

Report to: Governance Committee

Date of meeting: 5 March 2019

By: Assistant Chief Executive

Title: Review of Scrutiny and Regulatory Committees

Purpose: To review the number of councillors appointed to scrutiny committees and the Regulatory Committee size and structure

RECOMMENDATION

The Governance Committee is recommended to:

- 1) maintain the current number of councillors appointed to scrutiny committees; and**
 - 2) retain the Regulatory Committee in its current form and size.**
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1 Background

1.1 Following consideration by Governance Committee, Full Council on 27 March 2018 approved a new scrutiny committee structure.

1.2 In April 2018 Governance Committee requested that a report considering the number of councillors appointed to the scrutiny committees and the need for the Regulatory Committee be brought back to the committee in early 2019 to enable any changes to be made before the Annual Council meeting in May. These areas have been brought together in this report.

2 Size of scrutiny committees

2.1 The new People and Place Scrutiny Committees are larger than the predecessor committees – comprising 11 Members each, compared to seven previously. The increased size was designed to reflect both the broader remits and smaller number of committees, and the move towards a commissioning model of scrutiny, with the larger committees providing a greater pool of Members from which Review Boards and other working groups could be drawn.

2.2 Members expressed mixed feedback about the proposed size of committees during the 2018 review of scrutiny arrangements. Some Members expressed concern that larger committees would be unwieldy and difficult to manage. Others queried whether the size could be increased to involve more Members, for example an increased presence from opposition groups.

2.3 Comparison with the size of the scrutiny committees of other top tier local authorities in the south east indicates that committee size ranges from 8-16 Members, with most committees between 10 and 13 Members. This suggests that the current size of ESCC committees is typical. It should be noted that the People Scrutiny Committee includes four statutory education co-optees, bringing the overall size of the existing committee to 15.

2.4 Practical considerations are also relevant. Issues such as the availability of Members to fill seats and attend meetings, and increased challenges in supporting and managing large meetings have been taken into account. These practical issues mitigate against increasing the size of committees.

2.5 There is no evidence suggesting a need to change the size of committees. The new committees have proved manageable to support and have moved towards a commissioning model which involves the formation of more sub-groups from the main committee.

3 Regulatory Committee

3.1 Governance Committee requested consideration of the need for the Regulatory Committee, in the context of whether a different structure would release Members and places for other committees, including scrutiny committees, or reduce demands on Member time. The Regulatory Committee, currently 18 Members, rarely meets but acts as a pool from which other committees and panels needed to fulfil the Council's non-Executive regulatory functions are drawn. This includes the standing Planning Committee and ad hoc panels drawn as required, for example the Discretionary Transport Appeal Panel and the Commons and Village Green Registration Panel.

3.2 The basis of the current model is that the pool of Regulatory Committee Members can receive the necessary training to enable them to be a Member or substitute on Planning Committee and to participate in the other relevant panels as required. The larger size of the committee minimises the risk of iniquity, as there is a sufficient pool of Members from which to identify substitutes or panel Members, potentially at short notice. As the committee rarely meets, the demands on Member time are not great, with the main demand being in relation to training which is relatively infrequent.

3.3 Comparison with the Regulatory Committee arrangements of other top tier local authorities in the south east has identified a variety of arrangements with some Councils operating a similar arrangement to ESCC with a Regulatory Committee acting as a pool and others operating a combined Planning and Regulatory Committee. In the combined model the committee tends to be larger than our current Planning Committee and often includes a number of designated substitute Members, making a similar total number to the current ESCC Regulatory Committee. This suggests that there would be little reduction in the overall number of Members involved in this alternative model and potentially an increased number of Members required to attend regular meetings.

3.4 Reducing the size of the current Regulatory Committee would have minimal impact on the make-up and distribution of seats on other Council committees, including scrutiny, due to proportionality rules which ensure political balance is reflected in committee memberships. The rules mean that the number of seats available to each political group across all committees would reduce proportionately.

3.5 No concerns have been raised about the current Regulatory Committee arrangements by either Members or officers outside of the Governance Committee request.

4 Conclusions and recommendations

4.1 ESCC arrangements are in line with other authorities in the south east in terms of the number of councillors appointed to scrutiny committees and there is no evidence suggesting a need to change the size of committees. Consideration of the Regulatory Committee arrangements has not identified a requirement to make changes.

4.2 Governance Committee is therefore recommended to maintain the current number of councillors appointed to scrutiny committees and to retain the Regulatory Committee in its current form and size.

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