

WYRE FOREST DISTRICT COUNCIL

POLITICAL MANAGEMENT STRUCTURE MUNICIPAL YEAR 2008/09

MAY 2008

WYRE FOREST DISTRICT COUNCIL

COUNCIL MEETING
WEDNESDAY 14th MAY 2008

Political Management Structure 2008/2009

OPEN	
COMMUNITY STRATEGY THEME	N/A
CORPORATE PLAN THEME:	Providing Community Leadership
KEY PRIORITY:	Local Democracy
CABINET MEMBER:	Cllr. John Campion
RESPONSIBLE OFFICER:	Head of Legal & Democratic Services
CONTACT OFFICER:	Caroline Newlands, Head of LADS caroline.newlands@wyreforestdc.gov.uk
APPENDICES	Appendix A - Political Management Structure The Cabinet Appendix B - Terms of Reference/Areas of Responsibility Scrutiny Committees Appendix C – Call-in Procedure Appendix D –Ethics and Standards Committee Appendix E – Political Structure

1. PURPOSE OF REPORT

1.1 This report sets out the proposed Political Management Structure for 2008/2009.

2. RECOMMENDATION

The Council is asked to DECIDE:

2.1 The proposed Political Management Structure as set out in this report be adopted for 2008/2009 together with the Terms of Reference and Areas of Responsibility.

2.2 The necessary amendments be made to the Council's Constitution.

2.3 The Council shall establish three new sub-committees of the Ethics and Standards Committee:

- A Referrals Sub-Committee
- A Review Sub-Committee
- A Hearings Sub-Committee

for local assessment of allegations that Members have breached the Code of Conduct.

- 2.4. Each Sub-Committee shall comprise 4 members and be Chaired by an Independent Member of the Ethics and Standards Committee. (The Sub Committees will include a Parish/Town councillor where the allegations relate to a Parish Councillor/Town Councillor).**
- 2.5 The membership of the sub-committees will not be fixed and does not have to be politically balanced. Membership will be drawn from members of the Ethics and Standards Committee on a case by case basis by the Head of Legal and Democratic Services in consultation with the Chairman of the Ethics and Standards Committee.**
- 2.6 The Ethics and Standards Committee be authorised to take all appropriate steps and decisions in relation to local assessments and hearings.**
- 2.7 The composition of the Ethics and Standards Committee be changed to reflect the requirements of new legislation as detailed in appendix C.**
- 2.8 The Head of Legal and Democratic Services be authorised to take all steps necessary to implement arrangements for local assessments and hearings including amending the constitution as necessary.**
- 2.9 To note the Terms of Reference for the Scrutiny Committees, Ethics and Standards Committee and Audit Committee.**

3. BACKGROUND

- 3.1 The Council is required to constitute a Cabinet, Overview and Scrutiny arrangements, Regulatory and other Committees for the Municipal Year 2008/2009.
- 3.2 The proposed structure provides clear linkages to the Council's priorities, Cabinet Portfolios and the responsibilities of the Scrutiny Committees. It is envisaged that relevant Cabinet Members and Heads of Service will contribute to discussions about the Scrutiny Committee Work Plans and also use the Scrutiny Committees as vehicles for consultation on the development of policy and services.
- 3.3 The proposed Scrutiny model requires a maximum of 10 non-executive members on each committee, although non-executive members may sit on more than one Scrutiny Committee. The involvement of more non-executive members in the decision making process will assist the Council and the Cabinet to make more effective and informed decisions.
- 3.4 In line with this, it is believed that a closer working relationship will be established between the Cabinet and Scrutiny whilst maintaining an appropriate level of independence.
- 3.5 Each Scrutiny Committee will be responsible for setting and monitoring its own Work Programme.
- 3.6 Time limited "Review Panels" will be agreed and established by the Scrutiny Committees and will continue to conduct Scrutiny Investigations.

4. KEY ISSUES

- 4.1 The Cabinet has been maintained at 6 members, as set out in Appendix A.
- 4.2 Three Overview and Scrutiny Committees have been established and their overall purpose and areas of responsibilities as set out in Appendix B.
- 4.3 The new Ethics and Standards Committee arrangements as detailed in Appendix C.
- 4.4 The Planning (Development Control) Committee membership has been maintained at 12.
- 4.5 The Appointments and Appeals Committee, when hearing an Appeal, will appoint a panel of 3 Members from the Committee to hear Appeals.
- 4.6 There are no changes in the number of Regulatory Committees and other Committees and their terms of reference are as set out in the Council's Constitution.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The proposals comply with the requirements of Section 21 of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007, which require one or more overview and scrutiny committees to be established. The proposals will require amendments to the Council's Constitution.
- 6.2 The membership of the Overview and Scrutiny Committees and other Committees, where appropriate, will reflect the political balance of the authority in accordance with Sections 15 to 17 and Schedule 1 of the Local Government and Housing Act 1989.

7. RISK MANAGEMENT

- 7.1 There are no significant risk management issues.

8. CONCLUSION

- 8.1 The recommended political management structure 2008/2009 meets the requirements of the Local Government Act 2000 and Local Government & Public Involvement in Health Act 2007.

9. CONSULTEES

- 9.1 The Leader of the Council and Party Group Leaders.
- 9.2 Corporate Management Team.

10. Background Papers

- The Local Government and Public Involvement in Health Act 2007
- The Local Government Act 2000
- The Local Government and Public Involvement in Health Act 2007 (Commencement No.2 and Savings) Order 2008
- The Standards Committee (England) Regulations 2008 (SI 2008/788)
- Local Government and Housing Act 1989.

11. List of Appendices

Appendix A – The Cabinet – Proposals for 2008/09

Appendix B – Overview and Scrutiny Committees Areas of Responsibility

Appendix C – Call-in Arrangements

Appendix D – Ethics and Standards Committee

Appendix E – Political Structure

WYRE FOREST DISTRICT COUNCIL

THE CABINET

Proposals for 2008/09

Leader of the Council	Operational Services	Leisure Services	Community and Corporate Services	Regeneration and Enterprise	Housing, Health And Rural Affairs
Strategic Planning, National & Regional Influence, Legal & Democratic, Budget, Emergency Planning, Corporate Projects Property.	Waste Reduction, Refuse Collection, Street Cleansing, Fleet Management, Markets, Building Services, Grounds Maintenance, Cemeteries, Parking Services, Public Conveniences Parks Management.	Leisure Centres, Play Development, Rangers, Parks (development), Museums, Sports and Leisure Community Development, Children & Young People, Culture & Arts, Allotments.	Community Safety, Branding, Communication, Customer Services, Human Resources, ICT, Equality & Diversity, Performance Management, Audit.	Regeneration, Economic Development, Development Control, Local Development Framework, Highways & Transport, Environment, Tourism.	Housing, Registered Social Landlords, Older People, Concessionary Travel, Sustainability, Public Protection, Parish Councils, Health Improvement.

**OVERVIEW AND SCRUTINY COMMITTEES
TERMS OF REFERENCE**

All Scrutiny Committees shall be responsible for:

- Setting and agreeing an Annual Work Programme and prioritising the work of the Committee.
- Establishing Review Panels detailing the relevant Terms of Reference.
- Ensuring consideration is given to encouraging public participation and engagement in functions of the Committee.
- Ensuring that the views of any invitees and co-opted Members (where appropriate) are taken into account when conducting investigations.
- Monitoring the implementation of scrutiny recommendations.
- Reviewing and scrutinising relevant public bodies and partners in the District, including the Council's contribution and relationship with them. Where necessary, requesting them to address overview and scrutiny about their activities, performance, particular decisions, initiatives or projects.
- Call-in for scrutiny decisions made by the Cabinet but not implemented.

OVERVIEW AND SCRUTINY COMMITTEES
AREAS OF RESPONSIBILITY

COMMUNITY SERVICES	CORPORATE SERVICES	REGENERATION & ENTERPRISE
<ul style="list-style-type: none"> • Partnership Agencies and LSP • Community Safety and Accountability • Communication • Community Safety • Children and Young People • Older People • Leisure Centres • Culture and Arts • Leisure and Community Development • Councillor Call for Action (Local Government issues) • Housing Strategy • Refuse Collection and Recycling • Cemeteries, Parks and Open Spaces • Public Health • Health Improvement 	<ul style="list-style-type: none"> • Scrutiny Co-Ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Regeneration and Enterprise and Community Services Scrutiny Committees • Budget and Major Policy • Performance Monitoring and Improvement • Corporate Plan Review • Customer Service • Comprehensive Area Assessment • Improvement Plans • Human Resources • Equality and Diversity • Scrutiny Support • Emergency Planning • Branding • Asset Management • ICT 	<ul style="list-style-type: none"> • Economic Development and Regeneration • Tourism • Local Development Framework • Planning and Sustainable Communities • Transportation and Highways • Car Parks • Markets • Public Conveniences • Concessionary Travel • Climate Change

CALL-IN PROCEDURE

Call-in Procedure

Decisions of the Cabinet may be 'called-in' in accordance with the following procedure:-

- (i) Following the meeting of the Cabinet, decisions will be published within five working days and circulated to all Members;
- (ii) The decision will come into force three working days from the decision being published unless it is "called in" by a Scrutiny Committee.
- (iii) All Scrutiny Committees have the power to 'call-in' for scrutiny decisions made by the Cabinet but not implemented and recommend that they are reconsidered or reviewed or scrutinised.
- (iv) The call-in procedure can be triggered by any three non-Cabinet Members and the Chairman or Vice-Chairman of the relevant Scrutiny Committee by giving notice to the Head of Legal and Democratic Services. A decision must be called in within three working days of the publication of the Decision Notice. (The call-in period is specified on the Decision Notice). With few exceptions, all decisions can be called in but the Committee cannot overturn a decision. It can refer the matter back to the Cabinet for a review in the light of comments made by the Committee. The Corporate Service Scrutiny Committee may also refer items to Council in certain circumstances.
- (v) Call-in allows an issue to be discussed in a public forum and should be carried out in a way that adds value to the decision-making process.
- (vi) Only the Corporate Services Scrutiny Committee may use the power to refer any matter called in to full Council if:
 - (a) the Committee considers that the decision is contrary to the policy framework, or
 - (b) the Committee considers that the decision is contrary to or not wholly in accordance with the budget, or
 - (c) otherwise there is a difference of opinion between the Committee and the Cabinet.
- (vii) If a decision is "called in" implementation of the decision will be suspended for up to 2 weeks from the date of publication of the decision within which time the Scrutiny Committee may meet to decide whether to exercise the powers in Section 21 (3) of the Local Government Act 2000 to recommend that a decision be re-considered by the person or body who made the decision or to recommend that the full Council consider whether that person or body should reconsider the decision
- (viii) the appropriate decision-maker must reconsider the decision and decide If a Scrutiny Committee exercises its Section 21(3) powers, whether or not to change it, before adopting a final decision.
- (VI) If the decision-maker is not minded to reconsider the decision, the Scrutiny Committee may in specified circumstances refer the matter to the Council where the decision and the reasons for it will be reconsidered. have a serious and long-term budgetary effect on the Council.

- (VII) If the Cabinet needs to take an urgent key decision, the consent of the relevant Scrutiny Committee Chairman must be obtained. If the relevant Scrutiny Chairman is unable to act the Chairman of the Council or, in his/her absence, the Vice-Chairman of the Council must give consent. Such decisions will not be subject to the call-in procedure.

ETHICS AND STANDARDS COMMITTEE

Background

- 1.1. On the 6th February 2008 the Ethics and Standards Committee considered a consultation paper from the Department for Communities and Local Government regarding the Orders and Regulations relating to the Conduct of Local Authority Members. A response to the consultation was submitted via the Monitoring Officer.
- 1.2 A Statutory Instrument was laid before Parliament (on 17th April 2008) resulting in this legislation being passed. From 8th May 2008 all allegations of a member breaching the Code of Conduct will be referred to the Council's Ethics and Standards committee and not to the Standard Board for England as previously required.
- 1.3 The Standards Committee (England) Regulations 2008 sets out the details of how the new framework will operate. Under this legislation the Ethics and Standards Committee will have three separate but distinct roles in relation to complaints about member conduct:
 - Receiving and assessing complaints
 - Reviewing local assessment decisions
 - Conducting hearings following investigation
- 1.4. There is a mandatory requirement under the new regulations to establish the following sub-Committees:
- 1.5 A **Referral Sub Committee** who will consider the complaints and decide whether they should be investigated. This Sub-Committee will be chaired by an independent member (who is not a Member of the Council) and will include a Parish/Town councillor where the allegations relate to a Parish Councillor/Town Councillor). If the complaint requires investigation then the Head of Legal and Democratic Services must arrange a formal investigation.
- 1.6 A **Review Sub Committee** which will review decisions to take no action in respect of allegations made under Section 57A of the Act. The review of such decisions will take place within 30 days.
- 1.7 A **Hearings Sub-Committee** which will hear complaints and decide what action to take.
- 1.8 Further guidance has been received from the Standards Board for England on the new system for determining complaints and this will assist the Council in training its Members.
- 1.9 The Head of Legal and Democratic Services will draft a new procedure on the determination of breaches against the Code of Conduct which will be presented to the first meeting of the Ethics and Standards Committee in the new municipal year. A training session will also be arranged for Members of the Ethics and Standards Committee.

- 1.10 The Standards Committee (England) Regulations 2008 do not stipulate that membership of the sub-committees should be fixed and this will allow flexibility for availability of Members.
- 1.11 The composition of the Ethics and Standards Committee will be changed. Section 53(10) of the Local Government Act states “Standards Committees do not have to reflect the political balance of the Council. This is because the Standards Committee should be above party politics and its representatives need to gain the respect of the whole Council, regardless of their political party.” It is therefore suggested that each political party will have two members on the Ethics and Standards Committee but no more than one member of the standards committee can be a member of the executive.
- 1.12 The Standards Board for England advises that at least 25% of the Standards committee must be made up of independent members. The Standards Board also advises that where an authority must have parish representatives, it should now ensure that it has at least two who are not also members of the authority. Previously one was considered enough.
- 1.13 As a result of these requirements, the Council will need to advertise for an additional independent member and one additional Parish Council member and arrangements are in hand to address this matter.
- 1.14 The new composition of the Ethics and Standards Committee will be as follows:
- 4 Independent Members
 - 2 Parish Council Members
 - 1 Town Council Member
 - 10 District Council Members



Political Structure May 2008

