

REPORT OF THE COMMITTEE REVIEW GROUP – STAGE 1 REVIEW

1. PURPOSE

- 1.1 This report sets out the recommendations of the Committee Review Group on proposed changes to the structure of regulatory and no-executive committees.

2. BACKGROUND

- 2.1 At the annual meeting on 23 May, the Council agreed to establish the Committee Review Group. The terms of reference at **Annex 1** stated that the working group will report to Council in two stages:

- (a) It will report to Council in July regarding the structure of regulatory and non-executive committees;
- (b) It will report to Council in October with proposals for implementation of a new scrutiny structure.

- 2.2 The objective of the working group was to provide an effective and efficient committee structure to ensure delivery of the Council's functions.

- 2.3 The membership of the working group was as follows:

Cllr Hiller (Conservative) - Chair
Cllr Ayres (Conservative)
Cllr Fitzgerald (Conservative)
Cllr Holdich (Conservative)
Cllr Peach (Conservative)
Cllr Seaton (Conservative)
Cllr Sandford (Liberal Democrats)
Cllr Ellis (Labour)
Cllr Khan (Labour)
Cllr Lane (Werrington First)
Cllr Okonkowski (UKIP)

- 2.4 The current committee structure including sub-committees and informal committees is attached, together with the number of members and the frequency of meetings (**Annex 2**).

STAGE ONE OF THE REVIEW

- 2.5 This report deals with regulatory and other non-executive committees excluding scrutiny committees. The Committee Review Group proposed amendments to the following:

- (a) Planning Review Committee
- (b) Appeals Committee (Service Issues)
- (c) Employment Appeals Sub Committee
- (d) Corporate Parenting Panel.

2.6 Details of their proposals are set out below.

3 PLANNING REVIEW COMMITTEE AND APPEALS COMMITTEE (SERVICE ISSUES)

3.1 Appeals Committees offered an independent review of decisions made by officers or Members on committees; they were independent of those who made the original decisions. There were currently two appeals/review committees.

3.2 The Appeals Committee (Service Issues) reviewed appeals procedures, and considered and determined appeals about all Council Services except employee appeals. The Committee Review Group noted that the Committee met once a year in April to scrutinise or review the outcomes of school transport appeals held during the previous year and had 11 Members.

3.3 A sub-committee/panel was set up to hear any appeals. There were three appeals heard by the sub-committee last year and these all related to home to school transport appeals. The sub-committee consisted of three Councillors drawn by the Clerk to the panel from a pool of trained members. Panel members should not be a representative of the Ward of the appellant.

3.4 The Planning Review Committee heard planning applications that had been called in under the planning call-in procedure.

3.5 The Committee Review Group noted that the Planning Review Committee had not met in the last financial year (2015/16) as there were no requests to call in planning decisions. In 2014/15, the Committee had met once to consider a single "call in". There were currently 11 members of the Committee.

3.6 In view of the infrequency of appeals hearings by both the Planning Review Committee and the Appeals Committee (Service Issues), it was proposed to amalgamate these two committees and to widen its remit to consider other appeals processes.

CRM RECOMMENDATION 1

(a) the Planning Review Committee and the Appeals Committee (Service Issues) should be amalgamated and the new Committee should be called the Appeals and Planning Review Committee;

(b) The amended terms of reference should be agreed as set out in **Annex 3**; the committee should have 11 members and the quorum should be the same as for all committees, ie half of the members present.

4 CORPORATE PARENTING PANEL

4.1 Members had an important role as corporate parents to looked-after children. Currently, Peterborough City Council had a corporate parenting panel which met 6 times a year. The panel had an important role in overseeing the duties of the Council and its partners for looked after children and care leavers. The panel had a membership of up to 16

councillors including the Chair and Vice-Chair, and up to four members from the foster carers' forum (non-voting) and representatives from the Children in Care Council (non-voting).

- 4.2 The Ofsted report published on 18 September 2015 stated "*Political leaders and senior managers provide a clear vision and there is good evidence of cross-party commitment to children's services. However, the corporate parenting role of elected members is not fully developed and they need to be more challenging and ambitious for children and young people.*" It went on to recommend the Council to:

"Ensure that there is a more robust approach to corporate parenting and that elected members and senior managers listen to, and act on, the experiences of children and young people in order to improve their lives."

- 4.3 As stated by the National Children's Bureau, 'a major challenge for local authorities is to get their governance arrangements for corporate parenting 'right'. It highlights the features of a good authority in relation to its governance arrangements as follows:

Ofsted identified where looked after services were considered to be good. In these authorities the corporate parenting board:

- demonstrated a strong cross-party commitment to looked after children, by championing their rights, having high aspirations for their achievement, monitoring children's progress and challenging outcomes*
- clearly understood its role and the responsibilities of the local authority towards looked after children, and planned for and prioritised their needs, resulting in a greater focus on improving outcomes*
- actively engaged with their young people, for example through children in care councils that are well-established and have effective and regular links with senior management and elected members.¹*

- 4.4 In a number of Councils (Cheshire East, North and South Tyneside, Brent Councils) the Corporate Parenting group was a formal committee. The Committee Review Group saw a number of advantages to this approach:

- (a) It raised the group's status;
- (b) Its formal status would ensure that meetings were open and transparent; agendas, reports and minutes would be published on the Council's website, and the public would be able to attend meetings unless exempt information was being discussed.
- (c) It would have the ability to make formal recommendations to the Cabinet Member for Children's Services, and to Cabinet collectively;
- (d) It may formally report any issues to the relevant scrutiny committee, to full Council, or other bodies, such as the Crime and Disorder Reduction Partnership and the Health and Wellbeing Board;
- (e) It would be both independent of Cabinet and Scrutiny, reporting directly into Council.

- 4.5 It recognised that a formal committee might not be conducive to engaging with children and young people or their representative. To overcome this, the Committee could

¹ <http://www.jkp.com/putting-corporate-parenting-into-practice-second-edition.html>, Hart, D, Williams, A *Putting Corporate Parenting into Practice: A handbook for councillors*, National Children's Bureau 2013

alternate its meetings between informal and formal meetings. At its informal meetings it could invite young people and their representatives, and other members of the Council to ensure there was proper engagement with children and young people. At its formal meetings it would consider formal business. It could also have informal gatherings before the start of the committee to provide a space for discussion with children and young people.

- 4.6 In view of its importance, it was recommended that the corporate parenting panel became a main committee.
- 4.7 **Membership:** The Committee would be subject to political proportionality and in line with other committees, it should have a membership of 11 members. The Chair and Vice Chair of the Committee would be elected by Council.
- 4.8 **Co-opted Members:** As with scrutiny committees, provision could be made within the terms of reference for non-voting co-opted members to be co-opted on the committee where this was relevant to its work.
- 4.9 **Councillors:** In accordance with standing order 7.4, a committee or sub-committee could invite any member who were not a member of the Committee to attend and speak at any one of its meetings. The Member would not have voting rights.
- 4.10 **Members Allowance:** There was no provision in the member allowance scheme for an allowance for the Chair of the panel. However, the scheme was under review. If members agreed to raising the status of the panel to a committee, the Independent Remunerations Panel would be asked to consider this position for an allowance.

CRM RECOMMENDATION 2

- (a) The corporate parenting panel should become a main committee.
- (b) The amended terms of reference should be agreed a set out in **Annex 4**;
- (c) The Committee should have 11 members and the quorum should be the same as for all committees, ie half of the members present;
- (d) The Independent Remunerations Panel should be asked to take account of these changes when reviewing the Members Allowance Scheme.

5 POLITICAL BALANCE

- 5.1 At its annual meeting on 23 May, the Council agreed the structure below, together with the allocation of seats on each Committee of the Council, subject to political balance seat arrangements:

Committee	Seats
Scrutiny Commission for Rural Communities	7
Scrutiny Commission for Health Issues	7
Strong and Supportive Communities Scrutiny Committee	7
Creating Opportunities and Tackling Inequalities Scrutiny Committee	7
Sustainable Growth and Environment Capital Scrutiny Committee	11
Employment Committee	7
Audit Committee	7
Licensing Committee (Regulatory)	11
Planning and Environmental Protection Committee	11
Planning Review Committee	11
Appeals Committee (Service Issues)	11
TOTAL	97

5.2 If Council agreed to:

- (a) amalgamate the Planning Review Committee and the Appeals Committee (Service Issues) with 11 seats; and
- (b) raise the status of the Corporate Parenting Panel to a Committee with 11 seats then the overall number of seats (97) on each committee would not change. The Council would not need to recalculate the allocations of seats across all committees at this stage of the review.

CRM RECOMMENDATION 3

The Council notes

- (a) the revised structure as set out below, subject to a further review of the scrutiny committee structure and
- (b) that the political balance calculations would remain the same, subject to the completion of the second stage review of the scrutiny committee structure to be reported to the next meeting of Council in October.

Committee	Seats
Scrutiny Commission for Rural Communities	7
Scrutiny Commission for Health Issues	7
Strong and Supportive Communities Scrutiny Committee	7
Creating Opportunities and Tackling Inequalities Scrutiny Committee	7
Sustainable Growth and Environment Capital Scrutiny Committee	11
Employment Committee	7
Audit Committee	7
Licensing Committee (Regulatory)	11
Planning and Environmental Protection Committee	11
Appeals and Planning Review Committee	11
Appeals Committee (Service Issues)	11
Corporate Parenting Committee	11
TOTAL	97

6 EMPLOYMENT APPEALS

- 6.1 Appeals against dismissals by staff below Deputy Chief Officer level were currently heard by a sub-committee of the Employment Committee. This was an additional right of appeal given to employees which sat outside of the legal process.
- 6.2 The Member Officer Working Group had been consulted and favoured delegating this function to officers. The Employment Committee wanted to retain the appeals.
- 6.3 The Committee Review Group discussed the advantages and disadvantages of having a Member level appeals panel. It recommended that appeals against dismissal by staff below Deputy Chief Officer level should be delegated to Officers for the following reasons:
- (a) Although Members hearing appeals against dismissal was once common practice in Councils, many had stopped the practice;
 - (b) Members of the sub-committee might be required to attend tribunals to explain the reasons for their decision (similar to member attendance at planning inquiries);
 - (c) It questioned whether members on the sub-committee had the right level of experience to deal with appeals and Councillors who had sat on appeals in the past found it difficult to come to a decision;
 - (d) Members of the appeals sub-committee were not trained in employment law and this had resulted on occasion in a lack of understanding of the reasons for the officer decision and was a disadvantage in any tribunal case (for this reason planning law training was compulsory for committee members);
 - (e) Legislation related to employment was constantly changing so any training members received quickly became out of date;
 - (f) Non senior officers would still have the right of appeal internally before the opportunity of direct appeal to a tribunal from the senior officer's decision. There was, therefore, sufficient opportunity to have any issues heard internally.
 - (g) An appeal to the sub-committee added further delay and significant costs to a process which could already take a considerable amount of time to resolve which benefited neither the Council nor the employee. Independent HR legal advice had to be sought from outside of the Council.
- 6.4 The Group recommended that if an appeal was to be heard by Senior Officers it needs to be made up of Senior Officers from departments other than where the employee was employed.

CRM RECOMMENDATION 4

That appeals against dismissal by staff below Deputy Chief Officer level should be delegated to Officers.

Senior Officers from departments other than where the employee was employed should hear the appeal, and the Employment Committee should review its HR procedures to take this into account.

7 STAGE TWO OF THE REVIEW

- 7.1 It was proposed to set up two meetings of the group in mid-July and in the first week of September. The purpose of these meetings would be to review the scrutiny structure to ensure an appropriate level of governance for the review of executive functions.
- 7.2 This would include a review of the number and size of scrutiny committees, and their alignment to cabinet portfolios/officer structure. It would also include a review of the scrutiny procedure rules and call in arrangements. The group would review the political balance on committees and the civic calendar in the light of any changes. It would also consider any further amendments required to the constitution. It was proposed to report on these matters to Council on 12 October.

COMMITTEE REVIEW GROUP

TERMS OF REFERENCE

Objective

A politically balanced cross party working group of members to

- (a) Review the existing committee structure to provide an effective body of committees for regulatory and non-executive functions
- (b) Review the structure of scrutiny committees to ensure an appropriate level of governance for the review of executive functions

The working group will report to Council in two stages:

- (a) It will report to Council in July regarding the structure of regulatory and non-executive committees
- (b) It will report to Council in October with proposals for implementation of a new scrutiny structure.

The objective of the working group is to provide an effective and efficient committee structure to ensure delivery of the Council's functions. The re-design of Committees will lead to a revision at each stage of the process to the political balance rules. It will also impact upon the review of member's allowances by the Independent Remuneration Panel and therefore it is intended to report back on the second stage of this review concurrently with the report of the IRP.

Purpose

To review the committee structure to include:

- The role and work programme of each committee to ensure that meetings are efficient
- The frequency of meetings within the civic calendar
- The specific role of any informal committees e.g the Corporate Parenting Panel, and whether such meetings should be committees
- The role of scrutiny committees
- The call-in process
- Changes to the constitution
- Alteration of the civic calendar

Consultation and communication

To undertake consultations with members and senior officers

To report into Group Leaders meetings and Council

Constitution & powers

The working group shall comprise up to 11 members with proportional representation as follows:

Conservative (6)

Labour (2)

Liberal Democrats (1)

Werrington First, Liberals & UKIP (2 seats to be decided across 3 groups)

Group Leaders will nominate to the Working Group. Substitution arrangements will apply.

The Working Group is an informal meeting of members to which the Access to Information rules shall not apply

The Working Group shall appoint a Chair and Vice-Chair at its first meeting

The quorum of the Working Group shall be 3 members

Meetings of the Working Group will be supported and administered by a senior officer within the Governance team. Group Leaders who are not on the working group will be invited to make written representations regarding the committee structure.

MEETINGS FREQUENCY

MEETING	TIME	NUMBER OF MEMBERS	NUMBER OF SCHEDULED MEETINGS IN 2014/15	FREQUENCY OF MEETINGS IN 2014/15	NUMBER OF SCHEDULED MEETINGS IN 2015/16	FREQUENCY OF MEETINGS IN 2015/16
COUNCIL (Wednesday)	7pm	60	6	8 - 2 Extraordinary meetings for Freedom of the City	6	7 - 1 meeting cancelled and 2 Extraordinary meetings
Annual Council (Monday)	6.30pm	60	2	2	1	1
Cabinet (Monday)	10am	10	10	10	10	11 - 1 meeting cancelled and 2 Extraordinary meetings
Cabinet Budget Meeting (Monday)	10am	10	-	(included in figure above)	-	(included in figure above)
SCRUTINY COMMITTEES/COMMISSIONS						
Scrutiny Commission for Rural Communities	7pm	7	6	6	6	6
Scrutiny Commission for Health Issues	7pm	7	6	6	6	6
Creating Opportunities & Tackling Inequalities Scrutiny Committee	7pm	7	6	6	6	6
Sustainable Growth and Environment Capital Scrutiny Committee	7pm	11	6	9 (3 Call-in meetings)	6	7 - 1 Extraordinary meeting
Strong & Supportive Communities Scrutiny Committee	7pm	7	6	6	6	6
Scrutiny of the Budget	6pm	60	2	2	2	2
COMMITTEES OF COUNCIL						
Appeals Committee (Monday)	7pm	11	1	1	1	1

MEETING	TIME	NUMBER OF MEMBERS	NUMBER OF SCHEDULED MEETINGS IN 2014/15	FREQUENCY OF MEETINGS IN 2014/15	NUMBER OF SCHEDULED MEETINGS IN 2015/16	FREQUENCY OF MEETINGS IN 2015/16
Appeals Sub-Committee (Ad-hoc Hearings)	Daytime	3	-	2	-	2
Audit Committee (Monday)	7pm	7	5	5	5	5
Audit Sub-Committee (Ad-hoc Hearings)	Evening	3	-	0	-	0
Planning & Env. Protection Committee (PEP) (Tuesday)	1.30pm	11	19 (10 provisional)	15	20 (10 provisional)	16
Planning Review Committee (Ad-hoc meetings)	Both	-	-	-	-	-
Licensing & Licensing Act 2003 Committee (Thurs)	7pm	11	9	2	9	3
Licensing Act 2003 Sub-Committee (Ad-hoc Hearings)	Daytime	3	-	11	-	4
Employment Committee (Thursday)	7pm	7	5	9 - 1 meeting cancelled and 5 Extraordinary meetings	5	5 - 1 meeting cancelled and 1 Extraordinary meeting
Employment Sub-Committee (Ad-hoc Hearings)	Daytime	3	-	2	-	0
Health and Wellbeing Board (Thursday)	1pm	4	3	5	4	4
PARTNERSHIP AND LIAISON MEETINGS						
Parish Council Liaison (Wednesday) (T.B.C.)	6.30pm	1	4	4	4	5
Corporate Parenting Panel	6.30pm	14	5	5	6	7
WORKING GROUPS						
All Party Policy	6pm	60	9	TBC	10	TBC
Member Officer Working Group	5.30pm	9	8	5	6	4

2.1 APPEALS AND PLANNING REVIEW COMMITTEE

2.1.1 TERMS OF REFERENCE

2.1.2 To review appeals procedures for the Council's various services (excluding appeals procedures which are determined by statute) and, where change is recommended, formulate proposals to the Executive or Council.

2.1.3 To hear and determine appeals about all the Council's services, other than employee appeals and those for which there are separate, statutory appeals procedures, and to set up panels for this purpose.

PLANNING REVIEWS

2.1.4 To determine any planning matter that has been referred to the Committee following the implementation of the planning call-in procedure.

2.1.5 The Committee shall adopt the Planning Speaking Scheme at its meetings.

2.1.6 All Members of the Committee (and substitutes) shall have received appropriate training before being involved in the determination of a planning matter.

APPEALS PANEL – TERMS OF REFERENCE

2.1.7 The Committee has set up a panel to hear appeals about Council Services. The panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal. Panel members should not be a representative of the Ward of the appellant. The quorum shall be three members. Political balance applies to the panel.

PETERBOROUGH CORPORATE PARENTING COMMITTEE

1 TERMS OF REFERENCE

OUR COMMITMENT TO CHILDREN AND YOUNG PEOPLE IN CARE:

Peterborough City Council is committed to raising the quality of life of everyone living within the city. For children in particular, the city council aims to provide high quality opportunities for learning and ensure children are healthy and safe. It is important that the Corporate Parenting Committee members ensure that the Council provides such care, education and opportunities that the Committee would be afforded to their own children.

2 PURPOSE:

- 2.1 To ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers and holds partners to account for the discharge of their responsibilities.
- 2.2 On behalf of the Council and partners of the Local Authority to ensure that all services directly provided for children and young people in care and care leavers are scrutinised to deliver to a high standard and to all statutory requirements.
- 2.3 To raise the aspiration, ambitions and life chances of children and young people in care, narrowing the gap of achievement between children in care and their peers.
- 2.4 To ensure that children in care are protected and supported to develop as healthy citizens, able to participate in their community.
- 2.5 To ensure that all elected members are aware of their corporate parenting responsibilities and that all Council services are mindful of the needs of children in care and respond accordingly within their particular remit.

3 FUNCTIONS OF THE COMMITTEE:

- 3.1 To act as advocates for looked after children and care leavers.
- 3.2 To receive statutory reports in relation to the adoption, fostering, commissioning, looked after children services and children's homes with a view to recommending any changes.
- 3.3 Ensure that the needs of looked after children and care leavers are addressed through key plans, policies and strategies throughout the Council overseeing interagency working arrangements.
- 3.4 Review complaints from looked after children to ensure officers have dealt with these appropriately and made any recommendations for change.

- 3.5 Raise awareness in Peterborough City Council and the wider community by promoting the role of members as corporate parents and the Council as a large corporate family with key responsibilities.
- 3.6 To monitor the quality of care delivered by the City Council and review the performance of outcomes for children and young people in care.
- (a) Raise the profile of the needs of looked after children and care leavers through a range of actions including through the organising of celebratory events for the recognition of achievement.
 - (b) Ensure that leisure, cultural, further education and employment opportunities are offered and taken up by our looked after children and care leavers.
 - (c) Promote the development of participation and ensure that the view of children and young people are regularly heard through the Corporate Parenting Committee to improve educational, health and social outcomes to raise aspiration and attainments.
 - (d) Hold meetings with children and young people in care, frontline staff and foster carers to inform the committee of the standards of care and improvement outcomes for looked after children.
 - (e) Monitor the ongoing commitment to providing support, training and clarity of expectations to foster carers to achieve excellent and high quality care.
 - (f) To appoint elected members as Champions for Children in Care in respect of the following strands:
 - i) Housing
 - ii) Employment and training opportunities within council departments and with partner agencies
 - iii) Health
 - iv) Educational Attainment and access to Higher Education
 - v) Recreation and Leisure activities
 - vi) Finance and benefits

4 WORK PROGRAMME

The Corporate Parenting Committee will formally agree a skeleton work programme annually which will be reviewed at each formal meeting. In reviewing the work programme, the Committee may agree to request reports on particular matters of their own preference or as advised by the lead officer.

5 PERFORMANCE MONITORING

The Corporate Parenting Committee will scrutinise and monitor outcomes for children in care and care leavers. To this end, the Committee will develop and agree a core data set which it wishes to receive at each Committee meeting. Additional detailed monitoring reports will be presented in accordance with the agreed work programme on the following key aspects of care:

- (a) Placement stability
- (b) Independent child care reviews
- (c) The performance of all care standards regulated services
- (d) Adoption and adoption support
- (e) Fostering

- (f) Children's homes
- (g) Service to care leavers, including accommodation, education, employment and training
- (h) The health needs of children in care
- (i) Educational attainment of children in care

6 MEMBERSHIP OF THE COMMITTEE

- 6.1 There will be a standing membership of the Corporate Parenting Committee to provide continuity and consistency. Councillors outside the standing membership will be invited to discuss issues and raise questions within a standing agenda item.
- 6.2 The Councillor standing membership will consist of 11 members. All Councillors are invited to attend the informal meetings.
- 6.3 The Committee may also co-opt non-voting members. Membership will include four foster carers and representatives from the Children in Care Council. The Committee may invite participation from non-members where this is relevant to their work.

7 CHILDREN IN CARE COUNCIL

- 7.1 Representatives from the Children in Care Council may attend the Corporate Parenting Committee up until and no later than 8pm.

8 OFFICER SUPPORT

- 8.1 The Corporate Director People and Communities is responsible for ensuring that the Committee has sufficient officer support to lead the Council's corporate parenting strategy.
- 8.2 The Assistant Director, for Children's Social Care, will be the lead officer for the Committee together with the Service Managers for Looked after Children, Leaving Care, Adoption and Fostering, the Head of the Virtual School and the Children's Services Participation Officer.
- 8.3 Democratic Services will provide the administrative arrangements and constitutional guidance to the Committee.

9 FREQUENCY OF MEETINGS:

- 9.1 Meetings will be six times a year bi-monthly preceded by an agenda setting meeting.
- 9.2 At least three meetings will be formal committee meetings and three informal meetings. The purpose of the informal meetings will be to engage with children, young people and their representatives.

10. REPORTING MECHANISMS:

- 10.1 The Corporate Parenting Committee will report to the Cabinet Member for Children's Services and to the Scrutiny Committee on a six monthly basis or more frequently if required.

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