

Executive

Draft Minutes of the additional meeting held remotely on Monday 30 July 2020, which was broadcast live via the Council's YouTube Channel.

Present: Councillors Day (Leader), Cooke, Falp, Hales, Matecki and Rhead

Also present: Councillors: Boad (Liberal Democrat Group Observer), A Dearing (Green Group Observer), Councillor Mangat (Labour Group Observer) Milton (Chair of Overview & Scrutiny Committee) and Nicholls (Chair of Finance & Audit Scrutiny Committee).

An apology for absence was received from Councillor Grainger, Portfolio Holder for Culture & Neighbourhood.

20. **Declarations of Interest**

There were no declarations of interest.

21. **Governance Review of Warwick District Council**

The Executive considered a report from Democratic Services bringing 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.

The report brought forward the outcomes of the Governance Review undertaken with the support from the Centre for Public Scrutiny, details of which were set out in Section 8 and Appendix 1 to the report.

The work was reviewed by the Leadership Coordination Group (LCG) along with options for Governance arrangements. It was agreed the most prudent approach was to strengthen the current arrangements in place at the time, where possible, and introduce revisions to the working parties. This was 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.

The Governance Review Working Party (GWRP) 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 have created a silo effect for both Councillors and Officers. In addition, there was a fear that it could have led to a lot of business being generated to justify committee meetings, where the reports were just for information.

For these reasons, the GRWP concluded that one of the two approaches should have been 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."*

Since the GRWP last met, there had 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 considered the above, listened to the views of others and, as a result, developed PABs. These were a combination of the above points, but had a backbench Councillor chairing, as a form of development for the Councillor. The responsibility for each PAB was included within Appendix 2 to the report and had been amplified to set out the projects at the time sponsored by a member of CMT.

Although the PAB meetings were not in the public domain, the intention was to publish the agreed action points after the meeting (where possible), so that all could see what had been discussed. This way, there would be more robust and open discussions/advice, as well as enabling discussion on more confidential matters. PABs could be seen as improved Working Parties, with a clear remit and measures to be judged against, but also more transparent than at present.

This approach recognised the strength of Working Parties as the forum for developing ideas, but improved transparency and measures their effectiveness. Therefore, for the PABs to be established formally, it was felt necessary for each PAB to have set measures that performance would be judged against regularly. It was felt these needed to be designed by the respective PAB, who would then report on its performance to all Councillors, via a combined annual report to the Executive. This initiation phase needed 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 have meant that a PAB could have had a series of meetings focused on only one or two key areas, and not covered all of the work plan at each meeting.

The PABs would therefore act in advisory capacity, or providing guidance, in developing and delivering the projects/policies of Warwick District Council and in doing so, would have enabled 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 would have helped to utilise the skills, knowledge and talent of all Councillors in a more effective way. They would not be a decision making Group or be scrutinising service or policy delivery as these would have

remained the responsibility of Council/Executive and Scrutiny respectively. This supported 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 would also have enabled backbench Councillors to have a direct involvement in the proposals coming forward.

To compliment these proposals and ensure best governance for the Council, robust scrutiny of the Executive was key. With the development of the PABs, there was 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 would produce an agreed approach at a joint meeting on 29 July 2020. The Executive needed to consider any views carefully before making any recommended changes to Council.

While most of the Working Parties/Forums would be moved into PABs, some would remain, for the reasons set out within the table at Appendix 3 to the report. In addition to this, a project led by the Chief Executive was not included. This was the delivery of the 2021 elections within Warwick District. While the Council could have lost sight of the impact this would have had on service delivery, the responsibility for its delivery rested solely with the Chief Executive as Returning Officer. It was also important to remember that the Chief Executive would also be Police Area Returning Officer for the whole of Warwickshire and at the time, he 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 progressed, this would have been the most public polls held on a single day within the District and delivered by WDC.

A small Special Responsibility Allowance (SAR) was 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 was the same level as that of the members of the Planning Committee and the lowest value offered by the Council. By law, the proposals needed referring to the Council's Independent Remuneration Panel (IRP), for them to provide a view before Council took a decision on this. Therefore, if the Executive agreed this proposal, a view would be sought from the IRP and shared with all Councillors ahead of Council.

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 have been reduced and the development of ideas could have been more effectively completed

through the PABs. There was mutual agreement that these scheduled monthly briefings would stop.

By law, the Council was required to review its Members' Allowances Scheme every four years. This was last completed in April 2017 and therefore was due for review by April 2021. It was 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 have been available to the Panel on how the work of the new Committee and PABs had developed.

The Council primarily held its formal meetings, briefings and training events at 6.00pm. This provided 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 was to hold most sessions remotely, to which Councillors would be invited. These would be recorded and therefore, if a Councillor was unable to attend, they would be able to catch up on the briefing. There would also have been a formal window of one week from the initial session where Councillors could post questions. These would then be combined (along with answers) and shared with all Councillors.

Recommendation 2.7 in report was included to provide assurance to Councillors that the changes would have the desired effect and were robustly monitored. Therefore, the remit of the review and the agreement of who undertook the review needed to be carefully considered. For this reason, it was felt a report, in consultation with Chair of Scrutiny, should be presented to the Executive for consideration in Spring 2021. After this review, it was intended that there would be a move to business as normal with review through the work of Scrutiny Committee.

The Scheme of functions of the Executive needed to be revised and updated each time a new Leader was appointed. This was because the Executive decision making functions were delegated, in law, to the Leader and they needed to confirm the delegations that they had put in place. The scheme at the time had not been updated for several years and was due to be updated after the previous election in May 2019. This was placed on hold, pending the Governance review and therefore it was considered appropriate to bring this revised version to Executive. While the format had changed, the authorities within the section remained the same, less those parts which were updated to reflect the arrangements at the time and names of core functions.

In terms of alternative options, the Executive could have considered not progressing the outcome of the reviews and remained as it was. However, this would have had a negative impact due to the commitments made from all parties and work undertaken.

The Executive could have considered disposing of the Executive model and moving to a Committee system. This would have required approval from central government and a minimum commitment of five years (as defined by law). This could potentially have seen 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 had moved back to an Executive model, but an equal number to that had also moved to the Committee system. The evidence provided was that the key was 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.

The Executive needed to be mindful of the review work undertaken to progress a proposed Governance Committee and could have progressed this if it was so minded to. However, at the time, it was not progressed due to the significant number of other changes that had progressed across the Council which may have required further amendments to this within the near future.

There were also a number of options that could have been 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.

The Executive needed to be mindful that as they were establishing the PABs they did not need to be politically proportionate to the Council, in the same way the Executive was not. However, the proposal was not following the traditional model of the Executive being of the majority party on the Council (as there was not one) and was also not being politically proportionate to the Council. The Executive could have therefore established 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 was to use the relevant talent within the Council and not based on Party lines. This did present a risk of losing the balanced view from all parties, recognising that no party had overall control of the Council, but this would be retained through good scrutiny and Council.

The Executive could have considered 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 the review and would have been more appropriately considered as part of the wider review of allowances.

The Executive could have decided to provide the additional funding to support this work. The Civic & Committee Services Team were at capacity in terms of simply delivering the scheduled meetings and work required to support the Governance structure for the Council at the time (excluding remote meetings work). In addition to this work they were due to bring forward proposals to; re-procure the Committee Management System that year, which would have seen 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 have considered stopping these plans to free up capacity, however this would not have been sufficient to deliver all the work anticipated through the PABs, would have had a negative effect on team morale and would have missed opportunities to improve service delivery to all parties.

Councillor Day proposed the report as laid out.

The Scrutiny Committees supported the recommendations in the report but wanted to draw a number of points to the attention of the Executive that needed to be carefully monitored.

The Scrutiny Committees had concerns about the large remit of each PAB and how they would cope looking at such large areas of work. This was a specific concern that the listed areas were just projects and did not cover other work the PABs would look at, such as refinements to or creating new policies.

The Scrutiny Committees shared concerns that with the change to scrutiny of service provision, the development of and quality of service provision might not be adequately picked up by the scrutiny of RAG and KPIs that has been developed and which will be adopted.

They noted the dates in 2.2 and 2.7 for review should be combined so they were the same, and that the remit of the review should be produced in agreement with both Scrutiny Chairs.

The Scrutiny Committees appreciated clarification that the presumption would be for briefings to remain in the evening, in line with the protocol for arranging meetings with Councillors, but accepted this may mean some need to be held at the same time as other meetings.

The Committees made a general comment on the resources for Civic & Committee Services, that this proposal should be work neutral and therefore this element needed to be closely monitored and feedback on as part of the 6, 12 and 18-month review.

In addition, some members of the Committee raised concerns about:

- the loss of Shadow Portfolio Holder meetings and highlighted this could lead to more work for officers through more frequent questions/contacts from Councillors; and
- for providing an SRA for the role of Chairman of a PAB

The response from the Executive will be detailed in the final minutes passed to the Executive in August. However, recommendation 2.7 was revised so that the proposed dates linked with the timetable for the review.

Resolved that

- (1) 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 cessations / revisions to the various working parties as set out at Appendix 2 and 3 respectively, be endorsed;
- (2) each PAB be required, 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 six months, 12 months and 18 months with the data made available to all Councillors for scrutiny;

- (3) the creation of PABs will remove the requirement for Shadow Portfolio Holder Briefings, be noted;
- (4) 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, be noted;
- (5) 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 seven days after, at which time the questions will be combined, responded to and shared with all Councillors, be approved; and
- (6) an independent assessment of these arrangements is undertaken in February 2022 and officers are asked to bring back an outline proposal for this, in consultation with the Chairs of Scrutiny, in December 2021 along with proposed funding arrangements, be approved.

Recommended to Council that

- (1) subject to the comments of the Independent Remuneration Panel, a Special Responsibility Allowance of £260.10 per annum for the Chairman of a Programme Advisory Board, be approved; and
- (2) the Constitution be amended to include the revised Part 3 Schedule 3 Executive functions, as set out at Appendix 1 to the minutes.

(The Portfolio Holder for this item was Councillor Day)

(The meeting ended at 6:35pm)

CHAIRMAN
2020

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