Inverclyde council

Report to:	**Policy and Resources Committee**	**Date:**	**17 Sept 2019**
By:	**Head of Legal & Property Services**	**Report No:**	**GM/LP/114/19**
Contact Officer:	**Gerard Malone**	**Contact No:**	**01475 712710**
Subject:	**High-Level Governance Review**		

1.0 INTRODUCTION

1.1 This report identifies key items of the Council's governance processes for review by the Committee.

2.0 SUMMARY

2.1 The Council previously undertook detailed and thorough reviews of its governance structures in 2007 and 2012 and it constantly reviews its key governance documentation, most recently in 2016, to ensure its processes are modern and robust. The Council's processes are validated and unchallenged by external stakeholders, e.g. the Accounts Commission through its Best Value review framework.

2.2 As part of a current review, the items specified in section 5 of this report are identified for discussion with the Committee to ensure there is Member satisfaction with these key elements.

3.0 RECOMMENDATION

3.1 That the Committee considers the terms of this report and endorses the proposals in section 5.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

4.1 This Council has reviewed in specific, focused terms its Committee structures and key governance documentation regularly and timeously with each Administration. The Council's current processes are based upon the Council's detailed review in 2007 of all options for its decision-making structures. Then, in 2012, there was a subsequent, further review of decision-making and Committee structures. The 2012 review incorporated significant developments that had taken place in community planning and recognised the increasing emphasis on partnership working and integration with our community planning partners. These key issues remain relevant for the Council's current structure. The 2012 review clearly confirmed for Members that the Council's structure is working well and that there is a clear sense that decisions are being made in terms of due process and that the scrutiny role is being conducted effectively.

4.2 A full scale review of the Council's governance documentation took place in 2016 to ensure that the Council's Financial Regulations, Standing Orders and Scheme of Administration, Scheme of Delegation to Officers and Contract Standing Orders were thoroughly reviewed and reflected Member/Officer needs and requirements. This has been a useful exercise to modernise the Council's key documentation to match its changing structures and ancillary updates are sought by Officers through the Council to ensure developing situations are addressed e.g. the authorisations that are required for specific Officers, such as the Head of Environmental & Public Protection, in relation to prospective legislative changes in connection with any exit from the European Union.

4.3 It is entirely for the Council to decide its key governance documentation and to design structures and processes to be implemented for local needs. The Council's processes are subject to the challenges of daily operational use and are robust and fit for its decision-making and scrutiny roles. The Council's key external stakeholders and regulators, such as the Accounts Commission through the Best Value review framework, are satisfied with the effectiveness and strength of the Council's decision-making structures. This Council regularly focuses on important issues affecting its governance.

5.0 PROPOSALS

5.1 Following upon separate discussions within the Corporate Management Team and through engagement with Elected Members, including the Members' Budget Working Group, some key items for consideration have been identified. This report summarises these items for review by the Committee. The items are as follows:

5.2 **Thematic Committees**

5.2.1 There have been discussions with Elected Members on a Committee review and on aspects of best practice from cabinet systems to improve turnaround and decision-making capacity whilst maintaining or improving scrutiny. As part of those discussion, it is accepted that there is no critical business need at this time to alter the current Thematic Committee Model which, given the size of the Council, ensures that all Members of the Council are engaged and accountable for the Council's performance.

5.2.2 It is recognised that it is for each Administration to determine its preferred decision-making and scrutiny structure and accepted that the Head of Legal & Property Services will prepare for any incoming Administration so that Thematic Committees or cabinet/executive models are available for adoption as may be seen fit. As with any alterations in structures, a lead-in time and training/preparation process would have to be accommodated within agreed timescales. Elected Members are satisfied that the Council's current model should continue pending any review, as is entirely appropriate, with incoming Administrations.

5.3   Committee Agenda Process – Printing and Postage Savings

5.3.1   The Committee agenda process was reviewed last year to deliver savings on printing and postage costs. This year one review (the "housekeeping" stage) has been implemented successfully by Members and Officers and has involved changed practices for the distribution of Committee agendas. In this process as approved by the Policy & Resources Committee, non-Members of Committees receive the necessary statutory notice of all Committee meetings and the list of agenda items, as is required by the Local Government Acts, by email but will not receive hard copy agendas. Pre-agenda processes for printing and distributing agendas have also been improved. These practices have resulted in yearly savings of £10,000 and the practices will continue to be monitored in future years. There has been a successful implementation of this process in year one.

5.3.2   Phase 2 involves the preparation for paperless meetings. Preparation for this phase requires colleagues from ICT working with Elected Members to provide support and training for use of existing hardware and software so there can be confident use of available technology for paperless meetings, subject to every individual Member's preference, at Committees. The software for accessing and annotating Committee reports is available and improved Wi-Fi connection within the Council Chambers as a venue for meetings has been undertaken. This phase will be developed in close co-ordination with Members' wishes and in timescales that can reflect training and Members' needs.

5.3.3   An aspect of this phase is to improve information provision within the Council Chambers itself and to provide a work preparation area in the adjacent canteen area so that Officers attending meetings for specific items on the agenda can best organise their time and access real-time information about Committee progress. Software is available to ensure that Officers, outside the Chambers whether at their own desks or at the adjacent canteen area, can be made aware of Committee progress on an item by item basis so that they are available to attend when necessary for the Committee business.

5.4   Noting Reports

5.4.1   The frequency of Council meetings is currently on an eight week cycle and this seems to be a sensible and proportionate use of Elected Member time. Crucially, this frequency of meetings is necessary to deal with the volume of business of the Council and it allows for an effective and timeous framework for making decisions and for dealing with any issues that might be referred to the full Council for final decision.

5.4.2   I believe it is accurate to state that Conveners and Officers are acutely conscious of the number of items on Committee agendas and have an awareness of how the volume of business impacts on the duration of meetings.

5.4.3   In this regard, the pre-agenda process assists at a first level with a review or filtering of any "unnecessary" reports. Conveners and Officers are aware of their responsibilities to manage the business of the Committee and for that reason Committee reports should only be submitted where business decisions are required. Although there are properly notable exceptions for some crucial performance management reports being required for noting – such as critical financial performance monitoring and reviews – the majority of reports are in fact submitted for action rather than for noting purposes.

5.4.4   It will, however, assist the focus of business to introduce a new section in Committee agendas to be headed "Items for Information". If an item is for noting – and is not related to a key performance management, financial or legal issue – then the future practice will be to identify that item on the Committee agenda as an "information" item.

5.4.5   Items for noting will be included in a summary report and will also be printed on the hard copy agenda. If Members wish, questions can competently be asked at Committee on the specific item for information. However, identification of "information" items in this way will assist Members separate noting/information items from the main decision-making business of the Committee. In this way, it would be expected of Members that in the first instance they contact directly the author of the report to clarify any points or to ask any questions.

5.4.6 The main purpose of this proposed alteration is to ensure that information or noting items are brought to the attention of Committee Members without unnecessarily tying up Committee time and attention.

5.4.7 Furthermore, Corporate Directors will use Committee briefings and briefing notes to improve the awareness of and to communicate relevant background information that would otherwise be included in "information" items to ensure that Members have access to all necessary information for the exercise of their decision-making roles. In this way, if the item for information/noting is not necessary for inclusion on a Committee agenda, there are entirely separate ways to ensure such information is brought to the attention of Elected Members: it is entirely appropriate in this circumstance for Corporate Directors to circulate briefing notes by email to Councillors without it being identified as an item of business for a Committee. Relevant information can in this way be sent to Members of Committees for their general interest and awareness or circulated to all Members of the Council as items of interest. Officers should be encouraged to use briefing notes to ensure that all Members are aware of relevant background information issues.

5.5 **Consultation Documentation and Processes**

5.5.1 At present, Officers use their discretion to determine the process for consideration and response to various consultation documents. The Council is engaged in many consultation processes relative to proposed changes in legislation or main strategic priorities or policies. These consultations often originate at government level, whether UK or Scotland, or through MPs and/or MSPs, other public bodies or key regulators or providers of services. Dependent on the level of enquiry, whether political or operational, Officers will assess and decide whether to take one of three broad actions:

(a) To report on the initial consultation to the Council/Committee in order to seek a direction for any proposed response; or
(b) To suggest a draft response to Committee/Council taking into account any Member comments submitted during consideration; or
(c) To deal with the consultation document operationally and to respond without Member involvement.

5.5.2 The volume of requests for consultations, conflicting timescales with other work and the wide range of impacts involved in consultations have all caused pressures at Committee. Although the Officers' discretion, above, has provided flexibility in response to those pressures, it is proposed to improve our procedures by the following:

- On the receipt of a consultation document, the Corporate Director will in liaison with the relevant Convener determine whether a consultation request should be responded to by Committee or by the Officer;
- Any consultation responses which are reported to Committee will be accompanied by a draft response to reflect as far as possible the Council's strategic aims and priorities but will be subject to Committee decision in the same way as any other item of business; and
- Any consultation response that is dealt with on an Officer basis will be noted as such within the "information" heading of the relevant Committee agenda so that Members may be aware of and may access the Officer response and thus scrutinise the processes, above.
- In exceptional circumstances, where it is not possible to meet the consultation's deadline for an item which would otherwise be reported to Committee for direction, the relevant Convener will be consulted prior to return of the response and the full consultation response will be included within the Committee agenda for noting purposes.

5.6 **Background Papers and Impact Assessments**

5.6.1 The Council is obliged to ensure that any non-published sources that form the basis of its reports at Committee must be identified and made available, where appropriate, for public inspection and scrutiny. This practice will continue unaltered. The Council now undertakes

three main impact assessments in relation to (1) Equalities legislation, (2) the Fairer Scotland duty; and, (3) Data Protection impact. All of these assessments will be treated similarly as background papers and will be retained and made available, where appropriate, for public scrutiny and inspection. These impact assessments will not, however, in the interests of Committee agenda processes for printing and posting savings be included as hard copy within any Committee reports.

5.7 **Duration of Committees**

5.7.1 There are significant numbers of business items for Councillors to consider and scrutinise and Committees transact a major workload but unnecessary or avoidable reporting is not a significant issue within Inverclyde Council. There is a high degree of cooperation in dealing with business pressures. Officers will support as the key priority of this Council the infrastructure needed for the efficient transaction of business at Committees meetings and it is critical to ensure that effective Officer/Member collaborative working is maintained.

5.8 **Conclusions**

5.8.1 The Committee's consideration of the key items, identified above, is requested. Officers will develop any processes that are feasible in order to assist Members in the transaction of key business.

6.0 IMPLICATIONS

6.1 **Finance**

There are no direct financial implications identified within the governance review. In terms of the next phase of the Committee agenda process and review, there will be expenditure needed for presentation screens within the Council Chambers, a display screen within the canteen area with Wi-Fi and network support these costs will be identified in a further report regarding implementation of the next phase

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

6.2 **Legal**

There are no direct implications within this report.

6.3 **Human Resources**

There are no direct implications within this report.

6.4 **Equalities**

There are no direct implications within this report.

(a) Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
x	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
x	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
x	NO

6.5 **Repopulation**

There are no direct implications within this report.

7.0 CONSULTATIONS

7.1 This report has been endorsed by the CMT.

8.0 BACKGROUND PAPERS

8.1 None.