

COMMITTEE SYSTEM STRUCTURE

At its meeting on 9th March 2022, the Governance Committee received a report of the Director of Legal and Governance, proposing all the key aspects of how the Council's new Committee system should work at the point when it is launched in May 2022.

The Governance Committee has authority, delegated from Council, to guide the transition to a committee system of governance and to set the parameters for stakeholder engagement during the design process. However the final approval of the Council's new governance structure is a function reserved to Full Council. An extraordinary meeting of the City Council has been called today for this purpose.

The report to the Governance Committee explained that the drafting of the new constitution was underway and that as much as possible of this would be appended to the Governance Committee's report for the agreement of the City Council at this point. Accordingly, Appendix 5 contains draft elements of a new constitution. Appendix 5 has been drafted in line with the Governance Committee's recommendations

The resolution passed by the Governance Committee is set out below.

“RESOLVED: That the following be recommended to Council:-

- (a) *That the various elements of a committee system of governance set out in this report and its appendices, be agreed for implementation from the May 2022 AGM in line with the legally binding referendum of 6 May 2021 and subsequent resolution of Full Council on 19 May 2021; and*
- (b) *That the Governance Committee be instructed to conduct a review of the new governance system, commencing six months after implementation (November 2022) with a view to recommending improvements to Full Council for May 2023. This review will:-*
 - a. *Use the previously agreed ‘strategic aims’ and ‘design principles’ found at Appendix 2 as its success criteria;*
 - b. *Actively seek and use feedback from residents, stakeholders, partners, councillors and officers to inform its assessment against those criteria, in line with the new ways of working expected of all decision-makers within the new system; and*
 - c. *Take account of any changes to the local and national context.”*

Recommendations to Council:

1. That the various elements of a committee system of governance set out in this report and its appendices, be agreed for implementation from the May 2022 AGM in line with the legally binding referendum of 6 May 2021 and subsequent resolution of Full Council on 19 May 2021;
2. That the Governance Committee be instructed to conduct a review of the new governance system, commencing six months after implementation (November 2022) with a view to recommending improvements to Full Council for May 2023. This review will:-
 - a. Use the previously agreed 'strategic aims' and 'design principles' found at Appendix 2 as its success criteria;
 - b. Actively seek and use feedback from residents, stakeholders, partners, councillors and officers to inform its assessment against those criteria, in line with the new ways of working expected of all decision-makers within the new system; and
 - c. Take account of any changes to the local and national context;
3. That all existing delegations to officers made by the Executive continue in force and effect save that a requirement to act in consultation with an Individual Executive Member will be read as a requirement to act in consultation with the appropriate Policy Committee Chair (as per section 6.12, recommendation 89 of the attached report);
4. That the elements of a revised constitution which accompany this report (Appendix 5) be approved with effect from the 18 May 2022 Annual Meeting of the Council; and
5. That the Director of Legal and Governance be requested to submit the full Constitution for approval to the 18 May 2022 Annual Meeting of Council.

Options

Full Council may:

- (i) approve in full the recommendations made by the Governance Committee; or
- (ii) approve with modification the recommendations made by the Governance Committee, subject to the caveats below.

In considering the options, Full Council must have full regard to the information provided, including:

- the contents of the report to the Governance Committee on 9 March 2022 (as amended by that committee) and its four original appendices, noting a number of hyperlinks within the report to additional information considered by the Governance Committee,
- the new information presented for Council in 'Appendix 5' (ie elements of a revised constitution) and Appendix 6 (financial implications addendum); and
- this covering report.

Legal Implications

Councillors' attention is drawn to the statutory requirements noted in the Governance Committee report, namely that the Authority must:

- Following its resolution at its Annual Meeting in May 2021, operate a committee system of governance, which must conform with all relevant legislative provisions, from the date of its Annual Meeting in May 2022.
- As required under section 9P of the Local Government Act 2000 prepare and keep up to date a constitution containing its Standing Orders (Procedure Rules), its Code of Conduct under s 28 of the Localism Act 2011, such information as the Secretary of State may direct and such other information as the authority considers appropriate. The constitution of a committee system authority must also contain a statement as to whether the authority has resolved to have an overview and scrutiny committee.

The Secretary of State has not directed that any other information should be included, but it is good practice for the constitution to describe the arrangements made by the Council under LGA 1972 s101 for the discharge of its functions, the appointment of its committees under s102 of that Act and the way that it meets other statutory requirements concerning governance arrangements.

- Having held a governance referendum, not change its governance arrangements without a further referendum, and may not hold such a referendum earlier than 10 years from the date of the first referendum.

Additional Appendices

Appendix 5 – Revised constitution (*to follow*)

The contents page specifies which parts are available for agreement now, and which shall follow in May 2022 as per recommendation 5 above

Appendix 6 – Financial Implications addendum

Gillian Duckworth
Director of Legal and Governance

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