

# **Committee Governance Structures** **Case Studies**

## *Transition to Committees Programme*

Sheffield City Council

## Preface

The purpose of this document is to provide internal stakeholders, external stakeholders and most importantly, and specifically, Members with a summary of evidence to be used to support decision making leading to the shape of the Decision-Making Committee System for May 2022.

All content is a) merely a snapshot of the documents available at the time of this paper, and b) a summary built by outsiders without necessarily the sign-off or consent of the authorities in question. There are therefore likely to be occasional lapses of accuracy, but it is felt that overall this document should contribute significantly to the overarching picture for decision-makers. Inaccuracy has been avoided as far as possible by:

- Undertaking a thorough desktop exercise
- Using a standard conversation guide to support contacting sources
- Holding meetings with officers or members wherever possible in order to verify information
- Review of papers released in and around the referendum timeframe and since

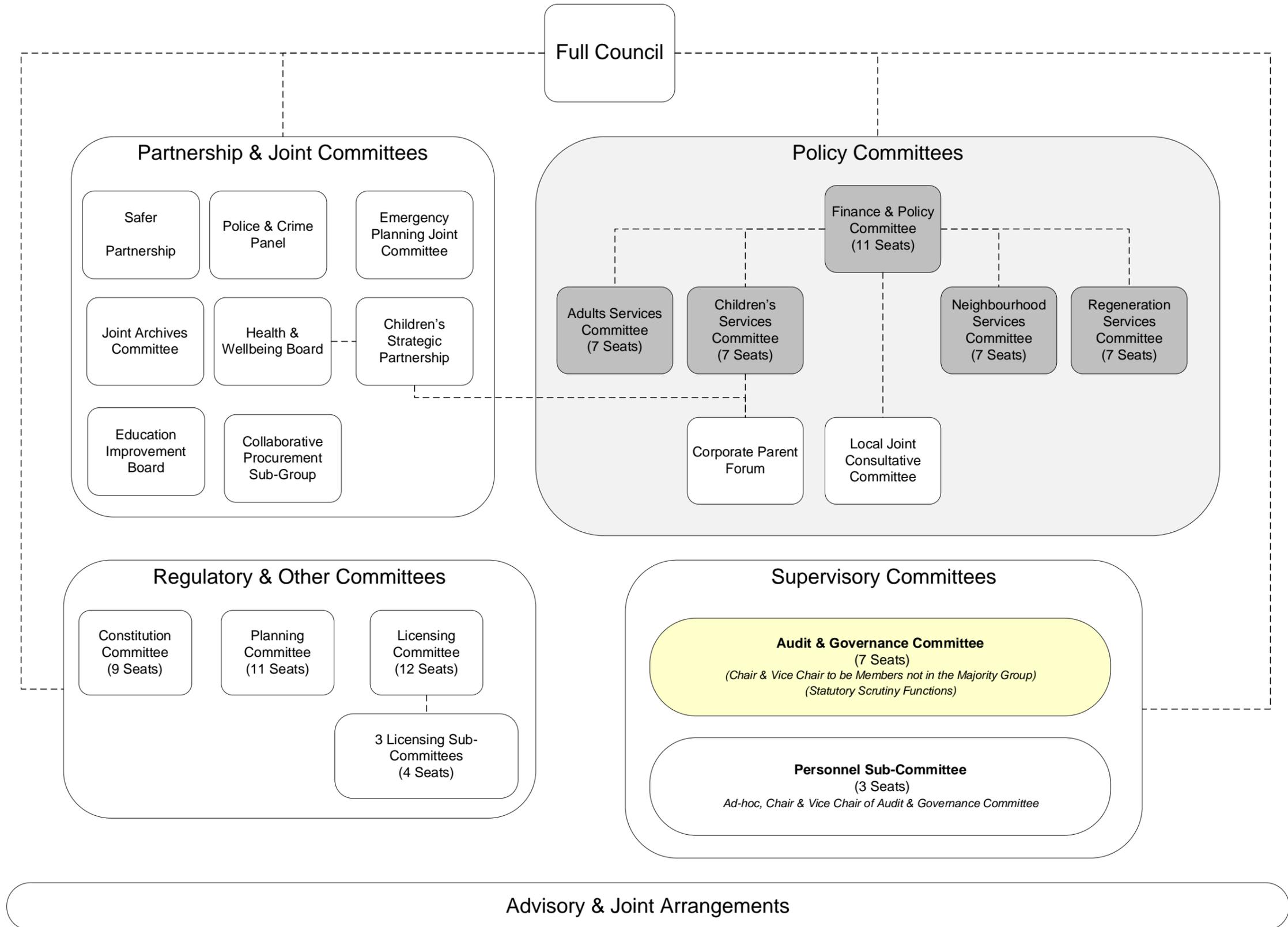
Additional information and insights will be continually received as we get closer to implementation, and once implemented, it is expected that there will be a period of discovery in terms of initial problem solving, understanding the intricacies of the system and gathering of further requirements that may be subject to change. To this end, this document is an early indicator to support initial decision making.

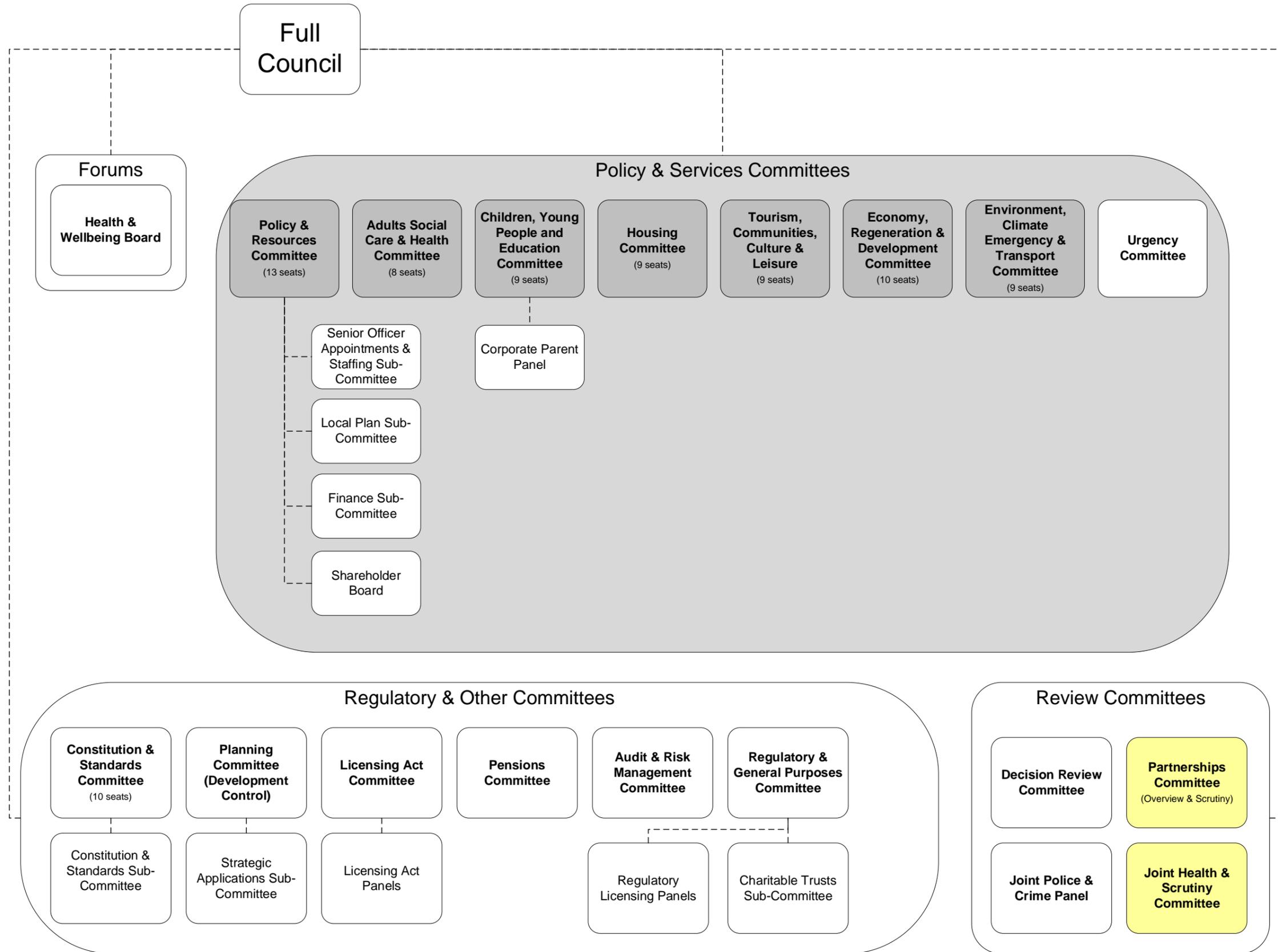
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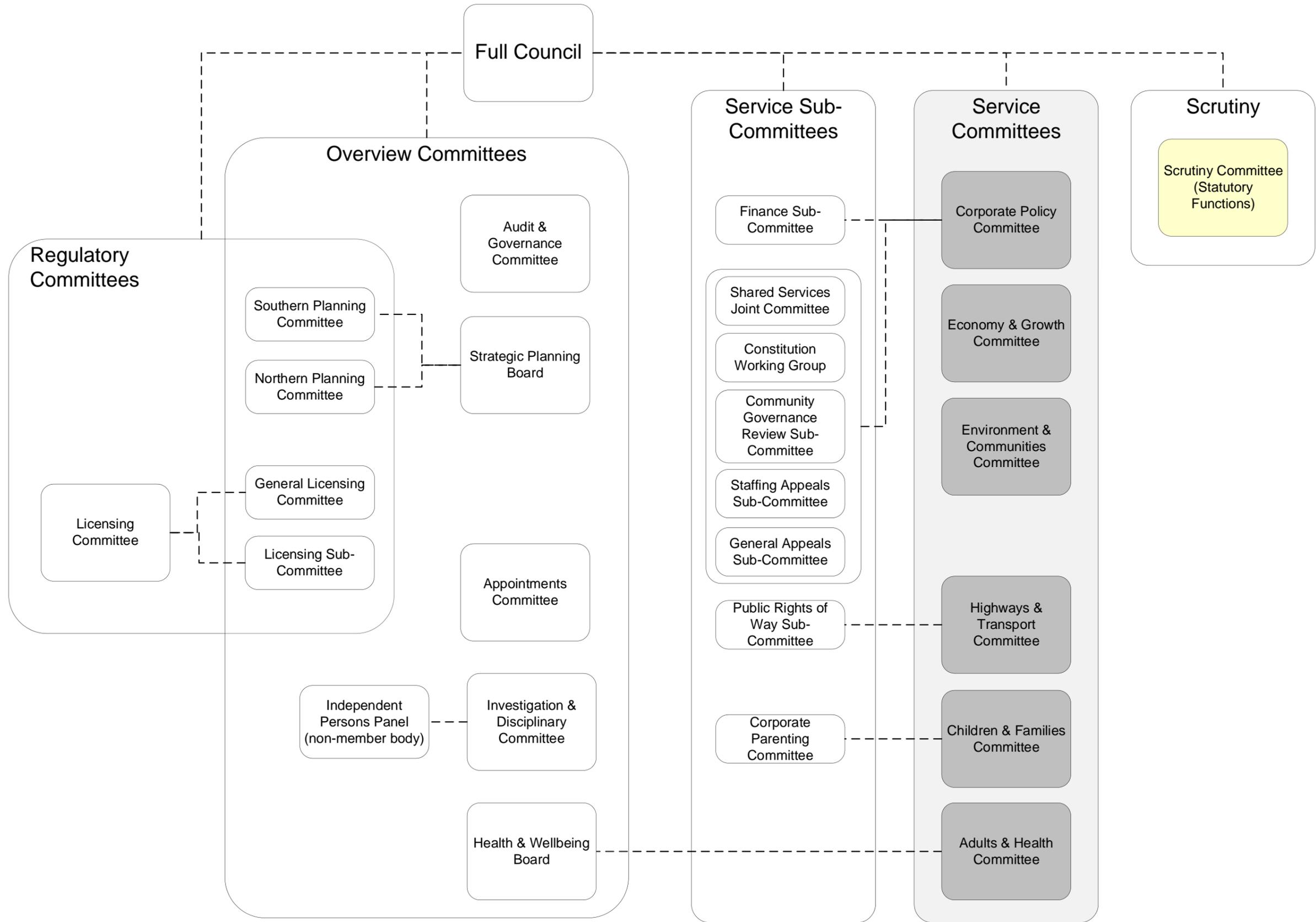
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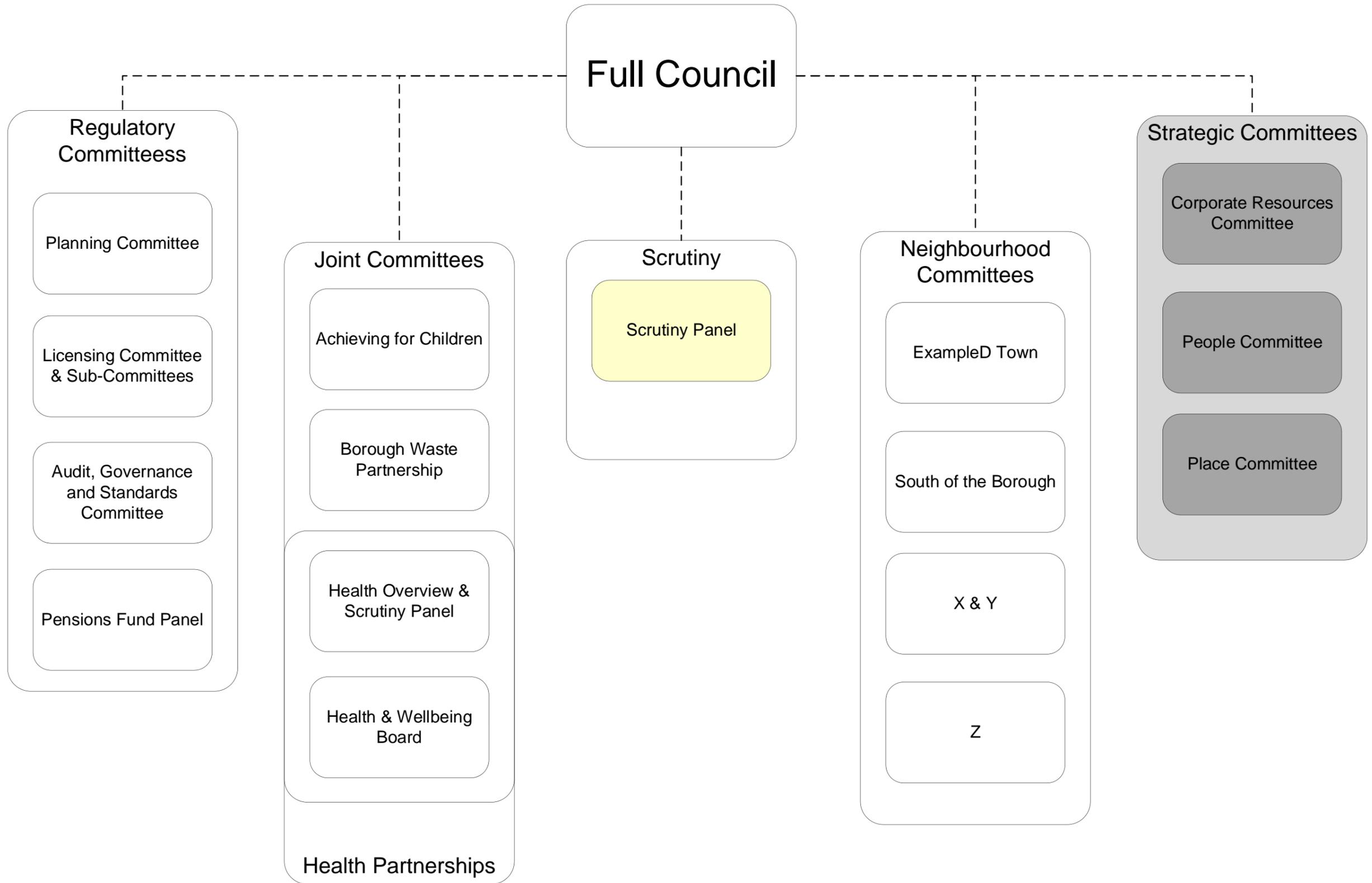
# 0. Diagrams of Models

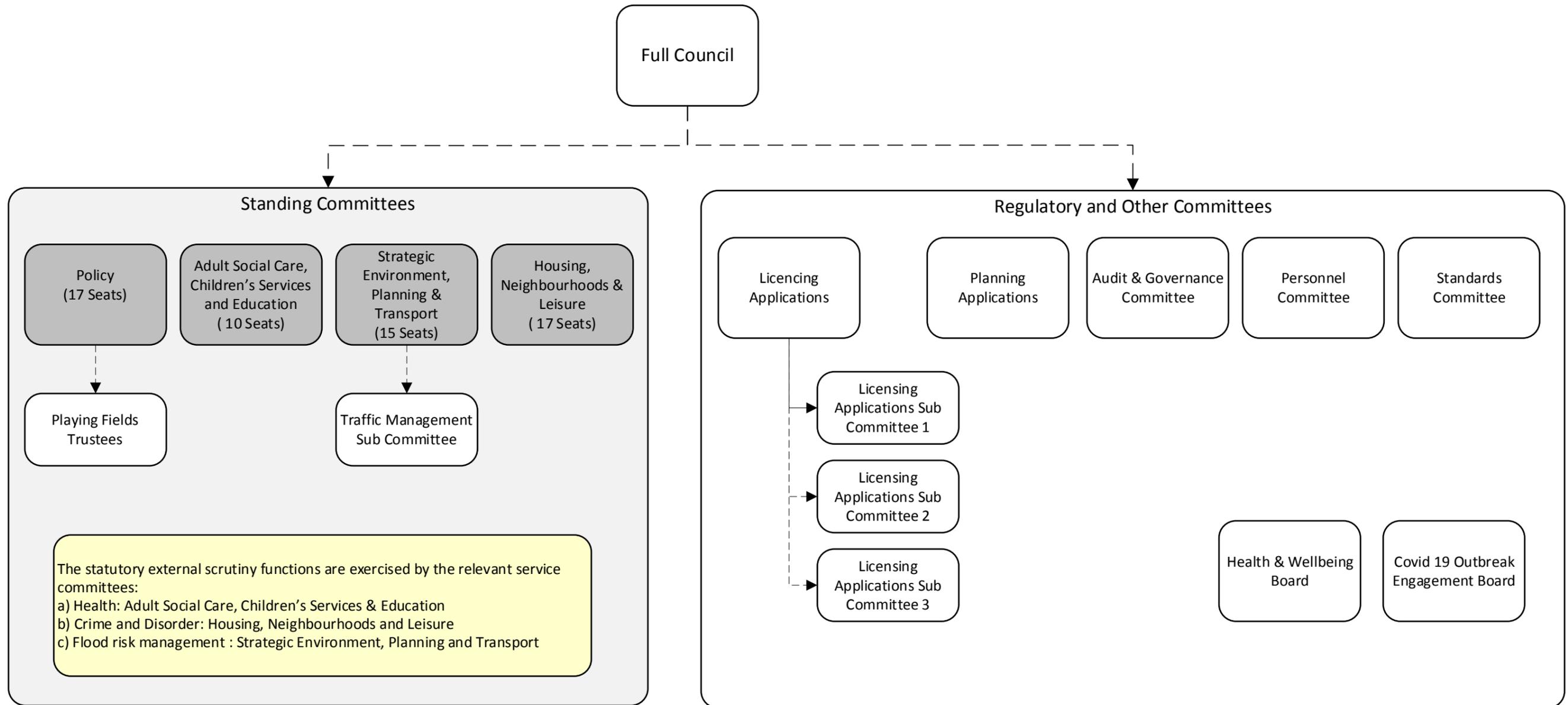
## Example A

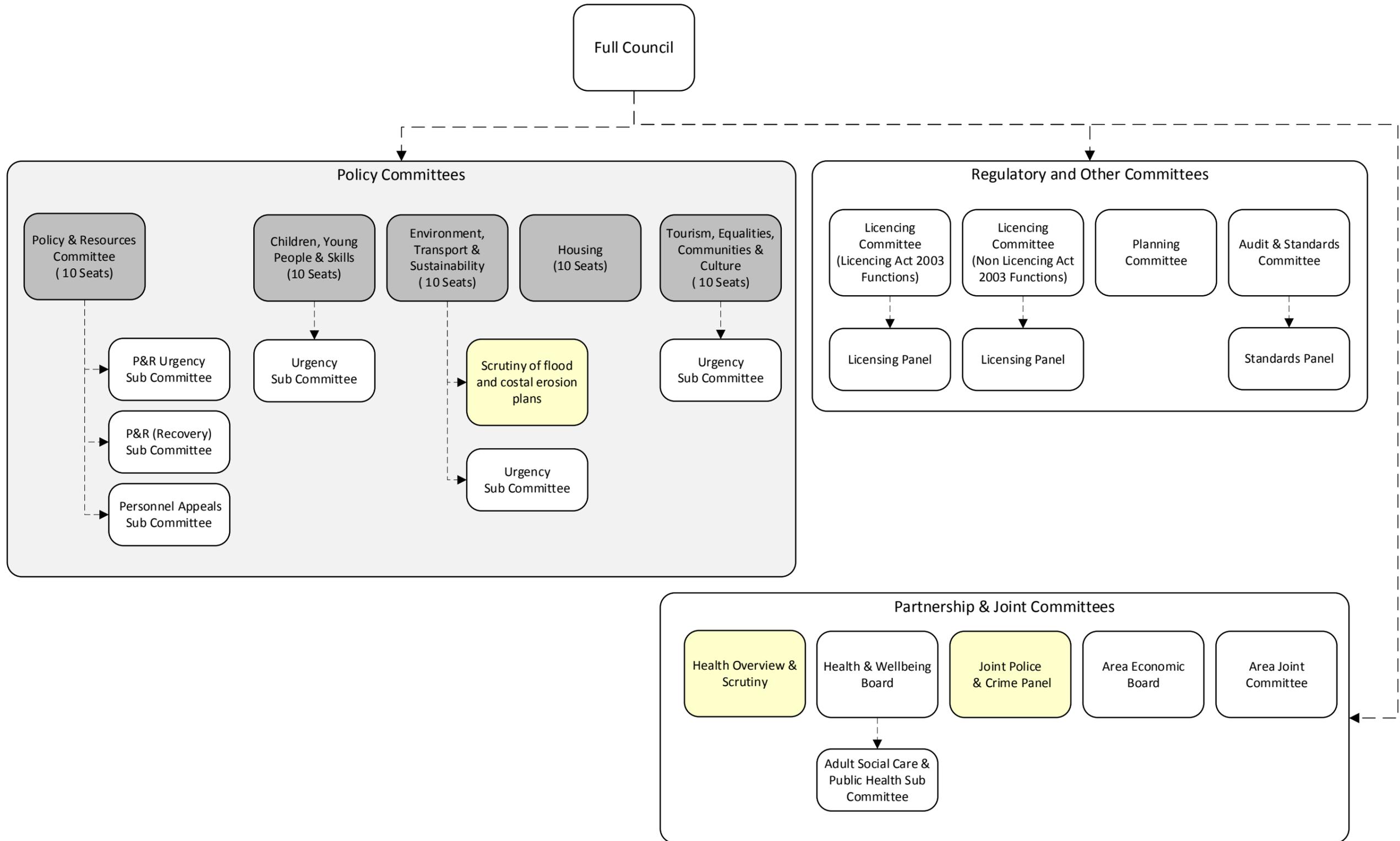


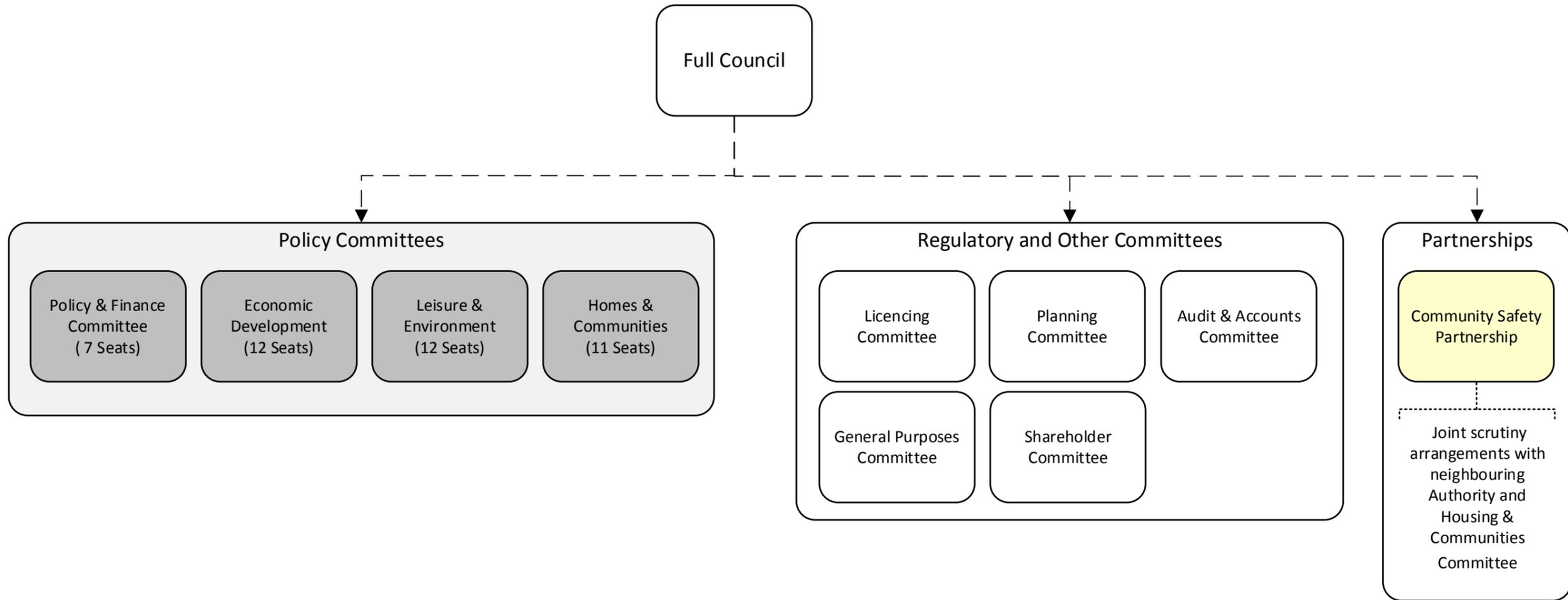












# 1. Full Council

## *ExampleA*

- Made up of all 36 Councillors from different political parties across the Borough who represent the people that live within it.
- Meet together and debate issues of importance and local concern as well as opportunity to discuss major issues of policy. Set the overall direction of the Council and boundaries for Committees to operate within.
- Is the forum where Members can ask questions of the Leader, Policy Committee (Overarching Committee) and other Chairs and receive reports from Policy Committee
- Members of the public as well as Cllrs can submit questions to be asked at Ordinary Council meetings
- Extraordinary meetings can be held when there is an issue of special importance that the Council wishes to discuss. These have a strict agenda and are kept very short.
- At Annual Meetings-
  - Elects the Ceremonial Mayor and Deputy
  - Elects Leader of the Council and Deputy
  - Appoints Council Committees- size and membership
  - Appoints Members to represent Council on various outside bodies and orgs
- Changes to the Constitution will only be approved by Full Council after consideration of the proposal through recommendations of the Constitution Committee
- Schemes of Delegation are agreed by Full Council

## *ExampleB*

- Made up of all 66 Councillors from different political parties across the Borough who represent the people that live within it.
- The full Council meets around seven times a year
- Responsible for:
  - Electing the Leader of the Council
  - Electing the Lord Mayor
  - Setting the Schemes of Delegation
  - Adopting and amending the Constitution
  - Approving the Council's budget
  - Establishing the Committees, agreeing TOR and deciding their composition
  - Approving the Council's Policy Framework, setting the work for the Themed Committees.
- The following plans and strategies where adoption or approval is required by law to be reserved to a meeting of full Council, which will take into account the recommendation of the Policy and Resources Committee or relevant Policy and Service Committee include but are not limited to:
  - Crime and Disorder Reduction Strategy
  - Youth Justice Plan
  - Sustainable Community Strategy
  - Local Transport Plan; and more
- The following plans and strategies where Council has decided that adoption or approval is to be reserved to a meeting of full Council, which will take into account

the recommendation of the Policy and Resources Committee or relevant Policy and Service Committee include:

- Council's Corporate Plan
- Any plans and strategies where the Policy & Resources (Overarching) Committee has recommended the adoption or approval should only be determined by a meeting of Full Council

#### *ExampleC*

- The Full Council has 82 Councillors and meets 6 times per year
- The Council:
  - is accountable to residents and service users for the proper discharge of all of its functions and the delivery of its services
  - will keep under review the running of the Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the public and the delivery of services in the most efficient and effective way to deliver best value
  - will adopt the Council's Constitution and approve any amendments to it (except where specifically delegated to the Corporate Policy Committee or the Monitoring Officer)
  - will elect the Mayor, appoint the Deputy Mayor, elect the Leader of the Council and appoint the Deputy Leader
  - will adopt the Policy Framework and any of the policies within it
  - will agree the Council's Budget
  - will determine any decision which would otherwise be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
  - will adopt the Council's Codes of Conduct for Councillors and Officers and the Protocol on Councillor/Officer Relations
  - will agree the establishment and composition of Committees and Sub-Committees
  - will agree the political balance of such bodies as required from time to time
  - will agree the allocation of Chairs and Vice-Chairs to those bodies
  - will agree and amend the terms of reference of its Committees and Sub-Committees and the job description for committee Chairs
  - will determine any matter which is referred to it for determination by a Committee or Sub-Committee

#### *ExampleD*

- Full Council (where all 48 Councillors meet together) is the primary decision-making body of the Council and as such is responsible for the exercise of all the functions that are the responsibility of the local authority.
- It meets approx. 6 or 7 times per year
- Full Council delegates many of its decision-making powers to committees, officers, and to other local authorities. The Council may at any time withdraw, extend or modify any term of reference or delegation, or transfer any term of reference from one body to another.
- Only Full Council will exercise the following functions:
  - (a) approval of the Constitution and any changes to it.
  - (b) approval of the annual Budget and policy framework and setting the Council Tax;
  - (c) Making any applications to the appropriate Secretary of State in respect of any Housing Land Transfer;

- (d) agreeing and/or amending the terms of reference for Panels, Committees, etc, deciding on their composition and making appointments to them; including the Chairs, Co-Chairs and Vice-Chairs where appropriate
- (e) appointing the Mayor;
- (f) appointing elected (and other) Members to such other Council bodies as appropriate;
- (g) adopting the authority's Code of Conduct for Members and the Councillor Recall Scheme;

#### *ExampleE*

- Full Council is made up of all 46 elected Councillors and meets 7 times per year.
- It is responsible for setting the policy and budget framework for the authority; approving plans and strategies; and setting the authority's strategic vision and corporate objectives, which the Policy Committee may recommend to it.
- Full Council will delegate functions to be exercised by individual Committees
- Full Council may take a decision in respect of any function it has delegated to a Committee or officer, in place of that Committee or officer; and a Committee or officer may refer or recommend a decision in respect of a delegated function to be taken by full Council.

#### *ExampleF*

- Full Council is made up of 54 elected members
- Councillors decide the Council's overall policies and set the budget each year. Full Council is responsible for setting the policy framework and budget, including approving specified plans and strategies. It also holds the decisions of the Committees to account
- It meets 7 times per year, other 5 full council meetings review decisions made by committees
- Council is the supreme decision-making body and may with some exceptions exercise any of the functions vested the City Council by law. It may also delegate many of those functions to a Committee, a Sub-Committee or an officer.

#### *ExampleG*

- The council is made up of 39 councillors who democratically accountable to the residents of the ward they represent. It meets 6 times per year
- Responsible for :
  - Approval of the Council's corporate plan
  - Setting the Council's Budget and Council Tax
  - Appointing the Chairman and Vice Chairman of the Council
  - Appointing the Leader of the Council
  - Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership

## 2. Leader's Role

### Local Authority Models

#### *ExampleA*

Leader carries out these key roles:

- Advocate- Authority's principle public spokesperson, act for the benefit of all Borough's citizens and interested parties/stakeholders,
- Representation- Political Leader of the Authority, represent the interests of the Authority and community at regional, national and international events, attend and participate in such civic and ceremonial functions and duties as determined by Full Council
- Chair- Finance and Policy Committee (Overarching Committee), gives the overall policy direction to the Authority, lead with the Chairs of Committees the implementation of policies, budgets and strategies approved by Full Council

#### *ExampleB*

- Advocate- Authority's principle public spokesperson, act for the benefit of all Borough's citizens and interested parties/stakeholders, focal point for political leadership and strategic direction, support cross party co-operation
- Representation- Political Leader of the Authority, represent the interests of the Authority and community at regional, national and international events, attend and participate in such civic and ceremonial functions and duties as determined by Full Council, represent the Council's voice externally
- Chair- Policy and Resources Committee (Overarching Committee), Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies
- Sets the Scheme of Delegation- The delegation of the Council's Executive functions to officers are set out in Part 3 Schedule 4 Part B and are determined by the Leader of the Council.

#### *ExampleC*

- Act as the political leader rather than ceremonial of the Council for the benefit of all the Borough's communities, citizens, taxpayers, businesses, public bodies and other public authorities
- Lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;

- Lead and work with the Council, particularly the Chairs of its Committees and Sub Committees, in overseeing service delivery and the implementation of policies approved by the Council.
- Represent and pursue the interests of the Council in the community and at international, national and regional levels;
- Act as Chair of the Corporate Committee, fulfil the role of Leader at full Council meetings and carry out as necessary the other functions mentioned at paragraph xx below;
- Lead in providing policy direction and guidance to the Chief Executive and Chief Officers;
- Meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.
- Chairing Corporate Policy Committee: the Leader shall be appointed at the Council's Annual Meeting as Chair of the Council's Corporate Committee.
- The establishment of policy direction and the Council's priorities and the facilitation of discussion thereon.
- To be principal ambassador for the Borough and the Council (recognising the role of the Mayor).
- To represent the Council on any external body, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
- Involvement in Major Emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

#### *ExampleD*

- The Leader of the Council is selected by the political group that has a majority of seats on the Council and is appointed on a year by year basis.
- The Leader of the Council is responsible for the overall political leadership and strategic direction of the Council.
- The Leader of the Council may appoint up to 10 Portfolio Holders, each of whom will have oversight of a portfolio of service areas / activities. Subject to the formal decision of the Council, Portfolio Holders shall be appointed Chairs of the relevant Strategic Committees
- The Chief Executive, as principal policy adviser, will ensure that the Leader and Portfolio Holders are provided with the appropriate advice and information to enable them to take informed decisions and they will have regard to such advice in reaching their decisions.
- As leader of a party political group, the Leader will not seek advice from the Chief Executive in relation to party political business. Attendance by the Chief Executive, or other officers of the Council, at political group meetings is, however, permissible in the circumstances set out in the Member/Officer Relationships Protocol. The Leader

has no line management responsibilities for Council employees who are responsible to the Council as a whole.

- Any concerns over the performance of employees either individually or collectively will be referred by the Leader to the Chief Executive to address. Matters relating to the appointment, dismissal and disciplinary action in respect of employees are contained in the Procedural Standing Orders set out in the Council's Constitution.

#### *ExampleE*

- To lead the development and implementation of the Council's strategic vision and corporate objectives and priorities
- To provide the Council's community leadership role
- To oversee the allocation and management of resources, and the existence of effective financial management and audit arrangements
- Chair of Policy Committee

#### *ExampleF*

- Chair of the Policy & Resources Committee; may attend and speak at any meeting of a Committee or Sub-Committee of the Council but can only vote if appointed as a voting member
- Lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies

#### *ExampleG*

- The Council's Leader will be the Council's political and elected head, the focus for political direction and the chief advocate and ambassador for the district (excluding civic and ceremonial duties).
- The Leader will act as Chairman of the Policy & Finance Committee and is entitled to attend all meetings of the Council's functional committees in an ex officio capacity.

### 3. Lord Mayor's Role

#### Local Authority Models

##### *ExampleA*

The role of the Lord Mayor is 'Ceremonial'

- Acts at the 'First Citizen' of the Borough
- Presides over meetings of the Full Council, ensuring efficient business, rights of Elected Members and interests of Communities are upheld, provides a forum for debate of matters of concern to local communities and a place to ask questions of Committee Chairs
- Represents the Council as a civic body in formal and informal (civic and ceremonial) public settings
- Promotes public involvement in the Authorities activities

##### *ExampleB*

- The Mayor is always a serving councillor, elected by the full Council at its annual general meeting in May, and stands for one year in office.
- The Mayor is the first citizen and chosen representative of Wirral, acting as a focal point for community and civic life.
- Chair's Full Council and Highways and Traffic Representation Panel

##### *ExampleC*

The Council's Mayor, supported by the Deputy Mayor will perform the Council's civic role. This entails raising and maintaining the profile of the Council's area and its residents. The aims and values of the Council will be promoted in an apolitical manner. The Mayor will decide which civic and ceremonial functions to promote following consultation with officers. These functions may include representing the Council at events organised by other local authorities or organisations. Council Role: The Mayor is responsible for:

- Upholding and promoting democracy and this Constitution and interpreting it, where necessary, with advice
- Presiding over meetings of the full Council to ensure that business is carried out efficiently and effectively
- Ensuring the rights of Councillors and local people are protected in the running of Council meetings (Guidance on the Role of a Chair which is relevant for all Chairs of Council meetings)
- Ensuring that matters of concern to local people and Councillors can be debated at full Council or the relevant Committee.
- Promoting public involvement in the Council's activities and acting as a link between members of the public, organisations and the Council
- Carrying out other roles on behalf of the Council

#### *ExampleD*

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

- To appoint a Deputy Mayor;
- To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
- At the Mayor's discretion to exercise a second or casting vote where there is an equality of votes on any matter under consideration by the Council;
- To promote public involvement in the Council's activities;
- To be the conscience of the Council;
- To attend such civic and ceremonial functions as the Council and they determines appropriate.
- In the year in which the Council elections are held the Mayor shall remain in office until a successor is appointed, whether or not they have been re-elected as a Councillor (Local Government Act 1972, Schedule 2). In the event of there being an equality of votes on the election of a successor, the retiring Mayor may use a casting vote to break the deadlock, even if no longer a Councillor.

#### *ExampleE*

- Ceremonial role – acting as the first citizen of the Borough and to represent the Council at Civic and other functions, to promote the image of the Council in all functions involving the Council or the Mayoralty, to attend such civic and ceremonial functions as the Council and he/she determines appropriate.
- Chairs the Council meeting - The Mayor will be elected by the Council annually and will have the responsibility to preside over meetings of full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.

#### *ExampleF*

- Ceremonial role acting as first citizen, promoting the Council as a whole and act as a focal point for the community
- Chairs the Council meeting

#### *ExampleG*

- There is no Lord Mayor at this example Authority. The Chairman of the District Council represents the Council at civic events

## 4. Themed Committees

### Local Authority Models

#### *ExampleA*

5 Themed Committees: Adults Services, Children's Services, Neighbourhood Services, Regeneration Services and Finance & Policy (which acts as an Overarching Committee, see section 5). There are no Sub-Committees for these Policy Committees.

These are referred to as 'Policy Committees' and align to the old Council Portfolio structure. Membership is politically proportionate.

Full Council sets the number, titles and remits of these Committees. These Committees work within the frameworks set by Full Council and the Overarching Finance & Policy Committee.

Meet monthly, in a single central location.

#### *ExampleB*

Has 8 Themed Committees; Policy & Resources Committee (which acts as an Overarching Committee, see Section 5), Adult Social Care & Health Committee, Children, Young People and Education Committee, Housing Committee, Tourism, Communities, Culture and Leisure Committee, Economy, Regeneration and Development Committee, Environment, Climate Emergency and Transport Committee and finally the Urgency Committee.

These are referred to as 'Policy and Services Committees' and aligned to the Directorates that were in place at the time of the appointment. This has been identified as a post-implementation issue and is being reduced down as part of service design moving forward.

Full Council sets the number, titles and remits of these Committees. These Committees work within the frameworks set by Full Council and the Overarching Policy & Resources Committee.

These Committees meet every 1-3 months as able. It is year one for this authority and they have been learning as they go.

#### *ExampleC*

- Has 5 themed Committees as well as an Overarching Corporate Policy Committee and a Finance Sub-Committee. The 5 are listed below:
  - Economy and Growth Committee
  - Environment and Communities Committee
  - Highways and Transport Committee
  - Children and Families Committee
  - Adults and Health Committee
- These are not referred to by a specific moniker
- These committees do align to services and work within the Frameworks set by Full Council and the Corporate Policy Committee (Overarching)
- Full Council sets the number, titles and remits.

- These Committees appear to meet every 2-4 months, and appear to be irregular

#### *ExampleD*

- Has 3 themed Committees listed below:
  - Corporate and Resources Committee
  - People Committee
  - Place Committee
- They are referred to as 'Strategic Committees'
- These Committees align to the Council portfolios
- Full Council sets the number, titles and remits.
- These Committees appear to meet 2-3 times a year and again appear to be irregular

#### *ExampleE*

- The committee system is composed of four standing committees (and two sub-committees) and six regulatory or other committees. Each of the Committees (except the Health & Wellbeing Board) has a membership from all political groups on the Council, in proportion to their representation on the Council.
- Policy Committee (Principal Committee) - Ave 10 meets pa
- Adult Social Care, Children's Services and Education Committee - Ave 4 meets pa
- Strategic Environment, Planning & Transport Committee – Ave 2 meets pa
- Housing, Neighbourhoods & Leisure Committee – Ave 2 meets pa
- Between them, the Committees have been delegated powers by the full Council which cover all of the authority's functions. The Committees are responsible both for taking day-to-day decisions in relation to the functions delegated to them, and also for setting and reviewing the policy framework relevant to those functions.

#### *ExampleF*

- The Council has nine policy committees (Policy and Resources; Health and Wellbeing Board; Children, Young People and Skills; Tourism, Equalities, Communities and Culture; Housing; Environment, Transport and Sustainability; Planning; Licensing; Audit and Standards ) and 3 Sub-Committees (Licensing Panel - which deals with licensing, registration and other appeals; Standards Panel and the Personnel Appeals Panel).
- The Policy and Resources Committee is regarded as the senior Committee and meets on average 11 months per year
- The other policy Committees meet on average 5 times per year
- Each Committee is politically proportionate

### *ExampleG*

- The Council has 4 Operational Committees (Policy & Finance 10 members, Economic Development 12 members, Homes and Communities 11 members, Leisure & Environment 12 members) and 4 Regulatory Committees (Audit & Accounts, General Purpose, Licencing, Planning)
- Each are politically proportionate, and meet 5/6 times per year
- This Authority is preparing to change to a Leader and Cabinet model in 2022

## 5. Overarching Committees

### Local Authority Models

#### *ExampleA*

- Finance & Policy Committee acts as the overarching Committee with finance/budgetary, strategic and policy direct responsibilities.
- Chaired by: Leader of Council who also Chairs on Constitution Committee and Appointments Panel
- Membership: consists of 11 Members including the Chairs of the Policy Committees. Is politically proportionate
- Purpose: The Committee is responsible for financial and other resources of the Authority, for formulating, developing and implementing the Authority's plans and strategies under the budget and policy framework. Additional service area responsibility including asset management, strategic procurement, electoral services, revenues and benefits, social welfare and public health, under the Health and Social Care Act 2012, including the development of partnership working.

#### *ExampleB*

- Policy and Resources Committee acts at the Overarching Committee with finance/budgetary, strategic and policy direct responsibilities.
- Chaired by: Leader of the Council who also Chairs the :
  - Finance Sub Committee
  - Local Plan Steering Sub-Committee
  - Senior Officer and Appointments Staffing Sub-Committee
  - Shareholder Board
  - Urgency Committee; and is also a member of:
  - Constitution and Standards Committee; and
  - Health and Wellbeing Board
- Membership: consists of Fifteen (15) Members of the Council, which may be altered to accommodate the overall political balance calculation, and which may be amended from year to year to ease political balance calculations and to incorporate the membership requirements.  
The membership shall include:
  - (a) the Leader of the Council, who shall be the Chair;
  - (b) the Deputy Leader of the Council, who shall be Vice-Chair; and
  - (c) the chairs of each of the other Policy and Service Committees
- Purpose: This Committee is responsible for co-ordinating processes for the development of the Budget and Policy Framework, together with decision making on cross-cutting policies not part of the Policy Framework and decisions on resources concerning virements and purchase and sale of assets. The Committee is also responsible for a number of corporate functions, including employment of officers, company and asset ownership and overall performance and risk management in respect of the Council's delivery of functions as well as matters of urgency and review.

#### *ExampleC*

While not clearly specified, it is likely that ExampleC uses their Corporate Policy Committee as their Overarching Committee.

- Policy Committee is composed of 13 Councillors and is politically proportionate
- The Chair of this Committee is the Leader of the Council
- Membership includes the Chairs of the 5 Themed Committees as well as Chairs of some of the other relevant Committees (such as Strategy Board and Finance Sub-Committee) and additional Members to support proportionality.
- Purpose: The Corporate Policy Committee will provide strategic direction to the operation of the Council by developing and recommending the Corporate Plan to full Council and making decisions on policies and practice where such decisions are not reserved to full Council.

#### *ExampleD*

While not clearly specified, it is likely that ExampleD uses their Corporate & Resources Strategic Committee to act in some capacity as Overarching Committee without having an actual Overarching Committee in place.

- Corporate & Resources Committee is composed of 13 Councillors
- This Committee does not appear to be politically proportionate as it consists of no Labour seats and no Independent seats with a Lib-Dem majority, which does not match their proportionality. **This will need checking with the Authority.**
- This Committee does not have a single Chair and instead has 4 Co-Chairs, all of which from the 4<sup>th</sup> most popular party, LibDem
- Membership does not necessarily include the Chairs of the remaining Strategic Committees. **This will need checking with the Authority.**
- Purpose: To be responsible for the following functions:
  - Revenue and Capital Monitoring and Expenditure
  - Recommendations to Council on the levying of Council Tax
  - Revenues and Benefits
  - Strategic Partnerships
  - Human Resources and Pensions Investment Company Assets, including the disposal or acquisition of land or property
  - Contracts and Commissioning
  - Equalities
  - Communications
  - Consultation & Engagement
  - Customer Contact
  - ICT & Digital
  - International Partnerships
  - Constitutional issues
  - Members Services
  - Electoral Services
  - Legal Affairs
  - Covid Recovery (incl related Task Forces)

#### *ExampleE*

- Policy Committee (Principal Committee) composed of 17 Councillors from all political groups on the Council, includes the Leaders of all of the political groups, and the Lead Councillors

- Purpose: Oversight of strategy, policy and budget, all services in the Chief Executive's Office and Resources Directorate, Voluntary sector grants, Economic development and regeneration, Corporate land, buildings and assets, Overview of service performance and improvement across all Council services, Partnerships: LSP (Community Strategy), LEP, CIC, City Deal, Cultural Strategy
- Can make decisions cutting across service committee areas
- Can make any decision between committee meetings, on an urgency basis
- Leader is Chair, Deputy Leader is Vice-Chair

#### *ExampleF*

- The Policy and Resources Committee is regarded as the senior Committee and is chaired by Leader of the Council
- Membership: consists of 10 Members and one non voting standing invitee to assist the committee in raising and addressing issues of interest and importance to people from a Black and Minority Ethnic background
- Meets on average 11 months per year
- Functions: overall responsibility for the financial and other resources, developing the Council's strategy and policy, development of partnership working, economic growth, regeneration and major built projects.

#### *ExampleG*

- The Policy & Finance Committee meets 6 times per year to make key strategic decisions (other than those which must be determined by Council) including all decisions which have a major impact on a number of Council services or on the Council as a whole.
- Membership: 7 members (plus 3 others for additional Hearing Panel)
- Chaired by the Leader of the Council
- Functions include:
  - strategic housing, HRA, formulating budget proposals and capital programme and recommending to the Council for approval.
  - operational decision making and performance management across a wide range of services.
  - promote and maintain high standards of conduct by Members and co-opted Members of the authority

## 6. Local Area Committees

### Local Authority Models

#### *ExampleA*

- N/A

#### *ExampleB*

- N/A

#### *ExampleC*

- N/A

#### *ExampleD*

ExampleD is the only authority that we have found that operates with a Locality Committee model in addition to a Themed Committee model.

- There are 4 Neighbourhood Committees, three of these have Sub-Committees
  - ExampleD Town- 12 seats
  - South of the Borough- 15 seats
  - X&Y- 9 seats
  - Z- 12 seats
- The purpose of these Committees is to have responsibility for certain development control, highways and other place-based functions including the management of public parks and community halls and engagement with local residents, businesses, campaign groups and voluntary and community sector organisations.
- These Committees are not politically proportionate due to the nature of locality working
- **Unable to locate further information on decision making**

#### *ExampleE*

- N/A

#### *ExampleF*

- N/A

#### *ExampleG*

- N/A

## 7. Statutory Committees (Scrutiny)

### Local Authority Models

#### *ExampleA*

- Built Statutory Scrutiny into the Audit & Governance Committee (outside of Policy Committee remit but also not a standalone Scrutiny Committee)
- The Audit and Governance Committee is responsible for:
  - the review and scrutiny of matters relating to the planning, provision and operation of health services- “To exercise and undertake the statutory health scrutiny functions of the Authority under Part 5 of Chapter 2 of the Health and Social Care Act 2012 and regulations made there under and associated guidance.”
  - Designation as the Authority’s ‘Crime and Disorder Committee’ with responsibility for the review and scrutiny of crime and disorder matters- “To undertake the functions of the Authority’s Crime and Disorder Committee for the purposes of the Police and Justice Act 2006” ;
  - In addition to multiple other auditory and governance-based remits
- In the Cabinet Model, ExampleA had:
  - Overview & Scrutiny- Scrutiny Coordinating Committee
  - Children’s Services Scrutiny Forum
  - Regeneration and Planning Services Scrutiny Forum
  - Adult and Community Services Scrutiny Forum
  - Neighbourhood Services Scrutiny Forum
  - Health Scrutiny Forum
- Flood Risk Management statutory scrutiny sits within a Regional Flood and Coastal Committee.

#### *ExampleB*

- Built Statutory Scrutiny into Partnerships Committee (Overview and Scrutiny) (outside of Policy & Services Committees remit, acts as a single standalone Scrutiny Committee)
- The Partnerships Committee is responsible for:
  - Matters relating to the health of the authority’s population and can make recommendations to health bodies or other relevant authorities (and on a shared basis where matters also concern neighbouring Cheshire West and Chester Council area); and
  - The power to scrutinise the activities of those responsible for crime and disorder strategies, which is the Council and the police, as embodied by the Safer ExampleB Partnership
  - The Council has determined that these overview and scrutiny functions are to be carried out by the Partnerships Committee, which will also scrutinise the functions and responsibilities undertaken by other bodies within the Borough, in addition to the joint committees for specific purposes with neighbouring authorities. The process for this is set out in Part 4(3) of this Constitution
- This example authority also, as referenced above, undertakes scrutiny in addition to Statutory requirements.

- There is an additional Decision Review Committee:
  - Purpose - the Decision Review Committee is a committee established by the Council with powers set out in the 2012 Local Authorities (Committee System) (England) Regulations to review or scrutinise a decision made but not yet implemented as referred to above.
  - (ii) Function - The Decision Review Committee is to consider the decision called in for review as soon as possible, and, normally within 15 working days. In doing so it shall provide an opportunity for a representative of the signatories to the call in the opportunity to address the meeting on the subject. The Decision Review Committee may either
    - (1) uphold the original decision, in which case it has immediate effect, or
    - (2) refer it back to the decision-making Committee, Policy and Resources Committee or (exceptionally), a meeting of the Full Council with or without recommendations for change. This is the only function of the Committee
- There is also Joint Health Scrutiny Committee
  - The role and function of any Joint Health Scrutiny Committee shall be determined in accordance with the arrangements set out in the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside'.
  - (ii) To undertake joint health scrutiny obligations arising under the Health Scrutiny Regulations (as detailed in the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside') as from 1st April 2013 (i) where more than one local authority's health scrutiny arrangements consider a proposed change in NHS services to be substantial in terms of the impact on its area; and/or (ii) in other circumstances as permitted by the Health Scrutiny Regulations or the Protocol

#### *ExampleC*

- ExampleC has a standalone Scrutiny Committee with 13 seats.
- It only undertakes statutory scrutiny functions
- The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees. The Committee's responsibilities include:
  - The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006,
  - section 244 of the Health and Social Care Act 2006, and
  - section 9JA and 9JB of the Local Government Act 2000 in relation to flood risk management.

#### *ExampleD*

- ExampleD has a Scrutiny Panel with 7 seats with political balance between Conservative and LibDem
  - Purpose to oversee statutory health requirements; and

- to deal with Call-Ins. Call-Ins can also apply to decisions made by Neighbourhood Committees.
  - Membership is made up of Members of the Council including three representatives of Opposition Groups.
- In addition, though not relating explicitly to scrutiny, there is also the Audit & Governance & Standards Committee whose role is to provide an independent and high level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards. Its purpose is to provide independent assurance to members and those charged with governance, on the adequacy of the risk management framework and internal control environment. It provides an independent review of the Council's governance, risk management and control
  - frameworks and oversees financial reporting, annual governance processes and internal audit and external audit.

#### *ExampleE*

- Has resolved not to appoint any separate overview and scrutiny committees. The statutory external scrutiny functions of the authority to be exercised by the relevant service committees, are as follows: a) Health: Adult Social Care, Children's Services & Education b) Crime and Disorder: Housing, Neighbourhoods and Leisure c) Flood risk management : Strategic Environment, Planning and Transport; and by the Policy Committee in respect of overview or scrutiny across Council services covered by more than one Committee.

#### *ExampleF*

- The council's decisions are discussed and scrutinised by Councillors from all parties before they are made at committee meetings
- Full council meets 7 times per year, other 5 full council meetings review decisions made by committees

#### *ExampleG*

- The Council does not have dedicated Overview and Scrutiny Committees but applies overview and scrutiny principles in the work of the Economic Development, Leisure & Environment and Homes & Communities Committees.
- The one exception is Community Safety where there are joint scrutiny arrangements with a neighbouring District Council.

## 8. Other Committees

### Local Authority Models

#### *ExampleA*

Example A has a number of 'other' Committees/Boards/Forums.

- *Policy Committees (aside from the 5 core PCs):*
  - Corporate Parent Forum
  - Local Joint Consultative Committee
- *Regulatory:*
  - Constitution Committee
  - Planning Committee
  - Licensing Committee (which has 3 Sub Committees)
- *Supervisory Committees:*
  - Audit & Governance Committee (where the Statutory Scrutiny functions are)
  - Personnel Sub-Committee
- *Partnership & Joint Committees:*
  - Safer ExampleA Partnership
  - Police & Crime Panel
  - Health & Wellbeing Board
  - Children's Strategic Partnership
  - Education Improvement Board (Note, likely decommissioned)
  - Collaborative Procurement Sub-Group (Note, likely decommissioned)
  - Joint Archives Committee (Note, likely decommissioned)
  - Emergency Planning Joint Committee (note, ad-hoc)

The previous governance arrangements were:

- Cabinet- no longer in place due to Committee system
- Finance and Corporate Services Portfolio- superseded by Finance and Policy Committee
- Regen and Neighbourhoods Portfolio- superseded by both Regeneration Policy Committee and Neighbourhoods Policy Committee
- Adult & Public Health Portfolio- superseded by Adults Services Policy Committee
- Children's And Community Services Portfolio- superseded by Children's Services Policy Committee and Neighbourhoods Policy Committee
- General Purposes Committee- superseded by other Committees in place
- Constitution Committee- In place in Committee Model as is
- Audit Committee- In place, merged into Audit & Governance Committee to accommodate Statutory Scrutiny
- Standards Committee- superseded by Audit & Governance Committee
- Scrutiny Co-Ordinating Committee- Superseded by Audit & Governance Committee to accommodate Statutory Scrutiny
- Children's Services Scrutiny Forum- Superseded by Audit & Governance Committee to accommodate Statutory Scrutiny

#### *ExampleB*

Example B has a high number of 'other' Committees/Boards/Forum, more than Example A.

- Policy & Services Committees (Aside from the 8 core P&S Committees):
  - Senior Officer Appointments & Staffing Sub-Committee
  - Local Plan Sub-Committee
  - Finance Sub-Committee
  - Shareholder Board
  - Corporate Parent Panel
- Regulatory & 'Other' Committees:
  - Constitution & Standards Committee
  - Constitution & Standards Sub-Committee
  - Planning Committee (Development Control)
  - Strategic Applications Sub-Committee
  - Licensing Act Committee
  - Licensing Act Panels
  - Pensions Committee
  - Audit & Risk Committee
  - Regulatory & General Purposes Committee
  - Regulatory Licensing Panels
  - Charitable Trusts Sub-Committee
- Review Committees:
  - Decision Review Committee
  - Partnerships Committee (Overview and Scrutiny)
  - Joint Health & Scrutiny Committee
  - Joint Police & Crime Panel
- Forums:
  - Health & Wellbeing Board

The previous governance arrangements were:

- **Awaiting evidence**

### *ExampleC*

Example C has a complicated set of Committees with multiple types of Committees.

Oversight Committees:

- Audit & Governance Committee

Regulatory Committees:

- Strategic Planning Board
- Southern Planning Committee
- Northern Planning Committee
- Licensing Committee
- General Licensing Sub-Committee
- Licensing Sub-Committee
- Public Rights of Way Sub-Committees

Other Committees:

- Appointments Committee
- Investigation and Disciplinary Committee
- Independent Persons Panel (non-member body)
- Corporate Parenting Committee
- Health & Wellbeing Board

Themed Committee Additions:

- Finance Sub-Committee
- Shared Services Joint Committee
- Constitution Working Group
- Community Governance Review Sub-Committee
- Staffing Appeals Sub-Committee
- General Appeals Sub-Committee

It is not clear from the evidence available what remains from the previous model prior to moving to the Committee model

#### *ExampleD*

Example D has kept their Committee Model as simplistic as possible in addition to having their 'LAC' structure. The below exist in addition to the 'Themed Committees', 'LACs' and 'Scrutiny':

Regulatory Committees:

- Planning Committee
- Licensing Committee & Sub-Committees

Overview Committees:

- Audit, Governance & Standards Committee

Other:

- Pensions Fund Panel
- Health Overview & Scrutiny Panel
- Health & Wellbeing Board
- Joint- Achieving for Children
- Joint- South Example D Waste Partnership

It is not clear from the evidence available what remains from the previous model prior to moving to the Committee model

#### *ExampleE*

- Regulatory Committees
  - Licensing Applications Committee (& 3 sub committees)
  - Planning Applications Committee

- Other Committees
  - Playing Fields Trustees (subcommittee of the Policy Committee)
  - Traffic Management (subcommittee of the Strategic Environment, Planning & Transport Committee)
  - Audit and Governance
  - Health and Wellbeing Board
  - Personnel Committee
  - Standards Committee

#### *ExampleF*

- Regulatory Committees
  - Audit & Standards
  - Licencing (Licensing Act 2003 Functions)
  - Licencing (Non Licensing Act 2003 Functions)
  - Licencing Panel (Licensing Act 2003 Functions)
  - Licencing Panel (Non Licensing Act 2003 Functions)
  - Licencing Urgency Sub Committee
  - Planning
- There are a number of sub committees (see model)
- Joint Committee (with neighbouring Authorities)

#### *ExampleG*

- Regulatory Committees
  - Audit and Accounts
  - Licencing (Re: Licensing Act 2003)
  - General Purpose (licencing and ancillary matters outside the remit of the Licencing Committee including caravan sites, hackney carriage and private hire vehicle licences, drivers and operators, entertainments, betting, gaming and lotteries, theatres and cinemas etc)
  - Planning
  - Shareholder Committee (Council's Development Company)

## 9. Engagement

*Note: This will be investigated as part of the next phase of work)*

## 10. Communications

*Note: This will be investigated as part of the next phase of work)*

## 11. Schemes of Delegation

*Note: This will be investigated as part of the next phase of work)*

### Design Principles

#### Local Authority Models

##### *ExampleA*

- Schemes of Delegation are agreed by Full Council
- All decisions previously made by the Cabinet are now made by Committee, within the appropriate Committee for the decision.
- Decisions previously made by the IEM can be made by Committee or by Officers as part of Officer delegations. This is outlined in the Constitution.

##### *ExampleB*

- Setting the Schemes of Delegation- The delegation of the Council's Executive functions to officers are set out in Part 3 Schedule 4 Part B and are determined by the Leader of the Council with approval from Full Council
- All matters which have not been reserved to Council or a Committee are delegated to Officers.
- Decisions previously made by the IEM can be made by Committee or by Officers as part of Officer delegations. This is outlined in the Constitution.
- Under this scheme Officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Chair and Vice-Chair when the matter falls within the remit of that Committee. Officers should inform the local Ward Members when they exercise delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.

##### *ExampleC*

- The Council operates a "Cascade" principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council and the Committees and Sub-Committees have delegated to officers all of the powers that they need to perform their roles.

#### *ExampleD*

- In order to operate more effectively as an organisation, Full Council delegates many of its decision-making powers to committees, officers, and to other local authorities.
- The Council may at any time withdraw, extend or modify any term of reference or delegation, or transfer any term of reference from one body to another.
- The Council shall reserve the right to appoint such other bodies as are necessary to carry out the work of the Council and may at any time dissolve any body or alter its membership.
- The Scheme of Delegation to Officers, which deals with the powers allocated to Officers of the Council is set out at Part 3B of the Constitution
- Any decision which affects a single Neighbourhood Committee area may be taken by the relevant Neighbourhood Committee provided that:
  - The decision is within Council's budget and policy framework
  - They are within Council policy / there is no conflict with Council policy
  - The impact of the decision extends no further than the boundaries of relevant Neighbourhood area
  - Any financial implications of decisions taken are capable of being contained within the approved budget
  - They do not involve matters of a highly controversial nature as identified by the Chief Executive in consultation with the Chair of the Neighbourhood Committee concerned.

#### *ExampleE*

- Full Council is responsible for the exercise of all functions of the authority. It may delegate functions to be exercised by individual Committees or Sub-Committees, or by a senior officer(s). Committees in turn may delegate any of their functions to be exercised by a Sub-Committee of Members, or by a senior officer; and a Sub-Committee in turn may delegate any of its functions to be exercised by a senior officer. subject to the decision not being a key decision
- The authority will continue to set a local definition of a key decision, which will apply to all functions, any such decision must be taken by a Committee; significant expenditure (over £500k) or savings (over £250k), except where already approved as part of the Council's revenue or capital budgets; significant effects on communities living or working in two or more wards

#### *ExampleF*

- Full Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the City Council by law. It may also delegate many of those functions to a Committee, a Sub-Committee or an officer.
- Where a matter has corporate policy or corporate budgetary implications it will normally be considered first by the Committee with responsibility for the relevant functions or service area before being referred with recommendations to the P&R Committee for a decision.
- Where a function is delegated to a Committee, that Committee may delegate the function to its Sub-Committee(s) or an Officer and the Sub-Committee(s) may delegate the function to an Officer

*ExampleG*

- The current Scheme of Delegation (SoD) forms part of the Council's Constitution and sets out a set of criteria for committee and officer decisions
- Full Council is responsible for significant changes to the Council's Constitution

## 12. Statutory Responsibilities for Members

*Note: This will be investigated as part of the next phase of work)*

### Local Authority Models

#### *ExampleA*

- The Children's Services Committee has 7 Members and the Chair will be the lead spokesperson on children's services (as per legal requirement), including child protection to children and young people. The Committee will exercise the Council's functions as Local Education Authority and will provide oversight of the Children's Strategic Partnership Board for the purposes of the Children Act 2004. The Children's Services Committee also includes a number of young peoples representatives.
- Individual member decision making is not permitted under the Committee System. All decisions must be made by Committee or by Officer as per the Scheme of Delegation.

#### *ExampleB*

- There is no reference to the Lead spokesperson for Children's Services online on the example authority's website, nor their Constitution.
- Individual member decision making is not permitted under the Committee System. All decisions must be made by Committee or by Officer as per the Scheme of Delegation.

#### *ExampleC*

- The Lead member for Children's Services is the Chair of the Children and Families Committee via Health and Wellbeing Board

#### *ExampleD*

- A co-chair of the Children's and Adults' Care and Education Committee is the lead member on Children's and Adults' Health

#### *ExampleE*

- This Authority appoints Lead Councillors with Portfolios covering all council services, and appoint them to be members of the Policy Committee and Committee(s) covering their portfolio areas
- Role of Lead Councillor: Political oversight and leadership of their portfolio area, collective oversight and leadership of the authority (together with the Leader and other Lead Councillors, as members of the Policy Committee) , public spokesperson for their portfolio area, presenting reports from portfolio services to their committee(s), the Policy Committee and Council, answerable for service performance in their portfolio areas to Committee and Council
- The Lead Councillor for Children sits on the Adult Social Care, Children's Services and Education Committee

#### *ExampleF*

- Chair of the Children, Young People & Skills Committee is the Lead Member for Children's Services

- The Chair of the Adult Social Care and Public Health Sub-Committee will be the Lead Member for Adult Social Care and Health, and Deputy Chair will be the Chair of the Health and Wellbeing Board

#### ExampleG

- This example authority does not have responsibility for Children's Services, that is within the remit of the County Council

## 13. Staffing, Relationships and Casework

*Note: This will be investigated as part of the next phase of work)*

### Supporting Evidence

#### 1. Profile- ExampleA-



1.%20ExampleA-%20  
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#### 2. Profile- ExampleB-



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#### 3. Profile- ExampleC



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#### 4. Profile- ExampleD



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#### 5. Profile- ExampleE



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## 6. Profile- ExampleF



1.%20Example%20F  
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## 7. Profile- ExampleG



Example%20G%20-%  
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