

## THE ROLE OF FULL COUNCIL AND THE POLICY COMMITTEES

### THE ROLE OF THE COUNCIL

The functions of the Full Council are specified in Article 4 of the Council's Constitution, a copy of which is attached to this report.

Part II of the Local Government Act 2000 introduced a comprehensive overhaul of the way in which local authorities in England govern themselves.

Following completion of the necessary public consultation, refinement of the constitution, and absorption of the regulations and guidance, the Council submitted its proposal for Political Management arrangements comprising alternative arrangements to the Government under cover of a letter of 13 July 2001 from the Councils then Chief Executive to the Deputy Prime Minister.

The proposals were satisfactory and Council adopted its relevant constitution at the Council meeting on 18 October 2001.

The Constitution was drafted having regard to:

- (i) The Local Authorities (Alternative Arrangements) (England) Regulations 2001 (S1 2001 No. 1299);
- (ii) the New Council Constitution's Guidance Pack in two volumes.

Paragraph 9.8 of chapter 9 of Volume 1 of the Guidance Pack included the following guidance:

*"9.8 The Regulations and this guidance provide that alternative arrangements take the following broad form:*

- *The Full Council of the local authority sets the policy framework and approves the budget, proposals for which would in general be presented to it from one or more committee(s) of the local authority;*
- *no more than five committee(s) (excluding regulatory committees, area committees and joint committees) of the local authority with delegated functions from the Full Council to implement the policy framework and to put proposals to the Full Council for future policies and budgets;*

- *one or more overview and scrutiny committee(s) to hold the policy committees to account in public, assist them in policy development and review and examine matters of wider local interest, involving local stakeholders in their deliberations; and*
- *a Standard's Committee (and any sub-committees for parish councils) appointed in accordance with Part III of the Act”.*

The Council has reserved responsibility for the adoption of its budget and policy framework, as set out in Article 4 of the Constitution. Once a budget or a policy framework is in place, it is the responsibility of Officers and the Policy Committees to implement it, subject to the power of Council to add to the policy framework.

The policy framework comprises the high level policy of the Council and is defined in Article 4 of the Constitution.

Statutory guidance on amending alternative arrangement constitutions is contained in paragraph 15.41 of Chapter 15 of volume 1 of the Guidance, which is as follows:

*“15.41 Local authorities should consult local electors for, and other interested parties in, their area when changing their alternative arrangements in any respect which has previously been the subject of consultation with those persons. Consultation should be proportionate in scale, scope and extent to the scale of the proposed changes to the alternative arrangements”.*

Against this background it is clear that the answer to the question “What matters should Council meetings be dealing with” is answered by reference to Article 4 of the Council’s Constitution, which specifies the responsibilities reserved to Council.

The Council’s responsibilities do not include reviewing decisions of its Policy Committees, Regulatory Committees or Standards Committees, which have been taken under their delegated or statutory powers.

The consideration of the Committee minutes can be the main item of business of the Full Council. The minutes of the Policy Committees fall into one of the following two kinds:

- They may record matters dealt with by committees under delegated powers; and
- they may make recommendations for the Council’s approval with or without amendment or rejection or reference back.

It is important to consider to what extent Council wants the decisions and recommendations of its Policy Committees to be reported to Council. These are the following three options:-

- (i) It is the practice of some local authorities to require the submission of the full minutes of committees to the Council Meeting; or
- (ii) An edited version; or
- (iii) A selection of those minutes containing recommendations for the Council's consideration.

It should be noted that submitting the full minutes of the Policy Committees to Council gives rise to procedural problems because the minutes of committee proceedings are a record of business already transacted and thus should not be altered in the full assembly.

In his record of observations on reviewing the constitution, Mr Colin Langley, an independent Member of the Council's Standards Committee, made the following observation:

*"Personally I do not favour putting all minutes to Council. That is a practice long abandoned in many authorities. If you do I do think there is a need to clearly distinguish between those purely for information and those subject to approval/amendment. Then make sure the rules are followed!"*

There are two ways in which the proceedings of the Policy Committees can be reported to Council, namely:

- (i) The minutes of the Policy Committees can be used. Minutes record, in the past tense, the business actually transacted at a particular meeting. Minutes must recite the salient reasons which influenced the meeting in reaching its decision or the alternative courses of action considered and rejected; and
- (ii) The report system may be used as the method of bringing before Council the proceedings of the Policy Committees. A report normally written in the present tense, need not limit itself to matters actually dealt with at a particular meeting - it can deal with an issue comprehensively, covering proceedings at several past meetings, and so present to the council meeting a full account in readable, intelligible form. The style is different, e.g. 'The Committee has considered....', or 'we have considered... and now recommend'. Members are advised that North Yorkshire County Council uses the report system by only reporting recommendations of the executive or Committees for decision by the County Council meeting.

## **The Role of the Policy Committees**

The role of the Policy Committees is twofold:

- (i) To make recommendations to Council on those matters in respect of which Council has reserved the decision-making role. This includes adopting a budget and adopting any part of the policy framework;
- (ii) Making decisions within its delegated powers, as described in the Terms of Reference. Decisions made by the Policy Committee within their Terms of Reference do not need confirming by the Council.

The Officer recommendation is that only those recommendations of the Policy Committee to Council be reported to Council and that decisions made by the Policy Committees under their Terms of Reference should not be reported to Council.

Members may in relation to Policy Committee matters:

- (i) Read the Policy Committee agenda on the Council's website, at Ryedale House or at home if a copy of the agenda has been requested, five clear days before the meeting if they are a non-Committee Member;
- (ii) Speak on a matter by invitation of the Chairman under Council Procedure Rule 35 if they are a non-Committee Member. The Member wishing to speak would need to request the Chairman of the Policy Committee before the meeting to be given an opportunity to speak;
- (iii) Read the Minutes of the Policy Committees and other Committees on the Council's Website; and
- (iv) May also ask questions on notice about those minutes at Full Council meetings under Council Procedure Rule 10.2.