

# **BATH AND NORTH EAST SOMERSET**

## **RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

Tuesday, 6th November, 2018

**Present:**- Councillors Sarah Bevan (Chair), Lisa O'Brien, Jasper Becker, Joe Rayment, Sally Davis, David Veale and Richard Samuel (in place of Andrew Furse)

### **24 WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

### **25 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

### **26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Furse gave his apologies and was substituted by Councillor Richard Samuel.

### **27 DECLARATIONS OF INTEREST**

Councillor Charles Gerrish, Cabinet Member for Finance and Efficiency declared an interest in Item 8 'Protocol on Council Company Governance' as Chair of the Board of ADL (Council Company).

### **28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

### **29 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

There were none.

### **30 MINUTES**

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chair.

### **31 PROTOCOL ON COUNCIL COMPANY GOVERNANCE**

Maria Lucas, Director of Legal and Democratic Services, gave a presentation to the Panel on 'Company Governance' which covered the following points:

- Overview

- Background
- Recommendations from EY
- Protocol on Company Governance
- Group Structure
- 2017 Council Report resolutions
- Report for Council
- Scrutiny

Panel members asked the following questions and made the following points:

Councillor Samuel asked if Group Leaders (referred to in Appendix E) would be able to share information from their meeting with the group. He explained that this could cause a disconnect between Groups Leaders and their group which was not acceptable. The officer explained there would be a duty of confidentiality and that information on decisions could be accessed by members of the group via the weekly list which the Group Leader could draw attention to. Councillor Gerrish, Cabinet Member for Finance and Efficiency, explained that he understood the concern but that a balance must be sought as this would be potentially commercially sensitive information so details could not be widely shared.

Councillor Rayment stated that he wanted to see more robust scrutiny and suggested that the Group Leaders meeting be replaced with this Panel or a duplicate as Group Leaders may not be the right people to scrutinise proposals. The Panel includes opposition members and back bench members. The officer responded that the report presents a working model and all authorities are learning on this issue. She explained that the Panel will have 6 monthly performance reports and could also ask questions through the Weekly List process. Councillor Rayment stated that he wanted pre decision scrutiny.

Councillor O Brien stated that pre decision scrutiny would be logistically difficult to arrange. She stated that she agreed that the Group Leaders may not be the best people to scrutinize but that she was reassured that the 151 officer and Monitoring Officer would also be there to advise. She suggested that confidential minutes should be taken and that the Panel should see reports every 3 months rather than every 6 months.

Councillor Gerrish, Cabinet Member for Finance and Efficiency, explained that there would be occasions where the Panel could consider a business case of a proposal and this would be in the cases where ADL also had a planning application to be considered. A planning application can take 6-8 weeks so a meeting of this Panel could be called to consider the business case. He did add that where ADL want to acquire a site not in the Council ownership and a rapid decision is needed, this would have to be done under the urgent process. Councillor Davis agreed that this is a good way forward.

Councillor Becker stated that he had strong misgivings about a Panel discussing commercial issues as the item may become political. Councillor Gerrish explained that the difference between this Council and others is that the Council own ADL and provide funding which is public money so it would be right for the Council to take an

interest in how the Company operates. Councillor Gerrish stated that he sees no problem with decisions being reviewed.

Councillor Samuel stated his concern over the timescales and asked that the Panel look again at this item before November 2019.

Councillor O'Brien agreed that in the case where planning permission is sought, it would be appropriate for this Panel to consider the business case and comment.

Councillor Gerrish stated that the creation of a new body would mean a change to the constitution and that this may not be needed in that the Group Leaders could send a substitute who is better qualified to their meeting. Councillor Rayment suggested that this be a separate meeting as there is not usually time to fully consider such things in their usual session.

In a response to a question from Councillor Rayment regarding Trade Unions, Councillor Gerrish explained that employees can request that a TU be recognised and that would be a decision for the Company. It would depend on how many employees and on the number of Trade Unions.

In a response to a question from Councillor Rayment regarding officer's conflict of interest, the Monitoring Officer explained that officers cannot waive their duty to act in the public interest but officers (and Members) may at times be wearing two hats and this is where ethical walls are needed.

The Panel **RESOLVED** to recommend to Council that:

1. With regard to the Group Leaders Briefing ( Appendix E),
  - i. the Group Leaders may hold a separate briefing to discuss such matters if they wish (separate from their standard meetings which can be time pressured) and may send an appropriate substitute from their group
  - ii. Minutes should be taken at the above briefings.
  - iii. Group Leaders (or their substitutes) can ask that their concerns (or dissent) are noted in the minutes.
2. The proposals for Scrutiny should be reviewed early in the new administration (after May 2019 but before November 2019).

## **32 CABINET MEMBER UPDATE**

The Cabinet Member for Finance and Efficiency, Councillor Charles Gerrish updated the Panel on a paper 'Medium Term Financial Strategy' that was considered by the Cabinet at its meeting on 31<sup>st</sup> October 2018. He explained that the report presented a professional assessment of the Council's financial challenges over the next 5 years.

## **33 PANEL WORKPLAN**

The Panel noted the workplan with the following amendments:

- 28<sup>th</sup> November 2018 – items ‘Member Development Programme’ and ‘Demonstration of Council Website’ be withdrawn from the workplan and sent to Councillors outside of the meeting. This allows more time at the meeting to discuss the remaining items.

The meeting ended at 6.30 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**