

Constitution Working Group

Held at:	Middelburg Room - Civic Centre Folkestone
Date	Wednesday, 12 July 2023
Present	Councillors Mrs Jennifer Hollingsbee, *Jim Martin, Connor McConville, Tim Prater and Paul Thomas
Apologies for Absence	None.
Officers Present:	Ellen Joyce (Democratic Services Trainee), Amandeep Khroud (Assistant Director) and Susan Priest (Chief Executive)
Others Present:	Philip McCourt (Bevan Brittan LLP) (* for part of the meeting)

1. **Welcome and Introduction - Chief Executive**

The Chief Executive welcomed those present and introduced Philip McCourt of Bevan Brittan LLP.

2. **Terms of reference**

The Assistant Director – Governance and Law circulated the draft terms of reference (appended to these minutes) for approval. Members were invited to give feedback via email prior to the next meeting of the Working Group.

3. **Verbal update by Monitoring Officer on the work done by the previous Governance WG during the last administration**

The Assistant Director – Governance and Law outlined the work carried out by the previous Governance working group, and advised that the minutes were available to view on the council's [website](#).

4. **Presentation from Bevan Brittan - Change of form of governance: principal issues, questions and project planning**

Philip McCourt gave a presentation setting out the main considerations when changing governance arrangements.

The presentation set out suggested objectives for the change in governance arrangements, which were:

- **Inclusivity** – all elements of the Council should be involved in decision making, able to make their argument and exercise their vote;
- **Transparency** – the decision making process should be more open and transparent to Members and to the public;
- **Dynamism** – decision making should be both quick and effective and, when necessary, allow for urgent decision making;
- **Streamlined** – responsibilities and accountability should be clear, both within the Council and to the public
- **Accountability** – governance should assist good decision making, involving proper and early scrutiny; and
- **Cost effectiveness** – arrangements should seek to be agile and neither over burdensome nor costly.

Members indicated that they were broadly in agreement with these objectives.

Members commented on various aspects of the presentation and made points including the following:

- It was useful to draw on examples of other authorities who had adopted committee governance arrangements, such as Swale.
- It was important to ensure that the committee structure was the right fit for Folkestone and Hythe.
- Would a new constitution include decision making arrangements of wholly owned companies?
- There was no desire to retain a Scrutiny function within the committee system, but each committee should retain the ability to create task and finish groups, enabling 'deep dives' on specific topics.
- It was important to ensure the number of committees aligned with the number of members, to ensure there were enough members on each committee.
- Decision making within a committee model would not prevent decisions going in the favour of any majority group.
- Would officers be serving multiple committees?
- In terms of the arguments for and against a committee system, the negatives were negatable.
- It was desirable to avoid any double handling where reports needed to be considered by two separate committees.
- Would the £100k budget cover everything needed to change the governance arrangements of the council, including convening the Independent remuneration panel?
- Members supported the principle of committee chair's acting as 'spokespersons'.

Philip McCourt responded to the issues raised and made points including the following:

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- The terms of reference, and how the council exercised decision making as a share holder in terms of wholly owned companies was publicly available information and would be included within the constitution.
- It was important to ensure that decisions were not pre-determined and were made based on the evidence presented to that committee.
- Resources were a key consideration in the change in governance arrangements. Officer training was also vital, not just in terms of the committee model, but also for officers who had not previously presented at committee meetings.
- A cap on the number of Sub-Committees was recommended.
- More officer delegations were encouraged in a committee model, enabling quick decision making on some of the smaller decisions.

Members indicated that they supported the suggested model of four separate committees, with the policy and resources committee, and services and communities committees being made up of 12 members.

Philip McCourt advised on a list of Design and Practical questions set out within the presentation. It was agreed that these questions be circulated to Members of the Working Group seeking feedback, which would be put forward for discussion at the next meeting of the Working Group.

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CONSTITUTION WORKING GROUP RULES

1. **Scope & Objective**

The Working Group will consider the issues of moving to a committee system, as set out during the Full Council meeting on 21st June 2023 .

2. **Membership**

Five members (The Group Leader from each political group (or their nominee) – ie Councillors Martin, Prater, McConville and Hollingsbee and one Independent Councillor – Cllr Thomas)

The group will be facilitated by an independent party and the meetings will be chaired by the Leader of the Council. In the absence of the Leader of the Council the Working Group will nominate a Chair for the purposes of the meeting.

The group will be supported by the Head of Paid Service, Monitoring Officer and Democratic Services Senior Specialist.

2. **Authority**

The Working Group is advisory and has no decision-making powers. Their recommendations will be reported to Full Council.

3. **Accountability**

The Working Group shall report to Full Council as appropriate.

4. **Methods of working**

Members of the Working Group are expected to work co-operatively and come to conclusions that are agreed by the group.

Formal votes should therefore be rare with decision of the Working Group taken by general consent.

5. **Meetings**

The access to information procedure rules in the constitution do not apply. However members should receive any papers for the meetings in sufficient time for them to prepare for the meeting. There is a presumption that papers will be distributed electronically.

Proper records of the deliberations of the Working Group will be kept.

Three members of the Working Group must be present for the meeting to proceed.

6. Frequency of Meetings

The frequency of meetings will be informed by the need to have the Working Group consider issues.

7. Confidentially

Those present will keep the discussions of the Working Group confidential unless the Working Group decides otherwise. The relationship between the Working Group and the media should follow the council's communications protocol at all times.

8. Freedom of information /Environmental Information Regulations

The papers and notes/minutes of a Working Group will be the subject of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and will be documents that the public may have unless an exemption or exception applies.

9. Interests

Councillors should treat the Working Group as a formal meeting of the council for the purpose of the declarations of any interests and withdrawal from the meeting.