

Minutes of the meeting of the **Structural & Procedural Review Sub-Committee** held on **16 October 2001** when there were present:

Cllr R E Vingoe – Chairman

Cllr R F R Adams
Cllr T G Cutmore
Cllr D R Helson
Cllr G A Mockford

Cllr C R Morgan
Cllr P F A Webster
Cllr Mrs M A Weir

OFFICERS PRESENT

P Warren - Chief Executive
R J Honey - Corporate Director (Law Planning & Administration)
R Crofts - Corporate Director (Finance & External Services)
J Bostock - Principal Committee Administrator

82 MINUTES

The Minutes of the meeting held on 17 July 2001 were approved as a correct record and signed by the Chairman.

83 MODERNISING AGENDA – FURTHER DEVELOPMENT OF THE NEW COMMITTEE STRUCTURE AND CONSTITUTION

The Sub-Committee considered the report of the Chief Executive seeking decisions on further detailed aspects of the new political structure prior to its formal implementation in 2002.

The Chief Executive advised that there had been no further correspondence from the Government since submission of the proposed new committee structure in early August. At that time, the Department of Transport Local Government and the Regions had acknowledged receipt and advised that it would be considering the proposals within a 2 month timeframe, with the proviso being that if there were any concerns or issues likely to be raised by the Department, they would be conveyed to the District Council within that period. On this basis, it appeared that the Department was satisfied with the Council's submission. Detailed guidance was still awaited from the Government on some matters, such as Member and Officer codes and protocol.

The Sub-Committee proceeded to give detailed consideration to the specific aspects addressed in the Chief Executive's report.

(1) Composition of the Standards Committee

Responding to Member questions, Officers advised that the Independent appointees must not have been a Member or Officer for a period of 5 years preceding appointment and that a Standards Committee would not be quorate unless at least the minimum number of Independent Members required to be appointed to the Committee (now 25%) are present. Independent Members would receive remuneration (to be determined by the Independent Remuneration Panel) and at this stage it appeared an appointment mechanism similar to that adopted for the Independent Remuneration Panel would be appropriate. Paperwork received so far from the Government had been relatively silent on Standards Committee arrangements and aspects would need to be addressed as and when further information is received.

During debate, reference was made to the Sub-Committee's previous view that, to facilitate pro-rata appointment, the Standards Committee should comprise 8 appointees (5 District Councillors 2 Independent and 1 Parish Councillor). It was observed that, on the basis of current information, the requirement that Independent Members must be present for quorum purposes could lead to business transaction difficulties should there be no substitute facility.

The Sub-Committee agreed a motion moved by Councillor C R Morgan and seconded by Councillor D R Helson aimed at addressing the quorum and the pro-rata factor and it was:-

RECOMMENDED

That, subject to further review in the light of additional information/guidelines received from Government, the Council's Standards Committee comprise appointees as follows:-

- 5 District Councillors (appointed on a pro rata basis)
- 2 Independent Members
- 1 Parish Councillor (CE)

(2) Chairmanship of Committees

It was noted that, in the case of Overview and Scrutiny committees, Government advice was that, even where there is a majority Group, a Council might like to consider it appropriate to have one or more of these Committees chaired by Members outside of the majority Group.

Those Members in favour of a majority group having opportunity to appoint to the Chairman and Vice-Chairman position on all Committees observed that this should facilitate the throughput of business. A Chairman would be able to concentrate on meeting management

rather than feeling a need to oppose proposals by virtue of their own political allegiance. Irregularities could be addressed by the Standards Committee. Where it is felt a subject should be referred to Full Council, this could be facilitated by virtue of all Committees being appointed on a pro rata basis and there remaining a mechanism in Standing Orders for any Member to refer items upwards.

Those Members in favour of having one or more overview and scrutiny committees chaired by Members outside the majority Group felt that this would align with the objectives of reform. Members in non-majority parties did not automatically have the facility or resources to undertake objective scrutiny outside of the Committee process. It was also important to be mindful of public perception should appropriate checks and balances not be in place. Local Authorities with majority administrations can make poor decisions and, in the interests of effective Local Government, majority parties should not feel inconvenienced should a Scrutiny Committee be chaired by a Member of another Party.

Responding to Member questions, the Chief Executive advised that:-

- The Standards Committee would be specifically tasked with reviewing probity and conduct, not decisions. Overview and Scrutiny would be looking at policy development and decisions made by Policy Committees.
- Other Local Authorities with large majorities have been opting for Chairmanship of overview and scrutiny from the non-majority, the majority still maintaining a position by virtue of pro-rata appointments.
- It will be possible to prescribe a mechanism for the referral of matters to Scrutiny within Standing Orders.

A motion, moved by Councillor R E Vingoe and seconded by Councillor C R Morgan was agreed on the casting vote of the Chairman and it was:-

RECOMMENDED

That the Council follow Government guidance in that, where there is a majority Group, one or more Chairs of the Overview and Scrutiny Committees be chaired by Members outside of that Group. (CE)

(3) Sub-Committees and Working Groups

It was noted that the majority of existing Sub-Committees and Working Groups were working in a policy or project development role or monitoring and/or looking into past/current Council decisions and

actions, these being functions which should be transferrable to an overview and scrutiny context.

Responding to Member questions, the Chief Executive advised that:-

- It was envisaged that the work of the Planning Policy Sub-Committee could be subsumed into the Environment Overview and Scrutiny Committee. The work of the current Leisure Sub-Committee could be placed with either a Policy or Overview and Scrutiny Committee as appropriate.
- Notwithstanding that there is an overall statutory framework to the Council's new political structure, it would be possible to make adjustments to any areas where problems are being experienced in the light of implementation to any areas where problems are being experienced.
- It would be possible to set up additional Overview and Scrutiny meetings for specific time sensitive projects. The size of the new Committees would lend itself to this approach.

A Member observed that particular provision may need to be made to ensure conclusion of the Local Plan. It was recognised that the task and finish approach may be appropriate in this regard.

RECOMMENDED

That, subject to appropriate arrangements being in place for effective conclusion of work on the Local Plan, the Council should aim to incorporate the functions carried out by the existing raft of Sub-Committees and Working Groups into the Overview and Scrutiny process. (CE)

(4) Parish Involvement

It was noted that Parish Councils would be involved with the District Council through their representation on the Standards Committee. They would also have opportunity for involvement through the overview and scrutiny process in that Overview and Scrutiny Committees can invite representatives from one or more Parishes to attend their meeting(s) and provide an input into the matter under consideration.

Members concurred with the view that, within the planning process, Parishes should be allowed to continue to make direct representations to the Planning Committee, as is allowed under current District/Parish protocol.

Responding to Member questions, the Chief Executive advised that:-

- The District would need to continue to work with Parishes in taking forward community planning/strategy. It may be appropriate to identify a specific forum for that.
- The District has a number of working linkages with the Parishes away from the formal Committee process.

It was noted that Parishes would continue to retain access to documentation emanating from the planning process. It was also noted that the current Partnership Sub-Committee (Essex Links) was being provided with the details of the District's modernisation proposals.

RECOMMENDED

- (1) That, within the planning process, Parish/Town Councils continue to be allowed to make direct representations to the Planning Services Committee.
- (2) That the District Council continue to interact and work with Parish Councils as required by virtue of both statute and Council business. (CE)

(5) Committee Timetable

The Sub-Committee agreed that it would be of value to trial the working of the new political structure over the two cycle period originally envisaged. This was a good time for review of any problems. It would be unfair if the new Council in place during the next Municipal Year was faced with an untried structure determined by its predecessor. The political parties would also be able to develop an early appreciation of the working of the structure.

Responding to Member questions, Officers advised that:-

- As a living process, adjustments would no doubt be required.
- It was anticipated that it would be possible to have Standing Orders and other operational matters in place in sufficient time for the trial.
- Officers would supply appointee nomination forms to Group Leaders as soon as practicable.

The Sub-Committee concurred with the view of the Chairman that it would be of value if the Chief Executive could, at an early stage, identify work currently being undertaken by Working Groups which should be applied to the Task and Finish approach.

It was noted that the suggested timetable retained the eight week cycle and allowed for each Policy Committee and Overview and Scrutiny Committee to meet twice per cycle as well as two Planning Committees (there being sufficient space within the timetable to allow for the Standards Committee and an Appeals/Licensing Panel to meet as and when required).

On a motion moved by Councillor D R Helson and seconded by Councillor C R Morgan it was:-

RECOMMENDED

That, subject to Standing Orders and other operational aspects being in place, the new political arrangements commence on 1 January 2002 on the basis of the timetable appended to these minutes.(CE)

The Meeting closed at 8.50pm.

Chairman _____

Date _____

CYCLE OF MEETINGS: JANUARY – APRIL 2002

APPENDIX

	JANUARY	FEBRUARY	MARCH	APRIL
Monday				1 Bank Holiday
Tuesday	1 Bank Holiday			2 Community Services Committee
Wednesday	2 Community Services Committee			3
Thursday	3 Environment Committee			4 Planning Committee
Friday	4	1	1	5
Monday	7	4	4	8
Tuesday	8 Policy & Finance Committee	5 Environment Committee	5 Community Services Committee	9 Environment Committee
Wednesday	9	6	6	10
Thursday	10 Planning Committee	7 Planning Committee	7 Planning Committee	11 Policy & Finance Committee
Friday	11	8	8	12
Monday	14	11	11	15
Tuesday	15 Scrutiny Committee	12 Policy & Finance Committee	12 Environment Committee	16 Scrutiny Committee
Wednesday	16	13	13	17
Thursday	17 Scrutiny Committee	14 Scrutiny Committee	14 Policy & Finance Committee	18 Scrutiny Committee
Friday	18	15	15	19
Monday	21	18	18	22
Tuesday	22 Scrutiny Committee	19 Council (Council Tax)	19 Scrutiny Committee	23 Scrutiny Committee
Wednesday	23	20	20	24
Thursday	24 Council (Budget)	21 Scrutiny Committee	21 Council (Strategies)	25 Council
Friday	25	22	22	26

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APPENDIX

Monday	28	25	25	29
Tuesday	29	26 Scrutiny Committee	26 Scrutiny Committee	30
Wednesday	30	27	27 Scrutiny Committee	
Thursday	31 Community Services Committee	28 Council	28	
Friday			29 Bank Holiday	