



## **Constitutional Amendments**

### **SUMMARY**

- 1.1 This report proposes constitutional amendments including changes to the arrangements for overview and scrutiny, changes to the arrangements for licensing committees.

### **RECOMMENDATION**

- 2.1 To agree the changes detailed in paragraphs 4.1-4.7 in relation to overview and scrutiny boards, including the establishment of a separate Corporate Parenting Committee as detailed in paragraphs 4.8 and 4.9.
- 2.2 To agree to the disestablishment of the separate committees for General Licensing and Taxi Licensing and Appeals, and to the establishment of a single Licensing Committee, as detailed in paragraphs 4.10 and 4.11.

### **REASONS FOR RECOMMENDATION**

- 3.1 To enable the council to continue to undertake functions in relation to overview and scrutiny and licensing to an appropriate, and statutory, level while achieving efficiencies in the operational support that is delivered.
- 3.2 To enhance the consideration given by members to corporate parenting matters.

### **SUPPORTING INFORMATION**

#### **Overview and Scrutiny**

- 4.1 Overview and scrutiny has a valuable function in that it involves elected members in issues of importance, ensures a check and balance against executive decision making and assists in holding decision makers to account.

- 4.2 Aside from peripheral changes to board titles and terms of reference, Derby's overview and scrutiny arrangements have not been significantly amended since their introduction in 2001. Democratic Services has recently been restructured such that the roles of Constitutional Services Officers and Scrutiny Officers have been amalgamated. It is felt that changes could be made which enable the restructured team to function more efficiently while actually enhancing the scrutiny function.
- 4.3 It is necessary that any changes:
- Ensure an appropriate check and balance mechanism remains in place to involve non-executive members in holding executive members to account;
  - Refocus the delivery of scrutiny work programmes and topic reviews to ensure they are manageable and deliverable;
  - Align staffing arrangements under the Democratic Services restructure to ensure the new arrangements are supported effectively and appropriately; and
  - Meet all the statutory requirements of the overview and scrutiny function.
- 4.4 It is proposed that a Corporate Scrutiny and Governance Board be retained but that its purpose in relation to pre and post-scrutinising the work of Council Cabinet be strengthened. The board would comprise 11 members, including its own Chair plus the Chair and Vice Chairs of all the other boards. The Chairs of the other five boards would each be Vice Chairs of the Corporate Scrutiny and Governance Board, though no additional special responsibility allowance would be payable.
- 4.5 The board would meet monthly, with its meetings timed to coincide with preparation for Council Cabinet meetings. This would be an enhancement of the current arrangements, whereby meetings of specific boards are often two or more months apart, meaning multiple Council Cabinet meetings can take place in between sittings of overview and scrutiny boards. The Corporate Scrutiny and Governance Board would have a broad terms of reference empowering it to review and scrutinise decisions across all Council Cabinet portfolio areas.
- 4.6 The Corporate Scrutiny and Governance Board would also be responsible for considering call-ins, but given this enhanced role would not undertake topic reviews. However, it would make recommendations to the other five boards on topic reviews they may wish to undertake.
- 4.7 The five remaining boards would meet less frequently and would be exclusively focused on undertaking topic reviews. Each board would undertake one topic review per year, to be supported by Democratic Services Officers and other officers from within departments as appropriate. This would reflect the current arrangements where policy reviews have been supported by scrutiny officers.

### **Corporate Parenting Committee**

- 4.8 While it is felt that the proposed arrangements for overview and scrutiny would enhance the function overall, the existing Corporate Parenting Sub Board could not feasibly continue under such a governance structure.

- 4.9 It is therefore proposed that the sub board be disestablished and that a new Corporate Parenting Committee be established in its place. The committee would not be part of the scrutiny structure but would instead operate similarly to the Health and Wellbeing Board. It is anticipated that the membership would include the appropriate Cabinet Member, the appropriate scrutiny chair and the appropriate opposition group spokespeople, though the individuals nominated would be at the discretion of groups and subject to the approval of Council, as normal.

## **Licensing Committees**

- 4.10 There are currently two licensing committees – General Licensing Committee (which has a single General Licensing Sub Committee) and the Taxi Licensing and Appeals Committee (which has a Taxi Licensing Sub Committee and Employee Appeals Sub Committee).
- 4.11 Meetings of the two main committees are almost always held concurrently and always feature exactly the same membership. This is inefficient as it results in two sets of agendas and two sets of minutes being produced. It is therefore proposed that the two committees be amalgamated, with the three sub-committees continuing to exist as separate subs of the single main committee.

## **OTHER OPTIONS CONSIDERED**

- 5.1 There are a number of options which could be considered to change the overview and scrutiny function, in addition to the option of retaining the status quo. However, the option proposed is considered to be beneficial in many ways in that it will result in an enhancement to the fundamental role of scrutiny while enabling efficiencies in operational support.
- 5.2 Retaining two separate committees for licensing remains an option but there seems no reason for the two committees to co-exist when amalgamation will result in efficiencies without impacting on the business in any way.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Janie Berry, Director of Legal and Democratic Services N/A N/A N/A Janie Berry, Director of Legal and Democratic Services N/A
<b>For more information contact:</b> <b>Background papers:</b>	David Walsh, Democratic Services Manager 01332 643655 david.walsh@derby.gov.uk None

<b>List of appendices:</b>	Appendix 1 – Implications
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<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 There would be a small saving of one scrutiny vice chair's allowance (£1,889 per annum). The reduction in licensing committees would not result in a financial saving as the membership crosses over already.

**Legal**

- 2.1 The council satisfies the statutory requirement to have a single scrutiny board in both its present and proposed arrangements.

**Personnel**

- 3.1 The overall number of scrutiny meetings per year would reduce from 42 to 29, plus four additional meetings of the new Corporate Parenting Committee. This would better reflect the reduced support available following the Democratic Services restructure.

**IT**

- 4.1 None directly arising.

**Equalities Impact**

- 5.1 None directly arising.

**Health and Safety**

- 6.1 None directly arising.

**Environmental Sustainability**

- 7.1 None directly arising.

**Property and Asset Management**

- 8.1 None directly arising.

**Risk Management**

- 9.1 Scrutiny has an important function as detailed in paragraph 1.1 of the report. Stripping the arrangements back to the minimum required, as detailed in paragraph 2.1 of this Appendix would meet statute but would place the council at risk of failing to involve members in effective scrutiny of decision making and services. It is felt that the proposals detailed in the report are appropriate and do not expose the council to that risk.

## **Corporate objectives and priorities for change**

- 10.1 The pressures facing the council make it vital that the authority reviews its arrangements in all areas, and innovates where it can, to ensure services remain supported while efficiencies are achieved.