

## **Appendix 1: IOW Governance Architecture: Committee System Framework**

### **Design Principles**

1. The design principles underlying the drafting of the constitutional changes have reflected the circumstances including the timing constraint set by the Council. The principles followed have as a result been both based on certain assumptions as to content and process but also set within an overall approach / framework as follows:
  - 1.1 Given the time constraint, the only constitutional changes being proposed at this point are those necessary to allow the adoption of a committee system of governance from May 2024. The decision-making process will need address the risks and the mitigation for those risks arising from a May 2024 implementation.
  - 1.2 As a result:
    - 1.2.1 existing arrangements that do not need be changed to achieve the overriding priority of the adoption of a committee system of governance in May 2024 are unaltered. This includes the non-executive committee's terms of reference and ancillary matters, the scheme of delegation including delegation levels and all non-executive protocols and procedures.
    - 1.2.2 there are constitutional matters previously raised and either already under review or pending consideration that will not be addressed by this current process.
    - 1.2.3 this current process should therefore be seen as the first stage of a larger piece of work to review the Constitution as a whole. That larger piece of work will need to review the new constitutional arrangements and fine tune them. Given the pace that has had to be adopted to deliver this and the limited engagement that has been possible over the details, it is inevitable that fine tuning (at least) will be required; and
    - 1.2.4 as already identified, certain aspects of the constitution that has been lifted and shifted have already been identified as warranting review and should also be reviewed in the larger piece of work.
  - 1.3 As a consequence, the process currently being undertaken to prepare a Committee system of governance for adoption in May 2024 should be seen as a first part of the review of the Council's constitutional settlement that not only accepts the need to review / fine tune the new arrangements but also take time to fully review all of the constitution and address those issues already identified for review that fall outside the changes currently being proposed.

## **Key Areas for Members**

1. The Future Governance (members group) have identified 5 key areas that they wish to be updated upon. These are expressly addressed in this note. Namely:
  - 1.1 Democracy of Committees e.g., election of Chairs, procedural rules
  - 1.2 Terms of Reference of and Decision-Making by Committee, particularly those with statutory responsibilities
  - 1.3 Urgent/Key Decisions and Committee delegating. Local Choice functions
  - 1.4 Any particular role of proposed Policy, Finance & Resources Committee. How does it fit with the rest? Membership?
  - 1.5 Communications Protocol

## **Leadership**

### **1. Full Council**

- Is made up of all 39 of the Councillors to listen to and represent their wards and the people who live within them.
- Agrees the Constitution (i.e., how the Council operates)
- Sets the Scheme of Delegations (i.e., who can make which decisions)
- Undertakes those functions that by law only Full Council can undertake as well as any Local Choice Functions
- Is the forum where all Members steer the overall direction of the Council, set the boundaries within which all the themed committees have to operate (known as the 'budget and policy framework'), and keep oversight of decisions made across the whole system. In exceptional circumstances, can overturn decisions made by Committees.
- Appoints councillors to individual committees, appoints chairs of all committees, and elects the Leader of the Council and the Chairman of the Council.
- Agrees Policies which by law can only be agreed by full council.

## **2. Leader's Role**

- The role of the Leader in a committee system of Governance is very different from that under Executive arrangements with a Leader and Cabinet model, where the Leader appoints their cabinet and determines their portfolios. A Leader under executive arrangements has significant decision-making powers and hence has both legal status and legal powers.
- The position under a committee system is different as the legal decision-making powers are vested in Full Council, Committees, Sub-Committees and officers acting under delegated powers. Nevertheless, the Leader in such a model of governance performs a number of vital roles.
- The Leader shall be recognised and derive their authority to give that political leadership in the following ways:
  - The Leader shall be appointed at the council's Annual Meeting as Leader and hence Chair of the Policy, Resources and Finance Committee.
  - Has the right to attend and speak at any meeting of a committee or sub-committee of the Council, provided that they will only be entitled to vote if appointed as a voting member of that committee or sub-committee.
  - The establishment of policy direction and the council's priorities and the facilitation of discussion thereon.
  - To be principal ambassador for the Council.
  - To represent the Council on any external body, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
  - Involvement in major emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.
  - To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

## **3. Chairman's Role**

- Ceremonial 'First Citizen' elected by Full Council representing the Council as a civic body in formal and informal public settings and promoting local causes.
- Chairs Full Council (has a casting vote if votes are tied)

#### **4. Budget and Policy Framework (BPF)**

- Required by Local Authorities (Committee System) (England Regs (2012) ("the 2012 Regs)
- Full Council approves the plan strategy or budget. All decisions then made as per BPF unless Full Council agree otherwise.
- P&R (as the overarching Committee) recommend to Full Council the relevant plans and budget in BPF.
- Full Council adopt the statutory minimum of the BPF namely:
  - Budget
  - Annual Library Plan
  - Crime and Disorder Reduction Strategy
  - Development plan and associated documents e.g., Local Plan
  - Licensing Authority Policy Statement
  - Local Transport Plan
  - Sustainable community strategy
  - Youth Justice Plan

#### **Committees**

##### **5. Policy Resources and Finance Committee (PR&F)**

- Overarching Service Committee
- Develops a Corporate Plan, budget, and other aspects of the Budget & Policy Framework, with input of the other Service Committees, for agreement / endorsement by Full Council and then can only work within those limits agreed by Council.
- Takes strategic decisions and sets the overall work programme for the Service Committees which are each responsible for delivering specific parts of the corporate planning framework.
- Membership is Chairs of all the Service Committees (Chair of Audit and Governance has standing invite) plus others to maintain political proportionality. Chaired by Leader of the Council. Deputy Leader also a member and Vice Chair. Leader may designate members of Policy, Resources and Finance Committee to lead on specific themes e.g., finance.

## **6. Service Committees**

- Decision-making Committees organised by service (Full Council sets exact number, titles, and remits – which may be reviewed and changed at each year's Annual Meeting)
- Work within the Budget, Policy and Strategy Frameworks set by the Full Council
- Service Committees are:
  - Policy Resources and Finance
  - Children's, Education & Skills
  - Adult Social Care, Public Health, and Housing
  - Economy, Regeneration, Transport & Infrastructure
  - Environment and Community Protection
- In certain conditions Committees may establish a limited number of temporary, time-limited Sub- Committees for specific purposes, such as to develop policy on a specific issue.
- Council Procedure Rules will apply to Service Committees (as they currently do for non-executive committees) but with less formality / lighter touch (as now).

## **7. Other Committees**

- A range of existing Committees continue to serve their current functions e.g., Planning, Licensing, Audit and Governance, Appointments and Employment, Appeals (including sub-committees), Harbour Committee, Investigatory and Disciplinary Committee, IOW Pension Fund Committee and Local Pension Board.
- Post implementation, some bodies may / may not need to be reshaped or rethought in order to fit within the new Committee System, such as Health & Wellbeing Board.

## **8. Sub-Committees**

- Committees have the legal power to create sub-committees. The current proposals do not create any new / further sub-committees.

## **9. Scrutiny**

- Whilst there is no legal requirement for separate Scrutiny Committee(s) under the Committee system as cross-party check and challenge (and cross-party policy development) is built into every decision-making Committee and Full Council, some statutory responsibilities remain.

- S19 Police and Justice Act 2006 provides the IOW Council must have a scrutiny committee within the meaning of S9JA Local Government Act 2000. Similar obligations arise under Section 244 National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- The Council, having adopted a committee system form of governance intends not to appoint any separate overview and scrutiny committee(s). Therefore, it has no call-in function.
- The statutory overview and scrutiny functions of the authority will be exercised by each Service Committee with regard to the services, functions and partnerships covered by that Committee including P&R Committee in respect of its functions, but P&R shall also undertake overview or scrutiny across Council services covered by more than one Committee.
- The statutory external scrutiny functions of the authority would be exercised by the relevant service committees, are as follows:
  - Health: Adult Social Care, Public Health, and Housing Committee
  - Crime and Disorder: Environment and community Protection Committee
  - Flood risk management: Environment and Community Protection Committee
- The Council's overview and scrutiny procedure rules and Standing Order 25 apply when committees are undertaking their overview and scrutiny function; and the facility for each committee to set up and appoint task-and-finish groups is retained and set out in the constitution.

## **Engagement and Communication**

### **10. Public Engagement**

- A critical ambition for the new governance system is for citizens, communities, and partners to be more effectively engaged, involved and listened to within the decision - making process.
- Decisions, and the processes used to reach decisions, should be easy for anybody to find and understand so that decision-makers are publicly accountable to everyone.
- This objective should be read as running through every single part of this framework.

## **11. Communications**

- The Communications Protocol defines who can make official statements on behalf of the Council under the new Committee System. Typically, each political Group will have a nominated public spokesperson for each committee, but official Council statements are likely to be in the names of the Chairs of the relevant committees and/or the Leader.

## **Roles and Responsibilities**

### **12. Schemes of Delegation**

- All decisions previously made by the Executive will be made at the new Service Committees. Where decisions are made by Officers, the thresholds for this, and mechanisms for transparency and holding decision-makers to account, will be clear in the Constitution.

### **13. Statutory responsibilities for members**

- It will still be a legal requirement that IOW has a Lead Member for Children's Services. This role is usually combined with Chairmanship of the relevant Committee(s), in this case Children's Services Committee. Individual Member decision making is not permitted under the Committee System.

### **14. Staffing, Relationships and Casework**

- The Member Support function will need to be reviewed in line with the new model.
- Various new relationships and ways of working between Members and Officers must be forged.
- Member Casework support mechanisms may need to be reviewed.
- Under the proposed governance model, whilst there is no longer a legal need for a statutory scrutiny officer, there is a need for support for the scrutiny / function / activity now being carried out by the Service Committees.

### **15. Urgency**

- The current scheme of executive and non-executive delegations will be lifted and shifted into the new scheme of delegations and only amended to reflect the new form of governance. Decisions previously made by the Executive will be made at the new Service Committees unless otherwise agreed. Where decisions are made by Officers, the thresholds for this, and mechanisms for transparency and holding decision-makers to account, will be clear in the Constitution.

## **DRAFT TERMS OF REFERENCE FOR SERVICE COMMITTEES**

The Council intends to establish 5 Service Committees aligned with the functions of the Council:

1. Policy, Resources and Finance
2. Children's Services, Education and Skills
3. Adult Social Care, Public Health, and Housing
4. Economy, Regeneration, Transport, and Infrastructure
5. Environment and Community Protection

### **Matters Reserved to All Service Committees**

Within the remit of each Service Committee and subject to decisions being:

- (i) within the approved budget (including any virement)
  - (ii) not contrary to the Budget and Policy Framework
  - (iii) In accordance with the priorities set out in the Council's Corporate Plan, and
  - (iv) any Capital Programme expenditure having been approved by P&R Committee
- the following matters are reserved to Policy Committees:

### **Policy Resources and Finance (PR&F)**

1. To make recommendations as appropriate on matters reserved to Full Council for decision including the Budget and Policy Framework and the overall strategic direction of the Council.
2. To develop and recommend the Corporate Plan to Full Council to provide strategic policy direction and thereafter monitor performance against key indicators.
3. To coordinate the development of the annual budget (and MTFS Plan) to be recommended to Full Council and thereafter monitor financial performance.
4. Set the policy direction for:
  - a) those functions for which the Committee is responsible.
  - b) functions which cut across more than one committee area.
  - c) functions not otherwise specifically reserved to another policy committee.
  - d) matters referred to it for decision by a policy committee.
  - e) where other policy committees are not in agreement.
5. To be responsible for the authority's corporate assets and resources, in particular the financial, regeneration, land and property, and information assets and resources.
6. To ensure the corporate management of the Council, and the efficient and cost-effective delivery of its services to the public.
7. Oversight of the Council's corporate and support functions and activities.
8. To act as Trustee for the Council in respect of such charities as agreed from time to time.



9. To be responsible for any joint arrangements and partnership areas, relevant to the functions of the Committee in which the authority is involved.
10. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible, and for functions which cut across more than one committee area.
11. To exercise Powers where relevant for Petitions, and scrutiny of other Public Service Providers, as for example set out in the Local Government and Public Involvement in Health Act 2007.
12. To be responsible for decision-making in matters which cut across the delegation of functions to Committees.
13. To exercise the Council's functions and responsibilities, in relation to any other companies in which the Council holds interests for example as shareholder or sole member.
14. To take decisions on policy matters in functions which have been delegated to another Committee but where a decision is required out of that Committee's normal cycle of meetings.
15. The Committee may take urgent decisions on behalf of Full Council, subject to the function not being reserved by statute to Full Council.
16. The Committee is responsible for delivering the services within the approved revenue and capital budget.

**NOTE:** The Leader may nominate any other member of Policy, Resources and Finance Committee to lead on and present both to Policy, Resources and Finance Committee and Full Council any Policy Framework Plan or the Budget.

## Children's Education and Skills

1. To be the authority's Committee with responsibility for services that relate to the council's children's services functions including education, children's social care and children's health.
2. To be responsible for and take decisions relating to the statutory and non-statutory duties relating to the functions listed below, and to set the policy framework for those functions for which the Committee is responsible:
  - a) Children's education, including standards and school improvement.
  - b) Special educational needs and/or disabilities
  - c) Early Years
  - d) Youth Support Services
  - e) Youth Justice Services
  - f) Early Intervention
  - g) Children's social care including looked-after children, safeguarding and corporate parenting.
  - h) School place planning and admissions
  - i) Post 16 provision including those Not in Education, Employment or Training (NEETs)
  - j) Children's physical and mental health
  - k) Transitions for young people from children to adults' services
  - l) Work with the Youth Council and other bodies representing children, young people, parents, and carers.
3. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.
4. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
5. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
6. To provide a corporate framework for the scrutiny of Children's Services as set out in the Children Act 2004 and to ensure effective accountability for providing a focus on the needs of children across all services of the Council, and the integration of all public services provided to children by the Council, health, and other partners.
7. The Committee is responsible for delivering the services within the approved revenue and capital budget.

## **Adult Social Care, Public Health, and Housing**

1. To be the authority's Adult Social Care Committee.
2. To be responsible for and take decisions relating to the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
  - a) Adult Social Care
  - b) Public Health
  - c) Housing
3. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.
4. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
5. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
6. Specifically, to undertake the health scrutiny functions of the local authority under Section 244 of the National Health Services Act 2006 as amended by Sections 190 and 191 of the Health & Social Care Act 2012.
7. To provide a corporate framework for the scrutiny of the services for which the committee is responsible.
8. The Committee is responsible for delivering the services within the approved revenue and capital budget.

## **Economy, Regeneration, Transport, and Infrastructure**

1. To be responsible for and take decisions relating to the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
  - a) Economic Development and Regeneration
  - b) Skills development and training
  - c) Supporting business.
  - d) Strategic planning
  - e) Transport planning and highways authority responsibilities.
  - f) Highways PFI
  - g) Car Parking and Cowes Floating Bridge
  - f) Rights of Way
2. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.
3. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
4. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
5. To provide a corporate framework for the scrutiny of the services for which the committee is responsible.
6. The Committee is responsible for delivering the services within the approved revenue and capital budget.

## **Environment and Community Protection**

1. To be responsible for and take decisions relating to the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
  - a) Matters relating to the IOW as a UNESCO Biosphere, Climate change and sustainability
  - b) Waste management and recycling
  - c) Coastal Protection and Flood Protection
  - d) Leisure, libraries, and culture
  - e) Public Spaces, parks, and beaches
  - f) Community protection, resilience and cohesion
  - g) Bereavement, registration, and coroner
2. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.

3. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
4. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
5. Specifically, to undertake the relevant crime and disorder scrutiny functions of the local authority under S19 Police and Justice Act 2006.
6. Specifically, to review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000 (as amended by Schedule 2 to the Localism Act 2011).
7. To provide a corporate framework for the scrutiny of the services for which the committee is responsible.
8. The Committee is responsible for delivering the services within the approved revenue and capital budget.

## Map of functions to new service committees

Policy & Resources	Childrens Services	Adult Social Care, public health & housing	Economy, Regeneration, transport & infrastructure	Environment & community protection
<ul style="list-style-type: none"> <li>• Strategic oversight</li> <li>• County Deals &amp; Devolution</li> <li>• Civic Affairs</li> <li>• Communications &amp; Design</li> <li>• HR</li> <li>• Elections</li> <li>• Democratic Services</li> <li>• Legal Services</li> <li>• Finance</li> <li>• Business Centre</li> <li>• Benefits and Grants</li> <li>• Audit</li> <li>• Treasury Management</li> <li>• Property &amp; Asset Management</li> <li>• Commercial Property Investments</li> <li>• Leasing</li> <li>• Procurement and Contract Management</li> <li>• Business Intelligence</li> <li>• ICT</li> <li>• Emergency Planning</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption</li> <li>• Fostering</li> <li>• Disabled Children Support</li> <li>• Respite Care</li> <li>• Early Help</li> <li>• Care Leavers</li> <li>• Safeguarding</li> <li>• Short Breaks</li> <li>• Youth Service</li> <li>• Youth Council and Youth MP</li> <li>• Special Educational Needs</li> <li>• Alternative Education</li> <li>• Early Years Development</li> <li>• School Improvement</li> <li>• Schools</li> <li>• Home to School Transport</li> </ul>	<ul style="list-style-type: none"> <li>• Integrated Care System</li> <li>• Community Care</li> <li>• Residential Care</li> <li>• Nursing Care</li> <li>• Home Care</li> <li>• Direct Payments</li> <li>• Day Care</li> <li>• Supported Living</li> <li>• Learning Disability Homes</li> <li>• Respite Care</li> <li>• Resettlement</li> <li>• Safeguarding</li> <li>• Domestic Abuse</li> <li>• Early Help Services</li> <li>• Obesity</li> <li>• Social Health</li> <li>• Substance Misuse</li> <li>• 0-19 Services</li> <li>• Homelessness</li> <li>• Rough Sleeping</li> <li>• Housing Related Support</li> <li>• Housing Renewal &amp; Enforcement</li> <li>• Rough Sleeping</li> <li>• Disabled Facilities Grant</li> </ul>	<ul style="list-style-type: none"> <li>• Parking Services</li> <li>• Floating Bridge</li> <li>• Harbours</li> <li>• Concessionary Fares</li> <li>• Subsidised Bus Services</li> <li>• Highway PFI Contract</li> <li>• Highways Authority</li> <li>• Economic Development</li> <li>• Regeneration Projects</li> <li>• Levelling Up, SLEP</li> <li>• Tourism</li> </ul>	<ul style="list-style-type: none"> <li>• Leisure Centres</li> <li>• Sports Development</li> <li>• Libraries</li> <li>• Theatres/Museums</li> <li>• Archaeology</li> <li>• Records Office</li> <li>• Registrars</li> <li>• Allotment's</li> <li>• Playing fields/sports grounds</li> <li>• Planning Services</li> <li>• Local Development Framework</li> <li>• Trees &amp; Landscape Protection</li> <li>• Building Control</li> <li>• Coastal Management</li> <li>• Flood Policy and LLFA</li> <li>• AONB</li> <li>• Countryside Management</li> <li>• Parks and Open Spaces</li> <li>• Beach Huts</li> <li>• Rights of Way</li> <li>• Biosphere</li> <li>• Climate Change</li> <li>• Bereavement Services</li> <li>• Coroner</li> <li>• Licensing</li> <li>• Environmental Health</li> <li>• Trading Standards</li> <li>• Community Safety</li> <li>• Waste Collection</li> <li>• Waste Disposal</li> <li>• Closed Landfill Sites</li> <li>• Littering and Fly tipping</li> </ul>