

## GOVERNANCE COMMITTEE

WEDNESDAY, 8TH JULY, 2020, 6.00 PM

### VIRTUAL MEETING

### AGENDA

#### IMPORTANT INFORMATION

In response to the current government guidance surrounding the COVID-19 pandemic, this meeting will be held virtually, and webcast live to Youtube. Members of the Committee will be able to access the meeting on Microsoft Teams.

Any elected member or member of the public who wishes to make representations should email [democraticservices@southribble.gov.uk](mailto:democraticservices@southribble.gov.uk) for the attention of Coral Astbury.

Any elected member not on committee or member of the public who does not wish to speak may still watch the meetings proceedings by clicking [here](#).

#### **1 Apologies for absence**

#### **2 Declarations of Interest**

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgment of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

#### **3 Minutes of meeting Tuesday, 16 June 2020 of Governance Committee**

Minutes of the meeting held, Tuesday 16 June 2020 are attached to be signed as a correct record.

#### **4 Suspension of Standing Order 33**

(Pages 3 - 8)

Members are asked to approve the suspension of Standing Order 33.

### 33. Participation by the Public at Meetings of Cabinet, Committees and Sub Committees

33.1 Members of the Public may ask questions and make statements or comments during Cabinet, Scrutiny, and Governance meetings which are relevant to items on the agenda. Special rules apply to Planning Committee (see rule 34)

33.2 Members of the Public will normally only be allowed to speak after elected members have been given the opportunity to do so, but this is at the discretion of the Chairman. Questions, comments or statements which, in the opinion of the Chairman, are inappropriate may be disallowed.

33.3 Individual members of the public will be restricted to speaking for a total of five minutes during the whole meeting.

## **5 Appointment and Employment Panel**

(Pages 9 - 18)

Report of the Shared Services Lead – Legal and Deputy Monitoring Officer attached.

## **6 My Neighbourhoods**

(Pages 19 - 30)

Report of the Shared Services Lead – Legal and Deputy Monitoring Officer attached.

## **7 Public Participation**

(Pages 31 - 36)

Report of the Shared Services Lead – Legal and Deputy Monitoring Officer attached.

Gary Hall  
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Governance Committee Councillors Colin Sharples (Vice-Chair), Ian Watkinson (Chair), Christine Melia, Angela Turner, Damian Bretherton, Colin Clark and Margaret Smith

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

Forthcoming Meetings

6.00 pm Tuesday, 21 July 2020 - Wheel Room, Civic Centre, West Paddock, Leyland PR25 1DH

**MINUTES OF GOVERNANCE COMMITTEE**

**MEETING DATE** Tuesday, 16 June 2020

**MEMBERS PRESENT:** Councillors Ian Watkinson (Chair), Colin Sharples (Vice-Chair), Christine Melia, Angela Turner, Damian Bretherton, Colin Clark and Margaret Smith

**OFFICERS:** Gary Hall (Interim Chief Executive), Chris Sinnott (Deputy Chief Executive), Chris Moister (Director of Governance), James Thomson (Deputy Director of Finance), Dave Whelan (Shared Services Lead - Legal & Deputy Monitoring Officer), Janice Bamber (Interim Head of Shared Assurance Services), Darren Cranshaw (Assistant Director of Scrutiny & Democratic Services) and Coral Astbury (Democratic and Member Services Officer)

**EXTERNAL AUDITOR:** Mark Heap – Grant Thornton

**OTHER MEMBERS AND OFFICERS:** Councillor Paul Foster (Leader of the Council and Leader of the Labour Group)

**28 Apologies for absence**

There were none.

**29 Declarations of Interest**

There were none.

**30 Minutes of meeting Tuesday, 28 January 2020 of Governance Committee**

The minutes of the last meeting held on Tuesday, 28 January 2020 were agreed.

**31 Suspension of Standing Order 33**

Members were asked to approve the suspension of standing order number 33 in the Council's constitution relating to public participation due to the current restrictions in place due to the COVID-19 pandemic.

RESOLVED: (Unanimously)

That standing order number 33 of the Council's constitution be suspended for the duration of the meeting.

### 32 Draft Annual Governance Statement 2018/2019 and 2019/2020

The Director of Governance/Monitoring Officer presented the draft Annual Governance Statement covering the financial years 2018/2019 and 2019/2020.

The Council is required to ensure it has in place a sound system of governance, that it regularly reviews the effectiveness of that system and that it continuously seeks to achieve best value in service delivery. As part of that, the Council is required to publish an Annual Governance Statement. The Annual Governance Statement is developed alongside the Statement of Accounts but assesses the governance framework for the whole council and all of its activities. The form of the Annual Governance Statement and approach taken to its development is based on guidance produced by CIPFA and SOLACE.

The Annual Governance Statement for 2018/2019 was not signed off as significant governance failings that predated the submission of the Annual Governance Committee in May 2019 were identified. As a result, it was clear that the statements within the Annual Governance Statement as presented were incorrect and did not accurately reflect the position of the Council as regards the maintenance of and compliance with a robust governance framework. Following discussions with the Council's external auditor and because the Annual Governance Statement is supposed to reflect the point at which it is agreed, the statement covers the 2018/2019 and 2019/2020 financial years.

The Director of Governance/Monitoring Officer took the meeting through the five key sections of the Annual Governance Statement:

- ▶ Section one – the Council's responsibility in producing an annual governance statement
- ▶ Section two – the purpose of the annual governance statement
- ▶ Section three – the governance statement and how the Council complies with its local code
- ▶ Section four – how the Council reviews the effectiveness of the governance framework
- ▶ Section five – the steps that have been taken to test and enhance the Council's governance framework and the actions needing to be taken in the coming period

A number of significant governance failings were identified and follow the statutory section 24 report issued by the external auditors in 2018. The key issues were grouped around the themes of: leadership, culture, process and monitoring and review.

The Director of Governance/Monitoring Officer highlighted the importance of learning and implementing the remaining actions to embed effective governance across the Council.

The external auditor reported that their audit work would be ongoing over the summer period.

The Leader of the Council commented on the disappointing Annual Governance Statement and pattern of behaviour in failing to follow governance procedures. The Leader provided assurance that since 2019 there had been a change in culture and there was now full compliance and transparency.

Committee Members raised the following queries with regards the report:

- ▶ In response to an enquiry about achieving value for money with regards the McKenzie Arms site project, the Committee was advised that Members had been provided with all the necessary information to make an informed judgement when making their decision on this project. Statutory officers act as a check and balance to ensure Members have all the necessary information to allow them to make a decision and that there is full transparency in place.
- ▶ Referring to a lack of leadership, confirmation was provided that a key role of the Chief Executive and other statutory officers is to ensure good governance and decision-making.
- ▶ With regards the dynamic nature of the action plan, it was proposed that a progress report be provided on an exception basis to each Governance Committee meeting. Measures of how effective the actions have been would also be brought back to the Committee.
- ▶ As the Annual Governance Statement is integral to the annual accounts, an external audit opinion would be provided on the whole. The external auditor would be carrying out a detailed review over the summer and was unable to commit to a timescale to complete their work at this time.
- ▶ The Director of Governance/Monitoring Officer confirmed that he had not seen any similar pattern of governance failures in his experience and stressed the importance of learning and continuous improvement.
- ▶ Confirmation was provided that governance framework and procedures are available to Members and officers on the Council's website, CllrCONNECT and the intranet. The proposed Annual Governance Statement action plan includes review of some governance documents and the suggestion to include a review date on those documents would be taken on board.
- ▶ Confirmation was provided that the Interim Chief Executive had previously offered to brief the shadow Cabinet on relevant matters.

RESOLVED: (Unanimously)

That the Annual Governance Statement be approved in draft form for consideration by External Audit.

### 33 Internal Audit Progress Report - Audit Reports with Limited Assurance Opinion

The Interim Head of Shared Assurance Services presented the Internal Audit Progress Report, including internal audit reports with limited assurance opinion.

It was reported that there had been 5 audit reviews where the opinion of the control environment had determined that only limited assurance could be placed on the controls in place and substantive control weaknesses existed in those areas. The reviews with limited assurance were:

- ▶ Environmental Health – Food Safety
- ▶ Car Park Management and Enforcement
- ▶ Tree Inspection and Maintenance
- ▶ Commercial Properties Follow up
- ▶ Shared Services – Creditors

In addition to reviews with limited assurance, a further 2 reviews in the opinion of internal audit no assurance could be placed on the effectiveness of controls in place and the extent to which risks are mitigated. The reviews with no assurance were:

- ▶ Procurement of Utilities and 2 other contracts
- ▶ Health and Wellbeing Campus – review of procurement of provider and project governance arrangements.

Committee Members raised the following queries with regards the report:

- ▶ Clarification was provided that the limited assurance provided to tree inspection and maintenance was separate to the corporate plan project of planting 110,000 trees as the audit was ensuring the necessary policies were in place to help deal with insurance claims. The newly planted trees would be classified in line with the proposed new policy.
- ▶ Confirmation was provided that the consultant's report on the Asset Management Strategy concluded in May had considered all of the Council's assets.
- ▶ The purpose of reporting on the internal audit reports was to allow the Committee to consider and note the reports, not to debate the contents. The reports feed into the Annual Governance Statement, which will be presented to Council and that would be the opportunity for Members debate any issues, such as the Health and Wellbeing Campus.
- ▶ The quality assurance approach taken to ensure that internal audit reviews were rigorous and robust was explained, which includes a manager checking the evidence file, discussion with the client/service lead, presentation to the director and a final sign off.

- ▶ Where internal audit reviews have looked at elements where relevant officers are no longer with the Council, the evidence available has been considered.

The following two questions were received from members of the public:

#### Question 1

*“I have just read the internal audit that has been presented at Governance meeting tonight written by Janice Bamber. The report is very comprehensive and paints a damning state of the running of SRBC by senior management. But the ultimate responsibility lies with the councillors who enable the poor practise and not holding senior management to account. I cannot comprehend how much ratepayers money has been wasted by this council as it states in the report major failure to demonstrate value for money in the procurement.*

*I have 2 questions that I require answering:*

- 1. How many managers have been disciplined or dismissed?*
- 2. Why have councillors allowed this happen?”*

#### Question 2

*“On the basis of the contents of the report, how many of the staff have been disciplined or dismissed?”*

In response, officers advised that it was not in the remit of the Governance Committee to deal with employee issues. The internal audit reports outline themes around the Council providing training and organisational development. Having appropriate employee policies in place to deal with poor performance was also important. A written response would be provided to members of the public submitting questions.

RESOLVED: (Unanimously)

That the report be noted.

### **34 Internal Audit - Head of Audit Annual Report**

The Interim Head of Shared Assurance Services presented the Head of Internal Audit Annual report from 1 April 2019 to 31 March 2020. The report also provided the Head of Internal Audit’s overall opinion on the adequacy and effectiveness of the Council’s framework of governance, risk and control.

During the year 92.54% of the planned internal audit work had been completed (based on the original audit plan for 2019/2020). Internal Audit achieved a 100% acceptance rate for its recommendations/agreed management actions relating to the reports completed and management actions agreed.

Overall the Council has a sound governance framework in place and in general has appropriate policies, rules, regulations and procedures in place. However, there

have been failings in regards to management controls, fundamental failures and weakness of internal controls and the disregarding of existing policies in some circumstances. This has led the Interim Head of Shared Assurance Services to reach the conclusion that the internal control environment only provides limited assurance.

The external auditor confirmed that this report is one of the documents considered as part of their audit work.

Following a Committee Member enquiry about the internal audit plan for the current year, the meeting was advised that this had been delayed due to the COVID-19 pandemic. It is envisaged that the thrust of this year's plan would be reviewing progress with the actions from those internal audit reports with limited assurance. A report would be provided to a future meeting of the Committee.

RESOLVED: (Unanimously)

That the Internal Audit Annual Report 2019/2020, progress of work against the Annual Plan and Head of Internal Audit's opinion on the adequacy and effectiveness of the Council's framework of governance, risk and control be noted.

### **35 Update of Closure of Accounts 2019.20**

The Deputy Director of Finance (Section 151 Officer) presented a report updating on the closure of accounts for 2019/2020.

The deadlines for the closure of the Council's accounts have been amended by the Government in response to the COVID-19 pandemic. The audited financial statements for 2019/2020 are to be published by 30 November 2020. A meeting of the Governance Committee will be arranged prior to the 31 August 2020 to consider the draft financial statements.

It was reported that the Council was on track to deliver the financial statements in accordance with the revised timescales.

RESOLVED: (Unanimously)

That the progress on the closure of accounts for 2019/2020 included the revised deadlines for submission of the draft accounts and sign off of the final accounts be noted.

Chair

Date

REPORT TO	ON
Governance Committee	8 July 2020



TITLE	REPORT OF
Appointment and Employment Panel	Shared Services Lead - Legal & Deputy Monitoring Officer

## PURPOSE OF THE REPORT

1. This report proposes an updated section in the Constitution relating to the Terms of Reference for the Appointment & Employment Panel. It is for Governance Committee to consider these proposed provisions. Any amendments to the Constitution also require the approval of full Council.

## RECOMMENDATIONS

2. That Committee should consider and amend as appropriate the proposed Terms of Reference for the Appointment & Employment Panel set out in the Appendix to this report prior to submission to Full Council.

## CORPORATE OUTCOMES

3. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	X
Health, Wellbeing and Safety	
Place, Homes and Environment	

Projects relating to People in the Corporate Plan:

Our People and Communities	
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## BACKGROUND TO THE REPORT

4. All Councils are required to have a written Constitution which sets out the Council's internal governance arrangements, approved procedures and protocols. A great deal of work has been

done in recent years to update the Constitution. One of the areas remaining that needed to be looked at was the section dealing with the Appointment and Employment Panel.

5. The Constitution does not currently contain any written Terms of Reference for the Council's Appointment & Employment Panel. All that is stated (in part 2K) is: "*To deal with the recruitment of and any disciplinary issues relating to the council's Statutory officers.*" The role of this Committee was approved by full Council in October 2016 and the Terms of Reference have been drafted to take into account the information within the report, including the establishment of an Initial Filter Panel.

## PROPOSALS

6. The proposed new section (the Appendix) sets out the following:

<b>1.Appointment &amp; Employment Panel</b>	Summarises the role of the Panel to deal with the recruitment of specified senior officers & to deal with any disciplinary issues relating to the Council's statutory officers.	All provisions are new as there have been no previous formal Terms of Reference.
<b>2. Membership</b>	5 Members politically balanced. Chair appointed at each meeting.	
<b>3.Terms of Reference</b>	To deal with the recruitment of the CEO & other specified senior officers	
<b>4. Initial Filter Panel</b>	Sets out membership & role to consider any initial allegations or complaints against the Statutory Officers & determine whether to proceed to the first stage of the model disciplinary procedure	
<b>5. Investigating &amp; Disciplinary sub Committee (IDC)</b>	Sets out membership & role Functions include: <ul style="list-style-type: none"> <li>• to undertake an initial assessment of any allegations referred by the Initial Filter Panel against the Statutory Officers</li> </ul>	

	<ul style="list-style-type: none"> <li>• to determine whether to commission an independent investigator.</li> <li>• To consider whether the statutory officer should be suspended or whether that suspension should continue</li> <li>• To consider any investigation report &amp; recommendations &amp; any sanctions.</li> </ul>	
<b>6. Power to Suspend</b>	In exceptional circumstances the Chair of the Appointment and Employment Panel is given an explicit power to suspend the Chief Executive prior to consideration by the IDC	
<b>7. Appeals Committee</b>	Sets out membership and role to hear an appeal against a decision of an Investigating and Disciplinary sub Committee to impose a sanction (less than dismissal) on a statutory officer	

## **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

7. Ordinarily this would have been discussed first at a working group of the Governance Committee. In the circumstances prevailing with the Coronavirus Pandemic that was not possible. After being considered by Governance Committee the proposals will be considered by Full Council.

## **AIR QUALITY IMPLICATIONS**

8. There are no Air Quality implications.

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

9. There are no financial implications arising from the report.

## **COMMENTS OF THE MONITORING OFFICER**

10. It is important that the Constitution is reviewed and updated on a regular basis.

**OTHER IMPLICATIONS:**

<p>▶ <b>Risk</b></p> <p>▶ <b>Equality &amp; Diversity</b></p>	<p>There are no risk concerns that need to be flagged up here. The principal purpose of the changes is to make it as clear as possible what the role of the Appointments and Employment Panel is.</p> <p>There are no implications here to note.</p>
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**There are no background papers to this report**

**APPENDIX**

Appendix 1 - Proposed new wording – Appointment and Employment Panel

LT Member's Name – David Whelan  
Job Title: Shared services Lead - Legal

Report Author:	Telephone:	Date:
Dave Whelan, Shared Services Lead - Legal & Deputy Monitoring Officer	01772 625247	02/0620

# APPENDIX 1

## 2K Appointment & Employment Panel

### 1. Appointment & Employment Panel

1.1 To deal with the recruitment of the Council's Chief Executive (Head of Paid Service), Deputy Chief Executive, Director of Governance (Monitoring Officer), Director of Finance (Section 151 officer), Deputy Director of Finance (Deputy Section 151 officer) and Shared Services Lead - Legal (Deputy Monitoring Officer).

1.2 For all Shared Services posts arrangements will be agreed with Chorley Borough Council.

1.3 For the sake of clarity the "Statutory posts" are the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.

### 2. Membership

2.1 **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989

2.2 **Membership.** 5 Members - one of which must be a Cabinet Member. In the event of a joint appointment with Chorley Borough Council then a reduced number of South Ribble members may be involved but the principles of political proportionality will always be maintained.

2.3 **Chairing the Panel** - The Chairman will be the Leader of the Council.

### 3. Terms of Reference

3.1 To oversee the arrangements to appoint a new Chief Executive & Head of Paid Service to include selecting applicants from a shortlist of qualified candidates and interviewing those on the shortlist.

3.2 Wherever appropriate to recommend the appointment of a suitable candidate for the role of Chief Executive & Head of Paid Service to full Council.

3.3 To consider whether to re advertise the post where there is no suitable candidate or to recommend that full Council makes other appropriate arrangements.

3.4 (Working with colleagues in Chorley Borough Council) to oversee the arrangements for the recruitment of the other posts referred to in paragraph 1 above to include selecting applicants from a shortlist of qualified candidates and interviewing those on the shortlist.

#### **4. Initial Filter Panel**

4.1 **Composition.** Leader, Shared Services Lead (Transformation and Partnerships) and Monitoring Officer (or Deputy if the Monitoring Officer is unable to act as he or she is the subject of any joint allegations or is subject to a conflict of interest) in respect of any allegations against the Chief Executive. Otherwise the Chief Executive will be part of the Panel rather than the Monitoring Officer.

##### **Terms of Reference**

4.2 To consider the severity & relevance of any complaint or allegation relating to the conduct or capability of the Statutory Officer or any other substantial concern.

4.3 To determine whether any complaint or allegation should proceed to the first stage of the Model Disciplinary & Guidance Procedure

#### **5. Investigating & Disciplinary sub Committee**

5.1 **Composition.** 3 members of the Appointment & Employment Panel on a politically proportionate basis (at least one of which must be a member of the Cabinet).

5.2 **Chairing the sub Committee.** To be appointed at the commencement of the meeting.

5.3 **Shared Services Posts.** It will for the employing Council to deal with any disciplinary issues relating to any Statutory officer (albeit the other council will be fully liaised with).

## **Terms of Reference**

5.4 To undertake an initial assessment of any allegations against any of the Council's statutory officers referred by the Initial Filter Panel and decide whether a disciplinary investigation should be commissioned.

5.5 (Subject to 6.1 below) to decide whether the statutory officer in question should be suspended from his/her role and to periodically review whether any such suspension should continue.

5.6 To appoint an independent investigator to conduct the investigation and determine those matters to be investigated.

5.7 To consider the report and recommendations of any independent investigator and determine any sanctions to be imposed. (NB Any recommendation to dismiss of one of the statutory officers is a decision of full Council).

## **6. Chair of the Appointment and Employment Panel - Power to suspend**

6.1 Ordinarily any decision to suspend the Chief Executive/Head of Paid Service will be for the IDC to make. However, it is recognised that there may be exceptional circumstances that necessitate suspending such an officer before an IDC could meet. In such circumstances the power to suspend will be vested in the Chair of the Appointment and Employment Panel. Such a power will only be exercised in cases of genuine urgency - for example where the continued presence of the officer concerned in the workplace would pose a serious risk to the health and safety of others. Any such decision to suspend by the Chair of the Appointment and Employment Panel will be reviewed by the IDC at the earliest practicable opportunity. Prior to making any such decision to suspend the Chair of the Appointment and Employment Panel should seek advice from the Monitoring Officer.

## **7. Appeals Committee**

7.1 **Composition.** 2 members of the Appointment and Employment Panel (at least one of which must be a member of Cabinet). These will be the two members of the Panel who did not sit on the Investigating and Disciplinary sub Committee whose decision is the subject of the appeal.

7.2 **Chairing the sub Committee.** To be appointed at the commencement of the meeting

### **7.3. Terms of Reference.**

To hear an appeal against a decision of the Investigating and Disciplinary Committee to impose a sanction short of dismissal in respect of any of the council's statutory officers.





REPORT TO	ON
Governance Committee	8 July 2020



TITLE	REPORT OF
My Neighbourhoods	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. This report proposes amended wording to the Constitution with regard to My Neighbourhood Area Procedure Rules (Standing Orders). It is for Committee to consider such proposals. Any amendments to the Constitution also require the approval of full Council. It is also proposed now to rename My Neighbourhood Areas as “My Neighbourhood Community Hubs.” A change of title will require a number of ancillary changes to be made throughout the Constitution.

## RECOMMENDATIONS

2. This report proposes amended wording to the Constitution with regard to My Neighbourhood Area Procedure Rules (Standing Orders). It is for Committee to consider such proposals. Any amendments to the Constitution also require the approval of full Council.

## CORPORATE OUTCOMES

3. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	X
Health, Wellbeing and Safety	
Place, Homes and Environment	

Projects relating to People in the Corporate Plan:

Our People and Communities	X
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## BACKGROUND TO THE REPORT

4. All Councils are required to have a written Constitution which sets out the Council’s internal governance arrangements, approved procedures and protocols.
  
5. As a consequence of a Cabinet decision dated the 22<sup>nd</sup> of January 2020 there is a need to amend the My Neighbourhood Area Procedure Rules.
  
6. The current wording to the relevant part of the Constitution is set out in Appendix 1. The proposed amended wording is set out in Appendix 2.

## 7. PROPOSALS

It is also proposed to rename My Neighbourhood Areas as “My Neighbourhood Community Hubs.” The ultimate intention is to try and build on the success of “South Ribble Together.” There are a number of changes made to the document simply to reflect their new proposed title. The other main changes to note in the amended document (Appendix 2) are set out below. Other ancillary changes will need to be made throughout the Constitution simply to reflect the new title.

### My Neighbourhood Area Procedure Rules (Standing Orders)

<b>3. Various Models for My Neighbourhood Community Hubs</b>	This wording explains that for a 12 month period (commencing some time this municipal year – at a precise date to be fixed) My Neighbourhood Community Hubs will be able to trial various models for fulfilling their functions.	To reflect the decision of Cabinet
<b>4 and 5</b>	The only change here is a change of numbering	For the sake of clarity and accuracy
<b>6. Decision making</b>	The new wording explains how decisions will be made moving forward	To reflect the decision of Cabinet – to streamline procedures

## CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

8. Ordinarily these proposals would have been discussed at a Governance Constitution Working group prior to being considered at Committee. Indeed a meeting had been set up for these purposes. However, this meeting had to be cancelled because of the lockdown due to the Coronavirus pandemic. Following on from discussion at Governance Committee the matter will need to be forwarded to Full Council for final decision.

## AIR QUALITY IMPLICATIONS

9. There are no air quality implications arising from this report.

## COMMENTS OF THE STATUTORY FINANCE OFFICER

10. There are no financial implications arising from this report.

## COMMENTS OF THE MONITORING OFFICER

11. It is important of course that we periodically review our Constitution on a regular basis and keep it up to date. Members need to be aware that because of the continuing uncertainty caused by the Coronavirus pandemic – and in particular uncertainty over when social distancing rules will come to an end – it is impossible to be precise at this juncture about when the trial period for new working for My Neighbourhood Community Hubs will commence. It is hoped and expected that clarity on this issue will be provided in advance of the next full Council meeting.

## OTHER IMPLICATIONS:

<p>► <b>Risk</b></p> <p>► <b>Equality &amp; Diversity</b></p>	<p>There are no particular risk concerns that need to be highlighted.</p> <p>The aim with My Neighbourhood Community Hubs is that we engage with all strands of our local communities.</p>
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**There are no background papers to this report**

## APPENDICES

- Appendix 1 – Existing Text  
Appendix 2 – Proposed Text

LT Member's Name – David Whelan  
Job Title – Shared Services Lead - Legal

Report Author:	Telephone:	Date:
Dave Whelan, Shared Services Lead - Legal & Deputy Monitoring Officer	01772 625247	03/06/20



## Appendix 1

### **4B. MY NEIGHBOURHOOD AREA PROCEDURE RULES (STANDING ORDERS)**

#### **1. Appointment of Chairman and Vice-chairman**

- 1.1 Appointment of My Neighbourhood area chairmen and vice-chairmen will be determined by full Council, following one nomination for each area from the political group with the majority of seats from amongst the ward members representing each My Neighbourhood area. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.2 If there is an equality of seats between political groups within any My Neighbourhood area, each group may nominate one chairmen and vice-chairmen and the appointments will be determined by full Council. In this situation if the chairman is taken from one political group then the vice-chairmen will be taken from the other group. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.3 In the event of the position of chairman or vice-chairman of a My Neighbourhood area becoming vacant, or if any chairman or vice chairman is no longer a member of the nominating group, during the municipal year, the appointment of a new chairman or vice-chairman shall be made in accordance with (1.1 and 1.2) above.

#### **2. Removal of Chairman or Vice-chairman**

- 2.1 A My Neighbourhood area may remove the chairman or vice-chairman of the My Neighbourhood area during the municipal year if a motion submitted to full Council in accordance with Council Procedure Rule 10 is passed by a simple majority of those members present at the Council meeting at which it is considered.

#### **3. My Neighbourhood Meetings**

- 3.1 My Neighbourhood meetings shall be held up to four times annually. The date, time, location and number of meetings shall be decided by each My Neighbourhood area chairman in consultation with other local neighbourhood members.

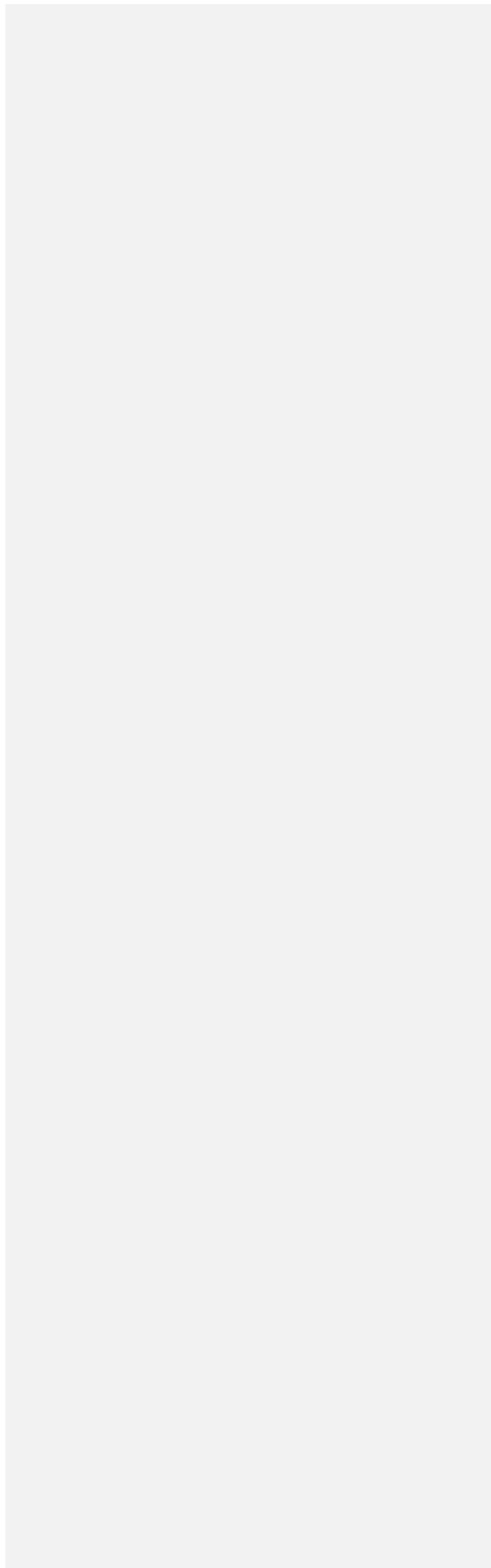
#### **4. My Neighbourhood Plans**

- 4.1 My Neighbourhood area members will work in conjunction with partners and the public to identify neighbourhood priorities and establish My Neighbourhood Plans.
- 4.2 My Neighbourhood Plans must align with the Council's Corporate Plan and the Development Plan and will also take into account existing plans such as those of Parish and Town Councils and other partners.
- 4.3 My Neighbourhood Plans will identify actions and funding for community improvements and will be reviewed annually as part of the corporate budget process. Any expenditure should be of a one-off nature and should not generate further on-going revenue expense to the Council.

## **5. Decision-making**

- 5.1 My Neighbourhood area decision-making will be by delegation to the relevant My Neighbourhood chairman in consultation with the relevant first or second tier Council Officer and Portfolio holder.
- 5.2 The My Neighbourhood Chairman must make every effort to gain the consensus of the members of his/her My Neighbourhood area before making any decision. Any decision must be made with the interests of the whole Council in mind rather than the interests of any specific area.
- 5.3 All decisions must be recorded on the appropriate delegated decision form and details of the decisions taken and any associated expenditure recorded on the Council's website.





## Appendix 2

### **4B. MY NEIGHBOURHOOD COMMUNITY HUB PROCEDURE RULES (STANDING ORDERS)**

#### **1. Appointment of Chairman and Vice-chairman**

- 1.1 Appointment of My Neighbourhood Community Hub chairmen and vice-chairmen will be determined by full Council, following one nomination for each area from the political group with the majority of seats from amongst the ward members representing each My Neighbourhood Community Hub. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.2 If there is an equality of seats between political groups within any My Neighbourhood Community Hub, each group may nominate one chairmen and vice-chairmen and the appointments will be determined by full Council. In this situation if the chairman is taken from one political group then the vice-chairmen will be taken from the other group. Appointments will be for a period of one year or until the next annual First Business meeting of full Council.
- 1.3 In the event of the position of chairman or vice-chairman of a My Neighbourhood Community Hub area becoming vacant, or if any chairman or vice chairman is no longer a member of the nominating group, during the municipal year, the appointment of a new chairman or vice-chairman shall be made in accordance with (1.1 and 1.2) above.

#### **2. Removal of Chairman or Vice-chairman**

- 2.1 A My Neighbourhood Community Hub may remove the chairman or vice-chairman of the My Neighbourhood Community Hub during the municipal year if a motion submitted to full Council in accordance with Council Procedure Rule 10 is passed by a simple majority of those members present at the Council meeting at which it is considered.

#### **3. Various Models for My Neighbourhood Community Hubs**

3.1 For the municipal year commencing in May 2020 My Neighbourhood Community Hubs will be granted the option to change how they operate to meet with local circumstances for a 12 month trial period.

##### 3.2 Options include:

- Where the area in question is parished, arrange My Neighbourhood Community Hubs meetings as part of parish meetings
- Adopt an area committee approach
- Develop a neighbourhood/community development approach
- Develop community partnerships with councillors and partner organisations
- A Hybrid (of any of the above) of what works for each area.

3.3 Whatever model is adopted must be within existing resources.

#### **4. My Neighbourhood Community Hubs Meetings**

**4.1** My Neighbourhood Community Hub meetings shall be held up to four times annually. The date, time, location and number of meetings shall be decided by each My Neighbourhood Community Hub chairman in consultation with other local neighbourhood members.

#### **5. My Neighbourhood Community Hub Plans**

**5.1** My Neighbourhood Community Hub members will work in conjunction with partners and

**5.2** My Neighbourhood Community Hub Plans must align with the Council's Corporate Plan and the Development Plan and will also take into account existing plans such as those of Parish and Town Councils and other partners.

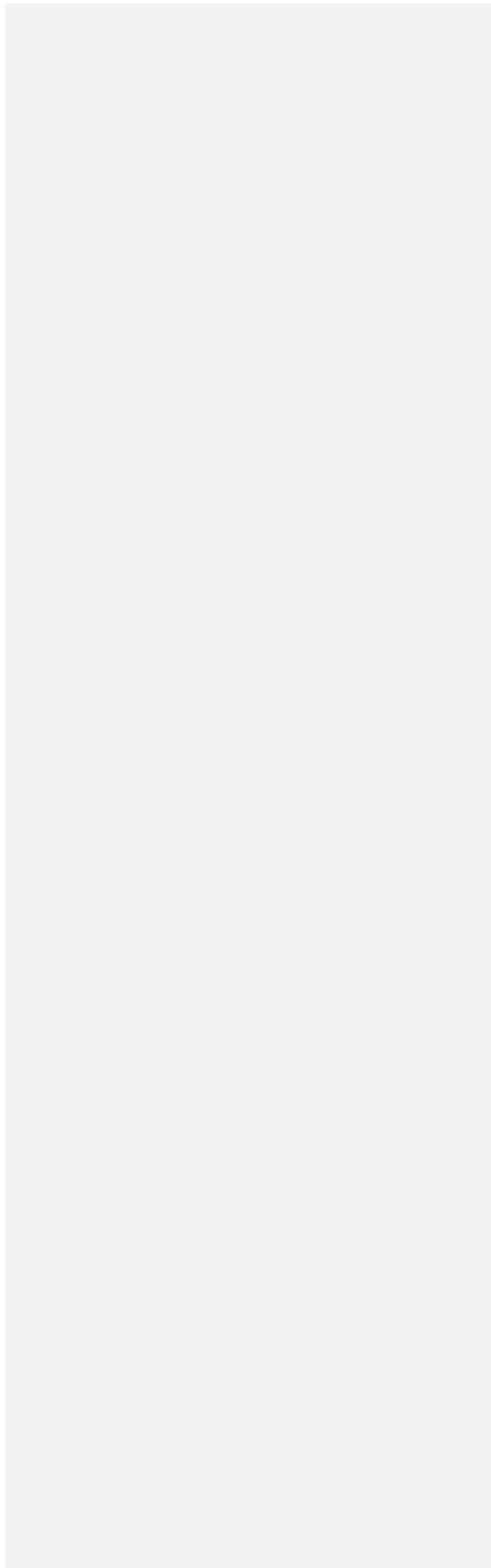
**5.3** My Neighbourhood Community Hub Plans will identify actions and funding for community improvements and will be reviewed annually as part of the corporate budget process. Any expenditure should be of a one-off nature and should not generate further on-going revenue expense to the Council.

#### **6. Decision-making**

**6.1** My Neighbourhood Community Hub decision-making will be by delegation to the relevant My Neighbourhood chairman and My Neighbourhood Vice chairman in consultation with the relevant Director.

**6.2** The My Neighbourhood Community Hub Chairman and Vice chairman must consult with members of their My Neighbourhood Community Hub before making any decision. Any decision must be made with the interests of the whole Council in mind rather than the interests of any specific area.

**6.3** All decisions must be recorded in writing and details of the decisions taken and any associated expenditure recorded on the Council's website.



REPORT TO	ON
Governance Committee	8 July 2020



TITLE	REPORT OF
Public Participation in Council Meetings	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. This report proposes some changes to procedures in council meetings whilst restrictions due to the coronavirus pandemic continue. Members are asked to consider the proposed approach. Ultimately this will be referred to Full Council for decision. The intention is to decide upon the general approach that will apply and then grant to the Director of Governance/Monitoring Officer delegated authority (in consultation with the Chair of Governance Committee) to make the necessary changes to the Constitution to effect this.

## RECOMMENDATIONS

2. That Committee should consider and amend (if appropriate) the suggested way forward with Council meetings whilst the restrictions due to the coronavirus pandemic continue.

## CORPORATE OUTCOMES

3. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	X
Health, Wellbeing and Safety	
Place, Homes and Environment	

Projects relating to People in the Corporate Plan:

Our People and Communities	
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## **BACKGROUND TO THE REPORT**

- 4.** The Covid-19 pandemic has had a significant impact on how the council is able to discharge its functions both in terms of service delivery but also in our governance and decision-making. In the first two months or so following on from lockdown no council meetings took place. Necessary decisions were made via those urgency powers set out in Standing Order 35 of the Council's Procedure Rules (Part 4a of the constitution). Some decisions were also made in accordance with our standard delegated decision procedure.
- 5.** As a response to the inability of councils to hold traditional in person committee meetings during the pandemic the Government introduced new Regulations namely: "The Local Authorities and Police and Crime Panels (Coronavirus) Flexibility of Local Authority Police and Crime Panel Meetings (England and Wales) Regulations 2020."
- 6.** These regulations apply to all local meetings held before the 7<sup>th</sup> of May 2021.
- 7.** One of the key purposes of the Regulations is to allow "remote" meetings. Meetings may be held without all, or indeed any, of the members physically present in a room.
- 8.** Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other members in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak in the meeting. All other members of the public must as a minimum be able to hear (but if practicable be seen as well). In practice this means that if members and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the minimum criteria.
- 9.** Existing Standing Orders are overridden by these Regulations.
- 10.** In South Ribble we have decided to make use of Microsoft Teams to allow remote attendance at meetings.
- 11.** Initially (in June 2020) we held purely remote meetings. Generally speaking members dialed in to the meeting (with the exception of the Chair). The Chair was in the Civic Centre assisted by a small number of officers. Social distancing was maintained at all times.
- 12.** The intention is that come July 2020 we will move to hybrid meetings. This will be a combination of some members being physically present in the Civic Centre with others attending remotely. Obviously a number of our members may still be shielding – they would not be able to attend any such meeting in person. Further we may not be able to maintain social distancing rules if all members and officers attended committee meetings. Hence the reason why we are intending to have hybrid meetings. It is a way forward that is designed to ensure involvement from as many members as possible.
- 13.** Experience has shown elsewhere that remote meetings can take longer than face to face meetings. They can be slightly cumbersome at times. The technology is also still relatively new to this council. It is in this context that we have considered how we could streamline and simplify our procedures. These will be temporary measures - such measures would only apply up to May 2021 at the very latest. Hopefully these measures may be lifted earlier if all social distancing restrictions are lifted. The purpose of this report in particular is to address changing our approach to public participation in meetings and to the role of councilors not on a particular committee.

## **PROPOSALS**

### **Public Participation**

**14.** The council has a tradition of being very accommodating towards allowing public participation in council meetings. However, in the current circumstances – with the difficulties inherent in remote (or hybrid) meetings - it is considered that (temporarily) we need to revisit these rules.

**15.** For our quasi – judicial committees (Licensing, Planning) it is obviously important that applicants should retain the right to address committees. The question is how should we approach the question of allowing the general public to speak.

**16.** For Planning Committee (as members know) we have a procedure set out in some detail. Ordinarily we allow up to 5 people to speak against an application and up to 5 people in favour. People can speak for up to 4 minutes each. The proposal is that we will reduce these numbers to 3 people against and 3 people for – again they each should have 4 minutes to speak. It should be pointed out that even these amended rules are more generous than what many councils allow. We also propose that there should be a requirement for anybody wanting to speak to register their interest 2 days before the meeting in question – for example by noon on the Monday for a meeting on Wednesday of the same week.

**17.** For Licensing Committee many applications for taxi licences/badges etc. are treated as exempt items and hence the general public would not be in attendance. For those items that are public items it is proposed to adopt the same approach to what is proposed for Planning Committee. This is subject to any changes that may be necessary if we have a hearing under the provisions of the Licensing Act 2003.

**18.** For all other committees (including full Council) it is proposed that the general public should not have the right to speak. However, they will have the right to submit any written questions based on agenda items for that particular meeting. Some notice of such questions would need to be given - the suggestion is questions should be submitted at least 2 days before the meeting in question – i.e. for a Wednesday meeting any questions any should be submitted to the council by noon on the preceding Monday.

### **The Participation of Councillors not on Committee**

**19.** Under our existing rules councillors not on committee are generally able to ask questions or make representations at any such meetings. Whilst the current difficult circumstances continue (and the need to streamline meetings as much as is practicable is a factor) consideration needs to be given as to whether Councillors not on a particular committee should still have the right to speak. As an alternative they could have the right to submit written representations ahead of the meeting. For the sake of consistency with members of the public such representations could be submitted at least two days before any such meeting – i.e. for a meeting on a Wednesday any representations should be submitted by noon on the Monday.

**20.** If Governance Committee is indeed minded to restrict the rights of Councillors not on committee to speak then it is suggested there would have to be some exceptions to this. Firstly it is not considered desirable that such an approach would apply to Cabinet meetings. Obviously all members of Cabinet are from the same political party. Clearly it is important that opposition members should be able to speak at appropriate times and ask questions. Secondly members not on Planning Committee frequently speak on behalf of their residents in respect of particular planning applications. This is a particularly important role which is often useful for Planning Committee in their deliberations.

**21.** Subject to the exceptions outlined in the preceding paragraph Members are asked to consider whether the rights of Councillors not on a particular committee to speak at such a meeting should

be restricted. As explained previously this would be a temporary measure whilst social distancing restrictions continued.

## **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

21. Ordinarily we would have taken this report to Governance Constitution Task group for an initial discussion. However, in the current circumstances – given the inherent difficulties in having meetings – we decided to bring the report directly to Governance Committee. Ultimately this matter will have to be referred to Full Council for a decision.

## **AIR QUALITY IMPLICATIONS**

22. There are no air quality implications arising from this report.

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

23. There are no financial implications arising from this report.

## **COMMENTS OF THE MONITORING OFFICER**

24. What is proposed here are temporary measures to help us get through the challenges posed by the Coronavirus pandemic. There are no legal impediments to what is proposed here.

## **OTHER IMPLICATIONS:**

<p>▶ <b>Risk</b></p>	There are no adverse risk considerations that need to be highlighted
<p>▶ <b>Equality &amp; Diversity</b></p>	There are no concerns from an Equality and Diversity point of view.

**There are no background papers to this report**

**There are no appendices to this report**

LT Member's Name – David Whelan  
Job Title – Shared Services Lead - Legal

Report Author:	Telephone:	Date:
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