

TRAFFORD COUNCIL

Report to: Extraordinary Meeting of the Council
Date: 15 May 2020
Report for: Decision
Report of: Executive Member for Public Safety, Governance and Reform
and Corporate Director of Governance and Community Strategy

Report Title

Postponement of Annual Council and Changes to Governance Arrangements

Summary

In light of the global pandemic Members are being asked note the postponement of the Annual Council Meeting and to adopt a revised six-month timetable of Council and Committee meetings that will be held virtually in light of new legislation.

Council is also being asked to consider the temporary suspension of the Trafford Council Scrutiny arrangements and approve the creation of a time limited Trafford Pandemic Scrutiny Committee (TPSC).

Council will note the Memberships of the Executive and Shadow Executive and going forward into the 2020/21 Municipal Year, re-confirm the Committees of the Council and their membership and confirm member appointments to outside bodies.

Council is further asked to approve the appointment of the Governance Manager as the Borough's Statutory Scrutiny Officer for Trafford Council.

Recommendation(s)

- 1) To note that the Annual Meeting of the Council scheduled for 27 May 2020 has been postponed to a date to be determined.
- 2) To note that, in the event that the Annual meeting is required to be postponed beyond July 2020, that the term of office of the incoming Mayor at that time will continue to the Annual Meeting of Council in May 2022.
- 3) To confirm the Standing Committees and their membership, as set out in Appendix 'A' to the report.
- 4) To agree that the Council's three scrutiny Committees be suspended until 30 September 2020 and to approve the establishment of the Trafford Pandemic Scrutiny Committee (TPSC) to carry out the Scrutiny function as outlined in Appendix 'B' in the intervening period.

- 5) To note that it is proposed that the arrangements for the holding of virtual meetings and the operation of the proposed scrutiny arrangements will be subject to review by a cross party Constitution Working Group which will have the ability to make recommendations in relation to the continuation of the operating arrangements after 3 months.
- 6) To note that the Council meeting scheduled for September 2020 will consider a further report from the Monitoring Officer following consultation with the Constitution Working Group in relation to the calendar of meetings for the remainder of the Municipal year and the proposed arrangements for all meetings for that period.
- 7) That Council approves a general extension to the six-month Councillor attendance rule of 3 months where any member is unable to attend meetings in the circumstances set out in the report, subject to confirmation by the Monitoring Officer in consultation with the Chair and Vice Chair of the Standards Committee in each individual case, in advance of the six-month period expiring.
- 8) That Council approves the appointment of John Addison, Governance Manager, as the Council's Statutory Scrutiny Officer and for the Council's Constitution to be amended to reflect the appointment.
- 9) That the timetable of Council and Committee meetings for the first six months of 2020/21 municipal year be approved, as set out in Appendix 'C' to this report.
- 10) To confirm the positions of Committee Chairs and Vice-Chairs, as set out in Appendix 'A' and note the nominated Opposition Spokespersons (where appropriate).
- 11) To note the Membership of the Executive, including the Deputy Leader of the Council, as set out in the Appendix 'D' to the report and appointed by the Leader of the Council until the next Annual Meeting of the Council.
- 12) To note the members of the Shadow Executive as set out in the Appendix 'E'.
- 13) To approve the appointment and memberships of the three Sub-Committees of Licensing Committee, as set out in Appendix 'F'.
- 14) To constitute the Appointments and Appeals Panel, the membership for which will be drawn from all members of the Council.
- 15) To reconfirm the Council's appointments to the Health and Wellbeing Board, as set out in Appendix 'G', and recommend that these be endorsed by the Board.
- 16) That the Council delegate to the Chief Executive, in accordance with the written request of the relevant Group Leader, the power and authority to change the membership of committees and sub-committees as may be needed from time to time.
- 17) That the Council delegate to the Corporate director for Governance and Community Strategy authority to make such amendments to the constitution as are necessary to enable the above recommendations to be brought into effect

18) To approve the following arrangements for dealing with delegated decisions and urgent action:

(a) Delegated Decisions

That where, under the approved scheme of delegation, decisions may be taken by Officers in consultation with non-Executive Members then in the absence of any specific arrangements having been made, the Officer shall consult the appropriate Chair, Vice-Chair and Opposition Spokesperson.

(b) Urgent Action

That, in situations which require emergency action the Chief Executive or the appropriate Officer, in consultation with the Chair and Vice-Chair of the Committee concerned and the Opposition Spokesperson where appropriate (or their respective nominees), be authorised to deal from this date until the next Annual Meeting of the Council, with any matters of urgency or any other matter that cannot conveniently be deferred to the next ordinary meeting of the Committee, subject to later report for information, to the Committee in question.

Contact person for access to background papers and further information:

Name: John Addison Governance Manager

Extension: 2038

Background Papers: None.

1. IMPACT OF THE CORONAVIRUS PANDEMIC

1.1 Due to the national restrictions on movement and gatherings introduced to combat the Coronavirus Pandemic the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 regulations came into force in April 2020. The regulations bring into effect a range of measures to enable councils to either suspend or cease doing some things which they are normally statutorily obliged to do and to do other things differently, recognising that, unless certain changes were made, councils would be very restricted in terms of their normal operations.

1.2 In recognition of the impact the crisis will have upon the business of Annual Council meetings, the regulations allow for the extension of Council appointments, specifically:

Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine.

- 1.2 The regulations referred to in 1.1 also allow Councils to hold meetings virtually. The revised Committee timetable as referred to in 6.1 of this report is proposing that we hold council meetings virtually for a period of up to 6 months. It is further proposed that the arrangements for virtual meetings are reviewed by the cross party Constitution Working Group after 3 months.
- 1.3 The Council is still required to follow access to information law, but can now deem a document being open for inspection if posted on Trafford Council's website.
- 1.4 The six-month Member attendance rule still applies to all Members if attending either physical or virtual meetings. Member sickness will continue to be managed under the current procedures. A general exemption is however proposed as set out in paragraph 7 where members are unable to attend virtual meetings where these are now taking place in working hours, or for other covid related reasons.
- 1.5 The Coronavirus crisis and the uncertainty about the length of the national lockdown measures compel the Council to postpone the Annual Meeting scheduled for 27 May 2020. Initially, postponement will be for 2 months, however, this will need to be reviewed as the health crisis and the Government's response dictate.
- 1.6 Accordingly, it is proposed that the appointments made by the Council, are extended until the next Annual Meeting of the Council can be held. Details of the Committee and Sub-Committee appointments which will continue to the next Annual Meeting are set out in the Schedules appended to the report and the Council is requested to agree any changes that may now be expedient.
- 1.7 A list of the appointments made to outside bodies which are proposed to continue until the next Annual Meeting of the Council is included in Appendix 'H'.
- 1.8 Arrangements around the Leader of the Council and the Executive are included in Appendix 'D'. These arrangements will also continue until an Annual Meeting of Council is held.

2. COMPOSITION OF COUNCIL COMMITTEES

- 2.1 The Local Government and Housing Act 1989 requires the composition of committees to be in accordance with the political balance of the 63 members of the Council and this shall be reviewed as a result of any changes to that balance. Currently the political make-up of the Council is as follows:
 - Labour Group - 35 members
 - Conservative Group - 19 members
 - Liberal Democrat Group - 3 members
 - Green Party Group - 3 members
 - Independent - 1 member
- 2.2 Additionally, there are 2 vacancies on the Council following the sad passing of 2 Members in 2020 and these will continue due to the cancellation of elections due to the Coronavirus Pandemic.

2.3 Subject to the need to allocate each political group a total allocation of seats in proportion to its strength on the Council and with no requirement to offer any seats to an Independent since an individual does not constitute a group, the Membership of each Ordinary Committee should be made up of the following proportions: -

- Labour (35/63) - 55.56%
- Conservative (19/63) - 30.16%
- Liberal Democrat (3/63) - 4.76%
- Green Party (3/63) - 4.76%

Note:

- the vacant seats account for (2/63) - 3.17%
- and the Independent Member (1/63) - 1.59%

2.4 As a result, the existing Committee composition is not affected by the above slight changes in balance, therefore, the Council is not obliged to make any changes to their political make-up.

3. **MAYOR AND CHAIR OF COUNCIL**

3.1 As the first citizen of the Borough, the Mayor represents the Borough at civic functions both locally and nationally and fulfils all the traditional ceremonial functions that are fundamental to the civic life of Trafford.

3.2 The Coronavirus pandemic has had an unprecedented impact upon all aspects of civic life/ community engagement and would limit the scope of the incoming Mayor, as well as affecting fundraising opportunities for the Mayoral Charity.

3.3 Consequently, during this emergency it is proposed to defer the appointment of a new mayor until an Annual Meeting can be held, hopefully later this year and the current Mayor and Deputy continue in office until that time. Accordingly, their Mayoress and Deputy Mayoress will continue in their roles.

3.4 As a result, the terms of office of the next Mayor and Deputy may be impacted and it is proposed that if an Annual meeting is not able to take place at a suitable time in the coming months, the option is given to enable the incoming mayor to serve until the Annual Meeting in 2022, to provide some parity.

3.5 To allow for this, it may be necessary to amend the Council constitution temporarily to allow for these irregular terms of office and authority is sought for the Corporate Director for Governance and Community Strategy to make such amendments as may be required to give effect to these changes.

4. **CHANGES TO SCRUTINY**

4.1 Due to the current and ongoing global COVID-19 pandemic, from mid-March 2020 Trafford Council has not been able to hold Committee meetings. Recent legislation from the government means that the Council can now hold meetings without Members being physically present. The regulations allow local authorities the flexibility to conduct meetings in a way that best suits their current needs.

- 4.2 At present as the country is in lockdown most Council Officers and Members are working remotely and a significant number have been redeployed to assist front line services. This makes conducting Scrutiny in the normal way challenging and would place further demand on stretched services
- 4.3 The importance of democratic accountability and good governance is as important as ever and all Members have a role to play in supporting the Council and residents though this challenging time.
- 4.4 It is proposed that in order to enable Scrutiny to assist the Council to meet residents' needs, the current scrutiny model of three Committees be replaced by one larger, time limited Committee – the Trafford Pandemic Scrutiny Committee (TPSC). Doing this will enable Members to continue to hold the Executive to account, by being a critical friend, ensuring that robust decision making is in place. By focussing on this one Committee it will ensure that Scrutiny's focus is on the key decisions that are being taken during the pandemic and that these decisions are meeting the needs of residents and will provide for appropriate scrutiny of issues of concern arising during the course of the ongoing pandemic.
- 4.4 The TPSC will stand in place of Trafford Council's normal scrutiny function until 30 September 2020 and the arrangements will be subject to review after 3 months. There will be one meeting each month. All meetings will take place in working hours, virtually, with a meeting scheduled to take place 7 working days after any meeting of the Executive principally to provide both pre and post decision scrutiny in relation to decisions. The other scheduled meetings will focus principally on topics proposed as set out in the attached document at Appendix B, which also sets out the proposed terms of reference for the Committee.

5. STATUTORY SCRUTINY OFFICER

- 5.1 The Local Government Act 2000, the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 and the Local Democracy, Economic Development and construction Act 2009 requires authorities to designate a Statutory Scrutiny Officer whose role is to:
- Promote the role of the authority's Scrutiny Committee;
 - Provide support to the Scrutiny Committee and its Members; and
 - Provide support and guidance to Members and Officers relating to the functions of the Scrutiny Committee.
- 5.2 In order to comply with legislation, the Council is required to designate a Statutory Scrutiny Officer, with the designation then being reflected in the Council's Constitution.
- 5.3 The person appointed to this role cannot be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.
- 5.4 Previously, the Head of Governance (Peter Forrester) was the Council's designated Statutory Scrutiny Officer. Upon the departure of the previous Head of Governance, a temporary designation of the role was made to a Principal Solicitor of the Council. There is now a need for the Council to formally appoint an alternative permanent Statutory Scrutiny Officer.

- 5.5 It is proposed that the Council appoints John Addison, Governance Manager, as the Council's Statutory Scrutiny Officer and for the Council's Constitution to be amended to reflect the appointment.
- 5.6 Failure to ensure appointment to this role could lead to the Council being challenged for failing to meet its statutory duties.

6. MEETINGS TIMETABLE

- 6.1 Each year at the Annual Meeting the Council constitutes its Committees and is presented with a timetable of meetings for the forthcoming year. A provisional meetings timetable was agreed at Council on 18 March, but since then the government has put in place a national lockdown to combat the Coronavirus Pandemic and in light of the Government measures a refined version is now being presented for formal adoption.
- 6.2 Council is being asked to adopt a shorter, initial six-month timetable of Council and Committee meetings going forward into the 2020-21 municipal year, all of which will be held virtually. The timetable and frequency of meetings has been moderated as a result of the ongoing pandemic and is set out at Appendix C to the report. All meetings timetabled in Appendix C will commence at 16.00 and the time for the conclusion of the business of the meeting will be 18.00.
- 6.3 A Council meeting has been programmed for September at which point it is intended that Council will be able to approve a full calendar of meetings for the remainder of the Municipal Year. It is already proposed that there will be a return to the full Scrutiny regime in October, following the September Council meeting and this is provided for in the Calendar of Meetings at Appendix 'C'. However, the arrangements for all meetings will be subject to review by the Constitution Working Group and recommendations from the Monitoring Officer to be made in September in consultation with that Group.
- 6.4 It is also hoped that the current restrictions arising by virtue of the covid pandemic will have eased or will be able to be moderated sufficiently over the coming months to enable a return to evening meetings. There is therefore a presumption that all meetings to be programmed for the period from October onwards will be at the usual time of 18.30 for all meetings except council, which will be at 19.00.
- 6.5 Adoption of a virtual meetings timetable will assist with the preparation of committee work programmes for the next few months in times of uncertainty. Timetabling these meetings will enable Members and officers to plan accordingly and ensure that the Council's decision-making processes can continue to operate on a planned basis.

7. 6 MONTH ATTENDANCE RULE

- 7.1 Whilst it is noted that the legislation has not relaxed the requirements in this regard, the temporary move to digital meetings may result in Members being unable to comply with the six-month councillor attendance rule. (Section 85 (1) of the Local Government Act 1972).

7.2 It is therefore proposed that Council agrees an automatic extension of 3 months in relation to any Members who are unable to attend meetings due to work commitments, or as a direct result of the pandemic, or where there have been no relevant meetings held during the preceding 6 months. In each individual case the extension would be subject to the confirmation of the Monitoring Officer in consultation with the Chair and Vice Chair of the Standards Committee, and would be agreed on a case by case basis and in advance of the elapse of the six-month period.