

ANNUAL COUNCIL MEETING – 17 MAY 2022

ADOPTION OF NEW GOVERNANCE ARRANGEMENTS

1.0 Purpose of Report

- 1.1 For Full Council to approve the constitutional changes required to enable the Council to implement a revised system of governance, Executive Arrangements (the Cabinet System), from 17 May 2022.

2.0 Background Information

- 2.1 At its meeting held on 4 May 2021 Full Council resolved to adopt a Leader and Cabinet style of governance, with implementation to take effect from May 2022, and appointed a small Members Working Group, tasked with formulating the detail of how the new governance arrangements should operate.
- 2.2 The Working Group's progress was reported to Full Council on 14 December 2021, and on 8 March 2022 the Council approved the final design (structure) of the new governance arrangements. Draft constitutional documents were presented for information as the process of drafting and review was ongoing at that date.
- 2.3 On 30 March 2022, an initial training session for Members in respect of the new arrangements was delivered by the Local Government Association (LGA). The LGA also facilitated three team development workshops for the proposed Portfolio Holders, Chairman and Vice Chairman of the proposed Policy & Performance Improvement Committee, and the Officer Senior Leadership Team. Several training sessions for Officers have also been delivered in preparation for the implementation of the new arrangements.
- 2.4 All Members have also been invited to a briefing on the proposals on Thursday 12 May 2022 following the publication of the agenda, but ahead of this Annual Meeting of Full Council. A second training session, led by the Officers who have supported the working group, will be delivered on Wednesday 25 May 2022.

3.0 Proposals

- 3.1 A complete version of the proposed revised Constitution has been published as a separate appendix to this report. A brief overview of the content is provided below.
- 3.2 **Part A** provides a summary and introduction, updated to reflect the new arrangements.
- 3.3 **Part B** groups together all '**Public Participation**' elements. The information most relevant to residents is here: Petitions Scheme, raising Questions at Full Council, the Tenant Engagement Board, and how to access formal meetings and the documents relating to them.
- 3.4 **Part C** is '**Responsibility for Functions**'. This sets out authority for decision-making by Full Council and its Committees, Cabinet and its Committees (note the Mansfield and District Crematorium Joint Committee is a Committee of Cabinet as it discharges Executive Functions), individual Portfolio Holders and Officers. This is the Part of the Constitution that has been revised most significantly as the four operational committees have been removed,

and the Cabinet established. This section includes the individual Portfolios appointed by the Leader. It also includes one advisory body – the Planning Policy Board which replaces the Local Development Framework Task & Finish Group. The Officer Scheme of Delegation has been updated and re-written, but in practice the types of decisions delegated to Officers is unchanged.

- 3.5 **Part D** contains ‘**Procedure Rules**’ for formal meetings. The procedure rules for Full Council and Committees have been updated and re-written, and rules for Cabinet and Policy and Performance Improvement Committee added. The new Call-in Procedure and the Procedure for taking Urgent Decisions (adapted for Executive Arrangements) are also included in this Part. The Member training on Wednesday 25 May 2022 will have particular emphasis on this Part of the Constitution.
- 3.6 **Part E** is ‘**Financial Governance**’ with updated versions of documents contained in the current Constitution, including a fully revised version of the Contract Procedure Rules and the addition of the Land Acquisitions and Disposals Policy.
- 3.7 **Part F** is focussed on ‘**Councillors**’, with the Code of Conduct, Protocol on Gifts and Hospitality, Social Media Protocol and the Members Allowance Scheme (reported separately on this agenda and to be added to the Constitution once implemented).
- 3.8 **Part G** is focussed on ‘**Officers**’, with the Employee Code of Conduct and Officer Employment Procedure Rules.
- 3.9 Finally, **Part F** contains protocols that are applicable to Officers and Members. These are the Protocol for Decision-Making, Protocol for Appointments to Outside Bodies, and Local Code on Corporate Governance. Some Protocols/Policies that are contained in the current Constitution have been removed, either because they are no longer required or because the relevant Committee will have oversight going forward, and the ability to approve amendments and updates. These are detailed in the table below:

Protocol/Policy	Change
Protocol for dealing with Ombudsman matters	Not required – responsibility included in terms of reference for Audit & Governance Committee and relevant Portfolio Holder/s
Protocol for Members on dealing with Planning Matters	Planning Committee to retain responsibility and review
Protocol - Member passing away	Democratic Services to maintain and review
Whistleblowing Policy	Published on staff intranet – responsibility included in terms of reference for Audit & Governance Committee
Scheme for Appointment of Honorary Alderman and Freeman/woman	Democratic Services to maintain and review
Scheme of the Admission of Honorary Freeman/woman	Democratic Services to maintain and review
Protocol relating to the Independent Person	Not required - responsibility included in terms of reference for Audit & Governance Committee

Protocol relating to remote meetings	No longer applicable but would re-instated if required
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3.10 The draft sections of the revised Constitution that were presented for noting on 8 March 2022 have been refined, but few material amendments have been made, except:

3.10.1 The order of different sections has been revised with the intention of grouping related content together in a more practical way; and

3.10.2 Following further consideration the Officer Scheme of Delegation has been revised, but as stated above, in practice the types of decisions delegated to Officers is unchanged from the current Constitution or the draft presented in March.

3.11 The proposed Officer Scheme of Delegation applies to senior Officers only and some formal sub-delegation is required (as is the case with the current Constitution). It is proposed that all sub-delegations to Officers effective prior to this meeting of Full Council remain in full effect during a transitional period while any necessary updates are implemented by Officers, and in respect of planning delegations in particular until a revised Scheme of Delegation is adopted by the Council’s Planning Committee.

3.12 As reported to Full Council in December 2021, the Working Group established a set of principles to underpin the new arrangements, taking into account the aims and priorities identified by Full Council on 4 May 2021. These are set out below.

Inclusion	Ownership	Transparent & Agile	Challenge Performance	Modern & Accessible	Connected
<ul style="list-style-type: none"> •Members feeling involved and well-informed •Members are able to contribute 	<ul style="list-style-type: none"> •The Executive operates as a team, but •Individual members of the Executive take ownership and accountability for their portfolios 	<ul style="list-style-type: none"> •Agile, clear and appropriate decision-making •Swift where it needs to be •Transparent •The ‘right’ decisions being made at the ‘right’ level by the ‘right’ portfolio 	<ul style="list-style-type: none"> •Purposeful, constructive and challenging performance review •Open to external outlook and input 	<ul style="list-style-type: none"> •Modern •Bureaucracy light •Accessible and easy to understand 	<ul style="list-style-type: none"> •Linked up to locality •Connected Cabinet and Performance Review

3.13 It is proposed that the Member Working Group is reconvened and continues to meet as necessary in order to review the effectiveness of the new arrangements in the context of this set of principles. It is proposed that the Audit & Governance Committee receive a report in approximately six months’ time to reviewing the new arrangements. In the meantime, the Monitoring Officer has authority, by virtue of the proposed new Scheme of Delegation to Officers, to make any minor amendments to the Constitution which are required to remove any inconsistency or ambiguity, reflect legislative changes or are required to give effect to any decision of the Council or its Committees. Any material amendments would need to be reported to Full Council for approval.

3.14 Practical arrangements will also be implemented with immediate effect including new and updated templates for formal reports accompanied by report writing guidance. The Councils committee management software solution will be utilised to enable the publication Executive Decisions (which must be published for 3 working days before they can be implemented) and the Forward Plan which gives 28 days' notice of all 'Key Decisions'. Members will receive appropriate notifications by email. The purpose of these publications and why they are necessary in order for non-Executive Members to undertake their roles, will be incorporated in the Member training to be held on Wednesday 25 May 2022.

4.0 Equalities Implications

4.1 It is essential for the Council to consider equalities in its decision-making. The revised Constitution includes appropriate provision.

5.0 Financial Implications (21-22/5006)

5.1 The changes in Governance arrangements described above are not anticipated to add any additional costs to the Councils revenue budget going forward.

6.0 Community Plan – Alignment to Objectives

6.1 The Council's revised governance arrangement align with the Community Plan purpose and values – always looking to improve and innovate, and demonstrating integrity.

7.0 RECOMMENDATIONS that:

- (a) the Council adopts the revised Constitution as attached as an appendix to the report with immediate effect, with the exception of the Full Council Procedure Rules which will take effect from 18 May 2022;**
- (b) all sub-delegations to Officers effective prior to the meeting of Full Council remain in full effect during a transitional period while the necessary updates are implemented by Officers, and in respect of planning delegations in particular until a revised Scheme of Delegation is adopted by the Council's Planning Committee; and**
- (c) a further report be brought to Audit & Governance Committee in six months' time to review the revised governance arrangements and consider whether any changes are necessary.**

Background Papers

Nil.

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