

Governance Working Group

Portfolio	Leader
Ward(s) Affected:	n/a

Purpose

To receive a report from the Governance Working Group and to consider recommendations relating to revisions to the Council's committee structure, including any consequential amendments to the Constitution.

To note amendments to the Social Media Protocol for Councillors and the Protocol for the Recording of Council, Executive and Committee Meetings proposed by the Governance Working Group which have been agreed under delegated authority.

Introduction

1. The Working Group met on 6 February and 27 March 2015. The notes of this meeting are available on Escene.
2. The Working Group has considered a number of issues and made recommendations which are addressed below.

The Committee Structure and the Terms of Reference of the Executive, Committees and Other Bodies

3. The Working Group has reviewed the Council's current committee structure. It has made a number of recommendations regarding the future appointment of committees and has proposed revisions to the Terms of Reference of the Executive, Committees and Other Bodies.

Overview and Scrutiny Committees

4. The Working Group reviewed the committee structure and the Council's scrutiny arrangements, in particular the effectiveness of the Community Services Scrutiny Committee, which was felt to be too dependent upon officer update reports and lacking in effective scrutiny.
5. The Group agreed that one committee should be responsible for scrutiny of the performance of all the Council's services. The proposed title for this committee was the Performance and Finance Scrutiny Committee. It was recognised that, where necessary, Task and Finish Groups could be appointed to investigate and scrutinise, in detail, matters referred to it by the Council, the Executive or a committee.
6. Members agreed that the External Partnerships Select Committee should continue in its existing form as the Council's designated Crime and Disorder Committee and with responsibility for the scrutiny of all the Health and Wellbeing agenda.

Audit and Standards

7. The Working Group noted that the Council's statutory audit function was currently undertaken by the Performance and Audit Scrutiny Committee, sitting as a discrete committee meeting. The Group discussed this arrangement and suggested that, in line with a number of local authorities, the Council's audit and standards functions should be combined in a separate Audit and Standards Committee.
8. It was agreed that, in view of the role of a new merged Audit and Standards committee, it would be practical to make provision for a Hearing Sub Committee to determine any allegations against a Member where it had not been possible to resolve the matter by informally. The Sub Committee would comprise 3 members, to be appointed from the membership of the Audit and Standards Committee, by the Monitoring Officer.
9. Members also discussed the scrutiny of financial performance and considered whether this should be included within the Terms of Reference of the proposed Audit and Standards Committee or within a scrutiny committee. It was, however, advised that the Audit function was a decision making function distinct from the Council's scrutiny arrangements. Members were reminded that the Executive was responsible for making financial decisions and that the scrutiny of those decisions should be undertaken by an overview and scrutiny committee.

Selection Committee

10. The Working Group queried the need for a Selection Committee to be established in future. The committee only met once a year to appoint of Members to outside bodies.
11. It was therefore proposed that the Selection Committee should not be re-appointed and that in future, appointments to outside bodies should be made by the Executive, taking into account the recommendations of the Group Leaders. If the Group Leaders couldn't reach agreement on any particular appointment, all nominations for those appointments would be reported to the Executive for decision.
12. The Terms of Reference of the Selection Committee have consequently been removed from the Terms of Reference of the Executive, Committees and Other Bodies, as set out at Annex B to this report.

Other amendments to the Terms of Reference of the Executive, Committees and Other Bodies

13. The Working Group agreed to make provision for Task and Finish Groups in the Terms of Reference at Part 3, Section E of the Constitution to recognise that the Council, Executive and all committees could appoint Task and Finish Groups to carry out an in depth review of any matter considered necessary.

14. Changes to officer Terms and Conditions of Employment have meant that Members are no longer involved in determining appeals and, as a result, the Appeals Committee has not been established since the 2013/14 municipal year. The Terms of Reference for the Appeals Committee have consequently been removed.

Committee membership levels and the frequency of meetings

15. The Council, at its Annual Meeting in May, will be asked to establish Standing Committees for the 2015/16 municipal year. However, in order to facilitate a smooth process for nominations to committees following the elections, the Working Group was asked to consider making a recommendation on the number of members on each committee.
16. The Group agreed not to make any recommendation to change the membership levels of existing committees. In relation to the new Audit and Standards Committee, it was proposed that 7 members should be appointed to this committee, with substitutes to be appointed in accordance with the Substitute Protocol.
17. Consideration was given to whether, in view of the proposal to have all performance scrutinised by one committee, the number of meetings for the Performance and Finance Scrutiny Committee should be increased but it was agreed that the 6 meetings already scheduled for the Performance and Audit Scrutiny Committee should be sufficient. The Group suggested that the Audit and Standards Committee should meet up to 4 times in a municipal year, with meetings to be scheduled in line with statutory deadlines and reporting requirements to the Council's external auditors.

Social Media Protocol for Councillors

18. The Working Group, at its meeting on 6 February 2015, reviewed the Social Media Protocol for Councillors.
19. The Group discussed the guidelines for blogging and agreed that the provision which stated that Members should not use Council facilities for personal or party political blogs should be removed as it was recognised that councillors were, by nature, political.
20. It was also agreed to add wording to recognise that, where Members were restricted in using media devices during the consideration of particular items, they may need to maintain contact in the event of an emergency.
21. These changes were implemented by the Executive Head of Transformation in accordance with the authority delegated to him at Part 3 of the Constitution.

Protocol for the Recording of Council, Executive and Committee Meetings

22. The Working Group, at its meeting on 6 February 2015, reviewed the Protocol for the Recording of Council, Executive and Committee Meetings.
23. The Working Group discussed the provision for a Chairman to have discretion to stop the recording of a meeting and the examples where this would apply and considered whether guidelines should be introduced. It was, however, felt that this was a matter for the Chairman, having taken into account officers' advice. In order to reflect this, it was agreed to amend the reference in paragraph 3 to state that the Chairman will have absolute discretion to manage the recording of the meeting.
24. The Group considered the examples where a Chairman would stop the recording of a meeting and agreed that the provision relating to where a member of the public objected to being filmed or recorded should be removed.
25. The Working Group also agreed that paragraph 10 should be amended to state that, during the consideration of exempt items, Members may not **record** any part of the proceedings.
26. These changes were implemented by the Executive Head of Transformation in accordance with the authority delegated to him at Part 3 of the Constitution.

Recommendation

27. The Council is advised to RESOLVE that
 - (i) the revised committee structure, as attached at Annex A to these notes, be adopted;
 - (ii) the following consequential changes arising from the revised committee structure at Annex A be noted;
 - a. that the Selection Committee not be re-appointed;
 - b. that the Community Services and Performance and Audit Scrutiny Committees be replaced by a Performance and Finance Scrutiny Committee, to be responsible for the scrutiny of all of the Council's functions;
 - c. that a combined Audit and Standards Committee be established to replace the existing Standards Hearing and Determination Committee and the Audit meetings of the Performance and Audit Scrutiny Committee;
 - (iii) the revised Terms of Reference of the Executive, Committees and Other Bodies at Part 3, Section E of the Constitution, as attached at Annex B to these notes, be adopted;

- (iv) officers be authorised to make any consequential changes to Article 6, Article 9 and Article 13 resulting from the review of the Council's scrutiny arrangements;
- (v) the Scheme of Delegation of Functions to Officers be amended to authorise the Monitoring Officer to appoint members to the Hearing Sub Committees from the membership of the Audit and Standards Committee; and
- (vi) membership levels for each of the committees be as follows:

Planning Applications	16
Licensing	15
Performance and Finance Scrutiny	15
External Partnerships Select	15
Audit and Standards	7
Appointments	5

Annexes	Annex A – revised committee structure Annex B- revised Terms of Reference of the Executive, Committees and Other Bodies
Background Papers:	None
Author:	Jane Sherman – Democratic Services Manager e-mail: jane.sherman@surreyheath.gov.uk
Head of Service	Richard Payne – Executive Head of Transformation