
NOTICE OF MEETING

GOVERNANCE & AUDIT & STANDARDS COMMITTEE

FRIDAY, 27 FEBRUARY 2015 AT 2.30 PM

CONFERENCE ROOM A - FLOOR 2, CIVIC OFFICES

Telephone enquiries to Joanne Wildsmith CCDS 023 9283 4057

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Membership

Councillor Simon Boshier (Chair)
Councillor Eleanor Scott (Vice-Chair)
Councillor John Ferrett
Councillor Steve Hastings
Councillor Leo Madden
Councillor Hugh Mason

Standing Deputies

Councillor David Fuller
Councillor Phil Smith
Councillor Rob Wood
Councillor Julie Swan
Councillor Alistair Thompson

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

A G E N D A

1 Apologies for Absence

2 Declarations of Members' Interests

3 Report on Shadow Committee System (Pages 1 - 6)

The attached report by the City Solicitor is to update Members of the Committee as to proposals for a shadow committee system arising subsequent to the resolution passed at Full Council on 20 January 2015 that the Council moves to a system of shadow committees for the municipal year 2015-2016.

Recommendation:

Members of the Committee are asked to note the report and make recommendations to Council on how to implement a cost neutral shadow committee system to be implemented for the municipal year 2015-2016.

4 Date of Next Scheduled Meeting

The date of the next scheduled meeting is 13 March at 2.30pm.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.



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| Title of meeting: | Governance & Audit & Standards Committee |
| Date of meeting: | 27 February 2015 |
| Subject: | Shadow Committee system proposal |
| Report by: | City Solicitor |
| Wards affected: | All |
| Key decision: | Yes/No |
| Full Council decision: | Yes/No |

1 Purpose of report

- 1.1 To update Members of the Committee as to proposals for a shadow committee system arising subsequent to the resolution passed at Full Council on 20 January 2015 that the Council moves to a system of shadow committees for the municipal year 2015-2016.

2 Recommendations

- 2.1 Members of the Committee are asked to note the report and make recommendations to Council on how to implement a cost neutral shadow committee system to be implemented for the municipal year 2015-2016.

3 Background

- 3.1 The City Council wishes to consider moving towards a committee system of decision making. Governance and Audit and Standards have been asked to work up a cost neutral way of bringing in a committee system for 2015-2016, learning from the experience both in Portsmouth and other authorities who have made the transition.
- 3.2 In the event that the Council in due course decides to move to a new committee system and to enable this to be done in a timely fashion and to be able to learn from experience, the Council has resolved to move to a system of shadow committees for the municipal year 2015-2016. It is also requested that the shadow system should be cost neutral.
- 3.3 Council resolved that:
- 3.3.1 The shadow committees would shadow each cabinet member and decision making meetings would take place with the same agenda as for cabinet members' individual portfolio meetings but before that meeting.

- 3.3.2 Cabinet members would be invited to attend and can be part of the shadow committees.
- 3.3.3 The formal decision making would take place after the shadow committee has met.
- 3.3.4 Shadow committees would be cross party and proportionate, but the cabinet member would retain the formal decision making power during the transitional year.
- 3.3.5 There will also be a shadow committee for full cabinet, which it was proposed would, in a full committee system, become a policy and resources committee.
- 3.3.6 Governance and Audit to report back on a shadow system for 2015-16 at the March 2015 Council Meeting.

4 Proposal for Shadow Committee System

The following arrangements are proposed for Members to consider. These proposals, if adopted, would produce a shadow committee system which could be implemented in May 2015 on a cost neutral basis.

4.1 Composition

The Shadow Committee System ("the System") will comprise of 10 shadow committees. This will be one shadow for each portfolio and one for full cabinet. It is proposed that each committee is made up of 10 members and they will be politically balanced.

4.2 Cost

To ensure that the System is cost neutral the following proposal is recommended to members for consideration:

- 4.2.1 All shadow committee meetings which are to take place immediately before either the Cabinet Meeting ("CM") or Cabinet Members' Decision Making Meeting ("CMDMM") to be time limited with a defined start and finish time. This will ensure that there is certainty for the public as to the time when the formal CMDMM will take place. This is necessary as the public that may not wish to attend the shadow meeting will have certainty as to when the formal CMDMM will take place. This will be particularly important for those who wish to make deputations.
- 4.2.2 It is proposed that the shadow committee meeting is chaired by the cabinet member. This will help with the consistency in the decision making as it will be the cabinet member who the shadow are attempting to influence and it will avoid the potential confusion which could arise if there were to be a different chair of the shadow committee to that of the decision maker.

4.3 Agenda of shadow meetings

4.3.1 The agenda for the shadow meeting will be the same as for the CMDMM. This will ensure not only that the appropriate items are discussed in advance of the CMDMM, but that no additional items are discussed. This will avoid additional costs being incurred in the production of such reports for which there is no budget provision. There will be no provision at shadow committee meetings for members to request items to be placed on the agenda, to avoid additional costs being incurred. The shadow committee meeting will not be published beyond notification to the Cabinet Member's agenda that the meeting is taking place.

4.4 Standing orders for the regulation of business

4.4.1 Subject to the exceptions above, Council's standing orders will apply.

4.5 Attendance by officers

4.5.1 Only those officers who are not entitled to time off in lieu or flexi time will be required to attend shadow committee meetings. This will avoid any additional salary costs being incurred as these officers (Chief Executive, Monitoring Officer, S.151 Officer, Strategic Directors and Heads of Service) are not entitled to be compensated for working beyond normal core time. It should, however, ensure that the shadow committee is able to obtain the advice it will require from officers to reach its decisions.

4.6 Distribution of papers

4.6.1 No additional papers will be produced for the shadow committee meetings beyond those presently printed. Any additional copies will be provided electronically to members by means of a link sent in the email notifying them of the CMDMM.

4.7 Membership

4.7.1 The ten shadow committees will be politically proportionate.

4.8 Access to meetings

4.8.1 The proposed start time of the shadow committee meetings will be published and the meetings will be open to the public. No additional copies of the agenda will be provided beyond those provided for the CMDMM although links to the agenda will be provided on the Council website.

4.9 Minuting of meetings and recording of decisions

4.9.1 The production of minutes would incur cost and none will therefore be provided. The meetings will not be making any formal decisions and the outcome of the debate will not therefore be recorded.

4.10 Advice

4.10.1 Legal, finance and procedural advice will be provided by the officers present (Chief Executive, Monitoring Officer, and S.151 Officer).

4.11 Public deputations

4.11.1 It is not proposed that the public will be able to make deputations at the shadow meetings as this would result in costs being incurred in supporting those making their deputations. It may also cause confusion in the minds of the public as the meetings are not "decision making" meetings.

4.12 Cabinet portfolio briefings

4.12.1 Whether such briefing meetings are still required will be a matter for the individual cabinet member to decide and these may be held in addition to the shadow committee meetings.

5 Reasons for recommendations

5.1 The proposals set out above would produce a Shadow Committee System for 2015-2016. The System would be limited in operation to ensure that it is cost neutral. It would however give those members who are unfamiliar with the committee system an opportunity to experience what such a system might be like if it were to be introduced in 2016-17. Members may wish to consider if a review of the shadow system should be undertaken part way through the year to see if there are any lessons learned which may influence members views as to whether the Council should proceed to a formal committee system for making decisions in 2016-2017.

6 Equality Impact Assessment (EIA)

6.1 None is required

7 Legal implications

7.1 The City Solicitor's comments are included in this report. The System will provide information to the decision maker but it will not necessarily directly affect the Cabinet member's decision and under the Executive Arrangements which the Council presently operates, all formal decision making will remain with the Cabinet and Council.

8 Finance comments:

8.1 There are no financial implications arising from the recommendations set out in this report.

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City Solicitor

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| Title of document | Location |
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Additional financial comments of S151 Officer

Title of Meeting: Governance & Audit & Standards Committee

Date of Meeting: 27 February 2015

Subject: Shadow Committee system proposal

Report by: City Solicitor

The following paragraphs are provided to replace Section 8 of this report for clarification purposes.

8. Finance Comments

8.1 Members have previously been advised that to undertake this process properly will have cost implications. Nonetheless, Full Council resolved that a 'cost neutral' scheme be explored. Cost neutrality can only be achieved if the proposals contained within this report:

- Do not result in any additional external costs, and
- Can be met from existing spare capacity (e.g. Officers are able to accommodate additional time and work without that impacting on existing organisational demands)

Where spare capacity does not exist and additional time is requested of any officers, this will necessarily mean that their work is either delegated (in which case the resources of others will be taken), deferred or not undertaken. This represents a hidden cost but nevertheless is a cost to the organisation.

8.2 With extremely strong discipline, the proposals set out within this report could be implemented in a way that does not result in any additional external financial cost to the Council but there will inevitably be the hidden costs associated with Officer attendance (time) at the Shadow Committee.

8.3 Unless the timing of the shadow meetings is relatively short and given that between 50 and 60 meetings a year are likely (10 shadow committees meeting 5 to 6 times per year), it is almost inevitable that the Officer attendance time will result in those "hidden costs" and that cost neutrality has not been achieved.

8.4 This report only deals with the cost of the shadow committee system and the financial commentary has been provided accordingly.

8.5 This report does not deal with the transition from the shadow system to the full committee system and therefore it is the S151 Officers advice that it cannot be concluded whether a committee system in full can be implemented in a cost neutral way. In particular, the following is, as yet, not determined:

- i) The extent to which the agenda items will be managed at a level comparable to the current system
- ii) The overall officer time required in the Committee System vs. the current Cabinet System and how in practice (in the full Committee System) that will be achieved only by impacting on the time of the Officers mentioned in this report
- iii) How the volume of requests for further research, investigation, consultation and subsequent reporting will be limited to current volumes if the system is allowed to operate freely, if it is not to operate freely, considerable thought will need to be given to how the operation of the system will be curtailed.

8.6 Without further work and investigation, it cannot be concluded that a full committee system can be implemented in a cost neutral way.