

REPORT TO EXECUTIVE

Date of Meeting: 4 April 2023

REPORT TO COUNCIL

Date of Meeting: 18 April 2023

Report of: Chair of the Governance Review Board

Title: **Review of the Council's Governance Arrangements**

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report sets out the recommendations of the Governance Review Board, following a review of the Council's governance arrangements.

2. Recommendations:

That the Executive **RECOMMEND** to Council to approve the following with effect from the 18 April 2023:

2.1 **To adopt a Strategic Scrutiny Sub-Committee to enable further scrutiny of the collaborative work needed by the Council's partners on Net Zero.** Membership to be politically balanced consisting of 5 Members as follows: 3 Labour Group Members, 1 Conservative Group Member and 1 Progressive Group Member. Terms of Reference would be established at the first meeting of the Sub-Committee.

2.2. to approve the amendments to the Constitution, as set out in Appendix A of this report.

The Executive **RESOLVE** to

2.3 table any questions received for committee meetings, and agree that where Members who have submitted such questions, cannot attend the meeting to which the questions were submitted for a legitimate reason, a deputy be authorised to attend in their absence to ask the questions submitted.

2.4 review the Council's representation on outside bodies, including an Annual Feedback Form from Members for the Outside Bodies on which they sit highlighting how often it has met; the work it has achieved during the year, and how this fits in with the Council's priorities. The reports would be presented to the Governance Review Board for consideration, who would then make recommendations to the Executive as to the appropriateness of the Council's continuing membership/attendance of these bodies.

2.4 trial prayers at Council meeting to commence at 5.55pm ahead of the formal commencement of meetings at 6pm, with reference to the prayer times also being included on the agenda.

2.5 update the Lord Mayors handbook to support the Equality Act 2010 by encouraging the Lord Mayor to invite representatives from other religious faiths and to make reference to the Local Government (Religious etc. Observances) Act 2015.

2.6 review committee meeting times through a comparison with other local authorities as well as a survey of Members to seek views on potentially changing meeting times.

3. Reasons for the recommendation:

3.1 Following a review of the Council's governance arrangements by Governance Review Board, additional changes to the Constitution were suggested (Appendices A – F). The Governance Review Board considered that these amendments, would continue to improve the Council's decision making process, openness and transparency as well as to enhance public engagement.

3.2 Following a recommendation from the Scrutiny Programme Board, the Governance Review Board considered the proposal to form a Strategic Scrutiny Sub-Committee to enable detailed scrutiny of the work needed across the Council on Net Zero and to report its findings to the Strategic Scrutiny Committee, in line with Council's commitment to Net Zero 2030 goal.

3.5 To comply further with the Equality Act 2010 and the Local Government (Religious etc. Observances) Act 2015, the Lord Mayor's handbook would be updated to encourage representatives from other religious faiths to be invited to undertake prayers ahead of Council meetings. Prayers will be indicated on the Council agenda commencing before the meetings formal start time to allow those who did not wish to participate to join the meeting at the formal commencement.

3.7 The Governance Review Board requested in the interest of fairness for Members and candidates considering becoming a Councillor, to review the times for when meetings are held. A comparison with other authorities is suggested as well as seeking views of Members and Officers, being mindful of staff time and resources.

4. What are the resource implications including non financial resources?

. It should be noted that as part of the Council's latest financial considerations, it has been decided that the post of Corporate Manager, Democratic & Civic Support, as well as that of Part Time Administrative Assistant in the Democratic Services team, should not be filled, and deleted from the establishment. This will obviously have an impact on the support the team can deliver, which should be focussed on supporting the formal decision making bodies.

5. Section 151 Officer comments:

6. What are the legal aspects?

The Council's Executive arrangements were agreed and adopted by full Council following the introduction of the Local Government Act 2000 and amended in October 2019. These recommendations are aimed at further refining these arrangements as well as suggesting changes to the constitution as appropriate/necessary.

7. Monitoring Officer's comments:

The suggested amendments contained in this report, and to the constitution, continue to improve the governance arrangements for the City Council, as well as enhancing public engagement as appropriate. They therefore raise no issues for the Monitoring Officer.

8. Report details:

8.1 The Governance Review board met on three occasions in 2022. At its first meeting in August 2022, the board addressed the submission of questions to committee meetings, by Members. It was agreed that Members who could not be in attendance for legitimate reasons, should request another members from their own group, to present the questions on their behalf. In the case of the Executive Committee, Opposition Leaders should request Deputy Leaders to attend in their absence. It was suggested that advanced questions be tabled at the meeting.

If a Member was unable to find a deputy or another Member to speak on their behalf, the questions received would be noted at the meeting and the response included with the minutes of the meeting. The dates for submission of questions would be reviewed accordingly to ensure there was a consistent approach across all meetings.

8.2 At the August 2022 meeting, Members reviewed the Council's Scrutiny arrangements and were satisfied that no changes were needed. The group was also satisfied that the 2021 arrangements were working well and no other changes were required.

8.3 At the meeting held in November 2022, the Governance Review Board considered the request to form a Scrutiny Sub Committee made at the Strategic Scrutiny Committee in June 2022. A Task and Finish group was not considered to be a suitable mechanism to address the work required to achieve the Council's Net Zero 2030 goal. It was agreed to form a cross party sub-committee which would report to the Strategic Scrutiny Committee, consisting of 5 Members, following approval by full Council. Given resource limitations, the sub-committee would be reviewed on an annual basis to ensure the work being undertaken was effective.

8.4 The Board received a written report from the Progressive Group which suggested further issues for consideration as part of a wider review of the constitution. Suggestions agreed and put forward were amendments to sections of the Constitution (Appendices A – F). The Governance Review Board considered that these amendments, would continue to improve the Council's decision making process, openness and transparency as well as to enhance public engagement. Those not considered as part of the Board's discussions at this meeting, would be considered at a future date.

- 8.5 The Board requested that a review of the Council's Outside Bodies be undertaken and feedback from Members be sought who are appointed to outside bodies, to ascertain certain information relating to the worth of the Council continuing to appoint representatives to these bodies. A review of non decision making bodies would also be undertaken to support resource issues in administering the groups.
- 8.6 The Board agreed that previously published internal Scrutiny Bulletins be made publically available. Any publication would need to be checked with the relevant officer to ensure no exempt information is disclosed and each publication would need to be checked before released into the public domain.
- 8.7 At the meeting held in December 2022, the board addressed equality issues and considered that prayers and religious aspects of Council meetings, as well as those undertaken by the Lord Mayor, needed to be more diverse. It was agreed to update the Lord Mayor's handbook to encourage the invitation of representatives from other religious faiths to attend Council meetings, as well as undertaking the Chaplaincy role to the Lord Mayor, whilst also being respectful to the Lord Mayor's faith and maintaining compliance with both the Equality Act 2010 and the Local Government (Religious Etc. Observances) Act 2015.

It was also requested that Council agendas be updated to include prayers ahead of the 6pm commencement time, to ensure that those who did not wish to participate, could join the meeting at the formal commencement time.

- 8.8 At the same meeting in December, the issue of microphones and audio quality was raised. Given the budgetary restrictions to replace the existing equipment, work would be undertaken internally with officers and Members to find suitable acoustic settings at the Civic Centre to ensure they worked appropriately and if required to look to bring in technicians to assess the equipment. Acoustic issues at the Guildhall would continue to be addressed, given the age of the building, but options were presented for Members to bring the microphones closer to them when standing to address the Lord Mayor.
- 8.9 It was requested that the commencement times of meetings, be reviewed, so as to ensure that the start times were as convenient as possible for existing and future candidates when considering the many other demands placed on everyone's time, including any caring responsibilities they may have. A comparison with other Devon authorities was suggested, with a report being brought back to a future meeting.

8.10 Finally for future working arrangements, an Annual Survey would be issued to Members to address any issues they might have for consideration by Group Leaders and the Strategic Management Board to ensure the Council continues Governance arrangements remain fit for purpose.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The decisions will continue to help ensure that the Council provides value for money services and openness and transparency is further maintained by including links to the

Consultation Charter, Code of Corporate Governance and inclusion of the Council's Partnerships by Directorate.

9.2 The formation of a Scrutiny Sub-Committee will further support the Council's Corporate goal of achieving Net Zero 2030.

9.3 Addressing equality and acoustic matters will ensure meetings continue to be inclusive and support decision making.

10. What risks are there and how can they be reduced?

There are no risks associated with the proposals.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

To retain the current constitutional requirements.

Chair of the Governance Review Board.

Author: Corporate Manager Democratic & Civic Support, John Street and Democratic Services Team Leader, Mark Devin on behalf of the Governance Review Board

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

Equality Impact Assessment: *Review of the Council's Governance Arrangements*

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
EXECUTIVE - 4 April 2023 COUNCIL - 18 April 2023	Review of the Council's Governance Arrangements	That the Executive RECOMMEND to Council to approve the following with effect from the 21 February 2023: 2.1 To adopt a Strategic Scrutiny Sub-Committee to enable further scrutiny of the collaborative work needed by the Council's partners on Net Zero. Membership to be politically	Council Members and members of the Public.