

WEST NORTHAMPTONSHIRE COUNCIL

Democracy and Standards Committee

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Report Title **Proposed Changes to Committees**

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List of Appendices

Appendix A – Report of the Centre for Governance and Scrutiny.

1. Purpose of Report

1.1 The purpose of this report is to receive the recommendations from two external reviews in relation to the Council’s governance arrangements and to make recommendations to Council in relation to proposed changes to the Council’s committee arrangements.

2. Executive Summary

2.1 The governance arrangements for West Northamptonshire Council were formally adopted by the West Northamptonshire Shadow Authority in March 2021 prior to vesting day. The committee structure of the Council was included within the Council’s Constitution. A review of the Constitution was undertaken by the Democracy and Standards Committee in the autumn of 2021, reporting to Council in December 2021 but it did not make any changes to the Committee structure. Since that time, the Democracy and Standards Committee has considered several other suggested changes to the Constitution but the committee structure has remained the same.

2.2 This report has been drafted following receipt of two separate reports by external organisations brought in by the Council to review the operation of the Council’s Planning Service (including its governance) and the Scrutiny function. Specific recommendations from the Centre for Governance and Scrutiny (CfGS) have been considered by the Co-ordinating Scrutiny Committee

and each of the Scrutiny Committees informally before being presented to the Democracy and Standards Committee. Consultation has taken place with the Chairs of Planning Committees in relation to some of the conclusions of the report prepared by the LGA Peer Review through the Planning Advisory Service (PAS) to make changes to the Planning Committees.

3. Recommendations

3.1 It is recommended that the Committee:

- a) Note the conclusions and recommendations within the report from the Centre for Governance and Scrutiny (CfGS) and the proposed guidance documents and notes which will be prepared to give effect to the recommendations.
- b) Approve the splitting of the People Scrutiny Committee to create two new Committees one for Adults and one for Children as set out in paragraph 5.9 below.
- c) Approve the reduction in the number of members of the Scrutiny Committee to 11 members per Committee.
- d) Note the conclusions and recommendations of the report from the Planning Advisory Service (PAS) in relation to Planning Committees.
- e) To abolish the existing three local area committees and establish two new Development Control Committees to work across the North of West Northants and the South of West Northants. The new committees will not be area committees.
- f) To retain the Strategic Planning Committee and the Planning Policy Committee as currently structured.
- g) That each of the new Development Control Committees will have 9 members.
- h) Agree that Planning Committees should be set up as webcast meetings, wherever webcast facilities are available.
- i) Agree that across all committees site visits will be held where there are planning reasons for doing so and that site visits will be arranged by Democratic Services and Members will be accompanied by a Planning Officer on site.
- j) Agree that the Planning Protocol be amended to reflect the above.

4. Reason for Recommendations

- a) To respond to the review of the CfGS in relation to the Council's Scrutiny function.
- b) To ensure that the council's Overview and Scrutiny function is effective and reflects national good practice in relation to the role and function of Scrutiny Committees.
- c) To respond to the recommendations of the PAS review.
- d) To support the Council's duty as Local Planning Authority.

5. Report Background

5.1 The Council commissioned the CfGS to advise and support its members and officer in the review of the Council's Scrutiny function. The aim was to ensure that Scrutiny is effective in delivering accountability, improving policy and decision making and that scrutiny makes a quality contribution in the delivery of the Council plans and overall improvement. The review was conducted by Ian Parry, Head of Consultancy, CFGS and Manisha Patel Associate Consultant CFGS.

5.2 To carry out the review CfGS met with elected members and officers, including Leader, Cabinet members, Group Leaders, Scrutiny Chairs and members of Scrutiny Committees.

Recommendations from the review

5.3 The review conducted by the CfGS found many positive qualities in the Council's Overview and Scrutiny function. The review recognised that there is a good understanding of the importance of Overview and Scrutiny at the Council and the conditions for success are clearly present. The remaining positives are detailed in the CfGS report and are not repeated here as the focus of this report is to set out options for the Council's response. The recommendations from the report are summarised below, alongside options for the Council to choose from in developing a response, or suggestions as to where further consideration and input from members is necessary.

5.4 The broad themes that run through the report are:

- Renewed focus on strategic issues that are of importance to communities in West Northamptonshire;
- Improved focus on output from Scrutiny i.e. challenge and improvement with clear recommendations, rather than updates from services;
- Clarity about what Scrutiny should expect from Cabinet and vice-versa. Clarity about the role of Cabinet members at scrutiny meetings;
- An emphasis on scrutiny input at a formative stage in policy development and collaborative working with Cabinet and the establishment of a clear framework for work planning;
- Reviewing lines of communication between Scrutiny, Cabinet and Directors and developing a framework for maintaining this;
- Review of MTFs/Budget Scrutiny, taking account of CIPFA guidance.

5.5 In response to the review officers met with the Co-ordinating overview and Scrutiny Committee to receive the feedback from Ian Parry, CfGS and to discuss the way forward. As a result officers including the Director of Legal and Democratic Services and the Head of Democratic and Elections met with each of the Scrutiny Committees to discuss the recommendations of the report.

5.6 A separate guidance document has been developed through Scrutiny and outside the Constitution to provide a framework for good governance in relation to Scrutiny. The only specific matter requiring a decision of this committee is in relation to the changes to the committees.

Recommendation:

5.7 A review of the Scrutiny committee structure – with a view to assessing how the areas of ASC, Children's and Health can have sufficient scrutiny capacity.

Options:

5.8 It is understood that Adult Social Care, Children's Services and Health are services that are of great significance to the Council with corresponding levels of risk. The clear implication of this

recommendation is that the People Scrutiny Committee should be divided into two new committees: Adults and Health and Children’s. Assuming there is no corresponding move to combine the Corporate and Place Scrutiny Committees, the Council will need to take account of the available resources in amending the structure of Overview and Scrutiny.

- 5.9 Each committee already operates a number of working groups at any one time and there is a need to be mindful of the impact of an additional scrutiny committee on the committee timetable, as well as councillor and officer resource. The impact of the proposal to establish cross-party pre-meetings should also be factored in. It is therefore suggested that the Council move from a model of three committees meeting six times per year to a model of four committees meeting four times per year. The review has emphasised the need to Overview and Scrutiny to be more strategic in nature, so this change will be manageable with appropriate level of focus at meetings and emphasis on task and finish work.
- 5.10 It is also recommended that the size of each committee be amended accordingly. The current committees are large, even taking account of the current size of the Council and could be reviewed in order to ensure the workload of members serving on the four committees is reprofiled accordingly. Three committees of 17 or 15 members could be replaced by four committees of 11 members.

Current Structure	Possible Future Structure
3 x Committees meeting 6 x year (scheduled) No cross-party pre-meetings	4 x Committees meeting 4 x year 4 x cross-party pre-meetings 4 x year
Coordinating Scrutiny Group meeting 6 x year	Scrutiny Triangulation meetings 6 x year
Task & Finish held in last 12 months: Corporate Scrutiny <ul style="list-style-type: none"> • Expenses Policy: 3 meetings • Treasury Management: 4 meetings • Modernising Systems: 3 meetings • Budget Scrutiny: 2 meetings Place Scrutiny <ul style="list-style-type: none"> • Tree Policy: 9 meetings • Active Travel: 4 meetings People Scrutiny <ul style="list-style-type: none"> • CYP Mental health: 10 meetings • iCAN: 5 meetings • Housing Strategy: 2 meetings Total Task & Finish meetings in last 12 months: 42	Task & Finish: In order to maintain focus, each Committee will have no more than three reviews established at any one time (12 in total). These working groups shall be staggered so they are at various stages (i.e. scoping, evidence gathering and drafting recommendations) so as to balance workload.

6. Planning Advisory Service Review

Report

- 6.1 The Planning Advisory Service also prepared a report following a review of the Planning Service. This is a broad review looking at the whole service not just the governance arrangements. The report will be presented to Cabinet on 4th April 2023 together with an action plan, however the report does include conclusions and recommendations in relation to the governance arrangements. The summary findings state:

Summary:

- 6.2 Three area planning committees consider planning applications that are not delegated to officers to determine. Our analysis shows that there is not enough business to warrant three area committees.

Recommendations:

- 6.3 Analyse existing committee decisions and activity to inform a review of the scheme of delegation and the number of committees to provide a committee structure and process fit for a unitary council to:
- a) improve culture and practice of planning committees to reduce the risk to the council including eliminating the use of substitute members on planning committees
 - b) ensure that householder and minor applications only go to committee in exceptional circumstances
 - c) trial a significantly reduced number of committees with a proportionate geographical spread (based on workload)
- 6.4 The recommendations propose a trial of a reduction in committees and it is suggested that the number of committees could be reduced from one Strategic Planning Committee and three area committees to one Strategic Planning Committee and two other committees covering the wider Northampton area as reflected in the Northampton Related Development Area which includes an area which is different to the former Borough Council. The other committee reflecting the remainder of the area and with a different geographical area than the former district councils.
- 6.5 It is proposed also to allow only two substitutes for Planning Committees with substitutes to be drawn from the other planning committees. No other substitutions will be permitted for planning committees unless in the opinion of the Monitoring Officer an individual item is likely to be inquorate. All members of Planning Committee will be required to attend mandatory training in relation to planning decisions and the planning protocol.

- 6.6 At the current time the existing planning committees meet at different times. It is proposed that the timing of the Planning Committees will be agreed following input by all relevant members at the Annual General Meeting.
- 6.7 It is proposed that all of the development control planning committees should be webcast as soon as the facility is available to enable this to happen. This facility is currently available at the forum at Towcester. It is intended to provide webcasting from the Guildhall to ensure coverage of all planning committees can be achieved as well as webcasting for other meetings which meet at that venue. It is proposed that the Strategic Planning Committee and South Planning Committee will meet at Towcester where webcasting facilities are already available. The North area Planning Committee will meet in Northampton where it is hoped webcasting will be available shortly after the Annual Meeting in May.
- 6.8 The current committee arrangements have different approaches to site visits. To ensure consistency and compliance with the Planning Protocol it is proposed that where there is a sound planning reason to hold a site visit and it is agreed by the Committee that a site visit should be held, these will be arranged by Democratic Services and attended by a planning officer. Members will be discouraged from attending sites other than as part of an arranged site visit to reduce the risk of lobbying.
- 6.9 The report makes a number of other recommendations and to give effect to these a further review of the Planning Protocol will take place to determine whether changes are required in the light of the report of the Planning Advisory Service. Further training may also be offered to members of the new committees which should be mandatory to ensure a consistent approach across the three new committees.

7. Issues and Choices

- 7.1 The issues and choices

8. Implications (including financial implications)

8.1 Resources and Financial

- 8.1.1 There are no financial implications arising directly as a result of the Constitution review process other than minor changes to member allowances. The proposals would allow the increased cost of the Scrutiny Chairman to be offset by the reduction in the number of Planning Committee Chairman, which results in a cost neutral proposal.

8.2 Legal

- 8.3 The Council must have at least one Overview and Scrutiny Committee. The Council as a Council with Health Scrutiny responsibilities there must be an Overview and Scrutiny Committee with responsibility for Scrutinising health services. The proposals better able the Council to meet these statutory obligations.

8.4 The Council is the Local Planning Authority for West Northamptonshire and has a quasi judicial function of determining planning applications. This is carried out through a combination of delegations to officers and decisions by Planning Committees. These committees have to carry out this responsibility with regard to the Council's wider duties under the Human Rights Act 1998 in relation to a fair hearing and more widely in relation to the Council's public law decision making responsibilities. The proposals enable the Council to meet its responsibilities as a local planning authority.

8.5 **Risk**

8.5.1 There are no significant risks arising from this report. Reviewing the governance arrangements helps to reduce any risks that could arise as a result of the arrangements not supporting lawful decision making and delivery of Council services.

8.6 **Consultation**

8.6.1 This report will be referred to Council for a decision before being agreed. There has been no wider public consultation in relation to this report which is a response to the recommendations of the review.

8.7 **Consideration by Overview and Scrutiny**

8.7.1 Not applicable to this report.

8.8 **Climate Impact**

8.8.1 There is no significant climate impact to consider in relation to the recommendation the changes to the committee will have some changes to the travel and paperwork used for each of the committees but these are largely offsetting by the different proposals. Overall the reduction in Scrutiny membership is likely to lead to a net carbon benefit but this is based on assumptions of use by an average member.

8.9 **Community Impact**

8.9.1 There will be a need for Planning Committees to take place further away from the area of residents in some cases however these changes are offset by the webcasting of meetings to enable more residents to attend remotely.

9. **Background Papers**
