

MINI REVIEW OF GOVERNANCE PROCEDURES

To: **Constitution and Ethics Committee**

Meeting Date: **4th February 2016**

From: **LGSS Director of Law, Property & Governance and Monitoring Officer**

Electoral division(s): **All**

Purpose: **To consider the results of a mini review of Cambridgeshire County Council's governance procedures.**

Recommendation: **The Constitution and Ethics Committee is invited to:**

- **recommend any revisions to the Council's Constitution to full Council on 16 February 2016; and**
- **recommend any changes to the timing of full Council to Group Leaders for approval as part of the revised County Council Meeting Cards 2015/16 and 2016/17.**

<i>Officer contact:</i>	
Name:	Quentin Baker
Post:	Director of Law, Property & Governance and Monitoring Officer
Email:	quentin.baker@cambridgeshire.gov.uk
Tel:	01223 727961

1. BACKGROUND

- 1.1 Cambridgeshire County Council converted from a Leader Cabinet form of governance to a Committee System with effect from May 2014.
- 1.2 A review of the operation of the new governance system was conducted between November 2014 and January 2015. An electronic questionnaire was made available to all members and officers from late November to late December 2014, containing questions relating to specific aspects of the system and a section for general comments. The Constitution and Ethics Committee then held a workshop in January 2015 to consider the responses to the survey, and considered the results of the review at its meeting on 3rd March 2015.
- 1.3 On 24th March 2015, Full Council considered the Committee's recommendations for revisions to the Constitution and other proposals arising from the review.
- 1.4 As part of its decision on modifications to the governance system, Council agreed to the recommendation that it ask the Constitution and Ethics Committee to conduct a mini review in a year's time in order to consider whether to recommend any changes to the detailed governance procedures to Council.
- 1.5 At its last meeting, the Committee agreed that it would be appropriate to conduct the review by email. It was suggested that the email set out the changes made following the previous review, ask Members to say how they felt the changes had improved procedures, and invite Members to identify further matters that needed to be addressed. It was resolved unanimously that the mini review be conducted by inviting Members and the Corporate Leadership Team by email to identify any points of difficulty that they have experienced in operating the governance system since 24th March 2015.
- 1.6 All Members and Corporate Leadership Team were emailed on 2nd December 2015 with a request to respond by Friday 1st January 2016. A reminder was sent on 23rd December 2015.

2. RESPONSES TO THE MINI REVIEW

- 2.1 13 responses were received to the mini review including a collective response from Economy, Transport and Environment. The comments are set out below.
- 2.2 A number of respondents thought the committee system was working well and that the change in committee size had been an improvement and a positive step. There was a view that the system had coped with a number of challenges over the year, and whilst there had been a need to review the way the system had worked under pressure, it was felt that it had coped relatively well. Respondents particularly welcomed the clarity around not taking 'for information' papers to committees.
- 2.3 There is still some confusion around the relationship of General Purposes Committee to Policy and Service Committees. One respondent highlighted the issue of service decisions linked to asset decisions which are made by General Purposes Committee. It was felt that there was a lack of co-ordination between officers and members about reports that go to both policy and service committees and General Purposes Committee. There is a view that the role and remit of General Purposes Committee needs to be clearer.

- 2.4 As part of the review, it has been proposed that full Council should commence at 2.00p.m. This proposal is supported by the Conservative Group which proposes a 1.30p.m. start.
- 2.5 There is some concern as to where responsibility for a given issue should lay, for example, Staffing and Appeals Committee recommended to Constitution and Ethics Committee changes to the Service Appeals Sub-Committee which were then challenged by Constitution and Ethics Committee.
- 2.6 One respondent has raised the issue of where there are two very connected agendas with leads sitting in different committees. For example, Health Committee having a lead on the activity to commission some specific children's health services (health visiting and school nursing) with other elements of preventative children services (such as children's centres) sitting with the Children and Young People Committee. There is a risk that decisions are taken by members outside of the wider context.
- 2.7 Another comment relates to work which overlaps between Committees, such as Community Resilience and Risk, which can mean there's a risk of duplication.
- 2.8 One respondent commented on the need to improve the Spokes system and felt there was a reluctance to allow members to determine the agendas and the workload of the committee. There has also been comment that attendance at Spokes is not as good as it could be. Although substitutions are named they never really turn up if the main Spokesperson cannot attend.
- 2.9 The last review identified the need to provide a summary of each policy and service committee to full Council but the purpose of this has been challenged when no discussion is permitted.
- 2.10 One respondent commented on the lack of clarity about the role of the Vice-Chairman/woman. On the one hand it viewed purely as a substitute for the Chairman/woman but at the same time key documents are often delegated by the committee to the chair and vice-chair to sign off. There is a potential conflict of interest between the role of vice-chair and spokes but under the committee system the two were not recognised as having to be undertaken by two different people.
- 2.11 Another respondent commented that Spokes meetings being the only conduit for agenda items is unnecessarily restrictive, particularly as not all members are not usually aware of the dates of spokes meetings. Any member should be able to put an item on a committee agenda.

3. ACTION IN RESPONSE TO THE MINI REVIEW

- 3.1 With reference to paragraph 2.3 regarding the confusion around the relationship of General Purposes Committee to policy and service committees, it is proposed to hold training at a Members' Seminar on Friday 15 April 2016 covering the current role of General Purposes Committee and how it relates to policy and service committees.
- 3.2 There is no constitutional reason why the timing of Council cannot be moved. Group Leaders approve the County Council Meeting Card each year so any proposed change would need to be signed off by Group Leaders. However, it is important to note that one respondent has highlighted the need to ensure that members coming from a distance do not get home too late and another has suggested a 1.00p.m. start as his bus home becomes less frequent after 6.00p.m.

- 3.3 With reference to paragraph 2.5 regarding the issue of changes to the Service Appeals Sub-Committee. The Service Appeals Sub-Committee comes under the remit of the Staffing and Appeals Committee which has authority to oversee its work. It is therefore appropriate that any changes to the work of this Sub-Committee should be considered and recommended to Council by the Staffing and Appeals Committee. However, these changes resulted in the need to amend the Constitution which is the responsibility of the Council's Constitution and Ethics Committee. It is not for the Constitution and Ethics Committee to challenge the recommendation of the Staffing and Appeals Committee, its role is to recommend amendments to the Constitution to Council resulting from this recommendation. The challenge should remain the responsibility of full Council.
- 3.4 With reference to paragraph 2.6 where there are two very connected agendas with leads sitting in different committees. This issue highlights the importance of member training. The Constitution and Ethics Committee will remember that Council agreed each service committee should consider and approve its own training plan at every meeting. It would therefore seem appropriate to have a joint training session for Children and Young People and Health Policy and Service Committees covering all elements of preventative children services to ensure that all members involved in decision making are aware of the connection between issues.
- 3.5 There has been a considerable amount of work undertaken to prevent duplication and the risk of committees taking different decisions when work overlaps between committees. Officers are well aware of the need to avoid taking the same report to two different committees. However, it is, on occasion, unavoidable.
- 3.6 A workshop took place on 25th August 2015 focusing on a review of the role descriptions for Chairmen/women and Spokes. Following this workshop, the Member Development Panel is currently reviewing the Member role descriptions and is considering draft guidance on the operation of Spokes meetings and Chairman/woman/Vice-Chairman/woman's briefing meetings. The Panel has e-mailed all Members for their views. All Spokes are asked to record their attendance at Spokes meetings. It is important to note that in the Council's Members' Allowances Scheme that where a councillor in receipt of a special responsibility allowance fails to attend at least 50% of the meetings for which that allowance is paid in any six month period, that councillor shall be invited to repay an appropriate sum of the allowance received during that period.
- 3.7 As part of the previous review, the Committee considered the need for the work of the service committees to be reported to full Council. However, it acknowledged the importance of avoiding the same debate being repeated in a different setting. It was therefore agreed by full Council that it should receive a short (two sides of A4) report at its annual meeting in May.
- 3.8 As set out in paragraph 3.6, the role description of the Vice-Chairman/woman is being considered by the Member Development Panel. The Constitution does not provide for the Vice-Chairman/woman to have any additional responsibilities other than to substitute for the Chairman/woman when he/she is unavailable. It is important to remember that Council took a decision, as part of the review of the Members' Allowances Scheme, that where a group holds the vice-chairman/womanship on a committee a separate allowance for spokes will not be payable in respect of that group and that committee.

- 3.9 Every Policy and Service Committee Agenda Plan, which is published on the Council's website on a monthly basis, should include the dates of all Spokes meetings. The Council approved a process for adding agenda items requested by Councillors, which is included in the Constitution (see below).

“Any Councillor who wishes an item relevant to the functions of a committee to be included on the agenda of that committee shall register a request with their spokesman/woman for that committee. The spokesman/woman shall refer the matter to the next available meeting of committee spokesmen/women. The relevant Executive Director, after consultation with the committee spokesmen/women, shall be authorised to determine whether the item should be included on the agenda of the next available or a subsequent meeting. Where so approved, the Democratic Services Manager shall arrange for the item to be included on an agenda in accordance with the agreed timescale, subject to compliance with statutory notice requirements, and shall notify the Councillor who requested the item accordingly. Where the request is not approved, the Democratic Services Manager will arrange to inform the Councillor of the reasons why the Executive Director, after consultation with the committee spokesmen/women, has decided not to include the item on an agenda of the committee.”

It is possible that there could be a considerable amount of abortive work if any member is able to put an item on a committee agenda without going through the Spokes system first.

4.0 ORAL QUESTIONS AT COUNCIL

- 4.1 Arising from the Chairmen/women/Spokes workshop held in August 2015, the Member Development Panel agreed to feed into the mini-review a request for the Committee to consider whether there should continue to be an oral question time at Council meetings for questions addressed to Committee Chairmen/women.
- 4.2 Under the previous Cabinet system of governance, Cabinet members were each responsible for different areas of the Council's work, known as portfolios. Under the Committee system of governance, responsibility for the Council's work is shared amongst committees rather than given to individuals, and the Chairman/woman of a committee is responsible for the proper conduct of the meeting, rather than for the decisions made.
- 4.3 As part of the previous review of the governance system, 67% of respondents (37 people) said, when asked, that the Constitution and Ethics Committee should consider whether oral question time at Council should continue given the change to a committee system i.e. questions be directed to Spokes instead. At their workshop to consider the survey results, members of the Constitution and Ethics Committee were of the view that oral question time should continue in its present form, but highlighted the need for Members to bear in mind that the Committee Chairman/woman was not the Cabinet Portfolio Holder and could therefore not commit the Committee to actions without its agreement. It was important that Members used oral question time only after exhausting all avenues first.
- 4.4 In view of the request of the Member Development Panel, the Constitution and Ethics Committee is invited to consider whether there is still a place for oral questions at Council, and if there is, who should be the recipients of the questions.

Source Documents	Location
Minutes of County Council 24th March 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=925
Report to and minutes of Constitution and Ethics Committee 3rd March 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=974
Minutes of Constitution and Ethics Committee 19th November 2015	http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=1085