

Surrey Heath Borough Council
Council
27 July 2022

Governance Working Group

Head of Service Gavin Ramtohal – Head of Legal & Democratic Services
Report Author: Rachel Whillis – Democratic Services Manager
Key Decision: No
Wards Affected: n/a

Summary and purpose

To consider the Governance Working Group's recommendations in respect of

- (i) changes to the Scrutiny Committee Procedure Rules at Part 4 of the Constitution; and
- (ii) the Role of Councillors at Part 3 of the Constitution.

Recommendation

The Council is advised to RESOLVE that

- (i) the Scrutiny Committee Procedure Rules at Part 4, Section C of the Constitution be amended, as set out at Annex A to this report;
- (ii) paragraph 2 (xii) of Council Procedure Rules at Part 4, Section A of the Constitution be removed;
- (iii) paragraph 6 of the Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section D of the Constitution be updated as follows:

6.3 At any meeting of a committee, a councillor may propose that “the meeting has no confidence in the chairman.” The question will, after debate, be put and if carried by a majority of at least two thirds of the councillors present, the chairman will stand down and the remainder of the meeting will be chaired by the vice-chairman or, in his or her absence (or if he or she was the chairman subject to the vote) by a councillor elected for that purpose by the meeting.

6.4 Following a successful vote of no confidence in the chairman, he or she will not officiate at any subsequent meeting of the committee prior to the next meeting of the Council. ~~At that meeting, the Council will consider~~

~~whether to confirm the vote of no confidence. If by a simple majority the Council decides to confirm the vote, the office of chairman of the committee will be declared vacant and a new chairman will be elected by the Council. The first item on the agenda for the next meeting will be the election of a new chairman for the remainder of the municipal year.~~

6.5 No member of the Executive will chair any meeting of the Planning Applications Committee, the Licensing Committee or the Joint Staff Consultative Group or be the vice-chairman of that Group. Where a single party is acting as the administration, a member of the opposition shall normally chair the Audit & Standards Committee.

(iv) the Role of Different Councillors at Part 3, Section D of Constitution be amended as set out at Annex B to this report.

1. Background and Supporting Information

1.1 The review of the Scrutiny Committee Procedure Rules forms part of the holistic review of the Constitution being undertaken by the Monitoring Officer.

1.2 The Roles of Different Councillors has not been reviewed for several years and have been updated in preparation for the election of a new Council in May 2023.

2. Scrutiny Procedure Rules

2.1 The Scrutiny Committee Procedure Rules have been reviewed and a number changes involve updating and correcting the current wording. More specific changes have been detailed below.

Attendance at Meetings

2.2 Clarification has been added that about Executive members should only attend scrutiny meetings at the invitation of the chairman.

Chairing Scrutiny Committees

2.3 Paragraphs 5.2 and 5.3 of the Procedure Rules set out the procedures for a committee to remove its chairman following a vote of no confidence being carried. The Council will at its next meeting vote on whether to confirm the vote of no confidence. These provisions have not been practised since their introduction in 2010. This reflects the current practice for Chairmen and Vice Chairmen to be appointed at the Annual meeting of the Council, rather than being appointed by their respective committees at their first meeting of the municipal year. However, the procedures at paragraph 5.3 effectively allow the Council to veto the Committee's decision, potentially leaving the Committee with a chairman in which it has no confidence.

2.4 The Working Group is recommending that the Procedure Rules are changed to provide that, in the event that a Committee votes to remove its Chairman, it

will have responsibility for appointing a new Chairman for the remainder of that municipal year, to be undertaken at its next meeting. A further amendment has been proposed to paragraph 5.2 to require two thirds of the Committee's membership to vote in favour of this change, rather than two thirds of those present which could, in theory, see a quorate meeting comprising 5 councillors agreeing to remove its Chairman on the decisions of a small number of Committee members.

- 2.5 The Working Group is also proposing that the corresponding paragraphs in the Committees, Sub Committees and Other Bodies Procedure Rules are updated to match this change and paragraph 2 (xii) of Council Procedure Rules is removed.
- 2.6 The Working Group discussed the chairmanship of the scrutiny committees and is recommending that, where a single party is acting as the Council's administration, the chairman of the Performance & Finance Scrutiny Committee should be a member of an opposition group. It is also suggested that the same rule is applied to the Audit & Standards Committee and the Committees, Sub Committees and Other Bodies Procedure Rules at Part 4 of the Constitution are updated accordingly.

Call In Protocol

- 2.7 Wording has been added to paragraph 19 of the Call-In protocol stating that the report author and their senior manager will ordinarily be expected to attend a call-in meeting to provide any technical information requested by the committee. This does not preclude either of these individuals also being identified as a contributor.
- 2.8 Additional wording has been added to the Urgency Procedures to state that, where the Chief Executive and Monitoring Officer are minded to decide that a decision is urgent and will therefore take effect immediately on the publication of the summary of the Executive's decisions, this should be made clear in the agenda report.
- 2.9 It is agreed to amend the number of witnesses providing evidence at call-in meetings to 4 and alter the term from 'witnesses' to 'contributors'.
- 2.10 The Working Group also recommends that procedures for call-in meetings are incorporated into the Call-In protocol, as set out at paragraphs 20 to 21 in Annex A. The time limits on speaking have been reviewed and incorporated in these procedures.

3. Roles of Different Councillors

- 3.1 The Working Group reviewed proposed additions to the Roles of Different Councillors at Part 3 of the Constitution, which had been expanded to provide more details on each of the roles. The Working Group is recommending the changes set out at Annex B to this report.

4. Proposal and Alternative Options

- 4.1 It is proposed that the Council reviews the Governance Working Group's proposed amendments to the Scrutiny Committee Procedure Rules and suggests any changes it considers appropriate.
- 4.2 It is also proposed that the Council agrees the amendments to the Roles of Different Councillors, with or without any further amendments it considers appropriate.

5. Contribution to the Council's Five Year Strategy

- 1.1 No matters arising at this time.

6. Resource Implications

- 6.1 There are no specific resource implications arising from the review.

7. Legal and Governance Issues

- 7.1 None, other than as set out above.

8. Monitoring Officer Comments:

- 8.1 Article 12 of the Council's Constitution recognises the Monitoring Officer's duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

9. Other Considerations and Impacts

Environment and Climate Change

- 9.1 No matters arising at this time.

Equalities and Human Rights

- 9.2 No matters arising at this time.

Risk Management

- 9.3 No matters arising at this time.

Community Engagement

- 9.4 No matters arising at this time.

Annexes

Annex A - Proposed amendments to Scrutiny Committee Procedure Rules

Annex B – Roles of Different Councillors

Background Papers

None