

Chichester District Council

Corporate Governance

March 2022

Governance Arrangements

1. Contacts

Chair of Corporate Governance Committee

Corporate Governance Committee Chairman – Cllr Francis Hobbs

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2. Recommendation

That the Corporate Governance Committee:

- 2.1 Recommend to full Council changes to the Constitution on questions to the Executive.
- 2.2 Recommend to Cabinet terms of reference for the new Housing and Communities Panel.
- 2.3 Recommend to full Council a politically balanced method of allocation of membership to all Panels and the membership requirements for all Panels including the new Housing and Communities Panel.
- 2.4 Recommend to full Council that Panels continue to be held as internal meetings rather than in public, but that the Constitution be amended to establish that Chairmen can agree to hold meetings publicly in consultation with the Monitoring Officer.

3. Background

- 3.1 This Committee directed officers to establish a task and finish group to review the Governance Arrangements of the Council on 22nd March 2021. That group then carried out a detailed review of the subject, obtaining external independent reports then the Task and Finish Group in turn reported back to this Committee and onwards to Full Council.
- 3.2 Some matters that arose in debate require further decision making as set out below and this report is intended to provide a vehicle to enable and frame that debate at Corporate Governance.
- 3.3 Those topics are the operation of questions to the Executive, the potential establishment of a Housing and Communities Panel, membership of panels

generally, and the transparency of internal panel meetings to the public.

4. Outcomes to be Achieved

- 4.1 Constitutional and other processes to be informed by members and any changes to processes to improve transparency and efficiency to be put in place.

5. Proposal

- 5.1 Firstly, the issue of questions to the executive was raised in the course of task and finish group discussions. Members expressed views that it was not presently working well and noted that the section had to be dropped from the agenda by the Chairman on occasion. In each case the Chairman has explained that the reason behind that omission was that time in debating necessary items had resulted in the meeting extending past its timetable – sometimes very significantly.
- 5.2 Whilst such decisions were explained and understandable, questions to the Executive was seen by the task and finish group members as being a key element of member engagement and a review of the local practices was suggested.
- 5.3 The matters of Panels and their operation were considered and a recommendation that a Housing and Communities Panel be set up resulted. Significant debate took place about operation of Panels. These issues need further debate.
- 5.4 The status of Panels and in particular concerns that they were not sufficiently transparent and whether transparency could be enhanced were discussed at the Task and Finish Group.

6. Alternatives Considered

- 6.1 For questions to the Executive recommendation 2.1, the options appear to be -
- a. Leave arrangements as they are
 - b. Have a “pencilled” in date for a follow up meeting if questions to the Executive is not able to be included in the meeting
 - c. Remove chairman’s discretion on adjournment of Questions to the Executive
 - d. Reduce the constitutionally provided time given to Questions to the Executive
 - e. Require pre submission of questions by Councillors as we do for public questions.
 - f. Allow only one question per member
 - g. Remove the right to follow up questions.
 - h. Require questions to be exclusively related to Council functions
- 6.2 For recommendation 2.2 the new Housing and Communities Panel to be created terms of reference will be required. The option on what to include in those terms of reference are for Cabinet with extremely broad discretion. This Committee are asked to consider draft terms of reference being circulated prior to the Meeting by the Director of Housing and Communities for subsequent consultation with the two relevant Portfolio holders and then onward by way of recommendation to Cabinet.
- 6.3 Again, a very broad range of options are available to members in considering the

allocation of seats for recommendation 2.3. A simple and fair method of allocation of seats would be to

ensure that the number of seats for all strategic Panels is the same as the total membership. In this way political balance across all Panels could be established on a 1:1 basis. If another basis was chosen then a well understood – if fairly complex - mechanism might be to use the statutory calculation mechanisms applied to full Committees as set out in report by the Monitoring Officer each annual Council. However - Members can settle membership of Panels as they choose.

6.4 Membership of other panels with a recommendation strategic function are as follows – DPIP (10), Environment Panel (8) and Economic Development Panel (8).

Assuming those remain unchanged then ten (10) places could be allocated to the new Panel. Decisions on membership of panels remain at Cabinet discretion. Other options however might be to allocate 9 members to each of the four named panels, for example, and this would achieve a similar match to membership.

6.5 The final recommendation 2.5 is in part recommending that the existing position of briefing meetings being private rather than public meetings is maintained but to encourage Chairman to consider holding them in public where legislation allows and where there is considered to be a public interest in the matter being discussed. The recommendation reflects the debate at the task and finish group on achieving a balance between rights and duties in this area and to demonstrate the Council’s commitment to transparency within the law and public engagement whilst accepting that in some cases the obligations of statutory confidentiality will apply.

7. Resource and Legal Implications

7.1 The Council is required to have procedures including terms of reference which are fit for purpose and which enable effective, lawful decision making and effective debate.

8. Consultation

8.1 As outlined above the matter has been considered by all members but also by this specialist committee and a task and finish group chaired by this Committee’s Chairman.

9. Community Impact and Corporate Risks

9.1 There are significant risks if governance is not strong and effective.

10. Other Implications

Are there any implications for the following?		
If you tick “Yes”, list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. Do the proposals in the report have any implications for increasing or reducing crime and disorder?		No

<p>Climate Change and Biodiversity Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).</p>		No
<p>Human Rights and Equality Impact You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.</p>		Not relevant
<p>Safeguarding and Early Help The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?</p>		No
<p>General Data Protection Regulations (GDPR) Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		No
<p>Health and Wellbeing The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.</p>		No
<p>Other (please specify)</p>		

11. Appendices

11.1 None

12. Background Papers

None, though draft terms of reference are to be circulated separately to this report along with a progress outline document for all members as to the activity of the task and finish group since not all members of this committee served on that group.