

## BRECKLAND COUNCIL

**Report of:** Constitution Working Group

**To:** Overview & Scrutiny Commission – 30<sup>th</sup> January 2014

**(Author:** [Rory Ringer – Democratic Services Team Leader]

**Subject:** Review of Constitution – Committee Structure

**Purpose:** To consult on the draft proposals for a revised committee structure which will form the basis of a revised constitution.

### Recommendation(s):

- 1) To provide further feedback to the Constitution Working Group on the proposed changes to the Committee Structure as detailed within this report.

### 1.0 BACKGROUND

- 1.1 Although the constitutions of and Breckland District Council and South Holland District Council are based on the model constitution, they have organically developed over the years to take into account changes in legislation and new partnership arrangements. This had led to the risk that the constitutions are outdated and inconsistent. The current constitutions of South Holland and Breckland Councils are considerably different and whilst the members of both authorities have made it clear that they are to remain distinctly separate organisations with their own governance arrangements a review offers alignment of the two constitutions structure for improved and effective navigation and resilience for officers working in a shared environment.
- 1.2 On 11 April 2013, Council agreed that a Constitution Review Working Group to work jointly with South Holland District Council was established comprising three members from Breckland Council (with three from South Holland District Council) to review the current constitutional arrangements of Breckland Council, with the aim of aligning the two constitutions where possible.
- 1.3 It was agreed that the Constitution Working Group for Breckland Council would comprise of Councillors Jolly, Bowes and Jermy.
- 1.4 Since its establishment in April 2013, the Constitution Working Group have met regularly, together with the South Holland District Council Working Group and also separately.
- 1.5 The Working Group has been fundamentally reviewing the Constitution with a focus on Sections 1 – 4. Part of this work has included a review of the current Committee structures and their Terms of Reference.
- 1.6 As the Committee structure is felt to underpin so much of the Constitution, it was agreed that the draft proposals on this should be brought forward for consultation in the first instance. Other sections of the Constitution, in particular Responsibility for Functions (including delegations) and Rules of Procedure will follow on from the Committee Structure

- 1.7 The current and proposed committee structure can be found at Appendix A to this report, together with a summary of the proposed changes at Appendix B.
- 1.8 Appendix C and D provides general information on current structures in place at neighbouring authorities as well as some detailed information on the workload of General Purposes Committee in 2013.
- 1.9 Council to take decisions on Electoral matters previously dealt with by general Purposes, (3 such items during 2013)
- 1.10 General Purpose's committee to be removed from the current structure with its responsibilities split between Council, Cabinet and a new proposed Regulatory Committee.
- 1.11 Local Joint Consultative Committee arrangements retained in it's current advisory capacity
- 1.12 Discussions have taken place regarding the current Terms of Reference for LJCC and in particular the current workload of the General Purposes Committee as a result of Recommendations from LJCC. Appendix D gives details of the General Purposes workload for 2013.
- 1.13 It should be noted that in the 7 GP meetings (up to and including the 16<sup>th</sup> October meeting) there were 5 Agenda Items which required decisions from GP as a result of recommendations from LJCC, those items were:- Home Working ARP, PRP Scheme and Pay Award, ARP – TUPE Arrangements, Legal Services Review and Environmental Services Review.
- 1.14 Further discussion has also taken place regarding the Scheme of Delegations and in particular the need to re-define the delegations to Officers to better fit with the proposed committee structure. New delegations may remove the need for some of the current reports to be considered by Cabinet, as they could possibly be dealt with under these delegations.
- 1.15 On this basis alone, the additional workload for Cabinet based on the proposal of LJCC feeding directly in to Cabinet would be relatively small, (on average less than one additional agenda Item per Cabinet Meeting.), Therefore the suggestion is to retain the current Terms of Reference of LJCC,
- 1.16 Reference has been made to removing regulation 11 of the current terms of Reference which states that 'Only matters affecting 5 or more employees will be considered by this committee'. After, consultation, it is understood that the impact of Employment Law changes considerably when 5 or more employees are involved, therefore the recommendation is to retain the current terms of reference. Reviews that affect less than 5 employees are covered by employment law and internal HR function.
- 1.17 Reference has also been made for the need to have a separate Committee to deal with the requirements of the Licensing Act 2003 and the Gambling Act 2005. Whilst the naming of the Committee is a decision for the local authority, the requirement to keep these functions separate from the remainder of the Licensing functions is a statutory requirement. However, as is the case in a large number of authorities there is nothing to preclude the Regulatory and Licensing Committees meeting on the same day running sequentially with the same membership

- 1.18 The Appeals Committee to be removed from the current structure and replaced with an Appeals Panel (Terms of Reference to remain Unchanged) membership of which is made up of members of the Regulatory Committee
- 1.19 Audit Committee to be renamed Governance & Audit Committee (no change to current Terms of Reference.)
- 1.20 The Member Development Panel was initially set up as part of the Member Charter Bid in 2006 and has traditionally not been part of the formal Committee Structure and is therefore not recognized in the current Constitution, whilst the Panel was set up by Council there is no formal reporting structure for MDP and any feedback on the current arrangements would be greatly appreciated. There is a recommendation from the recent Charter Plus assessment that this panel form part of the constitution and a formal reporting structure be considered.

## 2.0 **OPTIONS**

- 2.1 Members are invited to provide their views to the proposals put forward by the Constitution Working Group. Members can accept the proposals or offer alternative suggestions.

## 3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 To seek the views of members in order to inform the work of the Constitution Working Group

## 4.0 **EXPECTED BENEFITS**

- 4.1 Possible realignment of the structure of the two different constitutions for improved and effective navigation and resilience for officers working in a shared environment

## 5.0 **IMPLICATIONS**

### 5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 The Carbon Footprint and Environmental implications of this report have been considered and it is the opinion of the report author that there are no direct implications.

### 5.2 **Constitution & Legal**

- 5.2.1 The nature of this report has constitutional and legal implications. Changes to the constitution of this degree are reserved to full Council. After feedback has been received from, the Constitution Working Group will continue to develop the proposed constitution that will be brought back before Council.

### 5.3 **Contracts**

- 5.3.1 There are no contractual implications arising from this report

### 5.4 **Crime and Disorder**

- 5.4.1 The Crime and Disorder implications of this report have been considered and it is the opinion of the report author that there are no direct implications.

## 5.5 **Equality and Diversity / Human Rights**

5.5.1 The Equality and Diversity implications of this report have been considered and it is the opinion of the report author that there are no direct implications.

## 5.6 **Financial**

5.6.1 The financial implications of this report have been considered and it is the opinion of the report author that there are no direct implications.

## 5.7 **Risk Management**

5.7.1 The risk implications of this report have been considered and it is the opinion of the report author that there are no direct implications.

## 5.8 **Staffing**

5.8.1 The staffing implications of this report have been considered and it is the opinion of the report author that there are no direct implications.

## 5.9 **Stakeholders / Consultation / Timescales**

5.9.1 The nature of this report is to seek the views of members with the regards to the proposals of the Constitution Working Group

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All wards are potentially affected by the content of this report.

## 7. **ACRONYMS**

Local Joint Consultative Committee – LJCC  
General Purposes Committee - GP

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### **Lead Contact Officer**

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### **Director / Officer who will be attending the Meeting**

Name and Post: Rory Ringer, Democratic Services Team Leader

**Key Decision:** No

### **Appendices attached to this report:**

Appendix A Current & Proposed Committee Structures  
Appendix B Proposed changes to Committee Structure  
Appendix C Committee Structures from Neighbouring Authorities  
Appendix D General Purposes Committee Workload 2013  
Appendix E Service Reviews- Committee Path