

An additional meeting of the Executive will be held remotely on Thursday 30 July 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership:

Councillor A Day (Chairman)

Councillor J Cooke

Councillor R Hales

Councillor J Falp

Councillor J Matecki

Councillor M-A Grainger

Councillor A Rhead

Also attending (but not members of the Executive):

Chair of the Finance & Audit Scrutiny Committee

Councillor J Nicholls

Chair of the Overview & Scrutiny Committee

Councillor A Milton

Green Group Observer

Councillor I Davison

Liberal Democrat Group Observer

Councillor A Boad

Labour Group Observer

Councillor M Mangat

Agenda

1. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

Part 1

(Items upon which a decision by Council is required)

2. Governance Review of Warwick District Council

To consider a report from Democratic Services

(Pages 1 to 32)

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.


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For enquiries about specific reports, please contact the officers named in the reports You can e-mail the members of the Executive at executive@warwickdc.gov.uk

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prior to the meeting, by telephoning (01926)
456114

 Executive 30 July 2020		Agenda Item No. 2
Title	Governance Review of Warwick District Council	
For further information about this report please contact	Graham Leach Democratic Services Manager & Deputy Monitoring Officer graham.leach@warwickdc.gov.uk 01926 456114	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive 10 July 2019 Minute 10	
Background Papers	Notes of the Warwick District Governance Review Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities CfPS Guidance documents	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	30/6/2020	Chris Elliott/ Andrew Jones
CMT	7/7/2020	Bill Hunt, Andrew Jones, Dave Barber
Section 151 Officer	7/7/2020	Mike Snow
Monitoring Officer	7/7/2020	Andrew Jones
Portfolio Holder(s)	20/7/2020	Andrew Day
Consultation & Community Engagement		
Leadership Co-ordinating Group, Governance Review Working Party and Ed Hammond (Centre for Public Scrutiny)		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
If approved some recommendations require approval from Council on 5 August 2020		

1. **Summary**

- 1.1 The report brings forward proposals for revisions to the role and approach of working parties, following the review undertaken by the Governance Review Working Party in partnership with the Centre for Public Scrutiny.

2. **Recommendations**

- 2.1 That Executive endorses the creation of six Programme Advisory Boards (PABs), along with their remit and membership rules including that they do not have to be politically proportionate, and ceases/ revises to the various working parties as set out at Appendix 2 and 3 respectively.
- 2.2 That Executive requires each PAB, within two months of its first meeting, to agree measures with the Leadership Co-ordinating Group (LCG) which will be used to monitor their effectiveness at 6 months, 12 months and 18 months with the data made available to all Councillors for scrutiny.
- 2.3 That, subject to the comments of the Independent Remuneration Panel, the Executive recommends to Council a Special Responsibility Allowance of £260.10 per annum for the Chairman of a Programme Advisory Board
- 2.4 That Executive notes that the creation of PABs will remove the requirement for Shadow Portfolio Holder Briefings.
- 2.5 That Executive notes that a review of the Members' Allowances Scheme will start in December 2020, in line with the legal requirement to review the scheme every four years.
- 2.6 The Executive approves the approach, discussed with the LCG, that in future, the presumption should be that all training/briefing for Councillors will be held remotely at a time agreed with the relevant Portfolio Holder or Committee Chair, and made available to all Councillors to attend. The recording will be made available for Councillors to ask questions about for 7 days after, at which time the questions will be combined, responded to and shared with all Councillors.
- 2.7 The Executive approves an independent assessment of these arrangements is undertaken in November 2021 and officers are asked to bring back an outline proposal for this, in consultation with the Chair of Scrutiny, in September 2021 along with proposed funding arrangements.
- 2.8 The Executive approves the revised Part 3 Schedule 3 Executive Functions, as set out at Appendix 5 and recommends it to Council for them to amend the Constitution.

3. **Reasons for the Recommendations**

- 3.1 This report brings forward the outcomes of the Governance Review undertaken with support from the Centre for Public Scrutiny, details of which are set out at in Section 8 and Appendix 1 of this report.
- 3.2 The work was reviewed by the Leadership Coordination Group (LCG) along with options for Governance arrangements. It was agreed the most prudent approach is to strengthen the current arrangements where possible and introducing revisions to the working parties. This is in recognition of the

significant changes already taking place in the Council and the potential need for further changes to Governance structures as a result of the work with Stratford-on-Avon District Council.

- 3.3 **Recommendations 2.1 and 2.2** – The Governance Review Working Party (GRWP) concluded that there was an overall desire for Councillors to work collectively. There was recognition that the Executive model adopted by the Council resulted in a lot of decision making at the centre, with some Members feeling they did not have enough influence in decisions being made. It was recognised as being essential that Councillors had the opportunity to feed into the development of projects/ policies and services before the decisions were taken. This was a key role for Members, rather than being involved at the last moment to vote upon a policy. There was also a recognition that the development of Service-specific Committees, whilst building knowledge of specific teams, could create a silo effect for both Councillors and Officers. In addition, there was a fear that it could lead to a lot of business being generated to justify committee meetings, where the reports were just for information.
- 3.4 For these reasons, the GRWP concluded that one of the two approaches should be developed. These were:
- "1. Three or four Committees chaired by Portfolio Holders which are used to develop the key themes and projects for the Council for that year or year after. Their ideas are then taken to Executive for approval. These could potentially be called Executive Advisory Committees; or*
- 2. The same as (1) but not being politically proportionate, to enable those Members interested in the project and talented to work on the ideas. However more informal working party focused but in the public domain in the evening."*
- 3.5 Since the GRWP last met, there have been significant changes in working practice as a result of the pandemic, but also within the Council, with the introduction of the LCG. As part of this work, the Leader of the Council has considered the above, listened to the views of others and as a result, developed PABs. These are a combination of the above points, but have a backbench Councillor chairing, as a form of development for the Councillor. The responsibility for each PAB has been included within Appendix 2 and has been amplified to set out the current projects sponsored by a member of CMT.
- 3.6 Although the PAB meetings will not be in the public domain, the intention would be to publish the agreed action points after the meeting (where possible), so that all can see what has been discussed. This way, there will be more robust and open discussions/advice, as well as enabling discussion on more confidential matters. PABs can be seen as improved Working Parties, with a clear remit and measures to be judged against, but also more transparent than at present.
- 3.7 This approach recognises the strength of Working Parties as the forum for developing ideas, but improves transparency and measures their effectiveness. Therefore, for the PABs to be established formally, it is felt necessary for each PAB to have set measures that performance will be judged against regularly. It is felt these should be designed by the respective PAB, who will then report on its performance to all Councillors, via a combined annual report to the Executive. This initiation phase will need the PABs projects to be clearly scheduled by implementation timing and importance, to enable a clear focus on the urgent/ important, including a matrix (similar to model being developed by

Scrutiny) for focusing priority. This may mean that a PAB could have a series of meetings focused on only one or two key areas, and not cover all of the work plan at each meeting.

- 3.8 The PABs will therefore act in advisory capacity, or providing guidance, in developing and delivering the projects/policies of Warwick District Council and in doing so, enabling backbench members to have greater involvement in shaping the Executive decisions of the Council, particularly on services, key projects and programmes (but not day to day operations). This also helps to utilise the skills, knowledge and talent of all Councillors in a more effective way. They will not be a decision making Group or be scrutinising service or policy delivery as these will remain the responsibility of Council/Executive and Scrutiny respectively. This supports the underlying aim of helping foster the talent and knowledge that Councillors had within specific areas without the need for them to be politically proportionate. It will also enable backbench Councillors to have a direct involvement in the proposals coming forward.
- 3.9 To compliment these proposals and ensure best governance for the Council, robust scrutiny of the Executive is key. With the development of the PABs, there is a clear overlap with the current remit of the Scrutiny Committees, as set out in Article 6 of the Constitution, Appendix 4 to the report. To look at this area of concern, the Scrutiny Committees met jointly meeting on 7 July to form their own views on the development of Scrutiny and will be producing an agreed approach at a further joint meeting on 29 July 2020. The Executive will need to consider any views carefully before making any recommended changes to Council.
- 3.10 While most current Working Parties/Forums will be moved into PABs, some will remain, for the reasons set out within the table at Appendix 3. In addition to this, a project led by the Chief Executive is not included. This is the delivery of the 2021 elections within Warwick District. While the Council cannot lose sight of the impact this will have on service delivery, the responsibility for its delivery rests solely with the Chief Executive as Returning Officer. It is also important to remember that the Chief Executive will also be Police Area Returning Officer for the whole of Warwickshire and at present, he has asked his team to plan for the potential delivery of Police & Crime Commissioner Election, Warwickshire County Council Elections, a potential Council Tax Referendum, Leamington Neighbourhood Plan Referendum, Radford Semele Neighbourhood Plan Referendum and the Bishop's Tachbrook Neighbourhood Plan Referendum on 6 May 2021. If these all progress, this will be the most public polls held on a single day within the District and delivered by WDC.
- 3.11 **Recommendation 2.3** –A small Special Responsibility Allowance (SAR) is proposed, for the Chair of Programme Advisory Boards, in recognition of the responsibility for coordinating work, regular liaison with officers and the potential number of meetings each year. The allowance proposed is the same level as that of the members of the Planning Committee and the lowest value offered by the Council. By law, the proposals would need referring to the Council's Independent Remuneration Panel (IRP), for them to provide a view before Council takes a decision on this. Therefore, if the Executive agree this proposal an a view will be sought from the IRP and shared with all Councillor ahead of Council.
- 3.12 **Recommendation 2.4** – The GRWP identified that the briefings between Heads of Service and Shadow Portfolio Holders were generally not well attended and had mixed results. They were considered to be a telling forum rather than a

discussion and development of ideas. Consequently, a lot of preparation time was put in, with the overall benefit to the Council being minimal. With the development of performance management data within the Council being made available to Councillors, the informing aspect could be reduced and the development of ideas could be more effectively completed through the PABs. There was mutual agreement that these scheduled monthly briefings would stop.

- 3.17 **Recommendation 2.5** – By law, the Council is required to review its Members' Allowances Scheme every four years. This was last completed in April 2017 and therefore is due for review by April 2021. It is considered appropriate to start this work in good time in December 2020, to enable the appropriate information to be collated and considered by the Council's Independent Remuneration Panel. By completing in this time frame, information would be available to the Panel on how the work of the new Committee and PABs has developed.
- 3.18 **Recommendation 2.6** –The Council primarily holds its formal meetings, briefings and training events at 6.00pm. This provides a challenge to find dates for presentations without conflicting with other meetings (both for this Council and other Councils). Therefore, to make more time available, the intention is to hold most sessions remotely, to which Councillors will be invited. These will be recorded and therefore, if a Councillor is unable to attend, they will be able to catch up on the briefing. There would also be a formal window of one week from the initial session where Councillors can post questions. These will then be combined (along with answers) and shared with all Councillors.
- 3.19 **Recommendation 2.7** – Is included to provide assurance to Councillors that the changes are having the desired effect and are being robustly monitored. Therefore, the remit of the review and the agreement of who undertakes the review needs to be carefully considered. For this reason, it is felt a report, in consultation with Chair of Scrutiny, should be presented to the Executive for consideration in Spring 2021. After this review, it is intended that there will be a move to business as normal with review through the work of Scrutiny Committee.
- 3.20 **Recommendation 2.8** – The Scheme of functions of the Executive should be revised and updated each time a new Leader is appointed. This is because the Executive decision making functions are delegated, in law, to the Leader and they should confirm the delegations that they have put in place. The current scheme has not been updated for several years and was due to be updated after the last election in May 2019. This was placed on hold, pending the Governance review and therefore it is considered appropriate to bring this revised version to Executive at this time. While the format has changed the authorities within the section remain the same less those parts which have been updated to reflect current arrangements and names of core functions.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.”

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
None	None	None
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Part of the funding within this report would be used to provide further training and support for both Councillors and Officers to enable them to have the correct skills for delivering this role	The overall aim of the report is to make a better use of Council resources and the skills/knowledge the Councillors have to add greater value to projects.	None

- 4.2 **Supporting Strategies** - Each strand of the FFF Strategy has several supporting strategies but this report does not directly impact on any of these.

- 4.3 **Changes to Existing Policies** – The report brings forward amendments to the Constitution which are detailed within the reasons for the recommendations.
- 4.4 **Impact Assessments** – This should set out the impacts of new or significant policy changes proposed in respect of Equalities. Reference can be made to an appendix which sets out the detail of the impacts.
5. **Budgetary Framework**
- 5.1 If the recommendations are approved by Council/Executive, there would be a be an increase in costs for the payment of the Chairmen of the six Programme Advisory Boards of £1560.6 (6x £260.10). It is considered this can be met within the budget for Special Responsibilities Allowances.
- 5.2 No budget is proposed for undertaking the Members' Allowances Scheme review as it is anticipated this can be covered within the existing budget based on savings made from the reduction in printing and postage of Council agendas.
6. **Risks**
- 6.1 There are no significant risks associated with the report overall. The proposals are about building on the foundations of good governance the Council has already.
- 6.2 This said, the broad outline of the report has been discussed with the CfPS who raised concerns about the introduction of all the PABs at the same time, even accepting that to all intense and purpose, one existed already in the form of the Climate Change Working Party. CfPS also raised concern about the need for clearly defined remits and that without these, it was very hard to measure success/performance and therefore justify ending a PAB if it was not working. They also raised concerns about the significant extra work this could bring for the Council at a significant time of change overall. Therefore, while these proposals are brought forward with some revision to mitigate this, the key will be to ensure they are reviewed robustly, ideally by Councillors not involved within the PABs.
- 6.3 With PABs helping to formulate proposals that will result in decisions for the Executive, there is a chance that members of the Scrutiny Committee will help in challenging proposals they helped to formulate. This will need to be monitored carefully and members will need to take advice as appropriate on necessary conflicts of interest.
- 6.4 It should be noted that the guidance around Special Responsibility Allowances says that no more than half the Council should be in receipt of a Special Responsibility Allowance (SRA). With the introduction of an SRA for the PAB Chairs, the Council will be offering allowances to between 20 and 30 Councillors (depending on how many held two roles which permitted an SRA where only one was claimed) but almost certainly 22. This was a key consideration for the last review of the allowances scheme because the guidance on allowances is that if such a large proportion of Councillors receive an SRA it is reasonable taken that there is extra work that should be built into the basic allowance for Councillors and therefore this should be increased.
- 6.5 There is an inherent risk in respect of capacity with the Civic & Committee Services team to support the PABs, even from a low level administrative point

of view. This is because the team have very limited resources (2.75fte) for supporting all Committees, the work associated with supporting these and delivering the project work within the agreed Team Operation Plan and Service Area Plan. The team were operating at capacity before the introduction of remote meetings and therefore extra work supporting PABs or Task and Finish Groups will mean a review of other planned work, which without additional resources will need to be put on hold or stop. The details about challenges faced since March can be summarised as follows, below, but these will continue to be present through greater use of remote meetings (either formal, informal or training) going forward.

The legislation for allowing Council meetings to happen remotely is in place until May 2021. Government advice has made it clear that if meetings can happen remotely, they should do so. Due to the uncertain nature of the situation, it is extremely difficult to predict and therefore plan for the future. However, based on the experience of conducting remote meetings over the last two months, the following conclusions have been reached:

- organising remote Committee meetings takes longer because of the added step of setting up the remote meeting, including a number of steps which need to be repeated every time to comply with security requirements. Members have also asked for the meeting papers to be available on the Channel for each meeting, which also takes additional time;
- looking at other neighbouring Local Authorities, some of which have as much as three Committee Officers at each of their remote meetings, and also looking at the experience of Committee meetings held so far, it has become clear that a minimum of two Committee officers are needed at each of the remote meetings. This is double the resource needed for face to face meetings, and it is to cover some of the following scenarios, all of which have happened in the recent past: the lead Committee officer losing internet connection; Councillors being unable to join and therefore calling the office / emailing in; members of the public experiencing difficulties and calling for help; managing public speakers; ensuring the live broadcast is working in order to comply with the legislation; ensuring the meeting is quorate at all times;
- additional time has been spent with helping both Councillors and public speakers when encountering issues or needing training for attending remote committee meetings;
- due to meetings taking longer, it has been agreed by Members to hold these more often, such as having two Planning Committee meetings a month, as well as two Delegated Planning Committee meetings a month.
- A number of special / urgent meetings had to be covered due to the nature of the current situation.

There are several other aspects which can be added to the above, such as the training time needed for Committee officers themselves to understand the constant changes to the remote committee meetings system.

There is a risk that there are not sufficient resources within the Civic & Committee Services team to focus on supporting PABs, to cover some of the administrative tasks relating to remote committee meetings, such as setting these up, managing the Committee Meetings calendar and stepping in to cover situations such as sickness and annual leave. The last two points around covering sickness and annual leave are particularly relevant, irrespective of meetings held remotely or face to face. For a number of years, the department has struggled to build resilience and Members will be aware of the various challenges in recruiting and retaining staff. Looking at neighbouring local

authorities, officers feel that more resilience is needed in the Civic & Committee Services team, even more so during these times of change, to ensure Members are provided with the support they need which will be reviewed in the autumn as PABs progress. Failure to address these points puts significant additional pressure on the team, who may not be able to deliver this without support even if normal physical meetings return.

- 6.6 The Executive needs to be mindful of the effort that will be required to introduce and embed this work within the Council at a time when joint working with Stratford District Council is being considered. This joint work could require further significant revisions to the Governance Framework of this and/or both Council's which will require further time and effort from Councillors and Officers.

7. Alternative Option(s) considered

- 7.1 The Executive could consider not progressing the outcome of the reviews and remain as at present. However, this would have a negative impact due to the commitments made from all parties and work undertaken so far.
- 7.2 The Executive could consider disposing of the Executive model and moving to a Committee system. This would require approval from central government and a minimum commitment of five years (as defined by law). This could potentially see a creation of silos with service specific committees or an increase in reports for information. It was noted during the workshops that a number of Councils who tried this model have moved back to an Executive model, but an equal number to that have also moved to the Committee system. The evidence provided was that the key is not in the model but the engagement of Councillors with the model and the desire to work together for the community, putting party politics aside as much as possible.
- 7.3 The Executive should be mindful of the review work undertaken to progress a proposed Governance Committee and could progress this if it was so minded to. However, at this stage it was not progressed due to the significant number of other changes progressing across the Council which may require further amendments to this within the near future.
- 7.4 There are also a number of options that could be considered outside the views of the Working Party, for example, those areas which focused more on governance that sat with the Licensing & Regulatory Committee on elections and ward boundaries and private member bills. However, these were not considered by the Working Party who considered this Committee.
- 7.5 The Executive should be mindful that as they are establishing the PABs they do not need to be politically proportionate to the Council, in the same way the Executive is not. However, the proposal is not following the traditional model of the Executive being of the majority party on the Council (as there is not one) and is also not being politically proportionate to the Council. The Executive could therefore establish the PABs on strict rules of proportionality or with just membership of the administration (Conservative & Whitnash Residents Association). These proposals were not considered because the intention is to use the relevant talent within the Council and not based on Party lines. This does present a risk of losing the balanced view from all parties, recognising that no party has overall control of the Council, but this is retained through good scrutiny and Council.

- 7.6 The Executive could consider an allowance for the Chairman of the Members/Trades Unions Joint Consultation & Safety Panel, or other Working Parties. This was not considered as part of this review and would be more appropriately considered as part of the wider review of allowances.
- 7.7 The Executive could decide to provide the additional funding to support this work. The Civic & Committee Services Team are at capacity in terms of simply delivering the scheduled meetings and work required to support the Governance structure for the Council as at present (excluding remote meetings work). In addition to this work they are due to bring forward proposals to; re-procure the Committee Management System this year which would see further enhancements in the digital by design approach; and further enhancements to the system used by the public to register to speak to make the process easier for all parties. The Executive could consider stopping these plans to free up capacity, however this would not be sufficient to deliver all the work anticipated through the PABs, will have a negative effect on team morale and will miss opportunities to improve service delivery to all parties.

8. **Background**

- 8.1 In July 2019, the Executive agreed to review the Governance arrangements for the Council, with the support from the Centre for Public Scrutiny, through three workshops. The Executive agreed to the purpose of each Workshop as set out below.

"Workshop 1: to introduce Members to the fundamentals of governance change, to talk about the different options and our approach to reviewing them. We would then go on to discuss design principles – what would good governance look and feel like for them? What role do they want to play in decision-making? What level of oversight do they see themselves having? What involvement do they anticipate local people, and partners, having in the future? We will review this in light of the Council's strategic plans (recognising the sensitivity of aligning political objectives with governance, but recognising also that the former inevitably impact on the latter);

Workshop 2: translating design principles into practical changes to ways of working (on policy development, on the way information is shared with members, on decision-making, on the monitoring and oversight of council and partner business); and

Workshop 3: in the light of all the foregoing considering whether formal governance change is, in fact, necessary, and agreeing actions to accompany that change if necessary."

- 8.2 All Councillors were invited to Workshop 1 (on 26 July 2020) with Councillors Bartlett, Boad, Cooke, Cullinan, Day, K Dickson, R Dickson, Evans, Grainger, Hales, Heath, Jacques, Kohler, Leigh-Hunt, Luckhurst, Matecki, Margrave, Nicholls, Norris, Sanghera and Weber attending.
- 8.3 On advice from the CfPS, the Executive agreed to a small Working Party undertaking Workshops 2 and 3 and bringing back proposals. The Working Party comprised of Group Leaders of the Conservative, Green and Liberal Democrat Groups, plus one other Member from their group, along with the Leaders of the Labour and Whitnash Residents Groups. These were originally agreed for August 2019, but member availability issues led to these being re-arranged for October 2019, However, suitable dates could not be found. The

work was then delayed by the General Election. The meetings eventually took Place on 17 and 20 February 2020.

- 8.3 The Executive also required that the Working Party prepare and present a report on the outcomes to the Executive and Council as soon as possible in the autumn of 2019 so that any changes can be implemented by May 2020.
- 8.4 The Governance Review Working Party (GWRP) was formed of Councillors, Boad, Davison, Day, Cullinan (later replaced by Nicholls), Heath, Kennedy, Redford and Syson. Appendix 1 to the report sets out the notes of Workshop 3 of the GWRP, which formulated the ideas brought forward in this report. These notes were circulated to the GRWP and were agreed via email. The only additions to the notes were the requests as follows:
1. clarity on the role of the Governance Committee for fear the audit work may swamp everything else;
 2. the importance of Housing to the Council and a specific committee to look at it, as whilst the Scrutiny Committees did, it was a significant part of the Council, both in service and proportion of expenditure;
 3. expression of disappointment at the end of the shadow portfolio holder briefings because they were working well (especially in Finance); and
 4. a reminder of the desire not to add additional meetings overall because of the impact on Councillors' workload, especially with a significant number of WDC (and non WDC) evening meetings in place already.
- 8.5 Within the last 12 months, the Council has also appointed a Performance Management Officer. They have worked with the Senior Management Team (SMT) to develop a portal for recording the measures within Service Area Plans. This is updated quarterly and includes trends overtime. This is now due to be made available to Councillors as a way of keeping up to date on performance rather than simply seeing a service review report each year. The approach is being further developed to include a Red, Amber, Green status of all projects sponsored by either the Chief Executive, the Deputy Chief Executives or Climate Change Director.

Governance Review Workshop Notes

As discussed at the conclusion of Workshop 3 for the Governance Review the conclusion the Group reached was as followed.

1. Aim for more efficient meetings
2. Recognition that day time meetings were challenging for Councillors
3. Working parties were not meeting or were meeting but not when Councillors were available and/or lacked transparency as nobody knows what happens at them.
4. Shadow portfolio holder meetings were not always taking place and when they did they were more tell than discuss & develop
5. Group Leaders meetings were beneficial because of robust discussion and ability to work issues through together. These must be required to take place no matter what political composition the Council has.
6. Planning Committee - Operating at an acceptable level and developing
7. Licensing & Regulatory Committee (and its Panels) - No issues or need to change
8. Executive – At session two there was an agreement for Councillors to consider what items they have could be delegated. No ideas were brought to Workshop 3
9. O&S and F&A are not having enough time to focus on scrutiny work and are having to spend too much time focusing on executive reports – challenge of why not have more meetings then and split work load was not responded to (although see point a)
10. There was a need to get members with talent more engaged to provide benefit recognising generally there are circa 14-15 Councillors who were not as engaged as others.
11. There was a challenge that officers have highlighted there is not enough resources to undertake lots of task & finish groups.
12. There was a statutory requirement for scrutiny within the Executive model but it was discretionary within the committee model
13. There was a requirement for an Audit Committee under both models
14. Any committees had to be politically proportionate to the Council unless (like current scrutiny) a decision was taken by Council, annually, to move away from this for a specific Committee and reason.
15. political consensus was important to all parties with a view to collaborative working being good for all parties as in the end it was about the District not a party.

Proposals

1. No revisions to officer delegations
2. Reports at present are too long and need to be reviewed by officers to see if they can be reduced in size (as an example a lot of information was contained within reports to inform Councillors of progress).
3. Planning Committee no changes
4. Licensing & Regulatory Committee no changes
5. Executive no change
6. Standards Committee, Employment Committee and Audit Committee merge into a Governance Committee
7. Retain an Overview & Scrutiny Committee which brings back in the work of Health Scrutiny Committee

8. Review all Working Parties (we had 21 listed/known) to see if they are fit for purpose and operating and feedback into this review
9. Annual away day for all Councillors to meet up and discuss priorities (foot note from GL we will need a budget for this as the one this year took 30% of the annual member development budget)
10. Then one of the two options below:
 1. Three or four Committees chaired by Portfolio Holders which are used to develop the key themes and projects for the Council for that year or year after. Their ideas are then taken to Executive for approval. Potentially called Executive Advisory Committees.
 2. The same as (i) but not being politically proportionate to enable those interested in the project and talented to work on the ideas. However more informal working party focused but in the public domain in the evening.

The aim is that Councillors are seen to be voting and having their say on important policies and projects which come forward and that the members who are not engaging are not doing so because they don't feel they are having their say. As a personal note on this point this isn't supported by training evidence which Group Leaders have and shows mixed level of engagement. I suppose the desire for this structure may come from Town & Parish Council's which all operate Committee structures and a lot of members are involved with.

For me the more I reflect on 9 they are both trying to achieve what we have in place now but what we have now is not working. As examples:

Working parties we could revise so the members who interested can be involved but which may mean either not one from each group, or ones of a larger size. However, this then moves away from the political consensus, which would need to be lead through Shadow Portfolio Holder meetings (see further notes below). There is also the risk that moving these into the public domain may remove the ability of more robust and frank discussions which are required. Therefore as a step forward could we move some working parties to the evening for the next 12 months to see what impact that has and make notes (from Lead officer) of these available via secure MyCMIS App?

Scrutiny Committees should be working in a way to help develop Policy (as set out in the Constitution) but seem to be too focused on Executive comments and when they try to seek early reports on projects they rarely come forward as a discussion paper for help with ideas. Therefore do we consider increasing frequency of scrutiny Committees so they meet more often and taking its workload of non-Executive business to another meeting, perhaps picking key subjects to cover? (it should be noted that if this is the case there would be a need for resources within Civic & Committee Services to support this and as previously experienced this difficult to find for short periods and at short notice)

There was consensus that the Shadow Portfolio Holder meetings were more of a telling rather than engagement process and any information shared was not available more than a couple of days before the meeting. Therefore these needed to be more structured and invites shared with Committee meetings calendar so everyone can see when they were scheduled and also include a common agenda. Based on this it would also be useful for Councillors to have access to information on performance so they could self-serve. This process should then be mandated within the constitution.

They also agreed that the monthly Group Leaders meetings should be mandated within the Constitution (Graham Leach is working on this for Executive in April).

Programme Advisory Boards (PABs) proposal**Purpose:**

To act in advisory capacity, or providing guidance, in developing and delivering the projects/policies of Warwick District Council and in doing so, enabling backbench members to have greater involvement in shaping the Executive decisions of the Council, particularly on services, key projects and programmes (but not day to day operations). This also helps to utilise the skills, knowledge and talent of all Councillors in a more effective way.

They will not be a decision making Group or be scrutinising service or policy delivery as these will remain the responsibility of Council/Executive and Scrutiny respectively.

Performance:

Each will have no more than 10 measures which performance will be assessed against, with the data available to all members.

Organisation:

- Chaired by backbench members selected from across political groups, appointed by the Leader following consultation with LCG.
- No more than six members per PAB.
- Not politically proportionate (but all groups offered at least one place).
- Members nominate their preferred PAB; not required that every Member serves, with some able to serve on more than one PAB, if unfilled seats are available.
- Final PAB appointments agreed by LCG and confirmed by Council.
- No substitutes be permitted for the PABs.
- Chairs of PAB will be appointed annually by the Leader after consultation with Group Leaders.

Meetings:

- Time will be allocated within the calendar of meetings for each PAB to meet 4 times a year
- Additional Meetings held as scheduled at a date and time agreed by the Chairman of the PAB.
- They will meet either remotely or in-person, subject to agreement of Chairman of the PAB.
- The Chairman of each PAB would be expected to conclude business within 2 hours
- Additional meetings of the PAB can be requested by the relevant Portfolio Holder but final decision on date and time is that of the PAB Chairman.
- At least five clear working days' notice to be given of the PAB meeting.
- Attended by Portfolio Holder, who provides an update on key projects / programmes.
- Supported by an officer from the service or relevant area.
- The meetings will not be in public but actions from the meeting will be agreed with the Chairman and made available to all Councillors and SMT.
- Civic & Committee Services will arrange meetings and share paperwork as required and but will only attend the first meeting of each PAB

Agenda Items

- Items will be brought to each PAB, within their remit defined below, by the relevant project lead, in liaison with the relevant Portfolio Holder and PAB Chair as required.

- These will be at key stages of reports and in good time before formal decisions are required.

Programme Advisory Boards: Areas of Work

1. Finance & Business

- Income generation schemes.
- Digital transformation (IT systems delivering services).
- Procurement.
- Customer service.
- Creative Quarter.
- Future High Streets scheme.
- Stratford Road employment site.
- St Mary's Lands (Hotel & other commercial elements).

Customer Access Strategy Review	
Implement a replacement Financial Management software solution	To replace the current TOTAL system
Implement a replacement Licensing and Neighbourhood Management software solution	To replace the current Civica system
Implement a replacement Development Services software solution	To replace the current Acolaid/Idox system
Digital Strategy Review	To replace the 2015-19 strategy. Aims to enhance access and usage of digital platforms for employees, councillors, residents and the public in Warwick District
St Mary's Lands - hotel	Construction of a hotel on St Mary's Lands, Warwick to serve both the town and the racecourse
St Mary's Lands - golf	Improvements to driving range and replacement of club house
Leamington Creative Quarter	Multi-site project in south central Leamington. To regenerate un or underused sites, using them to house small to medium sized companies/traders drawn from all areas of the "Creative" industry
Leamington town centre vision and Future High Street bid	WDC, BID Leamington and Leamington Town Council working together to gain funding from the Government's Future High Street fund. Projects include the Creative Quarter, Covent Garden site and better links between station and town
Warwick town centre car parking redesign	
Town Hall alternative use	District council offices to be moved out or cut in number. Instead space to be used for creative industry, restaurants, a cinema etc.
Business Development Programme overall	
Implement the Asset Management Strategy	

2. Climate Emergency

- Climate Emergency Action Programme and implementation.
- Tree scheme.
- Sustainable Transport Strategy (Cycling, Park & Ride, EV taxi).
- Leamington Station transport hub.

Energy reduction, generation and storage options (Until Climate Change lead appointed)	Following The Council's declaration of a Climate Emergency in 2019 and the creation of the Climate Emergency Action Programme this project aims to get WDC carbon neutral by 2025 and the District as a whole by 2030. A new Head of Sustainability to be appointed in 2020
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3. Development

- Local Plan Review.
- Major development areas (Europa Way, Kenilworth, South of Coventry).
- New Spine Road, north of Gallows Hill.
- South Gate bridge.
- University Masterplan.

South of Coventry implementation overall	
Europa Way - access	Widening of existing Europa Way, building of new spine road and cycleway to serve the 375 new homes, showroom, football stadium and athletics track to be built at Gallows Hill
Europa Way - hotel and showroom	Construction of a new hotel and a car showroom to replace an existing one
Warwick Sea Scouts	Moving of the 2nd Warwick Sea Scouts headquarters to a new building close to St Nicholas' Park leisure centre
Redevelopment of the Covent Garden site	To be achieved in tandem with the Warwick District HQ relocation below
HQ relocation	Warwick District Council offices to be moved from Riverside House to Covent Garden carpark footprint. Covent Garden site to include parking and offices. Riverside site to become residential

4. Culture & Neighbourhood

- Waste management and other contracts.
- Leisure Development Phase 2.
- Country parks (Commonwealth, Newbold, Tach Brook).
- Destination parks (Abbey Fields, St Nic's / Myton Fields, St Mary's Lands).
- Play Equipment renewal and Open Space improvements.
- CG 2022.
- New Athletics track.
- Community Stadium.

Europa Way - country park	Design and creation of Tach Brook Country Park, a 56 hectare space between Leamington and Bishops Tachbrook
Kenilworth Leisure Development Programme	Additional family pool, new café, re-furbished changing rooms and studio rooms for community use at Abbey Fields. Castle Farm to be re-built completely with larger sports hall, new outdoor changing rooms, a petanque terrain and two exercise studios
Commonwealth Games	Preparation for and delivery of the lawn bowling competitions during the 2022 Commonwealth Games. To be hosted at Victoria Park
St Mary's Lands - cycling	Better cycle links between town and racecourse and onwards to the Birmingham Road and Warwick Parkway railway station
St Mary's Lands - miscellaneous	Improved footpaths and signage, flood management, increase in parking, new play area
(Wardens) relocation	Moving of the Wardens Cricket Club from Glasshouse Lane to Castle Farm sport fields. Inclusion of cricket pavilion facilities at new site
(Rugby Club) relocation	Moving of Kenilworth Rugby Club to a new site at Bullimore Wood between Warwick Road and the A46 and construction of new clubhouse
Europa Way - stadium and track	Creation of a football stadium for use by Leamington FC and community groups and an athletics track for Leamington C & AC and other community groups

5. Housing & Property

Kenilworth School relocation	Moving of Kenilworth School from Leyes Lane and Rouncil Lane to a new site at Southcrest Farm, Glasshouse Lane
Leyes Lane housing development	Building of residential housing and access roads between Kenilworth and the A46 to include re-located school
Fire safety programme in HRA flats	
Leper Hospital site regeneration	Site includes remains of the Grade II listed St Michael's Church and Master's House off The Saltisford. To be used as accommodation for individuals with mental health needs
Europa Way - affordable homes	Construction of around 50 affordable homes on land potentially to be purchased by WDC
Affordable housing delivery programme overall	Working to meet government targets across all areas where development is taking place in the district, primarily south Leamington, east Kenilworth and south of Coventry
Kenilworth housing development sites	Delivery of social & affordable housing on various sites in Kenilworth
Council House building programme	
Neighbourhood Centre & housing west of new Spine Road	
Riverside housing redevelopment.	

6. Health & Community Protection

- Recovery plan.
- CCTV upgrade.
- Whitnash Civic Centre.
- Community Hubs (e.g. GP in Lillington; Whitnash CC phase 2; Bishop's Tachbrook).
- Health and Wellbeing Strategy and implementation

Whitnash Civic Centre & Library community hub	Whitnash Town Council led. Will replace several existing buildings and will include sports hall, library, café, meeting rooms and Town Council offices
Lillington new surgery and health hub	Building of a new medical centre to replace or complement existing health facilities in Lillington and North Leamington

Working Parties & Forums 2020/2021

Working Party / Forum	Councillors 2020/2021	Proposed changes
Members' Working Group for Community Stadium and Related Projects (Formerly known as the Community Stadium/Europa Way Members Reference Group) 1 each Group plus PH	Kohler Luckhurst Margrave Nicholls Rhead Grainger as Portfolio Holder Officers: Chief Executive Community Stadium Project Officer Programme Manager	Moves to Culture & Neighbourhood PAB
Councillor IT Working Party 1 each Group plus PH	Boad Jacques Margrave Tangri Vacancy Labour Cooke as Portfolio Holder	Moves to Leadership Co-ordination group
Creative Quarter Members' Reference Group 1 each Group plus PH (but cannot be the Leader of WDC)	Boad Davison Nicholls Heath Conservative Vacancy Rhead as Portfolio Holder Councillor Isobel Seccombe (WCC) Councillor Jojo Norris (L/Spa TC)	Moves to Culture & Neighbourhood PAB

<p>Housing Advisory Group</p> <p>Conservative = 5</p> <p>Lib Dem & Greens = 2 each</p> <p>Labour & Whitnash RA = 1 each</p>	<p>Ashford</p> <p>Bartlett</p> <p>Boad</p> <p>Cullinan</p> <p>Davison</p> <p>K Dickson</p> <p>Falp</p> <p>Leigh-Hunt</p> <p>Luckhurst</p> <p>Noone</p> <p>Tracey</p>	<p>Work ends and is moved to Housing PAB.</p>
<p>HQ Relocation Member Reference Group</p> <p>Group Leaders plus Finance, Business and Neighbourhood Portfolio Holders</p>	<p>Boad</p> <p>Cullinan</p> <p>Davison</p> <p>Day</p> <p>Heath</p> <p>Hales as PH</p> <p>Rhead as PH</p> <p>Grainger as PH</p>	<p>Work Split between Leadership Co-ordination Group and relevant PAB for aspects of redevelopment</p>
<p>Infrastructure Delivery Plan (IDP) Working Group</p> <p>1 each Group which includes PH Development Services</p>	<p>Cooke</p> <p>B Gifford</p> <p>Heath</p> <p>J Dearing</p> <p>Weber</p>	<p>Moves to Development PAB</p>
<p>Members' Working Group for the Leisure Development Programme</p> <p>(Formerly known as the Leisure Development Member Working Party)</p> <p>1 each Group plus PH</p>	<p>Cooke</p> <p>A Dearing</p> <p>Milton</p> <p>Heath</p> <p>Vacancy Labour</p> <p>Grainger as Portfolio Holder & Chairman of Working Group</p> <p>Officers: Andy Jones, Rose Winship and Debbie Cole</p>	<p>Leave due to significant knowledge until after submission of planning applications then move to Culture & Neighbourhood PAB</p>

2021 Major Contract Renewal – Cross Party Working Group 1 each Group plus PH	Boad Rhead Roberts Skinner Heath Grainger as Portfolio Holder	Leave due to significant knowledge within the Working Party until contracts awarded. Then ceases to exist.
Members' Development Group (As part of the Group Leaders Briefings)	Boad Cullinan Davison Day Heath	Moves to Leadership Co-ordination Group
Members' Working Group for the Commonwealth Games (Formerly known as Member Group on Commonwealth Games) 1 each Group plus PH	Bartlett Boad Cullinan A Dearing Margrave Grainger as Portfolio Holder & Chairman of the Working Group Officers: Chris Elliott Christina Boxer Paddy Herlihy	Moves to Culture & Neighbourhood PAB
Members – Trades Union Joint Consultation & Safety Panel 1 from each Group	Vacancy Labour B Gifford Vacancy Green T Heath Wright	Leave as at present
People Strategy Steering Group 1 each Group plus Chair of Employment Committee	Falp C Gifford Mangat Margrave Wright Vacancy Green	Leave as at present

Planning Forum	All Members of the Council	Replace with briefings as required to all relevant parties i.e. WDC Councillors, WCC Councillors, Parish/Town Councillors and members of CAF.
St Mary's Lands Working Party 1 each Group plus PH	Ashford Vacancy Lib Dem Vacancy Green Skinner Vacancy Whitnash RA Grainger a Portfolio Holder	Work now transfers to relevant PABs
Voluntary and Community Sector (VCS) Commissioning and Grants Panel 7 Members made up of 3 Conservatives, 1 Labour, 1 Whitnash Residents' Association, and 1 Liberal Democrat, 1 Green. This include PH Health & Community Protection.	Evans Jacques Murphy Skinner Syson Redford Vacancy Green Falp as PH & Group Rep	Work to be delegated to the Head of Health & Community Protection in Consultation with Portfolio Holders for HCP and Finance & Business.
Warwick District Conservation Advisory Forum Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.	Illingworth Syson	Leave as a valuable asset in enabling sensitive development within conservation areas.
Newbold Comyn Member Reference Group	Grainger R Dickson Roberts Skinner Cullinan Nicholls Weber Boad Russell Kohler Leigh-Hunt	Moves to Culture & Neighbourhood PAB

	Luckhurst Mangat	
Governance Review Group Leaders plus another from each of Conservative, Lib Dem and Green.	Boad Cullinan Davison Day Heath Kennedy Redford Syson	Ends as this report completes the work for now.
Climate Change Emergency Working Party 1 from each	Falp Milton Nicholls Rhead Roberts	Flagship leading on work of the Climate Emergency Action Programme and implementation.
DPD Climate Change and Sustainable Buildings Working Group	Rhead Cooke Milton J Dearing Nicholls	This is 12 to 18 months away from being completed. However, a significant knowledge base has been established with Councillors or the limitations of the DPD and legal requirements for these. Therefore this is left for now

ARTICLE 6 - OVERVIEW & SCRUTINY COMMITTEES

**Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1
para 7**

Local Government Act 2000 – Constitutions Direction – Para 3(k)

6.01 Terms of Reference

The Council will have the two Committees called, the Overview & Scrutiny Committee and the Finance & Audit Scrutiny Committee, to undertake the overview and scrutiny functions. The scope of activity for each of these is set out below.

The prime purpose of the Overview and Scrutiny Committee is to review items to be considered by the Executive, to review past decisions, policy development, health and wellbeing issues, specific issues and problems within any service area.

It will also be able to address any other matter not otherwise delegated to the Finance and Audit Scrutiny Committee.

The Health Scrutiny Sub-Committee is a sub-committee of Overview and Scrutiny Committee. It has been delegated the task by its parent committee to handle most of the health and wellbeing scrutiny work that would otherwise fall to the Overview and Scrutiny Committee.

The prime purpose of the Finance and Audit Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, issues of an audit nature and to oversee the financial reporting process.

The Finance and Audit Scrutiny Committee will:

- Review the robustness of business cases
- Promote value for money and good procurement practice
- Make recommendation on good financial management practices
- Keep the treasury management performance under review
- Approve the Statement of Accounts in accordance with regulation 10 of the Accounts and Audit Regulations 2003.
- Review specific Executive items and past decisions

6.02 General role

Within their terms of reference, the Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants;

- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

6.03 **Specific functions**

(a) **Policy development and review.**

The Committees may:

- i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive and/or committees and officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

The Committees may:

- i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Executive and/or committees and chief officers about their decisions and performance of their services, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee(s) and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

(c) **Finance**

The Committees may exercise overall responsibility for the finances made available to them (if any).

(d) **Annual report**

The Committees must report annually to Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 **Proceedings of the Committees**

The committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

6.05 **Task and Finish Groups**

The Committees may each at any time instruct an officer, using the agreed methodology, in consultation with a group of named members, to establish a Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Executive for such a review.

6.06 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.

6.07 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there are an uneven number of seats then the odd seat shall *be in the discretion of the Leader in consultation with other Group Leaders*

6.08 **Excluded matters**

The Committees will not be permitted to consider some matters under legislation and others because of best practice these are set out below:

- (a) Any matter relating to a decision on a specific planning application;
- (b) Any matter relating to a decision on a specific licensing application;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to;
- (d) Standards decisions and items which may be brought for decision;
- (e) Appeals decisions and items which may be brought for decision;
- (f) Breaches of the Constitution and its protocols e.g. Code of Conduct;
- (g) Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members;
- (h) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee;
- (i) Audit process and items which are likely to be considered by the Audit process;
- (j) Matters within the proper remit of the Section 151 and Monitoring Officers;
- (k) Matters relating to a particular identifiable service recipient or potential service recipient;
- (l) Complaints or matters before the courts, or Ombudsman, or Regulatory Bodies; and
- (m) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.

Section 3 Executive Functions

The Council has previously chosen to adopt a stronger Leader model for its executive arrangements and under this model all executive functions are vested in The Leader of the Council, who may then delegate functions as seen fit.

The main purpose of this Scheme of Delegation is to set out the decision making powers in relation to executive functions that the Leader has decided may be exercised by the Executive or Members of the Executive.

The delegation of decision making powers for executive functions that the Leader has decided may be exercised by Officers of the Council is included as part of the Scheme of Delegations to Officers, which appears at Part 3 of the Constitution. That Scheme also includes details for decision-making powers that have been delegated to officers by Council, in relation to Council functions.

The Leader can at any time amend either of the two Schemes of Delegation in relation to executive functions, for example, by taking back responsibilities delegated to the Executive, an individual member of the Executive or an officer, or delegating powers under certain conditions. These will then be notified to Council for it to update the Constitution.

Structure of The Executive

The Executive will comprise of seven Members, with responsibilities for service areas as detailed in Part 7 of the Constitution.

Executive decision-making

Policy decisions, as set out in Article 4 of the Constitution are reserved to The Council, except where detailed to the contrary in the Constitution.

Executive decisions are otherwise made under the provisions of the Local Government Act 2000, as amended and the related regulations:

- a. The decisions made by Executive, including recommendations to Council, shall be by majority at all meetings. In the event of equality, the Chairman shall have a casting vote.
- b. Executive decisions shall otherwise be made by a scheme of delegation determined by the Leader and either set out in this document (for those powers delegated to the Executive and/or Portfolio Holders) or as set out in the Scheme of Delegations to Officers.
- c. Formal decisions shall be published as required by law and shall be subject to the procedures for call-in to the Overview and Scrutiny Committee.

To consider and make recommendations to Council on:

1. The formulation of the Council's Corporate Strategy, and such forward programmes and other steps as may be necessary to achieve those objectives;
2. The Council's financial policies;
3. The organisation and management processes of the Council and their effectiveness in contributing to the achievement of the Council's Corporate Strategy. To keep them under review in the light of changing circumstances, making recommendations as necessary for change in either the committee or Service structure, or the distribution of functions and responsibilities;
4. The making and levying of the Council Tax;

5. Council functions that are not specifically assigned;
6. Preferred Option and Draft for Submission of Development Plan Documents e.g. the Core Strategy and Area Action Plans;
7. Approval of the Housing Strategy and Housing Investment Programme;
8. To approve the Development Planning Documents under the Planning & Compulsory Purchase Act 2004;
9. The basis upon which revenue estimate and capital programmes should be prepared;
10. Before the start of every financial year, to recommend to the Council the revenue estimates, the level of reserves and the capital programme for that year.

Subject to those matters reserved to Council and those matters delegated to an officer, the Executive to exercise delegated powers:

1. To take such action as the Executive thinks necessary in relation to:
 - (a) The Council's policies, objectives and priorities.
 - (b) The co-ordination and development of services.
 - (c) The work of other committees and bodies.
2. To agree minor changes to Council policy issues subject to the Overview Scrutiny & Committees being alerted to such decision.
3. To monitor revenue and capital expenditure during each financial year and to authorise variations in the revenue estimates and the capital programme.
4. To consider and review the budget management and financial control systems of the Council.
5. To supervise the insurances and banking arrangements and to administer, subject to any directions of the Council, any funds vested in the Council for the purpose of any of its statutory functions.
6. To make Grants under the RUCIS scheme.
7. To ensure the effective management, development and maintenance of all land and buildings.
8. To sell, purchase or appropriate land and buildings.
9. To grant or take leases of or any other interest in land and buildings
10. To acquire land and buildings by compulsory purchase
11. as the Housing Authority
12. Planning Authority (e.g. the regarding Development Plan Documents such as the Core Strategy and Area Action Plans, approving the issues and options for consultations documents and approval of all aspects of Supplementary Planning Documents, Non-Statutory Planning Documents and Planning Briefs) except those matters delegated to the Planning Committee and Council.
13. Development Management
14. To approve a Local Development Scheme and Statement of Community Involvement under Planning and Compulsory Purchase Act 2004
15. Culture, including (Parks & open spaces, Royal Spa Centre, Pump Room premises, Art Gallery & Museum; Sport, leisure & community or Catering establishments
16. Markets & mops Car park management Refuse collection and recycling Street Cleansing;
17. Food safety, Health and safety, Pollution control public health - pest control - animal welfare – nuisances - infection control Health promotion Cemeteries & crematorium
18. Main drainage
19. Housing benefits & Council Tax Reduction
20. To exercise overall management of information technology policy and related power and duties.

21. To exercise all powers and duties of the council in relation to any matter concerning compulsory or voluntary competitive tendering and oversee the operation of any Direct Labour or Direct Service Organisations.
22. To seek planning consent under Regulation 3 or 4 of the Town and Country Planning General Regulations 1992
23. To seek tenders for schemes where a budget allocation has already been made as long as the estimate for the scheme is within the budget allocation. (In the event of the original provision being insufficient a request must be made to the Council for an amendment to the capital budget and/or a supplementary estimate.)
24. To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Executive or are specifically reserved to the Council.
25. To institute proceedings (other than for debt collection) in the High Court
26. Consideration of corporate risk.

Leader's Scheme of Delegation to Portfolio Holders

At present, no decision making powers are delegated to Portfolio Holders. The guidance below is in place as a minimal provision if the Leader was so minded to introduce such decision making.

(a) General provisions

Support to the Leader will be provided by the Deputy Leader, who will act for the Leader in their absence.

Day-to-day issues relating to shared Council services shall be the responsibility of relevant Portfolio Holders, acting jointly where relevant.

Any exercise of delegated powers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the officer designated under Section 151 of the Local Government Act 1972.

Any exercise of delegated powers shall comply with statutory restrictions, all policies and procedures approved by Council or Executive and the Council's Code of Conduct and adopted protocols.

Executive powers should only be exercised following appropriate consultation with Legal, Finance and Human Resources as necessary. The relevant Ward Councillor(s) must be consulted where the matter specifically affects their Ward or Group Leaders where the matter is politically sensitive or contentious.

All decisions must be recorded and may need to be published where required by law.

(b) Financial supervision

Day-to-day operations are under the control of the Chief Officers (The Senior Management Team of the Council) as outlined in the Constitution.

All Members and officers are bound by the Council's approved, Budget and Policy Framework, Code of Financial Practice, Code of Procurement Practice and Code of Corporate Governance.

Where responsibility for any Executive decision is silent, the default decision-maker will be Executive unless the Leader determines otherwise.

(c) **Committees of the Executive** - There are none at present.

(d) **Working Groups of the Executive (with decision making powers)** - There are none at present.

(e) **External working**

Representation on Strategic bodies

The Leader shall appoint representatives on these external bodies:

- Warwickshire Police & Crime Panel -
- West Midlands Employers
- Coventry and Warwickshire LEP
- District Councils' Network
- LLP Board
- Safer Warwickshire Partnership Board
- South Warwickshire Community Safety
- Warwickshire County Council Health & Wellbeing Board
- Association of Retained Council Housing (ARCH)
- Shakespeare's England

Delegations regarding external working

Chief Officers, the Leader and Portfolio Holders and other members are authorised to:

- (a) Agree terms of reference, memoranda of understanding and work programmes for any partnership that falls within the Council's approved policy framework, subject to legislative requirements or the Constitution;
- (b) Manage the Council's involvement in each of the Partnerships, undertaking partnership actions and work programmes within agreed terms of reference and/or memoranda of understanding and the approved policy framework of the Council;
- (c) Work with partner bodies, to support the development of partnership plans and strategies;
- (d) Develop strategic plans;
- (e) Work with partner bodies to support growth of the partnership in line with approved business plans;
- (f) Seek Government resources to support the work of any partnership or group of authorities delivering shared services;
- (g) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in the Coventry and Warwickshire Local Enterprise Partnership Area;
- (h) Act in conjunction with the Leader to sign off submissions to the Government for external grant funding in relation to local authorities acting jointly to deliver shared services.

All other decisions related to the work of these partnerships, unless they are a matter for Executive or the Council, shall be a matter for the Leader to determine or authorise, after due consultation with the Chief Executive, Deputy Chief Executives and Head of Finance/S151 Officer.

Most partnerships operate using their own boards, Committees or sub-groups and the above list embraces all such meetings as may be relevant.

Councillor Andrew Day
Leader of the Council