

Governance Committee

Minutes

Tuesday, 02 February 2016 at 14:00

PRESENT :

Councillor Plant (In the Chair), Councillors Annison, Carpenter, Grey, Myers, Thirtle, T Wainwright, Walker and Williamson.

Also in attendance :

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

1 MINUTES

The Minutes of the meeting held on the 18 January 2016 were confirmed.

2 MATTERS ARISING

a) Independent Remuneration Panel.

Members were reminded that Council at its last meeting had agreed to the establishment of an Independent Remuneration Panel to consider Members Allowances and that the panel currently set up by North Norfolk District Council would also be the panel to look at the GYBC Members allowances.

3 ISSUES ARISING FROM THE LAST MEETING

a) Committee Chairs

Members were advised that the current Constitution provides for the Council to appoint all Committee Chairs at its AGM, and it has full discretion as to these appointments and there is no underlying legal obligation. At the last meeting it was suggested that the Appointment of Chairs and new Constitution should take into account the relative Membership of each of the Council Party groups. David Johnson reported that the new Constitution could in principle embody this proposal.

The Leader also asked the Committee to consider whether it would be appropriate for the Appointment of Chairs to be decided at the relevant Committee Meetings.

The Committee agreed that both the options to nominate Chairs through the Widdicombe procedure or by individual Committees selecting their own Chairs should

be determined by Full Council.

b) Escalation Procedure

David Johnson reported that 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 Committee agreed that the trigger for such escalation should be based on the current practice of the present Scrutiny Committee criteria where by any issue to be escalated to either a Policy and Resources Committee or to Full Council may only be implemented if 3 Members of Council wish this to happen and that any proposal to escalate an item must be carried out before the relevant Committee meets.

c) Particular Committees

David Johnson reported that the Monitoring Officer may 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 determination effecting people rights or exercising quasi-judicial functions might be opened up to legal challenge on administrative law grounds if the decision making was perceived to be influenced by political considerations.

d) New Committees and Terms of Reference.

Following the Committees discussions at the last meeting, Members considered the report which proposed the following Committees with specific Terms of Reference, namely :-

- Council
- Policy General Purposes and Resources Committee
- Economic Growth and Commercialisation Committee
- Neighbourhoods Housing and Environment Committee
- Tourism, Culture and Heritage Committee

Members were also reminded that the following regulatory Committees would also be appointed namely :-

- Appeals Committee
- Licensing Committee
- Development Control Committee
- Audit and Risk Committee
- Standards Committee

Members were advised that it was proposed that there would be no change to the current arrangements for Terms of Reference in respect of the above regulatory Committees.

Councillor Myers on behalf of the Independent Group tabled his proposals for a Committee system which proposed 5 Committees with Sub Working Groups as follows :-

- Economic Development, Regeneration Committee
- Environmental Health Committee
- Neighbourhood Committee (Health and Well being)
- Housing and Benefits Committee
- Finance and General Purposes Committee
- Oversight Committee

Councillor Myers also proposed that meetings should meet on a six weekly cycle and that the Oversight Committee should be allowed to make recommendations which are seen to improve the functions of the other Committees. The Independent Group had also submitted details of their proposed financial implications for the introduction of a Committee system.

Councillor Grey advised the meeting that she did not need to pass round the UKIP groups proposals as they were broadly similar to the Independence Group the main difference being Committee titles, however they did not include a Scrutiny Group as Committees should be self-scrutinising.

The Chairman tabled the Conservative Groups proposals for a Committee structure which included a Policy and General Purposes Committee with proposed Committees to be called Economic Development; Homes and Community; Environment; Transformation; and Resources reporting direct to Policy and General Purposes Committee. There would also be an Audit and Risk Oversight Committee which would report direct to Council, and the regulatory Committees of Development Control Licensing Standards would remain. The issue of Outside Bodies would report direct to the Policy and General Purposes Committee. The Conservative Group were proposing that Committee decision powers threshold would be £50,000 whilst it was proposed that the Policy and Resources Committee could make decisions up to £100,000.

In a response to a question from Councillor Walker the Interim Chief Executive Officer confirmed that it would be best practice for the Council to appoint an Audit and Risk Committee.

In discussing the proposals, the Governance Committee agreed that the spending threshold for all Committees should be set at £100,000.

The Interim Chief Executive Officer should set up a Constitutional Working Party to review and have an oversight of the Councils Constitution and it was agreed that the Members of the current Governance Committee should form the Membership of a Constitutional Working Party.

Councillor Williamson suggested that the Appointment of Representatives to Outside Bodies should be subject to the Widdicombe Procedure and the Committee agreed that the issue of Outside Bodies should be considered in detail at the next Governance Committee meeting.

Following the Committee consideration of the proposals from the Political Groups for the Committee structure it was agreed that the Officers should report back to the next meeting with proposals for a Committee structure together with Terms of Reference and functions to be aligned to Committees based on the following structure :-

- Policy and Resources Committee

- Economic Development Committee
- Environment Committee
- Housing Committee
- Neighbourhoods Committee

d) The Constitution

David Johnson presented a summary of the current Constitution accompanied by a brief commentary as to the extent of any changes needed to reflect the new Committee System of Governance. The Governance Committee noted and received the proposed changes as detailed in the report.

e) Emergency Issues

The Governance Committee agreed that emergency issues should be delegated to the Chief Executive Officer in consultation with all Group Leaders.

f) Scheme of Delegation

The Committee agreed that the Scheme of Delegation should be considered in detail at the next Governance Committee Meeting.

The meeting ended at: 15:25