

WAVERLEY BOROUGH COUNCIL

REPORT OF THE CONSTITUTION SIG – 15 SEPTEMBER AND 5 DECEMBER 2016

EXECUTIVE – 10 JANUARY 2017

Following its last report to the Executive on 12 July 2016 recommending changes to the constitution relating to Questions by Members of the Public, the SIG has met again on two occasions to look at Questions by Members and also to propose the structure for the new Overview and Scrutiny arrangements and recommend some principles about how they will operate. The recommendations from the SIG to the Executive, and then Council, are detailed below.

Questions by Members

The SIG reviewed the section of the Constitution relating to Questions from Members and agreed that where possible it should be consistent with the changes made to the section on Questions by Members of the Public.

It is therefore

RECOMMENDED that

- 1. Para 11.3 should be revised to delete ‘*member of a Committee or Sub-Committee*’ and replace with ‘*any member of the Council*’ may ask the Chairman...**
- 2. Para 11.4 (a) should be amended so that members of the Council need to give at least 4 clear working days notice in writing, instead of 7;**
- 3. Para 11.4 (b) add that the question must relate to matters ‘*that are not already included on the agenda*’.**

Overview and Scrutiny Arrangements

Timing

The SIG gave initial consideration to a number of areas to progress the implementation of the review. The SIG did however agree that it was important to take time over agreeing what the new structure of Committees and arrangements should look like and so the proposed implementation would be in time for the start of the new Council year 2017/2018. Members were keen that the role of Scrutiny Officer was recruited to straight away so that the postholder could help to advise on and shape the new arrangements. At the last meeting, members were informed that the original recruitment exercise had been unsuccessful and officers were taking steps to readvertise the post as soon as possible with some direct targeting of the advert into relevant professional networks.

Training of Members

A suite of training events to be facilitated by South East Employers had been arranged that would help launch and deliver the necessary messages about good scrutiny and how it would best operate for Waverley. Specific training for Chairmen and Vice-Chairmen of the Scrutiny Committees was identified as an area to be included. It was proposed by the SIG that each training session should be open to all members and relevant officers to jointly attend. Dates had now been finalised and all members and appropriate officers invited.

Members' Allowances

The SIG was aware that the Members' Allowances Scheme currently included Special Responsibility Allowances (SRAs) for the Chairman and Vice-Chairman of each Overview and Scrutiny Committee. It was identified that consideration would need to be given to the level of SRA payable in the event that the structure of Committees changed and involved the appointment of more (or less) Chairmen and Vice-Chairmen. Officers would include this as part of the considerations by the Independent Remuneration Panel for Members' Allowances which was due to meet again in 2016/2017 to review the current scheme.

Structure of Committees

The SIG supported the idea of having a structure of four Overview and Scrutiny Committees aligned to the Corporate Priorities. However, it was agreed that because of the service complexities, there should be a specific Committee to deal with housing-related matters. The proposed structure of the Committee is attached at Annexe 1.

The SIG discussed the Co-ordinating Group which would meet informally and consist of the Chairmen and Vice-Chairmen of the four O and S Committees. It was agreed that this group should be defined as the Co-ordinating Board, and that it could meet informally on its own or with the Executive and Directors as appropriate.

Terms of Reference

The suggested Terms of Reference for each Committee are set out at Annexe 2. The SIG supported the breakdown of service areas into the Terms of Reference for each Committee as a good starting point from which the Committees would operate from 2017/18 onwards, and agreed that it was important to keep the Terms of Reference under constant review, and revisit them after six and twelve months. It was also suggested that the Co-ordinating Board would play a role in deciding where matters which were overarching or relevant to more than one Committee should be considered.

The Terms of Reference of the Committees are set out in the Council's Constitution and so approval is also sought for any amendments to the Terms of Reference to be delegated to the Co-ordinating Board on the basis that if the need arises, there is flexibility to revise the Terms of Reference swiftly. The Terms of Reference would be included in an annual report from each Committee to the Council – and the

constitution would be updated at this point with any changes that had taken place during the year.

It is recommended that

- 4. the structure of four Overview and Scrutiny Committees, as set out in Annexe 1 be agreed, along with the establishment of the informal Co-ordinating Board whose membership would consist of the Chairmen and Vice-Chairmen of the four Committees;**
- 5. the Terms of Reference for the Overview and Scrutiny Committees, as set out in Annexe 2, be agreed;**
- 6. authority be delegated to the Overview and Scrutiny Co-ordinating Board to keep the Terms of Reference under regular review and revise when necessary, subject to an annual report from each Committee to the Council to endorse any changes and amend the constitution accordingly.**

Size of Committees

Members discussed the number of members who should be appointed to each Committee and, in view of the in-depth work they were expected to pursue, suggested a membership of 9, with the exception of the Housing O and S Committee which would have a membership of 11, two of whom would be Tenants' Panel representatives.

It was clarified that the system of appointing substitutes for absences would be in operation, and that this provision would also extend to the Tenant's Panel representatives. To facilitate the smooth-running of this process, each Group would provide the Democratic Services Team with a priority order list of which members to call to attend as substitutes to ensure that only those members interested in doing so would be contacted.

It is recommended that

- 7. the four Overview and Scrutiny Committees should consist of 9 Waverley members, and that the Housing Overview and Scrutiny Committee also appoints 2 Tenants Panel Representatives as co-optees.**

Timing of Meetings

The SIG agreed that the proposed timing of meetings, six per year, seemed appropriate and that because the Committees would become involved in in-depth review work which may necessitate additional meetings in a short period of time, there should be flexibility to arrange extra meetings when necessary, subject to the agreement of the Chairman and Vice-Chairman.

It is recommended that

8. **the constitution be amended to enable additional meetings of each O and S committee to be arranged with the agreement of the Chairman and Vice-Chairman.**

Chairmanships

The SIG agreed the principle that the Chairman and Vice-Chairman of each Committee should not be from the same political group.

The SIG received details about how the Chairmen of Overview and Scrutiny Committees were appointed at other authorities, and agreed that with a single party Executive, it was good practice for Scrutiny Committees to be chaired by the opposition. The SIG discussed this in light of the current political composition of the Council and recognised the restrictions that could be placed on a small opposition group when having to find suitable and willing members to fill the Chairman roles on the Committees. The SIG agreed that the most important consideration was for the best person to be appointed to the role, and accepted that this may not always be an opposition member. It was noted that, subject to the trigger of 10% being reached, the Chairmen of the Committees would be nominated by the largest minority group. To this end, the constitution does not need to be changed but will be clarified to read as follows (new text shown in bold and italic type):-

*“In the event of a single party Executive, the Chairmen of the Overview and Scrutiny Committees should be nominated by the largest minority political group on the Council (this can include non-members of the largest minority group or members of the majority group), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership **(in the current composition of the Council, this would equate to 6 members)**. **The Vice-Chairman of the Overview and Scrutiny Committee shall not be from the same political group as the Chairman**”.*

This gives clarity that the entitlement to the role of Chairmen remains with the largest minority group, but they are not obliged to take them and can agree to appoint a member who is not part of their group, who may also be from the majority group. In the event that this happens, the largest minority group are still entitled to the Vice Chairman position on the Committee to comply with the principle that the Chairman and Vice-Chairman are not from the same political group.

It is recommended that

9. **the constitution be amended to agree the revised wording set out above regarding chairmanships of the Overview and Scrutiny Committees.**

Attendance by Executive Portfolio Holders

The SIG was in agreement that there was a role for Executive Portfolio Holders in attending Overview and Scrutiny Committees, as long as this role was clearly defined within the constitution. It was agreed that O and S Committees could invite Portfolio Holders along as part of their forward work programme to talk about their service areas, but they could also invite them along to help with deliberations. A protocol setting out how this would be managed is attached as Annexe 3. The

protocol also covers the Chairman of an Overview and Scrutiny Committee (or, in his or her absence, the Vice-Chairman) attending the Executive to present reports.

It is recommended that

- 10. the protocol for attendance at meetings of the Executive and Overview and Scrutiny Committees, as set out at Annexe 3, be agreed.**

Special Interest Groups (SIGs)

The SIG identified that many of the areas of work currently undertaken by SIGs could be better placed as areas of investigation, policy formulation and in-depth review for the Overview and Scrutiny Committees. Whilst there were some concerns about the ability of the Portfolio Holder to be involved in areas affecting their remit if the Overview and Scrutiny Committees were leading, it was agreed that they could be invited to attend meetings on an ad hoc basis. Subject to this, the SIG agreed that Special Interest Groups should be deleted from the Constitution and that the work of the current Constitution SIG could be picked up by the Standards Panel in future. It was further clarified that the appointed Town and Parish Council representatives would not participate in any discussions at the Standards Panel relating to the Waverley constitution.

It is recommended that

- 11. Special Interest Groups be deleted from the establishment, and the role of the Standards Panel be extended to include keeping the constitution under review and making recommendations for revision.**

Recommendation

That the Executive recommends to the Council that approval be given to the recommendations 1-11 detailed within the report.

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