

## **REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE**

### **UPDATE ON CHANGE TO COUNCIL GOVERNANCE ARRANGEMENTS**

#### **Purpose of the Report**

1. To update members regarding further activity relating to the change to the Council's governance arrangements to the executive system (Leader and Cabinet model) and to approve changes required to the Employment Procedure Rules together with the designation to the Team Manager, Democratic Services on an interim basis to fulfil the duties of Statutory Scrutiny Officer pending appointment to a permanent role within the Democratic Services Team.

#### **Public Notice and Documentation**

2. At the last Council meeting on 31 March 2022, the Council unanimously approved the move from the Committee system of governance to the executive (Leader and Cabinet) model. Since that date, a range of further activities have been undertaken to ready the Council's system procedures, members and staff for the implementation of the new system, details of which are set out below.
3. The necessary public notice was placed in the Nottingham Post on 26 April to inform members of the public of the change and direct them to where copies of the main documents bringing the changes into effect could be found, both on the website and at County Hall, upon request. Information on the Council's democracy webpages was also updated to reflect the decision and direct people to relevant information.
4. Under the delegation to the Monitoring Officer further work has been done to update the Council's constitution to reflect the change in governance with relevant consequential changes. In practice this mostly involves changing names of relevant decision making bodies from Committees to Cabinet or Cabinet Members and other minor changes. The following documents affected by such changes are:
  - i. The Code of Conduct for Councillors and Co-opted Members
  - ii. The Officers Code of Conduct
  - iii. The protocol for Councillor and Officer relationships
  - iv. The protocol for involvement in Outside Bodies

The draft amendments were shared with the cross party Members Working Group established for the change in governance project and the changes will be brought into effect within a new version of the Constitution with effect from the 12<sup>th</sup> of May.

5. Consequential changes have also been made to the Employment Procedure Rules, which have also been updated to reflect current HR policy and practice, agreed practice regarding Trades Union consultation as well as the practical impact of delegations to Chief Officers under the new system of governance. In addition, changes have been made to ensure that the procedures refer to the correct Committees now responsible for dealing with Statutory Officer appointments, disciplinary issues and dismissals, as required by law.
6. The proposed changes to the Employment Procedure Rules have been shared and discussed with the recognised Trades Unions whose observations have been taken into account in the revised drafting. As those changes are more material in nature it was agreed with the Chairman of the Members Working Group that they would be brought to this Council meeting for approval before being incorporated into the new Constitution, in line with the commitment made at the last Council meeting.

### **Independent Remuneration Panel**

7. The Independent Remuneration Panel (IRP) met for an initial information session on 28<sup>th</sup> March and then for two sessions with relevant Group Leaders or their nominees on 13<sup>th</sup> and 20<sup>th</sup> April. A separate report regarding their work and recommendations in respect of the Members Scheme of Allowances (the Scheme) appears elsewhere on today's agenda.
8. Changes have been made to the wording of the Scheme and to the associated Travel and Accommodation Policy resulting from that work and arising from the overall change in governance arrangements. Councillors are asked to approve those changes when considering the IRP report.

### **Training and Familiarisation**

9. Arrangements have been made for the Local Government Association (LGA) to provide training to all members on what to expect from the new system of governance and how it should work in practice. The training is due to take place on 4 May 2022 and will focus on how members can best fulfil their roles within the new system. In addition to this, sessions tailored for those holding new Cabinet roles and those undertaking roles in Overview and Scrutiny will be arranged in advance of the first meetings scheduled for those bodies.
10. General training has been delivered internally to officers across the Council from all Departments with at least 384 colleagues registered to receive the training completed over 3 consecutive weeks. A workshop session is planned with the senior managers to further embed understanding before the new system goes live. Further specific training and support will be provided to individual teams or on specific topics as required during the implementation phase.

### **Practical arrangements**

11. Officers have developed a system for capturing upcoming Key Decisions onto a Forward Plan, the first of which was published on 26<sup>th</sup> April, to ensure the necessary advance

notification of 28 days can be met. All Members will be notified each time the Forward Plan is published and it is available to the public via the Council website.

12. A delegated decision record (DDR) is also in its final stages of development in readiness for the new system to go live after 12 May. The DDR will appear on the Committee Management Information System (CMIS) in the same area where committee agenda papers are published and is available to members of the public via the website. As requested by a number of Councillors, the process will ensure that all members are alerted to new decisions being added to the DDR to aid transparency.
13. Members will recall that on 31 March, Council resolved to create a new role within Democratic Services to undertake functions of the Statutory Scrutiny Officer which is required by law for upper tier authorities. The post which has been created to undertake those functions is the Senior Scrutiny Officer post and, pending completion of a recruitment exercise which is currently underway to fill that role, it is necessary to designate another officer to fulfil those statutory responsibilities. It is proposed that the Team Manager, Democratic Services be designated on an interim basis until the new post holder joins the Council, following which the Senior Scrutiny Officer will become the designated officer for that role.

### **Members Working group**

14. The Members Working Group, under the leadership of the Chairman of Governance and Ethics Committee, has continued to meet since the March Council meeting and has been kept updated on the developments set out above, as well as reviewing documents amended by the Monitoring Officer.
15. As part of its work, the working group received feedback that the term Cabinet Support Member did not accurately reflect the scope and nature of the work of these new roles and therefore proposed that the term be changed to Deputy Cabinet Member. As a result, the report elsewhere on the agenda outlining appointments to Cabinet, Committees and other roles within the new system now reflects this changed terminology.
16. Further work will continue to be shared with the working group as necessary and this will include a review of the Code of Conduct for Councillors and Co-opted members scheduled for work during the Autumn/Winter as well as the 12 month review of the new system.

### **Other Options Considered**

17. None. The Council, having decided to change the system of governance with effect from 12 May requires consequential changes to the Constitution to reflect the new system. There is also a legal requirement to have a statutory scrutiny officer.

### **Reasons for Recommendations**

18. The Council is required to ensure that the Constitution reflects its new system of governance with effect from its annual meeting on 12 May. There is also a statutory requirement to designate an officer to fulfil the role of Statutory Scrutiny Officer until a permanent post holder to carry out those duties can be appointed and begin in post.

## **Statutory and Policy Implications**

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability, and the environment and where such implications are material they are described below. Appropriate engagement took place by notifying the public and other stakeholders of the Council's intentions and inviting comments via the Council's website, together with the subsequent publication of the notice of the Council's decision taken at the meeting on 31 March. Appropriate advice is being provided at each stage as the proposals are developed.

## **Financial Implications**

20. The financial implications of the change in governance arrangements were set out in the report to Council on 31 March 2022. No further financial implications have been identified as arising from directly this report.

## **Human Resources Implications**

21. The proposal for temporary designation of the Team Manager Democratic Services as the Statutory Scrutiny Officer for an interim period is set out in paragraph 13 above. The recruitment of a permanent post-holder for the role of Senior Scrutiny Officer is being undertaken in line with the Council's usual recruitment and employment policies and procedures.

## **Public Sector Equality Duty implications**

22. These were reported in respect of the decision to change governance systems on 31 March and no additional impacts have been identified as arising directly from this report.

## **Safeguarding of Children and Adults at Risk Implications**

23. The proposed establishment of a Corporate Parenting Panel to enable issues relating to the Council's corporate parenting duties to be monitored is further referenced in an appendix to the Establishment of Committees report found elsewhere on the Council agenda. Details of the terms of reference and procedures will be determined by the Panel, once established.

## **Implications for Service Users**

24. These were reported in connection with the Council's decision on 31 March and no additional impacts for service users have been identified as arising directly from this report.

## **RECOMMENDATION/S**

- 1) That Council approves the revised Employment Procedure Rules attached at Appendix 1, to be implemented with effect from the Council's annual meeting on 12 May 2022.

- 2) That Council approves the designation of the Team Manager, Democratic Services as the Council's Statutory Scrutiny Officer on an interim basis until the new permanent post holder for the role of Senior Scrutiny Officer joins the Council, following which they will become the designated officer for that role.
- 3) That Council notes the documents within the Constitution to which consequential changes have been authorised by the Monitoring Officer under the delegation approved by Council on 31 March.

**Councillor Philip Owen**  
**Chairman of Governance and Ethics Committee**

**For any enquiries about this report please contact:**

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#### **Constitutional Comments (HD 29/4/2022)**

25. Council has the authority to consider the recommendations set out in the report.

#### **Financial Comments (NS 3/5/2022)**

26. There are no direct financial implications arising from this report.

#### **HR Comments (GME 03/05/2022)**

27. The relevant employment policies and procedures are being followed to ensure appropriate consultation has taken place with the recognised trade unions through the agreed forum, Central Joint Consultative and Negotiating Panel and in a separate meeting on 29 April 2022. A further briefing will take place in June to assist Trade Union colleagues' understanding of their engagement with the revised governance arrangements. The Council's agreed recruitment policy will be followed to appoint to the Senior Scrutiny Officer role once the role has been formally evaluated.

#### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None in addition to those referenced in the report to Council on Changes to Council Governance Arrangements on 31 March 2022

#### **Electoral Division(s) and Member(s) Affected**

- All