

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the CONSTITUTION REVIEW GROUP held on Thursday 5 March 2020 at 7.00 pm in the Chestnut Board Room, Campus East, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors T.Kingsbury (Chairman)
F.Thomson (Vice-Chairman)

M.Cowan, G.Hayes, K.Thorpe and S.Wrenn

OFFICIALS Corporate Director (Public Protection, Planning and Governance) (N.
PRESENT: Long)
Head of Law and Administration and Monitoring Officer (M.Martinus)
Governance Services Manager (G.Seal)
Principal Governance Officer (A.Marston)
Governance Services Officer (H.Johnson)

28. SUBSTITUTIONS OF MEMBERS

There was no substitution of Members.

29. APOLOGIES

An apology for absence was received from Councillor J.Caliskan.

30. MINUTES

The minutes of the last meeting held on 20 January 2020 were approved as a correct record.

31. REVIEW OF SCRUTINY

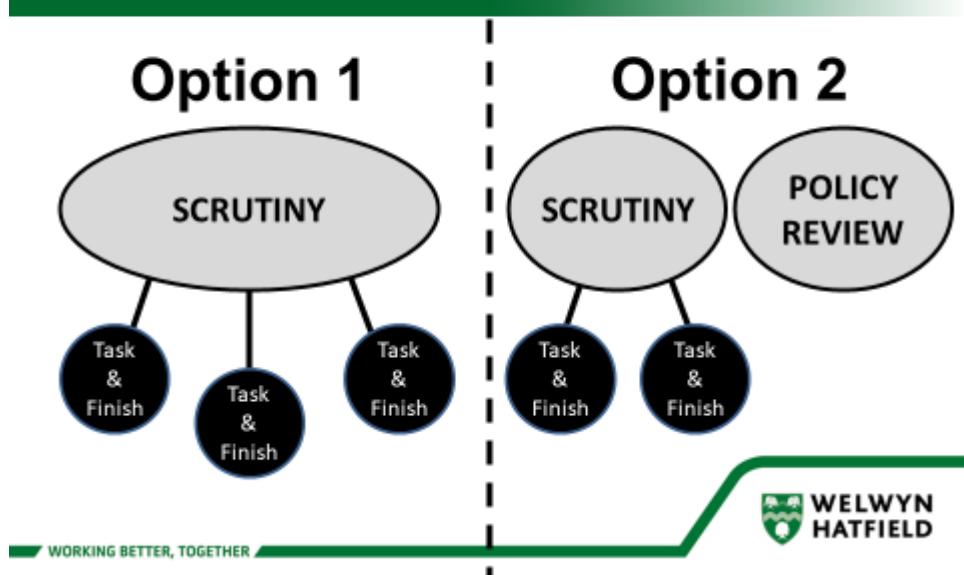
The report of the Head of Law and Administration (and Monitoring Officer) summarised the feedback from Members who attended the scrutiny workshop sessions on 20 February 2020 and set out some draft proposals for the revision of scrutiny for consideration.

The revision of the Constitution including the scrutiny process was at the heart of the modernisation programme. The proposals for scrutiny suggested a possible reduction in the number of Overview and Scrutiny Committees (OSC) to be held from the new civic year in May 2020, on a trial basis. Two options were proposed as detailed in the report.

Option 1 - Establish a single OSC with (two or three) standing Task and Finish panels (T&FP) to be mobilised as requested by the parent OSC. No more than two should be active at any one time and their scrutiny should be time limited to conduct a specific scrutiny within a set period e.g two months. Set a target for a total number of in-depth scrutinies per year e.g. two or three. Panel Chairs of T&FPs to be appointed at the start of the year.

Option 2- Establish two OSCs, one specifically for Policy Review and Call-In. The general OSC could also have (e.g. two) standing T&FPs as detailed in the first option.

Proposals:



Policy Review

Members agreed that it would be useful to map out annual policies that could come forward on a regular basis and to show an example of where a policy went to under the current arrangements and where it would go to under the new structure. If policies were simply being updated these could go directly to a Cabinet member for a decision, under Portfolio Holder Decision Notices. Under the first option, policy review could be undertaken by one of the time-limited T&FPs as and when required.

Information Area

Information currently contained in reports “for noting” would no longer go to OSC to free up more time and focus for strategic oversight at OSC meetings.

However, it was considered by Constitution Review Group (CRG) members important that all Members ought to retain oversight of operational activities and it was suggested that such information would be made available to them.

Members suggested that, longer term, this could be through an “information hub”, the mechanisms of which could be worked out by Officers, in consultation with CRG members. In the meantime, the functionality of Mod.gov could be improved so that information was accessible to Members and could be used in the first instance, as well as email updates and the Members Bulletin.

Other ideas for the information hub included:

- Showing information according to ward.
- Showing how many times a file had been viewed by members
- Having five days for Members to respond to the information in terms of asking questions to Officers.
- Feeding back information to Members from Officers.
- The requirement of a mechanism to highlight red flags to an Executive Member.

Revised terms of reference

The revised terms of reference for the new OSC should include clear objectives when agreeing what items should be specifically scrutinised. For example, the following criteria could be applied by the OSC: high impact, high value, high risk, and/or significant public interest. Improved “gate keeping” by the OSC Chair and OSC councillors could lead to more effective and efficient scrutiny.

Mandatory items

There was a discussion about where mandatory items that currently went to the three OSCs would go under the revised structure. For example, items related to the statutory Crime Disorder Reduction Partnership (CDRP) and reports on Anti-Social Behaviour (ASB) currently went to the Social Overview and Scrutiny Committee (SOSC). Officers suggested that under a revised new structure it could go to another regulatory committee, such as Licensing. Officers agreed to carry out a benchmarking exercise with other authorities to this regard before any changes were implemented as part of these trial arrangements.

KPIs

Reporting on performance would need to be revised under the new structures, so that OSC could operate at a strategic level. It was prudent however that Members still retained operational oversight, as indicated above by CRG members.

- Currently KPIs went to all three OSCs. CRG members observed that there was little rationale to this, as some KPIs could be of interest to all members and could be cross-cutting. There could be duplications. It was suggested that one option was that a refined list of KPIs could go to the Audit Committee with a review of the suggested name of the Audit

Committee to “Audit and Performance” and revision of its terms of reference.

- The process could be streamlined, as currently some KPIs went to CHP, SOSC and then Cabinet.
- It would be useful to clarify which KPIs were set internally or nationally.
- It would be useful to reduce the number of KPIs that were brought to Members attention, for example to 25.
- The ability to look at trends required improvement - Officers could provide comparative year on year figures.

In order not to hold back the Group making recommendations to Full Council with regards to the revised structure, it was agreed that in the meantime noteworthy KPIs (and those that had not met their target) would continue to go to Performance Clinics and Cabinet. Members would have the opportunity to check the committee packs and Call-In any decisions if necessary.

All other KPIs would go into the information area for Members to note, until a piece of work on refining the KPIs had been carried out. A report from the Head of Policy and Culture and the Senior Performance and Strategy Officer could be brought to the next meeting of CRG.

Public Engagement

With a more streamlined agenda and targeted T&FPs it would be easier to plan and improve public engagement in the democratic process. The use of social media for these purposes was discussed.

The group were of the view that holding public meetings at other venues across the borough was not required but a decision to hold meetings in the community would be up to the Chairman of OSC.

A Member raised a concern about the very tight deadline for registering public questions, which was currently five clear working days.

When to involve scrutiny in decision making process?

It was suggested that the Chairman of OSC could attend Group Leader meetings, and Cabinet members could meet the Chairman of OSC earlier on in the decision-making process to discuss key proposals including the business plan and budget setting.

Training and culture

It was agreed that if the trial was agreed, it was important that further Member Development and Officer training with regards to scrutiny be arranged.

Trial period

Officers suggested that the revised structure could run for a year. Following the trial, a report could then be brought back to Full Council at the end of the year via the Constitution Review Group.

Scrutiny Model

The Group was of the view that Option 1 was preferable but with several amendments:

- The Parent OSC would have thirteen Members and be politically proportionate in composition.
- The Chairman would be selected at the start of the year at the Annual Council meeting and be a member of the Administration with the vice-chairman being from the Opposition.
- Instead of standing T&FPs, T&FPs would be set up as and when required with a minimum of five members with an opposition Chairman.
- There would be no limit on the number of T&FPs set up during the municipal year, however these would be time-limited to two months in its scrutiny timetable with only two or three T&FPs ongoing at any one time.
- The Parent OSC would consider topics both for scrutiny and policy review mobilising T&FPs as necessary.

Determining Agendas

After discussions about how agendas were to be set, it was proposed that the OSC Chair would, in the first instance, liaise in advance with Governance Services in identifying possible items of business for each meeting. This would then be discussed and agreed at each meeting with the OSC members and any member wishing to bring other matters forward could also discuss that at the meeting. The OSC would also agree in what instances T&FPs were to be set up.

CRG Members were in agreement that the proposed changes could lead to a much more modernised, efficient, focussed and effective overview and scrutiny function. They were happy to recommend these proposed changes to Council for agreement.

AGREED:

(1) The Constitution Review Group recommend to Council on 23 March 2020:

- a. That one single Overview and Scrutiny Committee (OSC) (consisting of thirteen members) be established to replace the current three Overview and Scrutiny committees. The OSC could set up time-limited Task and Finish Panels (T&FPs) (consisting of a minimum of five members) as and when required, to consider matters for scrutiny as well as for policy review. That there would be no more than two or three T&FPs running at any one time. The

new arrangements would take effect from the new Council year 2020/21.

- b. That delegated authority be given to the Monitoring Officer to make any consequential changes to the Constitution, in consultation with the Members of the Constitutional Review Group, the Corporate Director (Public Protection, Planning and Governance) and the Chief Executive.
- c. That the proposed changes be trialled for one year with a report being brought back to Full Council via the Constitution Review Group in early 2021.

32. **RESPONSIBILITY FOR FUNCTIONS - OFFICER AMENDMENTS**

The Group received the annual amendments proposed by Officers to their individual delegations set out within Part 3 of the Constitution.

Officers had used track changes on the relevant sections in the Constitution to show the proposed changes and a clear copy was also provided. Most of the changes were to improve clarity and there were no substantive proposed changes.

There was a discussion about the delegated powers for planning, and the need to streamline items that went to the Development Management Committee. Currently where “a major objection has been received from a local town or parish council” applications could be presented to DMC, even if there had been no objections from residents. Members agreed that it created a disproportionate response, where DMC would spend as much time considering an application for a porch, fence or dormer window as on a major housing development.

CRG asked for the Head of Planning to report separately on this matter to a future meeting.

AGREED:

- (1) That the Constitution Review Group agree to the proposed changes to the individual delegation of functions to Officers as outlined in tracked documents.
- (2) That the Constitution Review Group recommend to Council on 23 March 2020 that these proposed changes are agreed and to the necessary changes made to the Constitution.

33. **FORMAT OF THE CONSTITUTION**

The Principal Governance Officer delivered a presentation to the Group on options for a new format for the Constitution.

AGREED:

- (1) That the Constitution Review Group note that the new format of the Constitution would aim to be accessible, searchable, online and in accordance with best practice.

34. WORK PROGRAMME

The Group considered the work programme and dates of further meetings to cover the following work: -

- DMC and parish/town councils
- KPIs
- Outward Facing Functions – Public Engagement
- Contract Procedure Rules
- Financial Procedure Rules
- Budget and Policy Framework Procedure Rules

Meeting ended at 9.01pm
HJ