

Public Document Pack

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Councillors Commission** held in the on Monday, 9 December 2019 at 3.00 pm.

PRESENT: Councillor R Blaney (Chairman)

Councillor L Dales, Councillor Mrs G Dawn, Councillor P Harris,
Councillor Mrs L Hurst and Councillor P Peacock

APOLOGIES FOR
ABSENCE: Councillor J Lee

ALSO IN
ATTENDANCE: Councillor Mrs I Brown, Councillor K Girling and Councillor D Lloyd

18 MINUTES OF MEETING HELD ON 30 SEPTEMBER 2019

AGREED that the minutes of the meeting held on 30 September 2019 be approved as a correct record and signed by the Chairman.

19 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

20 GOVERNANCE REVIEW - UPDATE

The Director – Governance & Organisational Development presented a report which invited the Commission to consider the next steps following the publication of the report of the Local Government Association peer review team. A copy of the report was attached as Appendix A, and the recommendations summarised. The report challenged the Council to grasp the opportunity to improve governance and to explore and articulate the key principles of the future governance system and shape structures and the approach around those principles.

On 2 December 2019, Judith Hurcombe presented the peer team's report. During the presentation and discussion, there was particular reference to issues around ensuring a clear scrutiny and improvement function and reducing duplication of reporting the same matter to multiple committees to improve efficiency and speed up decision-making and focus on community outcomes.

The Commission further explored and welcomed the idea of visiting similar authorities to look at examples of good practice to help inform the Council in its review of governance arrangements. The Commission considered the challenge in getting the scrutiny and improvement function correct and the positive outcomes this could deliver. The Commission felt that the initial focus should be to understand how similar local authorities do this effectively.

The Commission made reference to Stevenage Borough Council that had a Cabinet model with select committees and Daventry District Council that operated a committee system but with scrutiny and improvement embedded which would both be worth considering, particularly as the Council had direct access given senior Members from these authorities were part of the peer review team.

The Commission also considered that it might be worth exploring other similar authorities such as Melton Borough Council and also an authority which had been through the process of reintegrating a housing function.

AGREED that the next focus for the governance review would be for members of the Commission (substitute members to be allowed as appropriate) to visit Stevenage and Daventry to explore their governance arrangements.

21 HOUSING MANAGEMENT REVIEW - DELEGATION ARRANGEMENTS

The Director – Governance & Organisational Development presented a report which set out proposed changes to Part 2 of the Constitution ‘Responsibility for Functions’ in light of the decision made by the Council to bring the housing management services back in-house.

Currently there were references within this part of the Constitution to managing and overseeing the Council’s relationship with, and the performance of Newark and Sherwood Homes. These references had been updated to reflect the position to transfer the housing management services back into the Council. Certain housing related functions were currently delegated to the Company, and these were to come back to the Council post transfer. The remits of the Policy & Finance, and Homes & Communities Committees had also been amended to ensure that they reflected the housing related decisions to be taken by these two committees once the service had been brought back in-house. There were also some minor amendments proposed to the scheme of officer delegation to facilitate operational decision-making. The proposed changes were set out in the Appendix to the report. The Commission were asked to consider and comment on the proposed amendments with a view to them being recommended to the Full Council Meeting on 17 December 2019 for further consideration and approval.

The Commission also noted that further work was currently being undertaken to consider how best to actively engage and involve tenants and tenant representatives in the delivery of the housing management service and decision making post transfer. A report setting out the various options for this would be submitted to the Homes & Communities Committee for consideration.

AGREED that the proposed amendments to Part 2 of the Council’s Constitution – Responsibility for Functions as set out in the Appendix to the report be recommended to the Full Council for approval.

The Director – Governance & Organisational Development presented a report concerning the various constitutional and governance issues for the Council in discharging its duties, functions and liabilities when acting as charity / corporate trustee of the Gilstrap Charity and W E Knight Trust. At their meeting held on 2 September 2019, the Commission agreed that both the governance issues and whether the Council was the appropriate body to act as Trustee, would be further considered.

The Director – Governance & Organisational Development referred to the recent court decision and amended guidance to local authorities acting as a charitable trustee. This had clarified that there was a strong public interest in transparency in matters relating to their administration. It was also recognised that the Trustee Board needed to operate as a committee of the Council with any councillors appointed having to act in the best interests of the charity, act exclusively for charitable purposes and exercise care to avoid the potential for the best interests of the charity to conflict with the best interest of the Council.

Given the recent guidance and case law, the Commission considered that the Trustee Board should operate in the same way as the other Council's other committees whilst recognising the requirements to observe charity law. This meant that membership of the Trustee Board should be reviewed to reflect the political balance of the Council in accordance with principles contained in the Local Government and Housing Act 1989. The Access to Information Procedure Rules would also apply to the Trustee Board meetings, agendas and reports, which would require them to be open to the press and public.

The Commission were also invited to consider whether another body such as Newark Town Council, would be better placed to act as a trustee, or whether the Charities should become totally independent from local authority management with a newly appointed and independent board of trustees. It was noted that changes of this nature would require Charity Commission consultation, advice and approval. Currently, the administration of the two charities were provided by the Council, including the secretariat to Board meetings, legal advice and financial management of the charities' accounts. Any move to a different management option would need to take into account how these services would be provided.

The Commission considered the local nature of the Charities and how to best ensure local member representation at all levels. In addition the Commission considered the role of the two co-opted members from Newark Civic Trust and Friends of Newark Castle and noted that the Council had recently received an expression of interest from a direct descendant of John MacRae Gilstrap, Mrs Miranda Van Lynden, to play a role in the Trust and she had been invited to attend future meetings in an advisory capacity. It was not possible for non-council members to have voting rights. In addition, the Commission considered the impact of the committee having to comply with the rules in respect of political balance.

AGREED that Full Council be recommended as follows:

- (a) that the Trustee Board should act in the same way as the Council's other Committees;
- (b) the Trustee Board should continue to comprise of five Members but which would reflect political balance;
- (c) Members appointed to the Board represent Newark Wards;
- (d) The Newark Ward Members not appointed be co-opted as non-voting members;
- (e) that the allocation of seats to political groups be reviewed accordingly; and
- (f) the co-option of representatives on the Board from Newark Civic Trust and Friends of Newark Castle cease;

Meeting closed at 4.45 pm.

Chairman