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| <b>Subject:</b>               | <b>Role and Terms of Reference of the Governance Committee</b>                                       |
| <b>Date of Meeting:</b>       | <b>1 July 2008</b>   |
| <b>Report of:</b>             | <b>Director of Strategy &amp; Governance</b>   |
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| <b>Wards Affected:</b>        | All  |

### FOR GENERAL RELEASE/ EXEMPTIONS

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report outlines the key roles of the Governance Committee and is intended as a basis for discussion as well as to clarify the exact roles and responsibilities of the Committee.

#### 2. RECOMMENDATIONS:

- 2.1 That Members note the report and comment as appropriate.

#### 3. RELEVANT BACKGROUND INFORMATION:

- 3.1 At its meeting on 24<sup>th</sup> April, Full Council agreed to create a Governance Committee to oversee the operation of the constitution and to make recommendations for change from time to time. The following paragraphs look at the committee's terms of reference and what they mean in practice in terms of its role in relation to the constitution, its functions as a general purpose committee and in relation to Member issues.

##### 3.2 Terms of Reference of the Committee

- 3.2.1 The terms of reference of the Governance Committee, as agreed by Council on 24<sup>th</sup> April, are set out in the appendix to this report. The Committee consists of 10 Members including the Leaders of the 4 political groups in the Council. The main functions of the Committee are:

- To review and make recommendations on the constitution;
- To consider recommendations from the IRP regarding Members' allowances and advise the Council;
- To deal with Member issues (training, access to facilities, etc.); and

- To serve as the “general purposes committee.”

### 3.3 Functions regarding Review of the Constitution

3.3.1 This will be the main area of activity for the Governance Committee. Over the coming months, a number of issues will be brought to the Governance Committee for its consideration and recommendation to Council or the relevant body. These originate from one or more of the following sources:

- Specific issues that Full Council agreed should be considered by the Governance Committee as part of the 6 months review;
- Issues raised by Members before and after the Council approval of the Constitution;
- Issues identified by officers

3.3.2 Based on information collated from the above sources, the potential list of issues identified is set out below (with the originator shown in brackets.)

- (a) A general review of the constitution at the end of the first 6 months and a more detailed review at the end of the first 12 months (Council);
- (b) Agreement of the methodology for carrying out the review, including consultation with the public and the business community (Council);
- (c) A review of meetings timetable (Members and Officers);
- (d) A review of links and working relations between the Council and the Older People’s Council (Council);
- (e) Community Governance Review (Local Government & Public Involvement in Health Act 2007);
- (f) Review of Arrangements for the discharge of the learning disability function (Council);
- (g) Annual Statement of Governance (Officers/CIPFA/SOLACE);
- (h) Scrutiny arrangements for Community Safety following receipt of guidance from central government regarding Crime and Disorder Committees (Council);
- (i) Review of Scrutiny Procedures to reflect current difficulties with “doubling up” (Members/Officers);
- (j) Review of governance arrangements as they affect section 75 partnerships (this will be led by the C&YPTB but the Governance Committee will be consulted) (Officers);

- (k) Review of the rules on notices of motion, in particular, whether NOMs not directly affecting Council functions should be allowed (Members);
- (l) Any changes following from changes in legislation, including amendments to the Functions and Responsibilities Regulations (Officers);
- (m) Review of Council Procedure Rules, Access to Information Procedure Rules and Cabinet Procedure Rules in the light of experience in the first round of meetings (Officers);
- (n) Establishment of a Sustainability Committee of the Cabinet.

### **3.4 The Committee's role as a General Purposes Committee**

3.4.1 General purposes committees were historically used to deal with miscellaneous matters not coming within the remit of any other committee. Under the new constitution, the Governance Committee will deal with all Council (as opposed to executive) functions that are not specifically delegated to the Planning, Personnel Appeals, Licensing, Standards or Audit Committees. The Local Authorities (England) (Functions and Responsibilities) Regulations 2000 designate certain functions as being Council functions with everything else being executive function. By way of example, some of the council functions that the Governance Committee could discharge in its capacity as a general purposes committee include:

- Some local Act functions;
- Determination of appeals from decisions where there is a right of appeal and no procedure is provided;
- Appointments to the Police Authority and other bodies where Council does not make the appointment at annual Council or the vacancy arises in the middle of the municipal year;
- Health & Safety at Work (other than H&SW affecting the Council itself as an employer)
- Functions relating to elections;
- Functions regarding pensions;
- Miscellaneous functions regarding highways and rights of way;
- Sea Fisheries;
- Award of compensation for maladministration.

3.4.2 In practice many of the above listed functions are delegated to officers and they would only come before Members if there is a significant policy or service issue.

### **3.5 Member issues**

3.5.1 One of the roles of the Governance Committee is to consider recommendations from the Independent Remuneration Panel (IRP) before they are submitted to Council. This was a function previously discharged by the Policy & Resources Committee. The Committee will also deal with other matters that affect Members. These include:

- Training and development needs (this will be led by the Member Development Working Group but the progress will be reported to this committee);
- Members' use of and access to advice and facilities to enable them to discharge their functions effectively;
- Use of technology to support the democratic decision-making process, including sound systems, webcasting, use of electronic devices for voting and consideration of what available technology that is compatible with legal requirements.

#### **4. CONSULTATION**

- 4.1 The report is largely for information and therefore no prior consultation has taken place.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

- 5.1 There are no financial implications arising from this report.

#### **6. LEGAL IMPLICATIONS**

- 6.1 There are no legal implications arising from the report at this stage. However, as and when the issues listed are progressed any legal implications will be addressed in the relevant reports.

#### **7. EQUALITIES IMPLICATIONS**

None arising from this report.

#### **8. SUSTAINABILITY IMPLICATIONS**

- 8.1 None arising from this report.

#### **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 None arising from this report.

#### **10 RISK AND OPPORTUNITY MANAGEMENT IMPLICATIONS**

- 10.1 No specific risks have been identified. The role of the Governance Committee will help the Council maintain good governance.

#### **11. CORPORATE/CITYWIDE IMPLICATIONS**

- 11.1 The role of the Governance Committee will contribute to the achievement of the Council's priorities for the city, including effective and transparent decision making process.

## **Governance Committee**

### *Composition*

***The Governance Committee will consist of each of the leaders of the political groups in the Council and such other Members as is necessary to comply with the requirements regarding political proportionality.***

### *Role and Function*

#### **(a) Constitution**

- to receive reports on and monitor the operation of the Constitution;
- to make recommendations to Council, the Cabinet or Scrutiny as appropriate, with a view to improving the effectiveness, accountability and transparency of the decision making process;

#### **(b) Members' Allowances**

To consider the recommendations of the Independent Remuneration Panel and advise the Council as appropriate

#### **(c) Member Issues**

To consider any matter relating to the role of and support for Members and make recommendations to Council or the Cabinet.

#### **(d) To act as the general purposes committee**

To exercise all non-executive functions that are not specifically delegated to another Committee or Sub-Committee of the Council.

