



Derby City Council

## REPORT

### Committee System Working Group

### Update on progress to develop a Committee System of Governance

#### 1. Report Purpose

- 1.1 At its meeting of 27 February 2019, Council resolved to authorise the Strategic Director of Corporate Resources to develop a committee system, based on seven working principles, which were developed by a Member/Officer Working Group, with Councillors from each of the political groups.
- 1.2 Since the Annual General Meeting, work has been ongoing to develop a structure that is consistent with those working principles, and this report provides the Working Group with an update on progress to date. This includes proposals for how a committee system could be structured in Derby, along with details of a draft committee structure and an assessment of the resources required to deliver it.
- 1.3 This report does not seek to re-examine the relative merits of either a committee system or the existing Leader and Cabinet model of governance. These matters were previously explored by the Working Group, and the Council has delegated to officers, the task of developing a workable committee system, within the framework of the working principles.
- 1.4 The question as to whether a workable committee system model could be adopted in Derby is not in doubt; there are numerous examples of other local authorities that have done so in recent years. However, the work undertaken to date, does suggest that it may not be possible to implement such a model within the constraints established by the working principles.

#### 2. Recommendations

- 2.1 To note the contents of the report, which sets out the implications of establishing a Committee System of governance in Derby City Council.
- 2.2 To note that it may not be possible to implement a committee structure, within the constraints of the working principles agreed by Council.

#### 3. Working Principles and Proposed Structure

- 3.1 Council has approved the following working principles as a basis for the development of a committee system:
  - Achieve greater councillor engagement in decision-making;
  - No increase in the number of meetings;
  - No increase in costs;
  - Avoid unnecessary delays in decision-making so that any change is at least comparable to the Leader and Cabinet model;
  - Including call-in within the functions of the new committee structure;
  - To allow all councillors to put items on the agenda of committees;
  - Fit for purpose officer delegation scheme, with councillor involvement only in significant officer decisions.

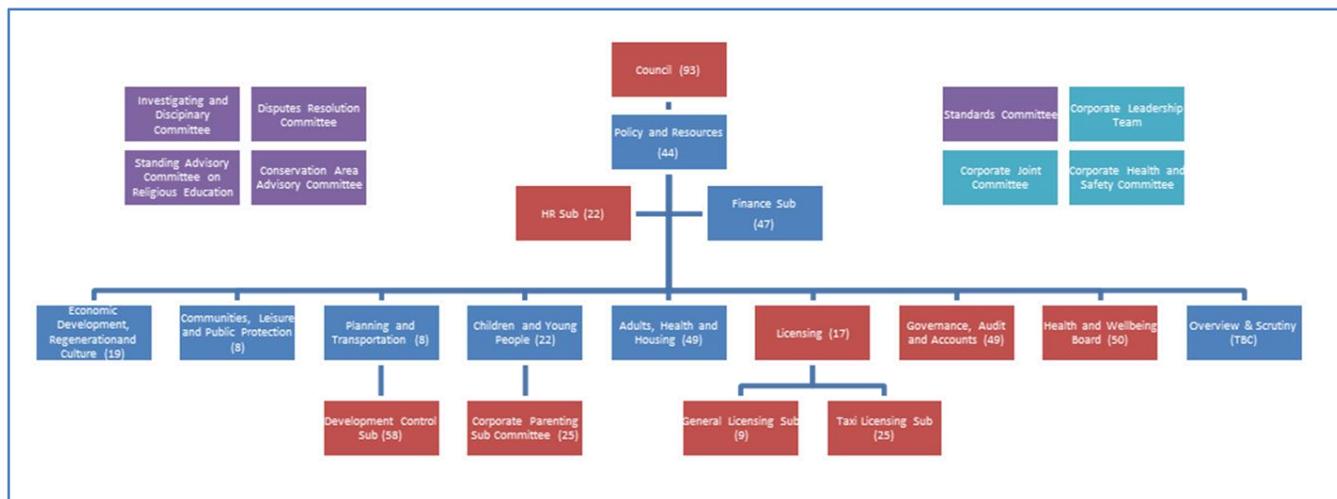
- 3.2 In order to progress the project, a pre-requisite was the development of a 'model' structure from which it was possible to derive the decision-making capacity necessary to effectively operate a committee system, based on the principles agreed by the Working Group.
- 3.3 The committee structure shown below and at Appendix 1 was therefore designed without any prior assessment of the number of decisions likely to be made by each committee. Further refinement of the structure is likely to be necessary based on the information detailed in this report.

#### **4. Working assumptions in development of a Committee model**

- 4.1 The model below and at Appendix 1, includes all executive business considered by Council Cabinet and individual Council Cabinet Members during the 2018/19 municipal year, mapped to a range of service committees, based on an outline Scheme of Delegations attached at Appendix 2. For the purposes of this model, it is also assumed that non-executive and regulatory business will remain at the same level as their predecessor committees<sup>1</sup>.
- 4.2 Included in the model is a single Overview and Scrutiny committee, which would fulfil statutory responsibilities to scrutinise health, community and flood prevention, whilst also providing a broad basis for decisions of service committees to also be scrutinised. This committee would operate on a similar basis to existing scrutiny review boards, by engaging in post-decision scrutiny of decisions and performance reviews; pre-decision scrutiny arrangements such as that carried out by the Executive Scrutiny Board would not be practical under a committee system with multiple decision-making committees. In accordance with the working principle, it is proposed that this committee would consider any decisions that were called in.
- 4.3 Also retained within the model is a separate Corporate Parenting committee. This could be amalgamated into the Children and Young People service committee, should councillors wish to reduce the total number of committees.
- 4.4 The extent of delegation to officers remains unchanged (up to £100k). It was determined that any alteration may lead to conflict with two of the working principles (achieve greater councillor engagement in decision-making / fit for purpose officer delegation scheme, with councillor involvement only in significant officer decisions). Therefore, any decision with a financial impact above £100k would be determined by councillors, with other decisions coming before committee based on requirements that would be contained in the Scheme of Delegations (e.g. decisions with significant environmental, physical, social or economic impact on two or more wards).
- 4.5 Included in the model are statutory advisory committees and committees for consideration of complaints, disciplinary action and disputes resolution that sit outside of the core committee structure. Also included are corporate committees that are currently supported by the Democratic Services team. It is assumed that these will also remain under a committee structure.

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<sup>1</sup> For example, Personnel Committee becomes the HR Sub Committee, Planning Control Committee becomes the Development Control Sub

**Figure1: Derby City Council - Potential Committee Structure**

- Blue – executive decisions mapped to new committees
- Red – existing non-executive decisions mapped to new structure
- Purple – other statutory committees supported by Democratic Services
- Turquoise – internal boards and committees supported by Democratic Services

## 5. Volume of decisions and frequency of meetings

- 5.1 Based on the outline Scheme of Delegations attached at Appendix 2, the number of decisions for determination by each committee is detailed in the diagram above (figure in brackets).
- 5.2 Throughout the 2018/19 municipal year Council Cabinet considered 107 key items of business<sup>2</sup>; the Executive Scrutiny Board considered 147 key items of business<sup>3</sup>; 62 decisions were taken at individual Cabinet Member Meetings; and, eight decisions were taken using urgency provisions.
- 5.3 The average number of key items of business considered at a meeting of Council Cabinet or at an Overview and Scrutiny Board was seven. The average duration of these meetings was 1 hour and 52 minutes.
- 5.4 Together with the Scheme of Delegations, these figures have been used as a basis for estimating the volume of business and frequency of meetings under the new committee structure. Individual Cabinet Member meetings have been discounted from this calculation as they are not representative of how meetings would typically be conducted under a committee system.
- 5.5 It must be noted that under a committee system a service committee would be fulfilling the role of both the decision making and scrutiny committee, therefore the number of key items of business considered at a single meeting should be fewer.
- 5.6 For reference, based on available data collated throughout the 2018/19 municipal year on the duration of meetings, it is estimated that the average cumulative time taken across committees to both make and scrutinise (either pre or post-decision) a Council Cabinet decision was 50 minutes. This should be taken into consideration when determining the frequency and numbers of items of business considered by service committees.

<sup>2</sup> Key Item of Business – does not include apologies, declarations of interest, minutes etc. Includes individual decisions taken under Contract and Financial Procedure Rules.

<sup>3</sup> Includes scrutiny of Council Cabinet decisions and performance items

- 5.7 The table below shows the estimated number of meetings based on notional seven, six, five and four key items of business for consideration at each meeting.

**Table 1 – Committee Meetings and Decisions**

New Committee	Annual KBIs	KBIs per agenda			
		7	6	5	4
		No. of meetings			
Policy and Resources	44	6	7	9	11
Finance Sub	47	7	8	9	12
Economic Development, Regeneration and Culture	19	3	3	4	5
Communities, Leisure and Public Protection	8	1	1	2	2
Planning and Transportation	8	1	1	2	2
Children and Young People	22	3	4	4	6
Adults, Health and Housing	49	7	8	10	12
Overview and Scrutiny	N/A	6	6	6	6
<b>Total</b>		<b>34</b>	<b>39</b>	<b>45</b>	<b>56</b>

- 5.8 The number of items of business considered by the proposed Overview and Scrutiny Board would be predominantly councillor-led and would be dictated by the work programme set by the Board. For the purposes of this analysis, it is assumed that the Board would meet six times per year.
- 5.9 Existing Committee Procedure Rules place a limit of four hours on the duration of constituted meetings. Based on the estimated 50 minutes to make and scrutinise a decision under the Leader and Cabinet model, the estimated average time for each meeting would be 3 hours and 20 minutes, if the agenda included 4 key items of business. Agendas with more than 4 items of business, based on these assumptions, would take in excess of 4 hours, which in turn may result in the need for additional meetings in order to make timely decisions.
- 5.10 In addition to the analysis above relating to current executive business, it is assumed that the business considered by regulatory and non-executive committees would remain unchanged (highlighted in red on the committee structure), as would the frequency of meetings. For information, the current annual number of meetings of these committees is detailed below:

**Table 2 – Number of Committee Meetings in 2018/19 for retained committees**

Committee	Number of meetings in 18/19
Council (excluding extraordinary meetings)	7
HR Sub (Personnel Committee)	5
Licensing	5
General Licensing Sub	8
Taxi Licensing Sub	9
Governance, Audit and Accounts	5
Health and Wellbeing Board	6
Development Control Sub (Planning Control Committee)	8
Corporate Parenting Sub	4
<b>Total</b>	<b>57</b>

- 5.11 Based on the analysis in Table 1, including only four key business items per agenda for newly established committees and by maintaining the existing arrangements for non-

executive committees, it is estimated that the total number of meetings held under the main committee structure would be broadly similar to that held under the proposed committee structure. The following tables provide a direct comparison of the two systems:

**Table 3 – Estimated Number of Meetings under new Committee Structure**

<b>New Committee Structure</b>	<b>Estimated meetings per year</b>
Newly established Committees (Table 1)	56
Existing Committees (Table 2)	57
<b>Total</b>	<b>113</b>

**Table 4 – Total Number of Committee Meetings under Leader and Cabinet Model in 2018/19<sup>4</sup>**

<b>Meeting</b>	<b>Number of meetings in 18/19</b>
Council Cabinet	14
Executive Scrutiny	15
Scrutiny Review Boards	23
Regulatory and other committees (as above)	57
<b>Total</b>	<b>109</b>

- 5.12 In 2018/19, 52 meetings took place that either made or scrutinised executive business as full-scale committees and 57 meetings took place that dealt with either non-executive or regulatory business.
- 5.13 In addition to the above, 13 meetings took place of other statutory committees (purple on the proposed structure) and 51 of other corporate boards and committees (green on the proposed structure). It is assumed that these meetings would remain under a committee system and are not included in the table above.
- 5.14 The working principle allowing for councillors to place items on the agenda for committees does create an element of uncertainty in this overall analysis of committee business, as it is difficult to estimate to what extent councillors would seek to make use of this entitlement. This adds a degree of uncertainty to any analysis of the financial impact of implementing a committee system of governance.
- 5.15 Moreover, to avoid unnecessary delays in decision making and prevent the overuse of any urgency provisions it will be necessary to further adapt the committee structure in order to spread business more evenly between committees.
- 5.16 For example, the following committees could be considered:
- Communities, Public Protection, Leisure and Culture Committee
  - Planning, Transportation and Housing Committee
  - Economic Development and Regeneration Committee
  - Adults and Health Committee
- 5.17 A direct comparison of the volume of business and frequency of meetings under the Leader and Cabinet model is provided in the next section.

<sup>4</sup> Excludes individual Cabinet Member meetings as not representative of how business is conducted under a Committee System of Governance

## 6. Decision making process and timeliness of decisions

- 6.1 The introduction of a committee system would have significant implications for the preparation and sign-off of reports. Currently the council operates a well-understood internal timetable for decision making, captured in the diagram below. However, decision-making under a committee system is likely to be more complex.

**Table 5 – Decision Making Timeline**

Forward Plan submission deadline	Forward Plan publication	DMT	Pre-Agenda	Cabinet Agenda publication	Executive Scrutiny	Council Cabinet	Minutes published	Call-in period expires
Internal deadline Key Decision Only	Statutory deadline Key Decision Only	Internal deadline	Internal deadline	Statutory deadline	Meeting	Meeting	Statutory deadline	Statutory deadline Key Decision Only
D-40	D-29	D-27 to D-31	D-14	D-8	D-1	D	D+2	D+9

- 6.2 The working group has previously considered the shortest possible timescale for a decision under the current model (excluding urgent items) versus a committee system.
- 6.3 There is no statutory Forward Plan requirement under a committee system of governance. Therefore, decisions would only be publicised at the point at which an agenda was published. Therefore, straightforward decisions under the remit of one committee would be taken more quickly, although there is a risk that this may be seen as less transparent than under existing arrangements.
- 6.4 Depending on the Scheme of Delegations that is adopted, certain decisions would require sign-off by multiple committees. In these instances, decisions may take longer to be agreed if the scheduling of meetings did not align.
- 6.5 This could be dealt with by adopting standing orders that allowed the overarching Policy and Resources committee to take decisions on behalf of service committees in cases of urgency, but at the expense of engagement with a wider pool of councillors.

## 7. Resourcing of Committee System and comparison with existing Leader and Cabinet model

### *Democratic Services - Direct Support*

- 7.1 Dedicated support to committees is provided through the Democratic Services team, which comprises of the following full-time equivalent posts, based on current pay scales and the mid-point of the grade:
- x1 FTE Democratic Services Manager (Grade K - £49,293 including 27% on-costs)
  - x3 FTE Democratic Services Officer (Grade H - £38,744, including 27% on-costs)
- 7.2 In 2018/19 the team supported 109 full-scale committees, dealing with executive, non-executive and regulatory business (see Table 4), as well as 13 meetings of other statutory committees and 51 meetings of other corporate boards and committees.

- 7.3 Further to the analysis included at section five, it is assumed that the number of non-executive, regulatory and corporate meetings supported by the team would remain unchanged. Therefore, the 109 meetings of full-scale committees supported in 2018/19 is broadly similar to the 113 meetings of newly established committees estimated under the committee system.
- 7.4 However, it is reasonable to expect that meetings of service committees with decision making powers would require more preparatory work than an equivalent meeting of an Overview and Scrutiny Board (for example via attendance at pre-meetings; provision of constitutional advice to determine where decisions were taken; checking of more complex reports etc.). In addition, councillors' entitlement to add agenda items to committees may lead to an increase in the volume of business to be considered or require more frequent meetings.
- 7.5 It is therefore recommended that an additional x1 FTE Democratic Services Officer would be required in order to support a committee system of governance.

### *Legal and Finance – Direct Support*

- 7.6 The Committee System Working Group discussed arrangements for legal and accountancy representation under a committee system during the development of the working principles; it was estimated that this would likely cost an additional £86k.
- 7.7 Based on current pay scales and assuming the mid-point of the grade, this would equate to the following full-time equivalent posts:
- x1 FTE Lawyer (Grade L - £54,207 including 27% on-costs)
  - x1 FTE Accountancy Officer (Grade G - £34,289 including 27% on-costs)
- 7.8 These posts may not necessarily be required to support committees but would provide capacity in the teams to allow more senior colleagues to attend meetings. Further consultation is required with colleagues in Finance and Legal Services in this regard and will form part of the next steps in the development of a committee system.
- 7.9 The Working Group did not reach a consensus on whether dedicated support would be required at meetings under a committee system. A fact finding visit to Brighton and Hove City Council noted that dedicated finance and legal support was provided to all service committees, however other authorities did not have these arrangements in place.
- 7.10 Under the council's current arrangements, a legal representative attends all meetings with regulatory or executive functions (Council, Council Cabinet, Planning, Licensing, Licensing Subs), with the exception of individual Cabinet Member meetings. All reports also require a sign-off from Legal Services and Finance, as well as other consultees as required (e.g. HR, IT, Equalities etc.).
- 7.11 Failure to provide adequate finance or legal support will increase the likelihood of decisions being challenged or revisited. It is a matter for councillors and senior officers to decide the level of risk that the council is prepared to incur in this regard.
- 7.12 The Working Group has previously considered standby arrangements; it is likely that this would still require additional resource to be identified and is not considered a practical solution. Officers would still be expected to be familiar with the business of the committee and dedicate time to preparation, in order to provide sound advice.

### *Report writing, sign-off and attendance at pre-meetings*

- 7.13 A committee system of governance will likely require greater indirect support in terms of drafting reports, as well as input from relevant service areas in signing off implications. Whilst this takes place under existing arrangements, a report to a service committee with decision-making powers would likely be in greater detail and require a more extensive sign-off process than an equivalent report to an Overview and Scrutiny Board for discussion only. If the number of decisions coming before committees was to substantially increase then there would be a significant and unquantifiable impact on officer time.
- 7.14 Access to information regulations dictate that local authorities must give notice of the decisions it intends to make, except in cases of urgency. This customarily takes the format of a report with recommendations from officers being prepared, for inclusion on the published agenda.
- 7.15 It is unclear how this requirement would be fulfilled in circumstances where a councillor had requested that an item was added to the agenda of a committee for discussion. Under current arrangements, discussion items at Overview and Scrutiny Boards are usually supported by a covering report prepared by a Democratic Services Officer; a similar arrangement would need to be introduced under a committee system.

### *Councillors' Allowances*

- 7.16 It has previously been suggested that a change to a committee system of governance may result in a reduction in the level of allowances payable to councillors with special responsibilities. This is due to the fact there is lesser individual accountability under a committee system in comparison to a Leader and Cabinet model.
- 7.17 Whilst any change in allowances would ultimately be subject to consultation with the IRP, an initial analysis can be made based on the draft committee structure that shows a significant reduction in the overall level of Special Responsibility Allowances.
- 7.18 For the purposes of this analysis it is assumed that allowances paid to the chairs of service committees under a Committee System would be broadly similar to those paid to the chairs of regulatory committees under the Leader and Cabinet Model.

**Table 6 - SRAs under existing executive arrangements**

<b>Role</b>	<b>Amount £</b>	<b>Number</b>	<b>Total £</b>
Leader	30,229	1	30,229
Deputy Leader	22,672	1	22,672
Council Cabinet Member	15,115	6	90,690
Minority Group Leader	7,557	3	22,671
Deputy Minority Group Leader	3,779	1	3,779
Mayor	7,557	1	7,557
Overview and Scrutiny Chairs	7,557	6	45,342
Overview and Scrutiny Vice Chairs	1,889	6	11,334
Licensing Chair	7,557	1	7,557
Licensing Vice Chair	3,779	4	15,116
Licensing Member	1,889	10	18,890
Audit and Accounts Committee Chair	5,290	1	5,290
Personnel Committee Chair	5,290	1	5,290
Planning Chair	7,557	1	7,557
Planning Vice Chair	3,779	1	3,779
Youth Mayor Bursary	1,000	1	1,000
		<b>Total</b>	<b>298,753</b>

**Table 7 - Estimated SRAs under a Committee System**

<b>Role</b>	<b>Amount £</b>	<b>Number</b>	<b>Total £</b>
Policy and Resources Committee Chair (Leader)	7,557	1	7,557
Service Committee Chair	7,557	7	52,899
Service Committee Vice Chair	3,779	7	26,453
Overview and Scrutiny Committee Chair	7,557	1	7,557
Overview and Scrutiny Vice Chair	1,889	1	1,889
HR/Finance Sub Committee Chair	5,290	2	10,580
HR/Finance Sub Committee Vice Chair	1,889	2	3,778
Development Control Sub Committee Chair	7,557	1	7,557
Development Control Sub Committee Vice Chair	3,779	4	15,116
Licensing Vice Chair	3,779	4	15,116
Licensing Member	1,889	10	18,890
Group Leader (4 members or more)	7,557	4	30,228
Deputy Group Leader (10 members or more)	3,779	2	7,558
Mayor	7,557	1	7,557
Youth Mayor Bursary	1,000	1	1,000
Corporate Parenting Sub Committee Chair	0	1	£0
Health and Wellbeing Board Chair (Leader)	0	1	£0
		<b>Total</b>	<b>213,735</b>
		<b>Net</b>	<b>-85,018</b>

*Allocation of Committee Places*

- 7.19 Under the current executive arrangements and committee structure, there are a total of 194 seats allocated to political groups across all committees, including Council, Council Cabinet and joint bodies. Based on the political composition of the Council in August 2019 this is reflected as follows in allocations to individual groups:

**Table 8 – Allocation of Committee Places - Existing**

<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrat</b>	<b>Brexit Party</b>	<b>Independent</b>
82	59	27	17	10

- 7.20 In developing a committee structure, nine-member service committees are proposed. It is best practice to adopt odd-numbered committee memberships to avoid over-reliance on a Chair's casting vote.
- 7.21 An eighteen-member Policy and Resources Committee has also been proposed. It is commonplace under a Committee System for service committee chairs to also sit on the overarching Policy and Resources Committee. In order to comply with political proportionality rules a larger committee would therefore be necessary, as it is reasonable to expect that the majority of service committee chairs would be taken from a single group.
- 7.22 In line with legislative requirements and in order to ensure a sufficient pool of councillors for sub-committees, a fifteen-member Licensing Committee has been retained. Twelve members are also proposed for the Development Control Sub-Committee.
- 7.23 Under the proposed committee system, there would be 222 seats allocated to political groups across all committees, including Council and joint bodies. Based on the political composition of the Council in August 2019 this is reflected as follows in allocations to individual groups:

**Table 9 – Allocation of Committee Places - Committee System**

<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrat</b>	<b>Brexit Party</b>	<b>Independent</b>
90	72	32	20	12

- 7.24 This represents a 14 per cent increase on the number of seats under existing executive arrangements. Under existing arrangements, there are currently six vacant seats owing to a lack of capacity, particularly within smaller groups, to provide sufficient nominations.

## 8. Assessment of Findings Against Working Group Principles

8.1 The following table provides a summary of progress to date aligned to each of the Working Principles. Analysis included in this report has revealed a number of known and potential conflicts with the working principles which have been highlighted. A number of these potential conflicts are discussed in greater detail under section nine.

**Table 10 – Overall Assessment Against Working principles**

Working Principle		Progress and known issues	
	No conflict	Potential conflict	Known conflict
1.	Achieve greater councillor engagement in decision-making	Greater number of councillors involved in decision-making	✓
		Potential greater use of urgency provisions	?
2.	No increase in the number of meetings	Broadly comparable to existing model if volume of business remains at similar levels	✓
		Unknown extent to which councillors will seek to utilise entitlement under principle six	?
		Duration of meetings to increase	✗
		Timing and venues of meetings	?
3.	No increase in costs	Savings anticipated through Councillors' Allowances Scheme	✓
		Recommended additional x1 FTE in Democratic Services	✗
		Committee system would require greater input from Senior Legal/Finance Officer Support, with subsequent impact on capacity.	✗
		Unquantifiable opportunity cost of indirect support to committees	?
4.	Avoid unnecessary delays in decision-making	Straightforward decisions taken more quickly	✓
		Decisions requiring the approval of more than one Committee will take longer or result in reduced councillor engagement	✗
5.	Inclusion of call-in	Undertaken by single Overview and Scrutiny Committee.	✓
6.	Allow councillors to put items on the agenda of committees	Could lead to additional meetings if utilised extensively	?
		Unclear how reports for councillor items would be prepared	?
7.	Fit for purpose officer delegation scheme	Officer delegations maintained at existing levels	✓
		Decisions in excess of £100k financial impact or other significant implications determined at Committee	✓

## 9. Practical Issues for Consideration

### *Time spent in committees and pre-meetings*

9.1 Taking into consideration the analysis included earlier in this report relating to the volume and frequency of meetings, there is a risk that the duration of committees may increase. It is reasonable to expect that a politically balanced service committee with decision making powers may take longer to debate an item of business than would be the case at an Overview and Scrutiny Board without decision making powers, or a Council Cabinet meeting where typically appointees are from a single political group. The likelihood of this is

increased if councillors were to extensively utilise their entitlement to add items to any committee agenda.

- 9.2 Any increase in the time spent in committees will have an impact on the cost of delivering a committee system of governance. For example, a committee with one Strategic Director, two service Directors and three Heads of Service in attendance would equate to approximately £310 per hour in salary and on-costs. The additional opportunity cost of senior officers not dealing with operational matters whilst in committee is difficult to quantify.
- 9.3 Moreover, it is very likely that pre-meetings would be required before a meeting of a service committee. Whilst data is not held on the duration of Cabinet or Scrutiny pre-agenda meetings, anecdotal evidence from colleagues in Democratic Services would suggest that the average duration of a Council Cabinet pre-agenda meeting is two hours, whereas a pre-meeting for an Overview and Scrutiny board would typically not last longer than 30 minutes.
- 9.4 It is anticipated that a pre-meeting for a service committee would last a minimum of one hour, with a similar impact on officer resources to time spent in committees.

### ***Support from Finance and Legal***

- 9.5 Whilst an indicative cost of providing the requisite (additional) finance and legal support to a Committee system is provided at paragraph 7.6, this does not necessarily equate to the practical impact that the introduction of a committee system would have on this resource. For example, in relation to legal support, multiple specialisms may be required to provide adequate support across the full range of committees that may not be possessed by a single legal professional.
- 9.6 Under current arrangements, Council Cabinet decisions are subject to legal and financial sign-off; the Monitoring Officer and S151 Officer are both in attendance at Cabinet Pre-Agenda and during Council Cabinet to provide the requisite legal and financial advice. Moreover, if a recommendation is made at the Executive Scrutiny Board then there is a 24-hour period when further advice can be sought on any proposal before a decision is made.
- 9.7 Under a committee system, decisions which have legal and/or financial implications could be proposed and agreed in the same meeting; it would not be feasible for the two statutory officers to attend all committee meetings, and hence there would be a call on other suitably qualified and experienced Legal/Finance staff to attend the appropriate committee meetings.
- 9.8 It would be expected that councillors proposing additional recommendations would seek appropriate advice prior to the committee, but this could not be mandated; nor would this provide for the inevitable changes in recommendations that would emanate from the debate in the meetings themselves. In these circumstances, legal and financial advice would need to be considered, and if an attending officer was unable to make a determination, then they would advise the committee to adjourn the decision. In these circumstances, if the committee subsequently accept the officer advice, then it will inevitably lead to delays in decision making.
- 9.9 In the event that demand for legal advice both before, after and during committees increases substantially, there is a significant risk that other legal work will be externalised, at considerable cost to the council.

### ***Committee Structure, scheduling of meetings and use of urgency requirements***

- 9.10 The mapping exercise of key business items to the draft committee structure suggested that based on business considered in 2018/19, some service committees would be required to

meet considerably more frequently than others. This could be counteracted by adjusting the proposed delegations to each committee, as suggested earlier in this report.

- 9.11 If service committees were to meet on average six times per year, circumstances may arise where decisions are required more quickly than the schedule of meetings allows. In order to ensure no delays to decision making the number of extraordinary meetings (if more than five working days notice of a decision is given) or requirement for use of urgency provisions (where less than five working days notice of a decision is given) may increase.
- 9.12 Urgency provisions would need to be incorporated in standing orders that did not compromise the working principle of ensuring greater councillor engagement, whilst at the same time ensuring no unnecessary delays to decision making. For example, sign-off by the Chief Executive in consultation with the Chair of the Policy and Resources Committee.
- 9.13 The working model includes 16 committees and sub-committees, each of which will have their own timetable for the preparation of reports, operating independently of one another. This in itself may create a bureaucracy that would lead to an unquantifiable draw on officer resources in terms of preparation and sign-off of reports.
- 9.14 The schedule of meetings would need to be carefully managed to ensure that reports could progress through relevant committees without unnecessary delay.

### ***Difficulty filling all Committee places and appointments to outside bodies***

- 9.15 As detailed in the section on the allocation of committee places, under the current executive arrangements there are six vacancies across all committees. These seats are reserved to smaller groups under political proportionality requirements. Given that a committee system would likely require a greater number of seats to be allocated to political groups, there is a risk that some committee places may remain unfilled.
- 9.16 The Council's allocation of seats on joint panels and partner organisations will remain unchanged under a committee system – for example to the Fire Authority or Police and Crime Panel. In addition, appointments made to outside bodies and charities would also be unaffected. This should be taken into account alongside the analysis of the likely number of committee places that would need to be filled under a committee system.
- 9.17 As has previously been considered by the Working Group, the ability of the Leader of the Council to represent the authority's position on joint bodies and partnership organisations is limited under a committee system, as they are unable to make firm commitments without first seeking the backing of the Policy and Resources Committee. It should be noted that in recent years collaboration and partnership working between local authorities and other public sector partners has increased substantially, in response to financial pressures.

### ***Revision of Constitution and development of Scheme of Delegations***

- 9.18 A substantial amount of work is required in order to draft a revised Constitution, in particular to produce a fully developed Scheme of Delegations. It is not a practical use of resources to undertake this work until a final decision to implement a committee system of governance has been made.

### ***Timing of meetings and access to meeting rooms***

- 9.19 Although the analysis contained in this report suggests that the number of meetings held under a committee system would be broadly comparable to the existing Leader and Cabinet model, it has also shown that meetings may last significantly longer and require greater input from officers.

- 9.20 The majority of committee meetings currently take place in the evening, typically starting at 6pm. This may need to be reconsidered in the event that a committee system is adopted.
- 9.21 If more daytime meetings were to be scheduled, there would also be increased demand for larger meeting rooms in the Council House capable of hosting committees. Anecdotal evidence suggests that larger meeting rooms in the building are already in significant demand; whilst committees would likely take priority, this may lead to other meetings (for example with partner organisations) being held elsewhere, potentially at a cost to the council.
- 9.22 A nine-member service committee, with a Democratic Services Officer; representative from Legal and Finance; four presenting officers and space for attendance of press and public would require a meeting room with a minimum capacity of 18. In addition to the Council Chamber, there are currently only three meeting rooms in the Council House that have sufficient capacity and provide the necessary public access to host committee meetings. Not only is this an important consideration, but also a recognition of the impact of the refurbished Council House, that was not designed with a Committee system in mind.

### **10. Conclusion - summary of working principles against proposed structure**

- 10.1 Based on an initial assessment of the volume of business from the previous municipal year, mapped against the working committee structure, it is not possible to determine whether an effective committee system can be delivered that meets the seven working principles.
- 10.2 Analysis of existing committee business and the practical considerations outlined in this report suggest that the Council lacks the organisational capacity to effectively service a committee system that fits within the working principles. It is evident that a committee system would have a wider organisational impact beyond the services that provide direct support to committees. This should be considered in the context of the substantial reduction in headcount at the authority since 2010.
- 10.3 Issues remain unresolved in relation to Working Principle 3 (No overall increase in costs). It must be noted that a committee system could be designed that led to no overall increase in costs. However, this would take the form of a significantly leaner committee structure (perhaps mirroring directorates within the corporate structure) and an increased level of officer delegations in order to manage the likely volume of business.
- 10.4 It is felt that this model would conflict with at least one of the working principles. Should the working group be minded to explore this option it would be necessary to secure approval by Council to alter the working principles.

### **Proposed Next Steps**

The next steps proposed in the development of a Committee System are as follows:

- **Refinement of the committee structure based on evidence included in this note**
- **Preparation of a public consultation exercise and agreement of timescales on changes to governance arrangements**
- **Development of a report to Council by January 2020**

### **Acknowledgements**

Emily Feenan

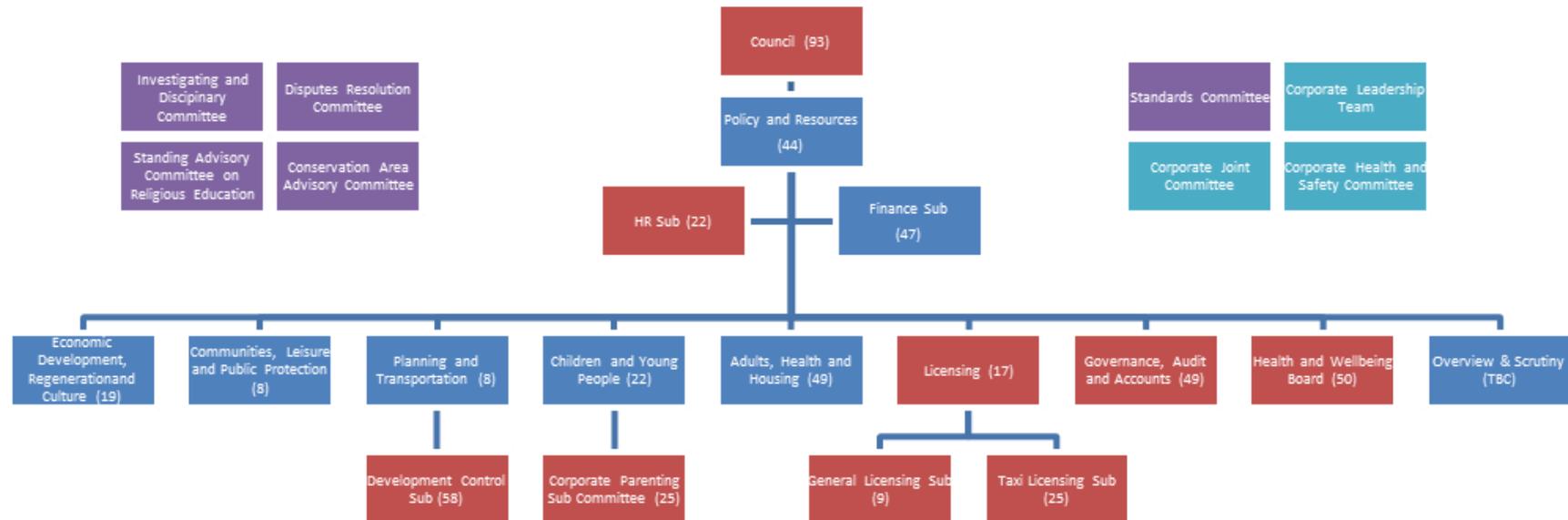
Director of Legal, Procurement and Democratic Services

Paul Simpson  
Strategic Director of Corporate Resources

**Alex Hough – Acting Head of Democracy**  
**September 2019**

## Committee Business for 2018/19 mapped to new Committee Structure

(estimated number of decisions taken)



Blue – executive decisions mapped to new committees

Red – existing committees mapped to new structure

Purple – other statutory committees

Turquoise – other committees supported by Democratic Services

Turquoise – other committees supported by Democratic Services

**OUTLINE SCHEME OF DELEGATIONS**

**POLICY AND RESOURCES COMMITTEE**

- Overall strategic lead on all Council services
- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Responsibility for discharge of functions and exercise of all powers not expressly reserved to Council or any other committee of the council
- Formulate budget proposals for adoption by Council
- Strategic partnerships
- Derby Plan/Council Plan/Policy and Strategy
- Emergency Planning/Business Continuity
- HR and Organisational Development including Corporate Health and Safety
- ICT, Customer Management and Business Support
- Property Services
- Legal and Democratic Services
- Finance
- Revenue and Benefits
- Procurement

**FINANCE SUB COMMITTEE**

- Making decisions within the limitations of the Financial and Contract Procedure Rules

**HR SUB COMMITTEE**

- To approve corporate personnel and health and safety policies, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies.
- To approve changes to staffing levels or organisational structures that result in a cost of £100,000 a year or more, or where there is no budget provision, unless the change is incidental to a key decision taken by the Council Cabinet.
- To take key policy decisions in relation to equal pay, single status and job evaluation.

**ECONOMIC DEVELOPMENT REGENERATION AND CULTURE COMMITTEE**

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Regeneration; including Strategic Assets
- Economic Development
- Culture
- Derby LIVE
- Tourism

**COMMUNITIES, LEISURE AND PUBLIC PROTECTION COMMITTEE**

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- International development
- Community Safety, Cohesion and Integration
- Licensing
- Markets
- Trading Standards
- Environmental Health
- Grounds maintenance and street cleansing
- Refuse and Waste management
- Building Control
- Bereavement Services
- Neighbourhood agenda
- Leisure Facilities
- Libraries
- Parks/Golf/Nature Reserves

### PLANNING AND TRANSPORTATION COMMITTEE

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Strategic Planning and Transport
- Traffic and transportation
- Highways and engineering

### DEVELOPMENT CONTROL SUB COMMITTEE

- Decisions relating to town and country planning, commons registration and the use and regulation of highways, that would fall within the definition of key decisions if these were Executive functions.
- Determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:
  - Fifteen or more duly made objections (within 28 days of notification of an application) have been received, which raise material planning considerations and the officer recommendation is to approve permission / consent (objections from the same house or household or family members will be treated as a single objection), or
  - the application is contrary to a Local Plan allocation and the officer recommendation is to approve, or
  - a Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Partnerships, Planning and Streetpride requesting its determination by the Committee, giving reasons for the request. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Partnerships, Planning and Streetpride.
- Dealing with proposals to discontinue the use of land.
- Considering any objections to the making or confirmation of orders made under highways or planning legislation where there have been objections including:
  - Tree Preservation Orders; or
  - Orders to create, divert or close footpaths or bridleways; or
  - to modify the definitive map.

**CHILDREN AND YOUNG PEOPLE COMMITTEE**

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Children's Residential Care
- Integrated Children's Disables Services
- Fostering and Adoption Services
- Early Help and Children's Safeguarding
- Integrated Commissioning (Children's)
- Children's Quality Assurance
- Youth Offending
- Adult Learning
- Inclusion and Intervention
- Quality, standards and performance (Education)
- School organisation and provision
- Skills and Development

**CORPORATE PARENTING SUB COMMITTEE**

- To consider matters relating to the council's duties in respect of looked after children, including the role of elected members and the authority as a whole as 'Corporate Parents'.

**ADULTS, HOUSING AND HEALTH COMMITTEE**

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Derby Homes and Derby Advice
- Strategic Housing
- Housing Options Service
- Empty Homes
- Housing Development
- Housing Enforcement
- Public Health
- Adult Social Care
- Integration and Direct Services
- Specialist Services (Adults)
- Integrated Commissioning (Adults)

### LICENSING COMMITTEE

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions;
- Approve and amend policies relating to these functions; and
- Approve arrangements for meetings of sub committees and panels, unless otherwise determined by Council.

In relation to licences that cover alcohol, regulated entertainment, and other licences granted under the:

- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1982
- Theatres Act 1968
- Cinema Act 1985
- Gambling Act 2005
- Environmental Protection Act 1990 (distribution of literature)
- Animal Boarding Establishments Act 1963
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- Pet Animals Act 1951
- Riding Establishments Acts 1964 and 1970
- Burial Act 1857
- Scrap Metal Dealers Act 1964
- Motor Salvage Operations Regulations 2002
- Vehicles (Crime) Act 2001
- Caravan Sites and Control of Development Act 1960

And in relation to other aspects previously covered by the Taxi Licensing and Appeals Committee until it was merged with the General Licensing Committee to form a single Licensing Committee by Council in May 2015.

### GENERAL LICENSING SUB COMMITTEE

Will, within Council policies:

- In relation to licences that cover alcohol, regulated entertainment, and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982 and Gambling Act 2005:
  - Determine applications for a personal licence if there is a police objection;
  - Determine applications for a personal licence from persons with an unspent conviction;
  - Determine applications for premises licence/club premises certificate if a relevant representation is made;
  - Determine applications for a provisional statement if a relevant representation is made;
  - Determine applications to vary a premises licence / club premises certificate if a relevant representation is made;
  - Determine applications to vary a designated personal licence holder if there is a police objection;
  - Determine applications for a transfer of premises licence if there is a police objection;
  - Determine applications for interim authorities if there is a police objection;
  - Determine applications to review premises licence/club premises certificate;
  - Decide whether to object when the local authority is a consultee and not the lead authority; and
  - Determine a police representation to a temporary event notice.
- Carry out all statutory functions as the Licensing Authority, with regard to premises licences and permits as stipulated under the Gambling Act 2005 and the Council's Gambling Act Statement of Principles.

### TAXI LICENSING SUB COMMITTEE

Will, within council policies and in relation to hackney carriages and private hire vehicles, their proprietors, operators and drivers:

- Determine individual applications or matters referred to the Sub Committee by the Director of Communities, Environment and Regulatory Services, unless within council policies it is an automatic ground of refusal;
- Suspend or revoke licences or issue written warnings;
- Determine appeals by applications for advertising on hackney carriages who are aggrieved at a decision of the Director for Communities, Environment and Regulatory Services; and
- Determine individual applications where there is relevant information supplied by the Chief Officer of Police.

**GOVERNANCE, AUDIT AND ACCOUNTS COMMITTEE****Audit**

- To consider and approve the annual internal audit plan, including internal audit's resource requirements;
- To approve the internal audit charter;
- To approve significant interim changes to the annual audit plan and resource requirements;
- To consider (periodic) reports from the Head of Internal Audit on:
  - internal audit's performance during the year, including updates on key findings, issues of concern and action in hand;
  - regular reports on the results of the Quality Assurance and Improvement Programme; and
  - reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough to be included in the Annual Governance Statement;
- To consider the Head of Internal Audit's annual report, including:
  - the statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application note;
  - the results of the Quality Assurance and Improvement Programme;
  - the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion;
- To consider summaries of specific internal audit reports as requested;
- To consider reports dealing with the management and performance of the providers of internal audit services;
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale and where management has accepted a level of risk that may be unacceptable to the authority;
- In conjunction with the Council's Section 151 Officer, to commission work from internal audit;
- To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years;
- To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations; and
- To support the development of effective communication with the head of internal audit.

**External Audit**

- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance and such specific reports as are agreed with external audit;
- To comment on the scope and depth of external audit work and to ensure it gives value for money;

- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies; and
- In conjunction with the council's Section 151 Officer, to commission work from external audit.

### **Governance, Risk, Control**

- To review the council's arrangements for corporate governance against the good governance framework and consider quarterly governance reports and assurances;
- To review and approve the authority's Annual Governance Statement;
- To maintain an overview of the council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour;
- To review any issue referred to it by the chief executive or a strategic director, or any council body;
- To consider, approve and monitor the effective development and operation of risk management in the council;
- To consider, approve and monitor council policies on whistleblowing (Confidential Reporting Code), counter fraud measures and the council's complaints process;
- To monitor progress in addressing risk-related issues reported to the committee;
- To consider the council's compliance with its own and other published standards and controls; and
- To monitor Treasury Management performance.

### **Financial Reporting**

- To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council; and
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts and other reports, letters etc on the statement of accounts.

### HEALTH AND WELLBEING BOARD

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Encourage integrated working – through promoting an ethos of integration and partnership in the planning, commissioning and delivery of services to improve the health and wellbeing of the population of Derby and reduce health inequalities;
- Prepare and publish a Joint Strategic Needs Assessment (JSNA) of current and future health and social care needs in relation to the population of the local authority;
- Prepare and publish a Pharmaceutical Needs Assessment (PNA) to assess the need for pharmaceutical services in Derby;
- Prepare and publish a Health and Wellbeing Strategy – a strategy for meeting the needs identified within the JSNA. The local Healthwatch and people living or working in the area must be involved in the development of the strategy; and
- Receive the Commissioning Plan of Southern Derbyshire CCG – this includes involvement in preparation of the plan and ensuring that it takes due regard of the JSNA and Health and Wellbeing Strategy.

In addition to the stated statutory functions, the Health and Wellbeing Board will also:

- Be a designated outcome board of Derby City and Neighbourhoods Partnership with responsibility for the implementation and monitoring of elements of the Derby Plan;
- Establish time limited task and finish groups as required to carry out work on behalf of the Board.

### OVERVIEW AND SCRUTINY BOARD

- Agreeing relevant communication and consultation arrangements
- Performance monitoring and review
- Review and/or scrutinise decisions made or actions taken in connection with the discharge of the council's functions;
- Make reports or recommendations to any committees of the council in respect of the discharge of the council's functions;
- Deliver the scrutiny of decisions subject to call-in following the call-in procedure to consider if a decision has been made in accordance with decision-making principles, and determine whether to ask the decision maker to reconsider or review the decision in-line with these principles;
- Provide an annual report to Council on the workings of the scrutiny function; and
- Carry out any statutory duties and responsibilities allocated to local authority scrutiny committees, including statutory health; crime and disorder; and, flood prevention responsibilities.