

Report to: **Council**
Date: **19 December 2019**
Title: **Political Structures and Governance Review**
Portfolio Area: **Council – Cllr Pearce**
Wards Affected: **All**
Urgent Decision: **N** Approval and clearance obtained: **Y**
Date next steps can be taken: **Immediately**

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RECOMMENDATIONS

That Council be RECOMMENDED that:

- 1. the Political Structures Working Group decisions on the Webcasting Project be noted;**
- 2. initially for a trial period for the remainder of the 2019/20 Municipal Year, Group Leaders be given the ability to nominate Substitute Members (from the Overview and Scrutiny Panel membership only) to serve on the Development Management Committee;**

assuming that recommendation 1 (above) is approved:

- (a) the following Substitute Members be nominated to be able to serve on the Committee:**
 - Cllrs Reeve, Smerdon and Spencer (Conservative Group nominations); and**
 - Cllrs O’Callaghan and Thomas (Liberal Democrat Group nominations); and**
- (b) the draft Substitutes Protocol (as attached at Appendix A) be adopted; and**

- 3. the status quo in respect of both Committee Sizes and the practice whereby all 31 Members must serve on one of either the: Development Management Committee, Executive or Overview and Scrutiny Panel be retained;**
- 4. where deemed appropriate by the relevant lead officer, Members be given the option of remotely attending Member Briefings over Skype;**
- 5. the status quo in respect of the start time of formal Member meetings and the venues that they are held in be retained;**
- 6. initially for a twelve month trial period, one 'fit for purpose' Independent Person (with full voting rights) be recruited to serve on the Council's Audit Committee.**

1. Executive summary

- 1.1 The Council has established a Political Structures Working Group (PSWG) that is tasked with *'making recommendations to full Council on the Council's Governance arrangements and decision-making processes and structures.'*
- 1.2 The Working Group last met on Thursday, 26 September 2019 and considered the following agenda items:
 - Webcasting of Council and Committee Meetings;
 - Use of Substitutes at Committees;
 - Committee Sizes and Should all Members be allocated a seat on a Committee?;
 - Joint Overview and Scrutiny Opportunities with West Devon Borough Council;
 - Member Briefings over Skype;
 - Meeting Start Times and Venues; and
 - Review of Appointing 'Independent Persons' to serve on the Audit Committee.
- 1.3. This report presents the Group's conclusions on each of these agenda items.

2. Background

- 2.1 At its Annual meeting on 16 May 2019, the Council appointed the following Members to serve on the PSWG (Minute 16/19 refers):
 - The Leader of Council (Group Chairman);

- The Deputy Leader of Council (Group Vice-Chairman)
- Cllr Abbott;
- Cllr Baldry;
- Cllr Birch;
- Cllr Hodgson;
- Cllr Holway;
- Cllr Pannell;
- Cllr Rowe; and
- Cllr Smerdon

2.2 The Group meeting on 26 September 2019 was attended by 9 of the Group Members (Cllr Holway had sent his apologies) and Cllrs Hawkins, McKay, Spencer, Taylor and Thomas were also in attendance to contribute to the Group's deliberations.

3. Outcomes/outputs

3.1 Webcasting of Council and Committee Meetings

3.1.1 At its meeting on 22 February 2018, the Council had given delegated authority to the PSWG to determine whether or not Council and formal Committee meetings that are held at Follaton House should be permanently live streamed (Minute 64/17 refers);

3.1.2 The PSWG meeting on 26 September 2019 was asked to exercise its delegated authority to make this decision and proceeded to conclude that:

- With effect from 1 December 2019, the existing webcasting system be used to live stream formal Member meetings that are held in the Council Chamber, with the effectiveness of the system being reviewed again by the PSWG in November 2020;
- A solution that would enable meetings to be webcast in the Cary and Repton Rooms be fully costed and reported back to a future PSWG meeting;
- That, as an internal trial, the Executive meeting on 6 February 2020 be held in the Council Chamber and webcast; and
- That, in advance of the live launch date of 1 December 2019, a combined Member and Officer Training Session be arranged on Webcasting.

3.2 Use of Substitutes at Committees

3.2.1 A Member request was made for the PSWG to revisit the current practice whereby the Council did not have

provision to appoint substitutes on to any of its Committees;

- 3.2.2 The PSWG is of the view that, to increase the resilience of the Development Management (DM) Committee, there should be provision for the Council to appoint Substitute Members to serve on the Committee;
- 3.2.3 Due to the potential conflict in roles between the two Member Bodies, the PSWG is not minded to recommend that Executive Members can be appointed as Substitute Members to serve on the DM Committee. As a consequence, it is recommend that Substitute Members be restricted to Members of the Overview and Scrutiny Panel only;
- 3.2.4 On the assumption that this proposal is approved by Council, Group Leaders have been invited to submitted their nominations and the following have been received:
- Conservative Group: Cllrs Reeve, Smerdon and Spencer; and
 - Liberal Democrat Group: Cllrs O'Callaghan and Thomas;
- 3.2.5 The PSWG is also of the view that a Substitutes Protocol should be produced to underpin this process and a draft version is presented at Appendix A for adoption;
- 3.2.6 To gauge the success of this proposal, the PSWG has recommended that this proposal is reviewed again by the Working Group following the DM Committee meeting on 8 April 2020. If the trial is deemed to be a success, then this will be reflected in the 2020/21 Member appointments process to be determined at the Annual Council meeting on 21 May 2020;

3.3 **Committee Sizes and Should all Members be allocated a seat on a Committee?**

- 3.3.1 The PSWG was tasked with reviewing the practice whereby all 31 Members had to serve on one of either the: Development Management Committee, Executive or Overview and Scrutiny Panel;
- 3.3.2 The consensus view is that the current practice enabled all Members to have a seat on an important Committee and should be retained;
- 3.2.3 The PSWG did not receive any convincing arguments to amend the sizes of any of the Committees of the Council

and therefore recommended that the status quo should again be retained;

3.4 Joint Overview and Scrutiny Opportunities with West Devon Borough Council

3.4.1 In light of the Shared Services agenda with West Devon Borough Council, this does present some potential opportunities for Joint Overview and Scrutiny working. Recent examples would include the ability to establish Joint Task and Finish Groups to review the Fusion Leisure Contract and the Locality Service;

3.4.2 The benefits of such joint working were identified during the last Corporate Peer Review;

3.4.3 There was a range of views on this proposal (both in support and opposition) expressed at the PSWG meeting and, as a way forward, it was agreed that:

'A meeting of the Chairmen and Vice-Chairmen of the Overview and Scrutiny Panels at the two Councils be arranged to discuss potential joint working opportunities, with the outcome of this meeting then being reported to the next Working Group meeting.'

3.4.4 The equivalent Working Group at West Devon Borough Council has now approved a similar proposal and the meeting will therefore be set up for early in the New Year.

3.5 Member Briefings over Skype

3.5.1 The PSWG recognised that the IT equipment that Members had received upon their election included the technology (Skype) for remote attendance at Member Briefings;

3.5.2 Whilst it is recognised that not all Member Briefings would be conducive to be carried out over Skype, there was felt to be definite scope for it to be used in certain instances. Members recognised that Skype Briefings would have direct benefits including a reduction in Member Travel Claims and a reduction to the Council's Carbon Footprint;

3.5.3 As a way forward, the PSWG has recommended that, where deemed appropriate by the relevant lead officer, Members should be given the option of remotely attending Member Briefings over Skype.

3.6 Meeting Start Times and Venues

- 3.6.1 The PSWG discussed at length the merits of evening start times for Committee Meetings. In citing as key reasons the inevitable clashes with Town and Parish Council meetings and the potential for some meetings to run into the early hours of the morning, the PSWG did not support the concept of evening start times for Committee meetings. It is therefore recommended that the status quo should be retained;
- 3.6.2 There was a proposal put to the PSWG meeting that the start time of Full Council meetings should be put back to 4.00pm. Whilst the proposal was declared lost (by a vote of 4 in favour and 5 against), some Members felt that this particular recommendation merited further consideration at this Council meeting;
- 3.6.3 The PSWG did acknowledge that, for lengthy DM Committee meetings, the agenda should include more pre-set time intervals. This working practice has already been implemented and is demonstrated by the agenda for the last DM Committee meeting that was held on 4 December 2019;
- 3.6.4 The PSWG is not convinced that there is a need to convene formal Member meetings at alternative venues to Follaton House and has therefore again recommended that the status quo be retained;

3.7 Review of Appointing 'Independent Persons' to Serve on the Audit Committee

- 3.7.1 Local authorities have the ability to appoint 'Independent Persons' to serve on its Audit Committee;
- 3.7.2 This provision was last reviewed by the Council at its meeting on 21 March 2019 (Minute 69/18 refers) and, whilst the Council did not support this provision at that time, it was agreed that this matter should be reviewed again by the PSWG within the next twelve months;
- 3.7.3 At its last meeting, the PSWG recognised that the Chartered Institute of Public Finance and Accountancy (CIPFA) advice is that it is considered to be Good Practice to appoint at least one 'Independent Person' to serve on a Council's Audit Committee;
- 3.7.4 As a consequence, the Working Group has recommended that, initially for a 12 month trial period, one 'fit for purpose' Independent Person (with full voting rights) be recruited to serve on the Council's Audit Committee;

- 3.7.5 If the Council approves this recommendation, it is envisaged that a recruitment and selection exercise will be undertaken that is akin to the Salcombe Harbour Board appointments process. For clarity, the recommended appointment from the recruitment and selection process will still require the approval of Full Council;
- 3.7.6 At this present time, there is no provision in the Council's Scheme of Members' Allowances for an Audit Committee 'Independent Person' to be entitled to claim an Allowance. However, it is necessary for the Council to review its Scheme (the Independent Remuneration Panel will need to be reconvened during early 2020) and, subject to Council approval of this recommendation, this matter will be included as part of the review.

4. Options available and consideration of risk

- 4.1 The Council can accept all, some or none of the Working Group recommendations. As part of its annual appointments process, the Council has established (and entrusted) a cross-party Working Group to undertake a belt and braces review on any aspects of the Council's Governance arrangements and decision-making processes and structures. The recommendations arising from the latest review are reflected in this report;
- 4.2 The specific provision to enable for Substitute Members to serve on the DM Committee will add resilience and further reduce the potential for a meeting to be declared inquorate;
- 4.3 The recommendations for both Substitute Members and an Independent Person to serve on the Audit Committee are only for an initial trial period. Therefore, if these are not deemed to be successful, then a recommendation(s) will be presented to a future Council meeting that reflects this conclusion.

5. Proposed Way Forward

- 5.1 It is recommended that each of the Working Group recommendations be approved at this Council meeting.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The Political Structures Working Group has the ability to make recommendations to full Council meetings.</p> <p>The Council has the ability to amend and/or update its Constitution throughout the year.</p>

Financial implications to include reference to value for money		There are no significant implications arising directly from this report. However, there may be some savings made to the Member Travel Budget through the increased use of Skype Technology. This is likely to be offset if the Council approves any recommendation to enable for an Allowance to be claimed by an Audit Committee 'Independent Person'.
Risk		The key risks are identified at Section 4 above.
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		There may be some carbon footprint benefits through the increased use of Skype Technology.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None arising as a direct result of this report
Safeguarding		None arising as a direct result of this report
Community Safety, Crime and Disorder		None arising as a direct result of this report
Health, Safety and Wellbeing		None arising as a direct result of this report
Other implications		None arising as a direct result of this report

Supporting Information

Appendices:

Appendix A – Draft Substitutes Protocol

Background Papers:

Political Structures Working Group agenda papers;
Council agenda and minutes – 22 February 2018 meeting;
Council Constitution (that includes the Scheme of Members' Allowances);
and
CIPFA Guidance on Independent Persons serving on Audit Committees.