



GREAT YARMOUTH
BOROUGH COUNCIL

Governance Committee

Date: Tuesday, 02 February 2016
Time: 14:00
Venue: Supper Room
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

1 APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest arises, so that it can be included in the minutes.

3	<u>MINUTES</u>	3 - 6
	To confirm the Minutes of the meeting held 19 January 2016.	
4	<u>ISSUES ARISING FROM THE LAST MEETING</u>	
a	<u>Committee Chairs, Escalation Procedure, Particular Committees</u>	7 - 8
b	<u>New Committees and Terms Of Reference</u>	9 - 18
c	<u>The Constitution</u>	19 - 32
5	<u>ANY OTHER BUSINESS</u>	
	To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.	

Governance Committee

Minutes

Monday, 18 January 2016 at 14:00

PRESENT :

Councillors Annison, Carpenter, Grey, Myers, Plant, Thirtle, T Wainwright and Williamson.

Mrs S Oxtoby (Interim Chief Executive Officer), Mr D Johnson (nplaw), Mr R Hodds (Cabinet Secretary), Mr J Cade (Consultant)

1 APPOINTMENT OF CHAIRMAN

RESOLVED :

That Councillor Plant be appointed Chairman of the Governance Committee.

2 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Walker.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 EXCLUSION OF PUBLIC

The Committee agreed that Governance Committee should meet in public and agreed therefore that public should not be excluded from this meeting.

5 COMMITTEE FORM OF GOVERNANCE

The Committee was reminded that Council at its meeting on the 21st December 2015 had agreed the following :-

1. To approve the creation of a Committee as detailed in the Chief Executive Officers Report.
2. To settle the Terms of Reference of the Committee.
3. To approve the proposed budget for the change in Governance.
4. To require the Governance Committee to formulate proposals, which are as far as possible, cost neutral.

The Cabinet Secretary reported that Council when considering this matter had agreed to amend (4) above by the inclusion of the words "without comprising on the efficiency of the decision making of the Council".

6 Q&A SESSION

John Cade detailed his background of experience in respect of dealing with Governance issues for Local Government. Mr Cade stated that the agreement of Structures and Cultures will be very important and he reminded the Governance Committee that following the decision at Council, Great Yarmouth Borough Council was now locked into a Committee Form of Governance for the next 5 years. He referred to the Terms of Reference as detailed in the Chief Executive Officers report which he fully endorsed.

Mr Cade advised Members that he had recently carried out work at Cambridge in respect of a change to a Committee Form of Governance and that following 9 months of operation Members of the Council in Cambridge had stated that they had liked the fact that under this system Councillors were now more engaged in the decision making process; they had a greater sense of collective ownership; and that there was a broader spectrum of Councillors wishes being acknowledged. The issues that the Cambridge Members disliked were that reports to committees were too lengthy; too many operational issues were presented to Committees and the role and remit of the Policy Committee needed greater clarity; and that generally too many items were being presented to Committees for consideration.

Councillor Wainwright reported that the Labour group had considered a structure for a Committee System and he presented his Groups details as follows :-

Principles

Committees can make decisions balanced with a Call In Procedure (as per the current Cabinet System), so that decisions made at Committee could take effect after a agreed number of days if not called in. The Scrutiny and Audit and Risk Committees could merge to form a new Oversight Committee with the Chair not being from the ruling party. Key decisions taken by Full Council where rules could be set (e.g. expenditure/saving One Hundred Thousand Pounds), Policy decisions and that Committees should be restricted to spending their own Budget within rules.

The Labour group were proposing the establishment of the following Committees :-

- Economic Development, Tourism and Regeneration Committee
- Environmental Health Committee
- Neighbourhood Committee
- Housing Management Committee
- Policy, General Purposes and Resources Committee

The regulatory Committees of Planning and Licensing would continue as at present. As previously stated it was proposed to have an over size Committee combining Audit and Risk and Scrutiny Committees.

Partnership/Outside Bodies

Councillor Wainwright raised the issue of how do we work with our Partners to hold

them to account. He suggested Partnerships should be married to Committee so for example Preservation Trust would come under the Economic development Committee.

Contracts

Councillor Wainwright reported on the issue of how do we manage Contracts and set Award Contracts. Monitoring could be carried out at corresponding Committee however awarding contracts cuts across Finance and Service so both may have a role . he raised the issue of a joint Service and Finance Meeting as and when needed.

Councillor Wainwright also stated that all Committees should be subject to the Widdecombe Process where by all Committees would be politically balanced and he also suggested that the Chairs of the agreed Committees should be divided amongst the Political Groups on the Council.

The Chairman suggested that the Officers should come back with a recommendation with regard to the suggested Committees as outlined above, fully costed up.

The Chief Executive Officer asked the Committee to agree Key Principles in respect of a Committee Form of Governance and the Committee agreed that 3 Key Principles would be :-

1. To align the Committees in accordance with the Borough Councils Corporate Plan.
2. Oversight through a Policy and Resources/General Purposes Committee.
3. Determination of how Chairs are appointed.
4. The Policy/General Purposes Committee should have responsibility for the strategic direction of the Council.

Councillor Myers commented that in his opinion there should be a maximum of five Committees with an overall Policy Committee. He also suggested that representatives from each political groups should come up with their own proposals for a Committee Structure to determine if there is common ground amongst all the political groups.

David Johnson confirmed that it would be possible to establish a Call In System of Committee decisions that have been made. With regard to Chairs of Committees he suggested that this may have to be written specifically into the revised Constitution.

The Governance Committee agreed that all political groups should formulate their own proposals for a Committee Structure.

As a result of the discussions at the meeting, Mr Cade stated that he understood the wishes of Members were as follows :-

1. That there should be a Policy/General Purposes Committee established
2. Committees need to align to the Corporate Plan
3. Retention of the current regulatory Committees (i.e.. Development Control, Licensing, Audit and Risk)
4. To determine the role of an Oversight/Audit Committee
5. Certain decisions could be referred upwards to either a Policy Committee or Council, if the Committee thought it appropriate.
6. Policy Committee could have a level of delegation to be agreed

7. Committees to spend within their own Budgets
8. Public Consultation to be coordinated by Full Council, protocol by Policy and Resources/General Purposes Committee.
9. Council will set the scheme of delegation.
10. Urgent decisions to be carried out by Group Leaders.
11. Retention of the Public Speaking Protocols as at present.
12. The protocol for setting up Working Groups to be left to the Policy and Resources Committee to determine.

With regard to the frequency of Committee Meetings, the Governance Committee generally of the opinion that it seemed most appropriate for this to be based on a six weekly cycle of meetings. With regard to Membership of Committee it was generally agreed that numbers on Committees should be no greater than 13 as at present.

The issue of delegated powers to Officers would also need to be reviewed.

In response to a question from Councillor Thirtle, David Johnson confirmed that the revised and amended Constitution would be completed in time for the Committee System adoption in May 2016. David Johnson also referred to the establishment of a Independent Review Panel that had been set up by North Norfolk District Council to consider Members allowances and it was suggested that this panel be asked if they would be willing to consider Members allowances on behalf of Great Yarmouth Borough Council. The Governance Committee agreed that Council at its meeting on the 26th January should be asked to agree to the establishment of an Independent Review Panel on the lines detailed above.

7 TIMETABLE OF MEETINGS

The Committee agreed to the following Timetable of Meetings :-

- Tuesday 2 February 2016 at 2:00pm
- Tuesday 1 March 2016 at 2:00pm
- Thursday 24 March 2016 at 10:00am

8 ANY OTHER BUSINESS

The Chairman had not been informed of any other business.

The meeting ended at: 16:05

Committee Chairs

The current constitution provides for the council to appoint all committee chairs at its Annual General Meeting. It has full discretion as to these appointments and there is no underlying legal obligation.

It has been suggested that the appointment of chairs in the new constitution takes into account the relative membership of each of the council's party groups (in a similar way to the political balance rules under the Local Government and Housing Act 1989 and their application to committee membership).

The new constitution could in principle embody this principle. It could, for example, stipulate in the section dealing with the appointment of committee chairs that:-

“In exercising its power to appoint chairs to each of the council's committees the council will make those appointments as far as is practicable so as to reflect membership of the council's party groups with the aim of appointing a number of chairs from each group commensurate with the membership of that group on the council.

As vacancies occur in the position of committee chairs the council at its next meeting shall appoint to the vacant position using the principles referred to above. [OR, the Head of Paid Service shall make the appointment after consultation with all the party group leaders].

If any change occurs in the relative proportions of the party groups on the council then at its next meeting the council shall resolve to remove all committee chairs and reappoint to each committee using the principles referred to above.”

This proposal will not be based upon any underlying legal framework so it will be possible at any time for members at a meeting of the council to resolve to change or suspend it as a standing order and appoint committee chairs in some other way.

The appointments will exclude any independent members (those not in party groups) from becoming chairs unless members vote to suspend the operation of the rule. If at any time a substantial number of members become independent then the rule may become unworkable and have to be reconsidered.

Escalation procedure

Each function and decision of the authority will in the new constitution be allocated to the full council or to one of the committees.

Members may consider it desirable that a decision of particular significance is in exceptional cases escalated to either a Policy and Resources Committee or to Full Council.

The trigger for such escalation could be a formal notification by one or a minimum number of members or such threshold as members choose. Members could engage the Monitoring Officer and Section 151 Officer in certifying that the item meets the criteria for escalation (Norfolk County Council's committee system constitution uses the Monitoring officer for this purpose).

If the threshold is met then the item will then be taken off the committee agenda and placed on the agenda for next Policy and Resources Committee or Full Council.

Particular Committees

The Monitoring Officer might well have to consider and advise upon whether certain committee functions might be exempt from either any proposed escalation procedure. The decisions of committees making determinations affecting peoples' rights or exercising quasi - judicial functions (planning, licensing, etc.) might be opened up to legal challenge on administrative law grounds if the decision making was perceived to be influenced by political considerations.

New Committees

The council will need to appoint new committees to carry out the operational work currently carried out by Cabinet.

It has been proposed that the following committees with the specified terms of reference will serve this purpose:-

COUNCIL

1. All non delegable functions as defined by the Local Authorities (Committee System)(England) Regulations 2012 including: -
 - Making of a Members Allowance Scheme and amending the same.
 - Adoption of Members allowances scheme
 - Making a request for single member electoral wards to the Local Government Boundary Commission.
 - Resolution to change a scheme for elections.
 - Making an order giving effect to the recommendations made in a Community Governance Review.
 - Making or revoking or amending the following policies, plans and strategies :-
 - Crime and Disorder Reduction Strategy.
 - Licensing Authority Policy Statement.
 - Local Development Framework - Development Plan Documents, Plans and alterations which together comprise the Development Plan.
 - Sustainable Community Strategy.
 - Policies made under the Gambling Act (including any resolution relating to casinos).
 - The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision including:-
 - Capital programme.
 - Capital investment strategy.
 - Medium term financial plan.
 - Treasury management strategy.

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- 2 Approval of the Council's corporate plan.
 - 3 Setting the Council's Budget and Council Tax
 - 4 Appointing the Mayor and Deputy Mayor of the Council.
 - 5 Appointing the Leader of the Council.
 - 6 Agreeing or amending the committee structure, the terms of reference of committees and their size.
 - 7 Confirming the appointment of or dismissal of the Head of Paid Service, Monitoring Officer and Chief Financial Officer (Section 151 Officer).
 - 8 Confirming the appointment of the Independent Person(s).
 - 9 Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
 - 10 Appointment of the Returning Officer and Electoral Registration Officer.
 - 11 Adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules and Financial Regulations.
 - 12 All matters which by law are reserved to the Council including: -
 - Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
 - Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
 - 13 Conferring the title of Honorary Freeman and Honorary Alderman.
 - 14 Approving the Annual Pay Policy Statement.
 - 15 Changing the name of the Borough.
 - 16 Significant changes to the Council's Constitution (other than variations to the scheme of Delegation which may be approved by committees within their remits and minor and consequential changes to the constitution which are delegated to the Monitoring Officer (see Scheme of Officer Delegation Post).
 - 17 Appointment of representatives to outside bodies.
 - 18 Consideration of reports from committees, sub-committees, or any other body constituted by the Council.
 - 19 To receive the minutes of committees and sub-committees acting under delegated powers for question and comment.
 - 20 Making compulsory purchase orders (other than under planning grounds).
 - 21 Making recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, ward or polling districts.
 - 22 Any other function which must, by law, be reserved to the full Council.

POLICY, GENERAL PURPOSES & RESOURCES COMMITTEE

- Key strategic decisions (other than those which must be determined by the Council) including all decisions which have a major impact on a number of Council services or on the Council as a whole and decisions which are deemed significant in terms of impact on the Council's revenue or capital (to be determined by The Head of Paid Service and/or Section 151 Officer).
- All local authority licensing functions and ancillary matters other than those falling within the remit of the Licensing Committee
- Commons regulation and town and village greens
- Health and safety functions (otherwise than as employer)
- Contaminated land and statutory nuisances (excluding policy issues)
- The passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- The power to apply for an enforcement order against unlawful works on registered common land under Section 41 of the Commons Act 2006.
- The power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference under Section 45(2)(a) of the 2006 Act (Section 45 re-enacted, with amendments, the more familiar Section 9 of the Commons Registration Act 1965 with effect from 1st October 2006).
- The power to institute proceedings for offences in respect of unclaimed land under Section 45(2)(b) of the 2006 Act.
- The power to make a closing order on a takeaway food shop
- Making recommendations to the Council on the adoption of bylaws
- Functions relating to parishes, elections and electoral registration
- Functions relating to Polling Station reviews
- Functions relating to Community Governance Reviews
- Making recommendations to Council relating to the name and status of areas and individuals
- Making recommendations to Council on the promotion or approval of a local bill.
- Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, wards or polling districts
- To make recommendations to Council on the budget insofar as it impacts on the role and remit of the Committee.
- All key strategic policies to be adopted by the Council (except those which are reserved to Council for approval) including:-
 - Commissioning Framework
 - Annual Budget Strategy

- Budget and Council Tax Policy
 - Staffing Budget
 - General Fund Balances and Reserves Policy
 - Corporate Capital Strategy and Asset Management Plan.
 - Risk Management Strategy, Policy and Guidance.
 - Corporate Asset Utilisation and Disposal strategy.
 - Anti-Fraud Strategy.
 - Financial Strategy.
 - Consultation and Communication Strategy.
 - Leisure and Culture Strategy.
 - Emergency Plan.
 - Equalities and Diversity Policy.
 - Business Continuity Plan.
 - Health and Wellbeing Strategy.
 - Cleaner, Safer, Greener Strategy.
 - Strategy relating to HRA.
- Strategic Housing.
 - Formulating the Council's budget proposals and recommending the same to Council for approval
 - Formulating the Council's capital programme and recommending the same to Council for approval
 - Formulating the Council's housing capital programme and recommending the same to Council for approval.
 - Formulating, monitoring and reviewing the Council's Housing Revenue Account and recommending the same to Council for approval.
 - Formulating the Council's borrowing and investment strategy and recommending the same to Council for approval.
 - Managing and monitoring the Council's Capital Programme.
 - Appointment and dismissal of employees (subject to legislative requirements)
 - Terms and conditions of employment.
 - Procedures for dismissal of employees (subject to legislative requirements).
 - Agreeing secondments pursuant to Section 113 of the Local Government Act 1972.
 - Agreeing voluntary severance terms for the Chief Executive and Chief Officers
 - Hearing appeals relating to the discretionary elements of pension enhancements for the Chief Executive and Chief Officers where the scheme provides for such a right of appeal.
 - Approving resources for the appointment of a designated independent person.
 - Approving human resources procedures and policies
 - Pensions and

superannuation

Determination of:

- HRA Business Plan (including the Asset Management Strategy and Delivery Plan);
- Areas of maximisation of the HRA (ie areas where the HRA could legitimately fund services of benefit to tenants AND the wider community);
- The level and use of surpluses and reserves within the HRA
- operational decision making in respect of the following: -
 - Procurement.
 - Transformation
 - Programmes.
 - Organisational Development.
 - Member Development.
 - Member and Civic Services.
 - Strategic Risk Management.
 - Audit Issues (other than matters falling within the remit of the Audit and Accounts Committee).
 - Major Projects.
 - Strategic Commissioning including Decommissioning.
 - Asset Management.
 - Staffing and resourcing issues for the following service areas:
 - Legal.
 - Policy and Commissioning.
 - Human Resources (staffing and resources).
 - Democratic Services.
 - Financial Services
 - Revenues and Benefits.
 - Performance Management.
 - Administrative Services.
 - Audit.
 - Acquisition and Disposal of Industrial Units.
- Approval of payments or other benefits for maladministration under s92 of the Local Government Act 2000, except where it relates to a matter falling within the remit of the Planning Committee or is dealt with by Officers acting under delegated powers.
- To approve the write-off of any outstanding debt above the delegated limit of £???.
- Making recommendations to the Council on standing orders relating to contracts and financial regulations.
- All cross cutting matters across the Council and any matter/issue not expressly

delegated to another Committee.

- Receiving reports from outside bodies:-
- Determining the Council's strategic approach to Strategic Partnerships.

Performance Management

- Overall responsibility for managing and monitoring council performance against approved estimates of revenue expenditure and income
- Overall responsibility for monitoring council performance against locally set performance indicators

commercialisation

ECONOMIC GROWTH AND COMMERCIALISATION COMMITTEE

- Developing and adopting policies and procedures in accordance with the Council's leisure and culture strategy including: -
 - Arts Strategy
 - Concessionary Pricing Strategy
 - Sports/Physical Activity Development Plans
 - Museums and Heritage Strategy
- Developing and adopting policies and procedures in accordance with the Council's strategies
- Policy development, implementation and review in respect of all areas falling within the remit of the committees
- Developing and reviewing the Local Development Framework including Development Plan Documents and Supplementary Planning Documents.
- Developing and adopting policies and procedures to underpin the Local Development Framework Core Strategy
- decision making in respect of the following: -
 - Economic Development
 - Land Charges
 - Building Control
 - Business Growth
 - Town Centre Regeneration
 - Planning (budget, staffing and administration)
 - Tourism
 - Transport
 - Markets and Street Trading
 - Car Parks
 - Operation and Management of Industrial Units
 - Civil Parking Enforcement
- Designation of conservation areas and areas of archaeological interest

- Removal of permitted development rights through Article 4 Direction
- Making compulsory purchase orders under planning grounds and/or recommending to Council the making of compulsory purchase orders
- Appropriation of land for planning purposes
- Receiving reports from outside bodies

Policy Review and Development

- The committee may hold enquiries and investigate the available options for future direction in policy development

Performance Management

- Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.
- Monitoring Service Performance against agreed targets.

NEIGHBOURHOODS, HOUSING and ENVIRONMENT COMMITTEE

- Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Council as appropriate in respect of key strategic policies impacting on the role and function of the committee.
- Developing and adopting policies and procedures in accordance with the councils community safety strategy including: -
 - Anti-Social Behaviour Strategy
 - Domestic Violence Strategy
 - CCTV Strategy
- Developing policies, procedures and protocols in relation to the Council's emergency plan and responses to flooding (other than planning issues).
 - Anti Social Behaviour Policy (housing)
 - Housing Needs Assessment
- decision making in respect of the following: -
 - Community Safety
 - Emergency Planning
 - Community Resilience
 - Troubled Families
 - Voluntary Sector

- Health and Wellbeing
 - External Relationships
 - Public Relations
 - Social inclusion (young people, older people, debt and rural issues)
 - Community Cohesion
 - Safeguarding Children and Young Persons
- Receiving reports from outside bodies:-
- Policy development, implementation and review in respect of all areas falling within the remit of the committee including making recommendations to Policy, General Purposes and Resources Committee or Council as appropriate in respect of key strategic policies impacting on the role and function of the Committee.
 - Developing and adopting policies and procedures in accordance with the Council's strategy including:-
 - Contaminated Land Strategy
 - Waste Strategy
 - decision making in respect of the following: -
 - Refuse Collection
 - Cleansing
 - Recycling
 - Litter Collection
 - Street Cleaning
 - Grounds Maintenance
 - Public Toilets and Amenities
 - Trade Waste
 - Environmental Health including:-
 - Food Hygiene
 - Environmental Protection and Improvement
 - Dog and Pest Control
 - Cemeteries
 - Functions of the Council relating to complaints regarding high hedges contained in part 8 of the Anti-Social Behaviour Act 2003.
 - designation of nature reserves
 - Developing and adopting policies and procedures in accordance with the Council's Health and Well Being strategies
 - Receiving reports from outside bodies

- Policy Review and Development

Policy Review and Development

- The committee may hold enquiries and investigate the available options for future direction in policy development
- The committee may scrutinize and review decisions made or actions taken by Committees in so far as they have a direct impact on the role or functions of the Committee.

External Review

- The committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role or functions of the committee:-
 - Police and Crime Commissioner
 - Police
 - Voluntary Sector
 - Other tiers of local government including county council and parish councils
 - Community Safety and Crime Reduction Partnership
 - Environment Agency and other statutory bodies (in relation to flooding and other emergencies)

Performance Management

- Monitoring performance against approved estimates of revenue expenditure and income for services falling within its remit.
- Monitoring service performance against

agreed targets

TOURISM, CULTURE AND HERITAGE COMMITTEE

- Formulation of the Leisure and Culture strategy and to recommend to Council for adoption
- Sports Development
- Museums and Collections
- Parks and Open Spaces

APPEAL PANEL

Remit

To deal with all appeals relating to staffing matters to which there is a right of appeal to elected members (where there is no express right of appeal to members, there will be a presumption that any appeal will be to the appropriate officer).

Membership

A panel of three members. Those members may be drawn from across the whole of the membership of the Council.

LICENSING COMMITTEE

No Change to Current arrangement

DEVELOPMENT CONTROL COMMITTEE

No change to current arrangement

AUDIT & RISK COMMITTEE

No Change to Current arrangement except taking on statutory scrutiny functions

STANDARDS COMMITTEE

No Change to Current arrangement

The Constitution

The following summary of the current constitution is accompanied by a brief commentary as to the extent of any changes needed to reflect the new committee system of governance.

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These arrangements will have to be reviewed to reflect the new governance structure.

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These arrangements will have to be reviewed to reflect the new governance structure.

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These arrangements will have to be reviewed to reflect the new governance structure.

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