community Engagement

- 11.4 No matters arising.

Annexes

Annex A – Proposed changes to Article 9 of the Constitution

Annex B – Proposed changes to Part 3, Section E of the Constitution

Annex C – Proposed changes to Part 4, Section B of the Constitution

Annex D – Proposed changes to Part 4, Section D of the Constitution

Annex E – Proposed changes Part 4 Section K of the Constitution

Annex F - Proposed changes to Part 4, Section E of the Constitution

Annex G – Proposed changes to Part 4, Section L of the Constitution

Annex H – Proposed changes to Part L of the Documents which support the Constitution

Background Papers

None