

Surrey Heath Borough Council
Council
21 February 2024

Governance Working Group

Head of Service Gavin Ramtohal – Head of Legal & Democratic Services
Report Author: Rachel Whillis – Democratic Services Manager
Wards Affected: n/a

Summary and purpose

To consider the Governance Working Group's recommendations relating to changing the provision for exercising a Casting Vote and the outcome of the review of governance arrangements.

Recommendation

The Council is advised to RESOLVE that

- (i) the Council Procedure Rules at Part 4, Section A of the Constitution be updated as set out at Annex A to this report;
- (ii) the Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section D of the Constitution be updated as set out at Annex B to this report; and
- (iii) the recommendations to the Leader and Executive concerning the changes to the size of the Executive and the revised approach for Executive Working Groups be noted.

1. Background

- 1.1 The Governance Working Group met on 17 January 2024 and has made recommendations, which are set out below.

2. Casting Votes

- 2.1 The Working Group discussed the current procedures for the Mayor or Chairs of committees to exercise a casting vote in the event that a vote was tied. Currently, if a vote was tied the Mayor would be required to exercise a casting vote in favour of the status quo. This was replicated for committee chairs, with the exception of the Chair of Planning Applications Committee

- 2.2 The Working Group noted concerns about whether it is appropriate to prescribe how to exercise a vote within a democratic process, along with recognising that the status quo could be difficult to interpret. It was recognised that the lack of restriction on how the Chair of Planning Applications Committee exercises a casting vote reflected the need to determine planning decisions purely on the planning merit. However, it was advised that all decisions were challengeable and, in the event that a decision had to be defended, it would not be possible to provide evidence on what the Mayor or Chair had taken into account when exercising the casting vote.
- 2.3 Following discussion where differing views on changing the current rules were heard, the Working Group is proposing that the procedure rules are amended to allow the Mayor or Chair to have a free vote when exercising a casting vote. The rules would also be updated to require a further debate and vote, with the casting vote only exercised if after the second vote an equality of votes remained. In addition, guidance would be added to the Constitution for the Mayor or Chair to take into account when exercising a casting vote.

3. Review of Governance Arrangements

- 3.1 The Working Group has considered recommendations from its Task & Finish Group that had been established to review the Council's governance arrangements. The Task & Finish Group had identified that the following principles for this review:
- Improving decision-making
 - Empowering local communities
 - Decentralising power
 - Ensuring rigorous scrutiny
 - Ensuring accountability
 - Improving transparency
- 3.2 Furthermore, the Task & Finish Group recognised that there should not be any increase to the cost of operating any revised arrangements.
- 3.3 The Working Group has endorsed the Task & Finish Group recommendations not to make a formal change to governance arrangements (such as a move to the committee system) at this time. Alternatively it is proposing to make changes that meet the objectives of the review, within the parameters of the existing executive and scrutiny system, with an emphasis on a need for more pre-decision scrutiny.
- 3.4 The Working Group recommends adopting a framework that reflects the following principles:
- The Leader is advised to reduce the number of portfolios to six;
 - The Executive reviews the scope of the Executive Working Groups, including potentially aligning them to portfolios; and

- Executive Working Groups operate more like Task & Finish Groups where appropriate, with the remit to meet in response to items as they arose, rather than as part of a fixed schedule of meetings.

3.5 It is suggested that these changes come into effect in May 2024.

3.6 Furthermore, the Working Group has agreed the Task & Finish Group's suggestion that a review of the Terms of Reference of the Scrutiny Committees is added to its work programme.

3.7 In accordance with the Strong Leader provisions adopted by the Council in 2011, the Leader has responsibility for determining the size of the Executive. The size and composition of the Executive is reported to the Council annually each May. Furthermore, as the Leader has chosen to date to operate decision making collectively through the Executive, any future arrangements for Executive Working Groups would be agreed at a meeting of the Executive. The Council is therefore asked to note these recommendations and make any comments for the Leader and Executive to consider.

4. Other matters reviewed by the Governance Working Group

4.1 The Governance Working Group has also discussed proposals to change ward names, specifically in relation to Bagshot and Windlesham & Chobham wards, in line with powers under the Local Government and Public Involvement in Health Act 2007. However, it will be making recommendations on this matter at a later date due to recognition of other work pressures within the Democratic Services team.

4.2 The Working Group is ready to consider recommending changes to the Constitution to accommodate a Young Mayor. It is expected that the Youth Council will provide a specification for the Young Mayor role in due course and the Working Group will consider any necessary Constitution changes at the earliest opportunity.

5. Proposal and Alternative Options

5.1 It is proposed that the Council adopts the recommendations regarding the changes to Casting Votes, with or without any further amendments it considers appropriate.

5.2 In relation to the proposed changes to governance arrangements, the Council is asked to note and comment on the proposals to the Leader and Executive. Alternatively it could refer the matter back to the Governance Working Group if it considers that further consideration is needed.

6. Resource Implications

6.1 There are no specific resource implications associated with the proposals in this report, although it should be noted that any changes to governance

arrangements could have an impact on officer time, which would need to be assessed.

7. Section 151 Officer Comments

7.1 Any costs can be contained within existing budgets.

8. Legal and Governance Issues

8.1 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.

9. Monitoring Officer Comments

9.1 No further matters arising.

10. Other Considerations and Impacts

Environment and Climate Change

10.1 No matters arising.

Equalities and Human Rights

10.2 No matters arising.

Risk Management

10.3 No matters arising.

Community Engagement

10.4 No matters arising.

Annexes

Annex A – Proposed changes to Council Procedure Rules – Mayor's Casting Vote.

Annex B – Proposed changes to the Committees, Sub Committees and Other Bodies Procedure Rules – Chair's Casting Vote.