

## **Responses to Governance and Ethical Framework Recommendations**

### **SUMMARY**

- 1.1 On 25 January 2012, Council approved four key recommendations of the Scrutiny Management Commission, following a review of the Council's Governance Model and Ethical Framework.
- 1.2 SMC made a further seven recommendations relating to the review, with responsibility for the implementation of those recommendations being within the delegated powers of Council officers.
- 1.3 The seven recommendations and officer responses are listed in Appendix 2.

### **RECOMMENDATION**

- 2.1 To note the responses of Council officers to the seven recommendations within the SMC review of the Council's Governance Model and Ethical Framework.

### **REASONS FOR RECOMMENDATION**

- 3.1 SMC made recommendations that Members felt could improve the work of the overview and scrutiny function, so it is incumbent on the officers, who have responsibility for those aspects of work, to respond to the commission.
- 3.2 The success of the recommendations can be monitored and adjustments made as necessary.

### **SUPPORTING INFORMATION**

- 4.1 The review of the governance model and ethical framework, carried out by the Scrutiny Management Commission, at the request of the Governance Committee, yielded a number of recommendations that were approved by Council on 25 January 2012.

- 4.2 In addition, the review, which took place through the summer and winter of 2011, persuaded members of the commission that a number of operational recommendations could improve both the quality of the work of the overview and scrutiny commissions and the efficiency of any local code of conduct and standards regime adopted.
- 4.3 Following approval of the key recommendations by Council, the seven recommendations became relevant and officer responses to them now need to be reported back to SMC.

#### OTHER OPTIONS CONSIDERED

- 5.1 None. When Council approved the key recommendations of the review into governance and ethical framework, it became necessary to consider the additional operational improvements that had arisen during the review.

**This report has been approved by the following officers:**

<b>Legal officer</b>	Stuart Leslie – Director of Legal and Democratic Services
<b>Financial officer</b>	Not Applicable
<b>Human Resources officer</b>	Karen Jewell – Director of HR and Business Support
<b>Service Director(s)</b>	Stuart Leslie – Director of Legal and Democratic Services
<b>Other(s)</b>	Adam Wilkinson – Chief Executive

<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Philip O'Brien Tel: 01332 643644 e-mail phil.o'brien@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Responses to recommendations
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<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 None arising from this report

**Legal**

- 2.1 The Governance Committee, in response to the Localism Bill, which became the Localism Act 2011, initiated the Scrutiny Management Commission review of the Council's Governance Model and Ethical Framework.
- 2.2 The Localism Act enables local authorities to consider changes to governance models, including a return to a committee-based system. The Act also requires local authorities to create a local code of conduct and to have at least one independent member on a Standards Committee.

**Personnel**

- 3.1 The response to recommendation 3, in Appendix 2 of the report, refers to a post within the scrutiny support team. Whilst this post is currently recruited to with a temporary contract, budget for the post is included in the 2012/13 establishment.

**Equalities Impact**

- 4.1 None arising from this report

**Health and Safety**

- 5.1 None arising from this report

**Environmental Sustainability**

- 6.1 None arising from this report

**Asset Management**

- 7.1 None arising from this report

**Risk Management**

- 8.1 None arising from this report

## **Corporate objectives and priorities for change**

9.1 None arising from this report

## **Appendix**

### **2**

#### **Recommendations of the Scrutiny Management Commission, following the review of the Council's Governance Model and Ethical framework, which were delegated to council officers and related responses**

The review of the governance model and ethical framework, carried out by the Scrutiny Management Commission, at the request of the Governance Committee, yielded a number of recommendations that were approved by Council on 25 January 2012.

In addition, the review, which took place through the summer and winter of 2011, persuaded members of the commission that a number of operational recommendations could improve both the quality of the work of the overview and scrutiny commissions and the efficiency of any local code of conduct and standards regime adopted.

Responsibility for response to, and delivery of those recommendations, were within the delegated functions of a number of council officers.

Following approval of the key recommendations by Council the following seven recommendations became relevant and they are repeated, together with the officer responses, for report back to SMC.

#### **Governance arrangements**

Following Council approval for the retention of the Strong Leader, Cabinet and Overview and Scrutiny system, SMC recommends:

1. that the Chief Executive develops a protocol to ensure that Cabinet reports are presented for consideration by the relevant commission at the earliest opportunity.

*Response: There is evidence that the lead-time, for reports being presented to commissions for consideration, before the Council Cabinet meeting at which a decision will be taken, has improved, being longer. SMC receives periodic reports on the inclusion of Cabinet reports on the Forward Plan and the incidences of urgent decisions and late reports has greatly reduced*

2. that a quarterly report be presented to SMC, to monitor the impact on Cabinet decisions of commission recommendations.

*Response: The Head of Democratic Services has arranged for the Overview and Scrutiny Manager to collate and present these quarterly reports to SMC. The first such report will be presented on 27 March and it will bring together Minute extracts from commission and Cabinet meetings, to match recommendations and responses.*

3. that the scrutiny support function be adequately resourced, to deliver effective scrutiny, commensurate with the size and range of responsibilities of the City of Derby

*Response: When the SMC review began, the Scrutiny Support function was under resourced. A senior member of the team had taken voluntary redundancy in March 2011 and sickness absence was also a factor at that time. During evidence gathering for the review, an independent witness suggested that for an authority of the size of Derby, a team of three support officers was an observed average.*

*In November 2011 a full time temporary Scrutiny Officer was appointed to bring the team's establishment to 2.6 fte. Evidence to date is that this level of resource is working effectively. Furthermore the Constitutional Services team has taken on responsibility for commission agenda preparation, to provide a consistent standard across all meetings and free up more scrutiny officer time for research. Now that Council has approved the future of the Cabinet/Scrutiny governance model, the temporary post within the team can be reviewed and be put forward through a Delegated Functions Report, to be made permanent*

4. that Minutes of commission meetings reflect details of the debate, as well as the recommendations made, so that greater insight can be gained into the rationale of those recommendations, when they are considered, by Cabinet.

*Response: No complaints about the quality or content of Minutes have ever been received by the Head of Democratic Services, which has made this the most difficult recommendation to address. Guidance on the content and style of Minutes is set out in 'Knowles on Local Authority Meetings: A Manual of Law and Practice.' Minutes must capture an accurate record of decisions (recommendations in the case of scrutiny commissions) and, to an extent, the threads of contributions which led to those decisions. They are not intended to be the basis of an action list for post meeting follow-up. The Head of Democratic Services has reminded officers from that division of their specific roles at commission meetings, as follows:*

*Constitutional Services Officers will prepare and publish agendas, assist the Chair throughout with constitutional advice and create Minutes for approval at the following meeting.*

*Scrutiny Support Officers will advise members of the commission on the remit and scope of work they are undertaking and will follow up on requests made by Members, during meetings, for further information. Notes made by scrutiny support cannot form part of the Minutes, but can be useful support documents for their discussions with commission members and officers of the council and partner organisations subsequent to meetings.*

## Ethical Framework

Following Council approval for the retention of a Local Code of Conduct and Standards Committee, SMC recommends:

5. that the procedure be modified, to enable the councillor, who is subject to a complaint, to be made aware of the nature of the complaint at the earliest point.

*Response: The Localism Act 2011 requires the Council to develop a local code of conduct and associated standards regime, for implementation by 1 July 2012.*

*The*

*Monitoring Officer will prepare a draft code and regime during April, for consultation*

*with members of the current Standards Committee, during May, to bring before Council*

*for approval at the Annual Meeting on 23 May. The recommendation can be incorporated into the draft proposals.*

6. that the procedure be streamlined, to give greater transparency and efficiency.

*Response: The same criteria apply as in the response to recommendation five above.*

7. That the Council approach peer authorities to assess the effects on the cost of complex cases of undertaking each other's investigations.

*Response: the Monitoring Officer is a member of a regional network and has already*

*begun to benchmark the number and complexity of cases that our peer authorities*

*investigate.*