

Report of	Meeting	Date
Director of Corporate Governance (Introduced by the Executive Member for Customer, Democratic & Legal Services)	Council	22 April 2008

## REVIEW OF THE COUNCIL'S DECISION MAKING STRUCTURE

### PURPOSE OF REPORT

1. 1.1 Following the approval of this report by the Executive Cabinet, the Council meeting is requested to agree:
  - changes to the structure of the Council's overview and scrutiny function;
  - other changes to the Council's committee structure which would assist in streamlining decision making; and
  - consider any changes to the Council's Executive portfolio's in the light of recent management and departmental restructuring.
- 1.2 The Overview and Scrutiny Committee on 25<sup>th</sup> March 2008 and the Licensing and Safety Committee on 2 April 2008 both considered reports on changes proposed within their areas. As a result, two further comments are included in italics in the recommendations of the report.

### RECOMMENDATIONS

2. 2.1 That the following recommendations for changes to the structure of overview and scrutiny be approved:
  - One overarching Overview and Scrutiny Committee, meeting 10 times a year with a membership of 12 Councillors. The two current scrutiny panels, Corporate & Customer and Environment & Community, to be disbanded.
  - The Overview and Scrutiny Committee to be the Committee which hears any call-ins of decisions; sets the workplan for scrutiny for the whole year and also consider corporate issues including:
    - overall performance information;
    - business planning for the Council
    - overall budget scrutiny
  - The Overview and Scrutiny Committee to establish and appoint task and finish groups to undertake reviews. A Task and Finish Group should generally consist of Councillors from the membership of the main committee but should also include other Council Members (other than Executive Members) who are interested in the topics under scrutiny. *Overview and Scrutiny Committee to decide the size of each Task Group.*
  - The Chair of Overview and Scrutiny Committee to be from the main opposition group, and the Vice Chair to be from the ruling group.
  - Overview and Scrutiny Task Groups must be chaired by a Member of the Overview and Scrutiny Committee.
  - That the Independent Remuneration Panel be requested to look at the special responsibility allowances for scrutiny roles.

2.2 That the structure of decision making for licensing be revised to provide for:

- an overarching Licensing Committee meeting four times a year, with a membership of 17, to consider all licensing matters (including policy, monitoring and enforcement issues and matters formerly considered by the Statutory Licensing Committee) other than decisions on individual applications for licences or the review of licences. In addition the Council's functions in respect of Alcohol Designation Orders be allocated to this Committee. In recognition of its proactive role in promoting public safety the Committee be renamed the Licensing and Public Safety Committee.
- That all individual applications and reviews (including under the Licensing Act 2003, the Gambling Act 2005 and all hackney carriage/private hire and any other miscellaneous licences) be delegated to a Licensing Sub Committee made up of three\*\* Councillors scheduled to meet once a month at 10am. Membership to be on a rotational basis as at present.

*\*\* Licensing and Safety Committee has requested that five councillors (rather than three) should constitute a Sub Committee for consideration of hackney carriage and private hire licences.*

- The Licensing Sub Committee will meet either as a Licensing Act 2003 Sub Committee (to deal with personal and premises licences and reviews under the Licensing Act 2003 and the Gambling Act 2005) or as a General Licensing Sub Committee (dealing with hackney carriage/private hire and any other miscellaneous licence) depending on the business to be considered.

2.3 That the membership of the Local Development Framework (LDF) Working Group be reduced to 12 to reflect its status as a Working Group and that membership include both the Chair and Vice Chair of the Development Control Committee and the Executive Member for Economic Development and Regeneration. The Working Group's terms of reference to be amended to reflect its revised role in considering just LDF issues rather than the wider Community Strategy.

2.4 That, having succeeded in achieving the Charter for Member Development, the Member Development Steering Group be given an extended remit to include all aspects of Members support, including the responsibilities of the Civic Events Working Group. The group to be renamed the Members Support Working Group, to meet just 5 times a year with membership to include the Executive Member for Customer, Democratic and Legal Services. The Civic Events Working Group to be disbanded.

2.5 That the potential changes to Standards Committee be noted only at this stage but that the Monitoring Officer be authorised to seek to recruit a further two independent members and one Parish Councillor and that the Council membership be increased to five, appointed at the Annual Meeting of the Council.

2.6 That in order to consider the wider equalities agenda, consultation take place on the establishment of an Equalities Forum, meeting 4 times a year with a Council membership of 6 to include the Executive Member for Corporate Policy and Performance. The Equalities Forum to establish Task and Finish Groups to consider specific issues. The existing disability and ethnic minority consultative fora to be disbanded but the wider membership of those groups to be retained for consultation purposes and potential involvement in Task and Finish Groups.

2.7 That consideration be given to changes in the current Executive portfolios to reflect recent managerial and departmental restructuring and proposals be brought to the Annual Council meeting on 13 May 2008.

2.8 That the calendar of meetings for 2008/09, incorporating the above changes be approved as set out in the attachment to this report; and

2.9 That the Director of Corporate Governance be authorised to make the appropriate Constitutional changes to ensure the above recommendations can be implemented, including the removal of references to the Community Forum meetings.

**EXECUTIVE SUMMARY OF REPORT**

3. The report recommends changes to the current decision making structure, in particular, to:

- Overview and Scrutiny
- Licensing
- Local Development and Community Strategy Working Group
- Member Development Steering Group
- Standards Committee; and
- A new Equalities Forum

The report further recommends approval to the calendar of meetings for 2008/09 and asks that changes to portfolios be considered.

**REASONS FOR RECOMMENDATIONS  
(if the recommendations are accepted)**

4. The recommendations seek to make improvements to ensure that the Council’s decision-making structure continues to meet local requirements, fits with best practice nationally and changes in the light of new legislation and Government thinking.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

5. There is an option to retain the current structure of decision making.

**CORPORATE PRIORITIES**

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities	/	Ensure Chorley Borough Council is a performing organization	/

**BACKGROUND : REVIEW OF COMMITTEES**

7. **OVERVIEW & SCRUTINY** : The review of the scrutiny process has been ongoing throughout 2007/08 with Member consultation and consideration of options by political groups. There is general consensus that there should be one larger overarching scrutiny committee and that the existing scrutiny panels should be abandoned in favour of smaller task and finish groups. These will be made up of scrutiny committee Members but with the option to involve other Members on the Council who may be interested in the reviews being undertaken and who may also make recommendations for topics to be reviewed. The recommendations contained in paragraph 2.1 set out the detail of the new structure and these were considered by the Overview and Scrutiny Committee on 25<sup>th</sup> March.

It is further suggested that the Independent Remuneration Panel be asked to look at the special responsibility allowances for scrutiny roles in particular an allowance for the Vice Chair role and small allowances for any Task Group chairs.

8. **LICENSING** : Currently the Statutory Licensing Committee meets to consider policy issues in relation to the Licensing Act 2003 and Gambling Act 2005. The Licensing and Safety Committee, which has the same membership as the Statutory Licensing Committee considers policy and monitoring issues in respect of other licensing functions and any health and safety matters but also deals with individual hackney carriage/private hire licence applications. Individual applications and reviews for the Licensing Act 2003 and Gambling Act 2005 are considered by Sub Committees with rotating membership. As required by law these Sub Committees have three Members. There is scope to simplify the licensing structure and also look to address the anomaly whereby a hackney carriage/private hire licence applicant appears before a committee of 17 people and applicants under other licensing legislation face a sub committee of just three members.

The structure suggested in recommendations in paragraph 2.2 would provide for one overarching Licensing Committee dealing with all policy, consultation, enforcement and monitoring matters and a Licensing Sub Committee would be scheduled to meet once a month, meeting either as a Licensing Act 2003 Sub Committee or as a General Licensing Sub Committee to deal with any applicants who require licence approval/review. Membership of the Licensing Sub Committee would rotate as currently and the scheduled meetings would be cancelled if there were no business for consideration. It is proposed that the Licensing Committee be scheduled to meet four rather than the current eight times a year as it will not be dealing with applications and that Sub Committee meetings are scheduled to meet at 10.00am. The quarterly Licensing Committee will meet at 2.00pm on the same date as a scheduled Sub Committee meeting. The Licensing Liaison Panel will continue in its present form.

It is also proposed that the Council's functions in respect of Alcohol designation orders should be allocated to the Licensing Committee. In recognition of the proactive role that the Committee takes in regard to public safety it is recommended that the Licensing and Safety Committee is renamed the Licensing and Public Safety Committee.

In considering these proposals the Licensing and Safety Committee has requested that the membership of Sub Committee's considering private hire and hackney carriage licences should be five rather than three members.

9. **LOCAL DEVELOPMENT FRAMEWORK/COMMUNITY STRATEGY WORKING GROUP**: This Group has for some years had the same membership as the Development Control Committee but has an extended remit to include the Community Strategy. It is suggested that the terms of reference of this Group be revised to focus on the Local Development Framework (LDF) as Community Strategy issues are considered directly by both the Executive and the LSP, although officers will ensure that both the LDF and Community Strategy continue to be closely aligned. It is also proposed that there be a reduced membership of the Group to recognise its working group status as a debating forum. It is suggested that the membership be reduced to twelve to include both the Chair and Vice Chair of the Development Control Committee and the Executive Member for Economic Development and Regeneration. The specific recommendations are included in paragraph 2.3.

10. **MEMBER DEVELOPMENT STEERING GROUP**: This group has been focussed on Member development issues and was scheduled to meet monthly during the drive towards achieving the North West Employers Member Development Charter. Having successfully achieved it, the group no longer needs to meet as frequently and could also

usefully extend its remit to member support issues and the work currently undertaken on an occasional basis by the Civic Events Working Group. It is suggested that the Executive Member for Customer, Democratic and Legal Services continues to serve on this group as portfolio holder. The Group can provide a lead on issues relating to Members and it is recommended that it be re-designated the Member Support Working Group. The detail of this recommendation is included in paragraph 2.4.

**11. STANDARDS COMMITTEE:** Following on from the revisions to the Councillors Code of Conduct and provisions contained in the new Local Government and Involvement in Health Act, regulations are currently being drawn up by the Government giving Council Standards Committees a much greater role in the filtering and determination locally of complaints to the Standards Board. The Standards Committee has been kept updated on the Government’s proposals as they are issued, but in summary the Committee will need to establish three Sub Committees to filter complaints, hear cases and hear any appeals. There is also the possibility of joint working on aspects of this process and this is currently being looked at across Lancashire. However, whatever the outcome it is acknowledged that the current membership of the Standards Committee needs to be extended to cope with the additional roles. The recommendations to fulfil this are as set out in paragraph 2.5.

**12. EQUALITIES FORUM:** The current Disability Liaison Group and the Ethnic Minority Consultative Committee have a relatively small Councillor membership with representation from a wider group of community and interest groups. There is a need to embrace the wider equalities agenda beyond ethnicity and disability and the current groups have become very large. It is suggested that the current groups be disbanded in favour of an Equalities Forum with appropriate representation from key partners and relevant community and interest groups. The new Equalities Forum should continue to have a membership of six Councillors, including the relevant portfolio holder, the Executive Member for Corporate Policy and Performance. It is proposed that the Equalities Forum should establish Task and Finish Groups to consider specific issues. A database of the current wider representation from disability and ethnic minority groups will be retained for consultation purposes and potential involvement in Task and Finish Groups. Recommendation 2.6 refers.

**13. PORTFOLIOS :**

The last 12 months has seen a number of changes to departments and the management structure of the Council and there is an opportunity to revise portfolios in line with those changes.

**IMPLICATIONS OF REPORT**

14. This report has implications in the following areas and the relevant Corporate Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	/
Legal	/	No significant implications in this area	

## COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE (POLICY & PERFORMANCE)

The Equalities Bill and the recent creation of the Commission for Equalities and Human Rights (which replaces the Racial Equalities Council, Disability Rights Commission and Equal Opportunities Commission) signals a change in thinking nationally about the approach to equalities whereby a co-ordinated approach to all equality issues is seen as the best way forward.

The creation of a single Equalities Forum would allow us to put other strands of equality on an equal platform to ethnicity and disability (age, gender, sexuality, religion and rurality) and would allow us to focus limited resources on delivering real action which will change service outcomes for equality target groups.

The current consultation mechanisms are evolving into task and finish groups, much of the more detailed work around redesigning services has been done outside of meetings and involved site visits or detailed consultation events. Examples include accessibility of the website, markets design and the committee's response to 'Our Shared Future'. The proposed approach would formalize this way of working which from experience has worked well.

**ANDREW DOCHERTY**  
**DIRECTOR OF CORPORATE GOVERNANCE**

Report Author	Ext	Date	Doc ID
Carol Russell	5196	12 March 2008	

Background Papers			
Document	Date	File	Place of Inspection
Council's Constitution	***	***	website