

Title of Report:	Constitutional Issues
Report to be considered by:	Council
Date of Meeting:	27 September 2012
Forward Plan Ref:	C2547

Purpose of Report:

To outline two issues which were recently discussed by the Governance and Audit Committee and to obtain a Council view on the way forward in each case.

Recommended Action:

- (i) To agree that, in future, all March Council meetings (budget meetings) should commence at 6.30pm.
- (ii) To determine whether to undertake a review of the current governance arrangements (Executive and Scrutiny) with a view to returning to committee system of governance in accordance with Section 21 of the Localism Act 2011.

Reason for decision to be taken:

- (i) To ensure that sufficient time is allocated for debate for each item at the March Council meeting rather than having to expedite items through to finish the meeting by 10.00pm.
- (ii) To ensure that the Council is operating the most open, transparent, accountable and efficient form of governance.

Other options considered: N/A

Key background documentation: Localism Act 2012

The proposals will also help achieve the following Council Strategy principle:

☒ **CSP8 - Transforming our services to remain affordable and effective**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Ensuring that the Constitution is fit for operational purposes.

Member Details	
Name & Telephone No.:	Councillor Tony Vickers – Tel (01635) 230046
E-mail Address:	tvickers@westberks.gov.uk
Date Portfolio Member agreed report:	N/A

Contact Officer Details	
Name:	Andy Day
Job Title:	Head of Strategic Support
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Implications

Policy:	Neither issue referred to in this report impact on any policies of the Council.
Financial:	It is difficult, at this stage, to articulate the likely costs of adopting a Committee system of governance as this will depend on the final model adopted. The report recommends that any new form of governance should be adopted from the Annual Meeting in May 2013. In carrying out any review there will be a requirement to develop appropriate committee structures, terms of reference and review the current Scheme of Delegation and Members Allowances Scheme. Resources will need to be identified to carryout this work in the timescales suggested.
Personnel:	Any change in the system of governance adopted could have personnel implications depending on the model adopted. The Council currently has a small number of dedicated Committee staff and any proposed change of governance structures would need to consider the potential impact on staff and costs.
Legal/Procurement:	Any review of the current governance structures would accord with the Localism Act 2011.
Property:	N/A
Risk Management:	N/A
Equalities Impact Assessment:	EIA Stage 1 attached as Appendix A.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 At its meeting on 9 July 2012 the Governance and Audit Committee considered two issues which were referred to Council for determination. These issues were:
- (i) Start time for the March (budget) Council meeting;
 - (ii) Review of the Council's current governance arrangements (Executive and Scrutiny) with a view to possibly returning to a committee system of governance.

2. Proposals

Start time of the March Council Meeting

- 2.1 Councillor Tony Vickers presented a report to the Governance and Audit Committee calling for the Council to commence the March (budget) Council meeting at 6.30pm rather than 7.00pm. The reason for this proposal was that very often items which followed the Revenue Budget item had to be expedited in order to ensure that the meeting finished by 10.00pm. This effectively meant that equally important items were not always given sufficient debating time before a decision was made.
- 2.2 The Governance and Audit Committee supported this proposal and agreed to recommend to Council that the March meeting of Council (budget meeting) should start at 6.30pm in the future rather than 7.00pm.

Review of the Council's Governance Structures

- 2.3 The Governance and Audit Committee considered a report prepared by Councillor Vickers recommending that the Council be asked to consider carrying out a review of the current governance structures (Executive and Scrutiny) with a view to returning to a committee system of governance.
- 2.4 It was recalled that the Council had written asking that the Secretary of State to amend the Localism Bill to enable Local Authorities to return to a committee system of governance prior to their next ordinary elections. The Bill had been drafted restricting Local Authorities from being able to change governance systems until their next ordinary elections, in West Berkshire's case 2015. The Localism Act 2011 had now been drafted without this restriction which meant that Local Authorities were free to change their governance structures at their annual meetings.
- 2.5 At its meeting on 15 November 2010 Governance and Audit Committee agreed to establish a task group to carry out this review but this had not happened for a number of reasons. The Committee therefore felt that given the fact that Council had not formally approved a review of its governance structures taking place the principle of carrying out any review should, in the first instance, be endorsed by Council.

3. Equalities Impact Assessment Outcomes

- 3.1 Any change of governance structures would not negatively impact of any of the protected groups as any new structures would still be developed with openness, transparency and accountability in mind.

Consultees

Local Stakeholders: N/A

Officers Consulted: David Holling, Nick Carter

Trade Union: N/A

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Review of Governance Structures
Version and release date of item (if applicable):	
Owner of item being assessed:	Andy Day
Name of assessor:	Andy Day
Date of assessment:	13 July 2012

1. What are the main aims of the item?
To carry out a review of the Council's governance structures with a view to returning to a committee system of governance.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Further comments relating to the item:		
It is not expected that any change in governance structures would impact on any of the protected groups.		

3. Result (please tick by clicking on relevant box)
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Andy Day

Date: 30 August 2012