

Report of the Monitoring Officer

**Proposed Governance Changes by Opposition Groups**

**Summary**

1. Following the move of City of York Council into no overall control, the Opposition Groups and Independent Members submitted a set of governance changes to be considered.
2. This list of 13 changes was presented to officers, and consulted upon as part of the opposition briefing sessions.
3. The members of the opposition briefing session requested a paper be prepared in light of feedback from officers to take to Audit & Governance.

**Background**

The Opposition members presented a list of 13 actions containing governance changes to way the council operates, which were given to officers and discussed at the first Opposition Briefing on the 12<sup>th</sup> November. The actions were as follows:

1. *“An end to Cabinet Member behind-closed-doors decision sessions – all reports to be published in advance, a date set for meetings (not a one month window) and residents should be able to feed into the decision process.*
2. *The limit for delegated powers for officer decisions to be reduced from £500k to £250k immediately.*
3. *Democratic Services - All WYCA, LEP, NYLEP, York WOW and other relevant outside body meetings and papers to be included in the council timetable/added to the ModGov system*
4. *Communications - all press releases and communications activities to be returned to a less political system whereby group leaders see all press releases/briefings on an embargoed basis before they are sent to the*

*media so that they have time to digest and consider the issue prior to any media enquiry*

5. *All reports to all committees to be written and presented by officers. All reports must have clear officer recommendations, cost implications and a timetabled implementation plan and report back to committee schedule.*
6. *Confidential 'salmon paper' content should be kept to a minimum with a clear explanation of why it is confidential and when it can be made public.*
7. *A common methodology is prepared for all consultations. The results of public consultations to be published in full (information redacted where necessary to protect privacy), including recently conducted consultations on children's centres and Castlegate.*
8. *All complaints performance statistics (by department) to be submitted to Audit & Governance Committee quarterly as well as all other external performance reports (e.g. LGO, ICO) and FOI performance and, where possible, uploaded to the council website.*
9. *Travel and Appointments - all member/officer international travel and all appointments (including appointing interims) Grade 12 and above to be overseen through the cross-party Staffing & Urgency Committee. Unless in exceptional circumstance when an engagement is at short notice merely the emailed consent of group leaders.*
10. *In light of upcoming changes to Full Council ensure that a process exists for opposition councillors to ask Cabinet Members written questions with a suitable time limit for replies and that there is a fairer distribution of motions.*
11. *Officers to investigate the structure of the council post 2015 and present an all options paper to group leaders and Full Council.*
12. *Opposition councillors call on the Cabinet to respect the views of the resolutions passed at CSMC Call-In meetings.*
13. *Opposition group leaders and representatives are consulted on the forward plan and unless in an emergency any items not on it should not later be added."*

Following consultation with members at the Opposition Briefing, members asked that the actions that required the Leader's approval were taken to Group Leaders on the 14<sup>th</sup> January. Following this discussion Group Leaders requested a paper be prepared for Audit & Governance on the proposed changes and the Leader's response.

## Consultation

4. The Opposition Groups held discussions with officers as part of their opposition briefings.

## Options

5. Not relevant for the purpose of the report.

## Analysis

1. *“An end to Cabinet Member behind-closed-doors decision sessions – all reports to be published in advance, a date set for meetings (not a one month window) and residents should be able to feed into the decision process.”*

The Leader has agreed to end private Cabinet Member Decision Sessions.

2. *“The limit for delegated powers for officer decisions to be reduced from £500k to £250k immediately.”*

The Leader has agreed. The existing rules which apply to executive decisions involving expenditure over £500K will now apply to decisions at the lower threshold.

3. *“Democratic Services - All WYCA, LEP, NYLEP, York WOW and other relevant outside body meetings and papers to be included in the council timetable/added to the ModGov system”*

Additional links have been provided to websites of external partners for agenda & documents

4. *Communications - all press releases and communications activities to be returned to a less political system whereby group leaders see all press releases/briefings on an embargoed basis before they are sent to the media so that they have time to digest and consider the issue prior to any media enquiry*

Press Releases are now circulated to Group Leaders in advance where possible, and are always circulated to Group Leaders at the latest concurrently with release to the media.

5. *All reports to all committees to be written and presented by officers. All reports must have clear officer recommendations, cost implications and a timetabled implementation plan and report back to committee schedule.*

The Leader has determined all reports written by officers are to be written in their name. When a Member submits their own report e.g. to a Scrutiny

Committee or Council that will continue to be presented by and in the name of the Member.

6. *Confidential 'salmon paper' content should be kept to a minimum with a clear explanation of why it is confidential and when it can be made public.*

In light of the recommendations of the LGA review the Chief Executive is to commission an internal review of levels of usage of confidential paper.

7. *A common methodology is prepared for all consultations. The results of public consultations to published in full (information redacted where necessary to protect privacy), including recently conducted consultations on children's centres and Castlegate.*

Staff are currently receiving training on the new methodology. This will be rolled out as part of the consultation on the 2 latest rewiring programs.

8. *All complaints performance statistics (by department) to be submitted to Audit & Governance Committee quarterly as well as all other external performance reports (e.g. LGO, ICO) and FOI performance and, where possible, uploaded to the council website.*

This is already done through the monitoring reports which go to Audit & Governance Committee.

9. *Travel and Appointments - all member/officer international travel and all appointments (including appointing interims) Grade 12 and above to be overseen through the cross-party Staffing & Urgency Committee. Unless in exceptional circumstance when an engagement is at short notice merely the emailed consent of group leaders.*

The Chief Executive has spoken to the Chair of Staffing & Urgency and confirmed a quarterly report will be taken on travel. This is already published on the council's website (also quarterly). Staffing & Urgency already has oversight over all Chief Officer appointments. By law, it cannot be involved in appointments below Chief Officer level.

10. *In light of upcoming changes to Full Council ensure that a process exists for opposition councillors to ask Cabinet Members written questions with a suitable time limit for replies and that there is a fairer distribution of motions.*

The Leader is happy to discuss with other Group Leaders how such a system may be implemented and the issue will be placed on the agenda for their next meeting.

11. *Officers to investigate the structure of the council post 2015 and present an all options paper to group leaders and Full Council.*

A paper on alternate structures has been presented to the Opposition Briefing members to discuss.

12. *Opposition councillors call on the Cabinet to respect the views of the resolutions passed at CSMC Call-In meetings.*

The scrutiny system operates within the legal framework. It would be unlawful for Cabinet to adopt the practice of simply following the recommendations of CSMC.

13. *Opposition group leaders and representatives are consulted on the forward plan and unless if an emergency any items not on it should not later be added.*

The Council exceeds transparency requirements by publishing a forward plan containing both key and non key decisions. Urgent business is only added to the plan in accordance with legal requirements.

## **Council Plan**

6. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

## **Implications**

7.

(a) **Financial** – At this stage there are no known financial implications. Changes to the Council's structure in the future may have financial implications which would have to be taken into account in considering the options.

(b) **Human Resources (HR)** – There are no implications

(c) **Equalities** – There are no implications

(d) **Legal** – Minor constitutional changes will be required to reflect the change in thresholds for executive decisions made by Officers.

(e) **Crime and Disorder** - There are no implications

(f) **Information Technology (IT)** - There are no implications

(g)**Property** - There are no implications

### **Risk Management**

8. Officers have given advice on how these changes can be implemented in law. Any subsequent proposals to address these changes contrary to officer advice may put the council at risk.

### **Recommendations**

9. The Committee to take note of and discuss the proposed changes, the advice from officers, and the Leader's response.

Reason: To ensure Members are aware of the proposed changes and the Leader's response.

### **Contact Details**

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**Report  
Approved**



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### **Specialist Implications Officers**

Assistant Director Governance and ICT

**Wards Affected:** Not applicable

**All**

**For further information please contact the author of the report**

**Background Papers:**

None