



REPORT OF:	DIRECTOR OF HR, LEGAL & CORPORATE SERVICES
TO:	COUNCIL
ON:	7th DECEMBER 2017

SUBJECT: GOVERNANCE – COUNCIL MAY 2018

1. PURPOSE OF THE REPORT

For the Council to determine and approve corporate governance arrangements for the Council to take effect from May 2018.

2. RECOMMENDATIONS

Council is asked:

- 1 To note that the election of a reduced number of 51 Councillors compared to the current 64 councillors, requires a review of the corporate governance structure of the Council and to also note that the final recommendations on the electoral changes are currently subject to Parliamentary approval.
- 2 To consider the proposed changes to the election cycle as set out in this report and authorise the Chief Executive to formally request the Secretary of State's approval to defer the elections due in May 2019 and amend the future election cycle.
- 3 To agree with the continuation of the Executive arrangements - Leader and Executive Board model as the form of corporate governance (Article 7 – Constitution)
- 4 To recommend that in view of the electoral changes and subject to 3 above, to adopt a reduction in the total number of Executive Board Members from Leader plus 9 to Leader plus 8 Executive Board Members as set out in this report. (The Council should note that a Leader for the Council will be elected at the Annual meeting of the Council in May 2018 who will then confirm the composition and the Executive Member appointments to the Executive Board).
- 5 To recommend to the Leader that subject to 3 and 4 above, that there should be 7 Executive Members with portfolios, with details to be confirmed at the Annual meeting of the Council in May 2018.
- 6 To agree that from May 2018 there will be 3 Overview and Scrutiny Committees, each Committee as now with 11 members, plus the Call-In Committee as now with 9 members, with the frequency of meetings to be considered at a subsequent meeting of the Council.
- 7 To agree that the current arrangements for the Mayoralty for 2018/19 i.e. the current Deputy Mayor to become Mayor (subject to her re-election) and request the Annual Council in May 2018 to determine the rotation arrangements for 2019/20 onwards.

- 8 To agree, reflecting the overall reduction in Council members, to reduce the numbers of members on the Planning & Highways Committee from 15 to 13, Licensing Committee from 13 to 11, Standards Committee to remain at 9 and the Audit & Governance Committee to remain at 6, (noting that proportionality will be reviewed as usual following the elections in May 2018).
- 9 To note there are no proposals to change the arrangements from those currently set out in the Constitution for `Other Committees of the Council`.
- 10 To agree the changes to Advisory and Consultative Groups as set out in the report
- 11 To agree that a report reviewing Council representation on Outside Bodies be prepared and presented to Council Forum for consideration in the New Year.
- 12 To recommend from 2018/19 the nomination of 4 councillors to the Health & Wellbeing Board as, Leader (or Deputy Leader) of the Council, Leader (or Deputy Leader) of the main opposition party, Executive member with portfolio responsibility for Adult Social Services & Executive Member with portfolio responsibility for Children's Services – noting that subject to 3 above the executive Leader will formally confirm the nominations at Annual Council in May 2018.
- 13 Note that decisions relating to the numbers of Councillors and roles within the revised governance will be reported to the Independent Remuneration Panel (IRP) for consideration.
- 14 To delegate to the Chief Executive powers to make any minor changes to the polling districts affected by the Ward Boundary Review and whenever such needs arise.
- 15 Subject to 1-14 above authorise the Director of HR, Legal & Corporate Services to update the Council Constitution to reflect the new Council governance arrangements to take effect in May 2018 following the election of 51 Councillors on 3rd May 2018.

3. BACKGROUND

As a consequence of the Boundary Review and the changes to wards, the numbers of councillors will be reducing from 64 to 51 in May 2018 and the wards will be reducing from 23 to 17. All 51 `new` Councillors will be elected with all current terms of office ceasing in May 2018.

The structure of the Council will therefore be changing and the new arrangements need to be reflected in the Council's constitution.

To facilitate the timely drafting of the revised constitution the Council is asked to determine, within legislative parameters its plans for the future structure and governance arrangements of the Council post these changes to the size of the decision-making and scrutiny bodies of the Council.

This report presents recommendations for consideration which will, if adopted require the Council's Constitution to be updated and re-published in May 2018. The Constitution being the key document setting out the governance framework of the Council.

4. GOVERNANCE

1. Elections and terms of Councillors

The Local Government Boundary Commission for England (LGBCE) published the final recommendations on 29 August 2017 on the new electoral arrangements for the Council. These included representation by 51 councillors (from 64), 17 wards (from 23) and changes to

all Ward boundaries. To give effect to the final recommendations the Blackburn with Darwen (Electoral Changes) Order 2017 was laid in draft in Parliament on 24 October 2017. The draft order will be laid in Parliament for a period of 40 sitting days. Parliament can either accept or reject the recommendations. If accepted, the new electoral arrangements will come into force at the elections in May 2018. The draft Order reflects the final recommendations and also details the arrangements for elections in May 2018. All 51 *new* councillors will be elected for each ward in May 2018. The draft Order also details the continuation of elections 'by third' after the elections in May 2018, with no elections in May 2021, and the order of retirement of the councillors elected in May 2018.

Given the 'fallow' year in the current cycle was 2017/18, the next fallow year is due in 2021/22. With the all-out elections now on 3rd May 2018, it is suggested that the Council asks the Chief Executive to request the Secretary of State for Communities and Local Government to approve a subsequent amendment to the Order so that the election currently due for a third of councillors in May 2019 be moved back. This is on the basis that all councillors elected to the 'new council' in May 2018 would then serve a minimum of two years before being up for re-election. This proposal effectively moving the fallow year from 2021/22 to 2019/2020. For wards with multiple seats the retirement of Councillors elected in May 2018 would be as detailed in the draft order with the candidate with the most number of votes being elected for the longer term. In making the request the Chief Executive to request a future cycle of elections therefore as set out below:

2018/19 All out – 51
2019/20 Fallow year – 0
2020/21 One third– 17 (elected by least number of votes in 2018)
2021/22 One third– 17 (elected by second most number of votes in 2018)
2022/23 One third– 17 (elected by most number of votes in 2018)
2023/24 Fallow year– 0
2024/25 One third– 17
2025/26 One third– 17
And so on

An update on this will be reported to a future meeting of Council and, unless the change is agreed by the Secretary of State before the notice of election in 2019, then Councillors with the fewest votes in 2018 would serve for 12 months only.

2. Executive Arrangements

Currently the Council operates a Leader and Executive (Board) structure. It is considered this model should be maintained as this has operated effectively since its introduction following the Local Government Act 2000. The current arrangements are as set out in Article 7 of the Council's Constitution.

3. Leader and Executive Board

Assuming the council continues with the executive arrangement the current Leader's term of office will end alongside other councillors in May 2018. This will then require a Leader for the Council to be appointed at the Annual Council in May 2018.

Following the appointment of the Leader at Annual Council 2018, the composition and the individual Executive Board members will be confirmed. The Board can be a maximum size of the Leader plus 9 Executive Board Members or a minimum of 2 Members including the Leader.

Given the reduction in the number of Councillors overall, the Leader in May 2018 may consider reviewing the composition of the Executive Board and it is proposed that the new Executive Board comprises the Leader plus 8 Members with 7 Executive Members with portfolio and the Leader of the Main Opposition Group. This would involve a revision of portfolio responsibilities

and a further report will therefore need to be presented to the Annual Council in May 2018 setting out the portfolio responsibilities.

The Council may wish to consider making a recommendation in this respect.

4. Scrutiny Committees

The Council is required to appoint one or more overview and scrutiny committees. Overview and Scrutiny Committees also have 'external scrutiny' powers which includes making provision for 'health scrutiny' of health bodies and authorities. This is distinct from the mandatory Health & Wellbeing Boards.

It is suggested that going forward the Council operate with 3 rather than 4 scrutiny committees, with the number of elected members on each committee remaining at 11 seats. In addition it is suggested that the Call In committee be retained as now with 9 seats and that these be drawn from the 3 scrutiny committees' membership. The 3 Scrutiny Committees would broadly cover People Services, Place Services and Policy & Resources. The frequency of meetings to be considered further for agreement in the Year Planner 2018-2019 when this is presented to Council for approval.

5. Mayoralty

It is suggested that the Council agree that the current arrangements for 2018/19 i.e. with the current Deputy Mayor becoming Mayor, be confirmed for 2018/19 (subject to her re-election) however, also that a report be presented to the Annual Council in May 2018 to determine future nomination arrangements.

6. Committees of the Council

Given the reduction in Council members it is proposed to reduce the numbers of members on the main statutory and governance committees as follows: Planning & Highways Committee from 15 to 13, Licensing Committee from 13 to 11, however to retain the Standards Committee at 9 and the Audit & Governance Committee to also remain as now at 6, with proportionality reviewed as usual following the elections in May 2018.

7. Other Committees of the Council

There are no proposals to change the arrangements from those currently set out in the Constitution.

8. Advisory & Consultative Groups

It is proposed to cease the following Advisory and Consultative Groups: 'Member Engagement Advisory Committee', absorbing its functions into the Policy & Resources Overview and Scrutiny Committee (covering resources for members) and Standards Committee (to cover training and information for members). In respect of the LJNCC advisory and consultative groups, these will be replaced with new consultative arrangements following ongoing discussions with the trade unions. The Corporate Parenting Advisory committee would continue.

9. Outside Bodies

Each year at Annual Council consideration is given to nominating representatives to represent the Council on a range of Outside Bodies. Given the reduction in Councillors it is suggested that this would be an appropriate time for the Council to review this list and to re-affirm or

otherwise the Council's role and input to these bodies. Accordingly, it is suggested that the Council confirm its support for a review of the list of organisations and bodies and for a report to be presented to a future meeting.

10. Health & Wellbeing Board

The Leader is required to nominate at least one Councillor to the Board which they will need to consider in May 2018. The Council may wish to recommend that the Leader makes no proposals for change from those currently set out in the Constitution and confirms in May 2018 the membership as follows: Leader (or Deputy Leader) of the Council, Leader (or Deputy Leader) of the main opposition party, Executive member with portfolio responsibility for Adult Social Services & Executive Member with portfolio responsibility for Children's services.

11. Independent Remuneration Committee (IRP)

The Council Forum received a report at their meeting in October 2017 which approved the appointment of a new Panel to consider Member Allowances and Expenses for the 'new' council post May 2018. Decisions relating to the numbers of Councillors and roles within the revised constitution will be reported to the IRP for consideration when they address the review of Members Allowances.

12. Ward Boundaries

In view of the ward boundary changes following the Boundary Commission review, a number of Wards are affected by adjustments to the polling districts. Where there are changes to polling districts, it is recommended that the following principles be adopted: where this change affects only a small number of the electorate at the edges of a current polling district/ward, these electors will be advised that they will need to attend a different polling station from their usual one; and where the change in polling districts/wards affects a significant number of the electorate. it is proposed that there will be 2 polling stations (1 for each of the new polling districts/wards) provided in the same current location (subject to continued availability of the building) to ensure maximum continuity of voting arrangements for voters given the all-out elections. The changes will be reported to the next meeting of Council Forum.

In the meantime it is recommended that the Chief Executive be given delegated powers to make such minor changes to the polling districts for 2018 and in the future when the need arises. In any event there will be a full compulsory review of polling districts under the Electoral Registration and Administration Act 2013 after 1 October 2018.

5. CONSTITUTION POLICY IMPLICATIONS

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful. With the change to the Council elected member numbers, changes are required to ensure the continued effective operation of the Council.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution.

The Executive arrangements, as detailed in this report are a permitted form of governance under section 9B of the Local Government Act 2000 ("the Act"). Such Executive arrangements

must conform with the Act (Section 9C), which states that the executive may consist of a councillor elected as leader of the executive by the authority, and two or more councillors of the authority appointed to the executive by the executive leader . Under the Act the number of members of a local authority executive may not exceed 10 and must be at least 2.

Overview & Scrutiny – under section 9F local authorities with executive arrangements must include a provision for at least one overview and scrutiny committee with powers under section 9F(2).

Health & Wellbeing Board – under section 194 of the Health and Social Care Act 2012 each upper tier local authority must establish a Health and Wellbeing Board (HWB) for its area. The composition of the HWB must include at least one Councillor of the local authority nominated by the executive leader. The Council's current arrangements of including 4 Councillors on the Board are therefore in compliance with the legislation, and Council may specify the designation of the nominated councillors in the constitution.

Compulsory review of polling districts, polling places and polling stations is required under the the Electoral Registration and Administration Act 2013 following the steps set out in Schedule A1 to the Representation of the People Act 1983.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY IMPLICATIONS

The constitution update reflects changes in legislation. It also reflects various resolutions passed at Council, which would have been subject to an equality assessment, if any.

10. CONSULTATIONS

The Leader, Deputy Leader/Executive Member for Resources and the Deputy Chief Executive have attended meetings of the Policy & Corporate Resources Overview & Scrutiny Committee to discuss and consider the Committee's views on the governance arrangements for the Council from May 2018. Chief Officers have also been consulted.

Contact Officer: David Fairclough, Director for HR Legal & Corporate Services
(01254 585642)
Asad Laher, Head of Governance
(01254 585495)

Date: 28th November 2017

Background Papers: None