

North Somerset Council

REPORT TO THE COUNCIL

DATE OF MEETING: 24 SEPTEMBER 2019

SUBJECT OF REPORT: GOVERNANCE WORKING GROUP REPORT

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: CLLR PAUL GARDNER - WORKING GROUP CHAIRMAN

KEY DECISION: N/A

REASON:

Not an Executive decision

RECOMMENDATIONS

1. That Council accepts the working group recommendation to implement changes to the existing executive arrangements as described in paragraph 3.8
2. That Council requests the working group to progress the suggestions in paragraph 3.10 which are capable of immediate implementation e.g. group room arrangements and skills/knowledge/interest audits.
3. That Council requests the working group to continue work to develop and bring forward the strategies, protocols and working practices also referenced in paragraph 3.10 where those suggestions require working up in detail for relevant decisions

1. SUMMARY OF REPORT

This is the working group's first report to Council as required by resolution of the Council on 25 June 2019 and provides detail of the working group's deliberations to date and its initial recommendations.

2. POLICY

The current administration has stated its commitment to a reforming agenda and this report is in line with that agenda and the desire to review the authority's democratic approach.

3. DETAILS

3.1 At its meeting on 25 June 2019 Council resolved to undertake a governance review aimed at ensuring that we have a council which is more accessible, open, transparent and sustainable. A working group was tasked with considering governance arrangements and making recommendations to Council. The review was asked to look specifically at:

- The most effective way of creating an inclusive, open and transparent system decision-making structure to supersede the current model;

- Opportunities for greater devolution of responsibilities to and partnerships with Town and Parish Councils (should they so wish) and further collaboration with the voluntary sector;
- Options for greater decision-making and/or budget holding by empowered ward councillors or area groupings of North Somerset councillors;
- Increasing opportunities for residents, local stakeholders, and town and parish councils to comment upon and influence decisions of the council;
- Ensuring that the new decision-making process balances speed of execution with the need to consult to ensure optimal decision making for our communities;
- The use of collaborative ways of working and technology.

3.2 The working group has received support from Andy Bates of the Local Government Association. The working group has met on three occasions over the summer, with good cross-party attendance and input.

3.3 The working group was aware that there are various forms of governance arrangements under current legislation. These are summarised in Appendix 1. Rather than focusing on the form of governance the working group adopted the approach of identifying the outcomes desired from any successful arrangement. Among these were:

- A requirement to communicate effectively at a timely point in any decision making or policy development activity with councillors and others such as town and parish councils and constituents and businesses, recognising that to harness skills and expertise from a wide pool of contributors is essential to good decisions and policies.
- Further emphasis on the policy development role for Policy and Scrutiny Committees with an emphasis on facilitating bottom up policy development
- Meaningful community engagement
- Effective internal and external communication
- Balancing timely decision making with the need to make quality decisions
- Requirements for operational efficiency of the Council

3.4 Members considered factors that might favour one or other form of governance – summarised in Appendix 2 – and considered models in place in other authorities. The debate concluded that the Executive and committee models are both capable of delivering the desired outcomes and the key to change in approach was to operate any model in a more collaborative manner increasing communication with interested parties and constituents and with an emphasis on internal practices engaging more effectively with members so that the voices of all members are heard. Members placed great emphasis on the fact that governance should not focus on the political model alone, but should fairly reflect the council's culture and values.

3.5 It was recognised that policy development happens differently across the council with examples being given of proactive work being undertaken by and with Policy and Scrutiny panels at formative stages of projects but equally examples of engagement only after decisions had been announced and implemented resulting in review and revisiting decisions.

3.6 It was also considered that engagement with ward councillors on matters related to their wards was not consistent with no set parameters of briefing requirements for ward members and no set expectations of requirements of members.

- 3.7 The working group considered timescales and resources implications for changes. A committee system approach would require a vastly revised constitution to be prepared ready for implementation from the next Annual Meeting of Council and this would have to have dedicated resource to deliver. Once such a change was implemented the form would then be set for the following five years. Changes to how the current executive system operates could be implemented with more minor changes to the constitution and development of other protocols and working practices.
- 3.8 The working group concluded that the way forward was around the implementation of a modified executive model within which there would be opportunity for Members to contribute to policy development at the beginning of the formulation process and with means of facilitating consideration of ideas from entities such as parish and town councils and businesses as well as individual experts. This was considered to be the more effective use of resources as well as affording a more flexible approach to change with ability to modify protocols and practices more swiftly and less bureaucratically than changing the overall governance model.
- 3.9 The working group also considered that the modified executive model will only work effectively if the system was organised and operated in a collaborative way.
- 3.10 In forming these views the working group considered that a number of changes could be implemented immediately:
- Policy and Scrutiny panels to focus on policy development at early stages tied to the corporate plan and forward plan
 - Agendas for Policy and Scrutiny meetings, whether formal panels or working groups, to have agendas split between policy topics, scrutiny topics and updates on previous decisions (with a view to improving accountability on delivery of those decisions)
 - Communication methods to be reviewed to ensure clear information is available of engagement and decision-making processes and reporting on reasons for a decision or policy – members suggested an extension of the executive member decision process whereby individual executive members circulate draft decisions to others prior to publication could be extended to include ward members
 - Development and revision of communication strategy and community engagement to sit alongside governance reforms and revision of corporate and financial plans
 - A review of Standing Orders with a focus on working to make Council Meetings more collaborative, engaging and effective.
 - External engagement to include video / live streaming of council meetings
 - Member collaboration and ideas exchange to be improved by further consideration of the arrangements regarding individual group rooms and of replacement with a shared member area to enable collaboration. (Group meetings to be accommodated by booking of one of the meeting rooms.) It was recognised that any solution would need to respect the benefits of collaboration whilst retaining party privacy.
 - A skills and knowledge and interests audit of members could be undertaken to assist in identifying members interested in various areas of policy development and protocols and job roles for councillors, particularly around special responsibility allowance areas could be developed
 - More local decision making to be encouraged with delegation of powers to local councils and greater use of engagement activities with local councils. Consistent partnership working with town and parish councils to better enable provision of

services aligned to North Somerset Council whilst recognising the varied character and priorities across the councils.

4. CONSULTATION

This is a report to the Council on the initial conclusions of the working group. Consultation on changes to constitution, protocols and practices will be undertaken as those changes are developed. Consultation was taking place with senior officers at an early stage by consideration by the Corporate Management Team and with Executive Members at a CMT / Executive meeting with Executive Members (CMT/EXEC).

5. FINANCIAL IMPLICATIONS

None directly flowing from the recommendation in this report. Consideration of the increased financial implications of a committee system were considered by the working group in coming to its consensus on the recommendations. Financial implications of individual aspects of changes will need to be considered as they are developed e.g. costing of and business case for video streaming meetings is currently underway

6. LEGAL POWERS AND IMPLICATIONS

The Local Government Act 2000 makes provision for the governance arrangements for local authorities.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None arising directly from this report

8. RISK MANAGEMENT

Enhanced policy development and collaborative decision making is seen as a way of mitigating risks by taking account of a wide pool of knowledge and information as to risks at the time of decision making.

9. EQUALITY IMPLICATIONS

Implementation of the overall changes suggested in this report will not affect any equality group disproportionately but consideration will need to be given to needs and mitigations when considering e.g. communication and engagement initiatives

10. CORPORATE IMPLICATIONS

The changes suggested will impact the corporate activity and operational approaches.

11. OPTIONS CONSIDERED

Summarised in the report

AUTHOR

Nicholas Brain – Head of Legal & Democratic Services – Extn 4929

Reviewers

Cllr Paul Gardner – Working Group Chairman and Andy Bates – Local Government Association

Additional Working Group Members – Reviewers

Councillors John Crockford-Hawley, Stuart McQuillan, John Cato, Mike Solomon, John Ley-Morgan, Catherine Gibbons, Wendy Griggs, Caroline Cherry, Richard Tucker, Peter Crew, Terry Porter, Lisa Pilgrim

APPENDICES

Appendix 1 – Forms of governance arrangements

Appendix 2 – Governance forms compared

BACKGROUND PAPERS

None

Appendix 1 – Forms of governance arrangements

Under current legislation, the following types of decision-making structures are available:

- Leader and Cabinet – this is the system operated by most local authorities, and this Council currently. The Leader appoints a Cabinet of at least 2 and up to 9 Councillors. These Councils must have Overview and Scrutiny arrangements.
- Directly Elected Mayor and Cabinet – this system allows a directly elected executive mayor with wide decision-making powers. The Mayor appoints a Cabinet made up of other Councillors, who may have decision making powers. These Councils must have Overview and Scrutiny arrangements.
- Committee system – in this arrangement, decisions are made in committees or under delegation to officers. Committees are made up of a mix of Councillors from across all political groups. Council appoints Members to the committees on a politically proportionate basis, and sets their terms of reference. These arrangements may also include overview and scrutiny, but there is no requirement for this. If the local authority determined not to have overview and scrutiny committees, it would still need to make appropriate arrangements for the scrutiny of health, crime and disorder and flood risk management, either by full Council or one of its Committees [under S244 of the National Health, Service Act 2006; under S19 of the Police & Justice Act 2006; and under Section,9FH of the Local Government Act 2000 (as amended by Schedule 2 of the Localism Act 2011)]. Under the committee system, a local authority is able to decide how its functions are delivered. Some functions must still be delivered by full Council in a committee system (e.g. the Budget and Policy Framework).
- Alternative forms of governance – The Secretary of State has the power to approve governance arrangements which do not fall within the three categories highlighted above. It is understood that no authority has adopted or proposed such alternative arrangements.

Appendix 2 – Governance forms compared

Executive arrangements advantages

- Relative speed and ease of decisions
- Efficient with clear lines of responsibility and public know who to approach / lobby and hold to account
- Officers have focussed briefing

Executive arrangements disadvantages

- Lack of inclusive approach
- Power concentrated in too few hands
- Bias towards briefing / working with Executive rather than wider membership and Policy & Scrutiny Panels

Committee arrangements advantages

- Committee decisions are more engaged than Policy & Scrutiny Panels
- Wider involvement of more councillors leads to better decision making
- All decisions made in public

Committee arrangements disadvantages

- Less opportunity for engagement with public and experts particularly in dialogue manner
- Higher cost of administration
- Slower process and more bureaucratic with requirement for more officer decision making to respond in timely manner