

Borough Council of
**King's Lynn &
West Norfolk**



Governance Task Group

Agenda

Tuesday, 24th March, 2020
at 3.30 pm

in the

**Meeting Room 2:1
King's Court
Chapel Street
King's Lynn**



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Dear Member

Governance Task Group

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 24th March, 2020 at 3.30 pm** in the **Meeting Room 2-1 - Second Floor, King's Court, Chapel Street, King's Lynn** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. **Minutes of the previous meeting** (Pages 5 - 8)
2. **Apologies**
To receive apologies for absence.
3. **Members present under Standing Order 34**
4. **Declarations of Interest**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Members should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting.

5. **Officers Report** (Pages 9 - 14)

To:

Governance Task Group: J Collop, I Devereux, A Kemp, B Long, G Middleton and J Moriarty

Officers

Noel Doran, Senior Solicitor

Debbie Gates, Executive Director Head of Central & Community Services

Lorraine Gore, Chief Executive

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

GOVERNANCE TASK GROUP

**Minutes from the Meeting of the Governance Task Group held on Tuesday,
28th January, 2020 at 2.00 pm in the Meeting Room 2-1 - Second Floor,
King's Court, Chapel Street, King's Lynn**

PRESENT: Councillor I Devereux (Chair)
Councillors J Collop, I Devereux, A Kemp, B Long, G Middleton and J Moriarty

Officers present: D Gates, L Gore, T Huggins and S Winter

1 MINUTES OF THE PREVIOUS MEETING

RESOLVED: The minutes of the meeting held on 19 November 2019 were approved as a correct record.

2 MEMBERS PRESENT UNDER STANDING ORDER 34

None

3 DECLARATIONS OF INTEREST

None

4 OFFICERS REPORT

Terry Huggins presented his report and gave a re-cap of the situation to date and outlined the options available to the Council – ie Leader and Cabinet, Mayoral and Committee System.

A discussion ensued on the need to continue to explore the best option moving forward, the distinction between scrutiny and policy development and the request to see the detail of reports at an early stage.

Consultation Feedback

Parishes - The feedback received from the parishes was considered and as some of the comments appeared to concentrate on the lack of knowledge of the different structures rather than how the council interacted with the parish it was noted that dependent on the outcome of the review it may be advisable to run a briefing session for parishes to explain what changes are to be made.

Members – Feedback was received from KLACC and Cllrs Kemp, Joyce and Rust. It was pointed out that portions of Cllr Joyce's comments were not correct. It was pointed out that in a cabinet

system, the Council appointed the Leader and the Leader appointed their Cabinet, which may consist of the different parties if that was the Leader's choice.

The comments from KLACC centred on it wanting its terms of reference expanding and budgets allocated. It was noted that the KLACC was set up in order to give King's Lynn councillors the opportunity to comment on special expenses for King's Lynn. Concern was expressed that the Committee was expanding on its terms of reference and encroaching onto scrutiny panels ground. The referral of recommendations from KLACC to Cabinet was discussed. It was agreed, with the exception of Councillor Kemp, that the issue of the terms of reference to KLACC was not part of this specific review but could be re-visited once this review was complete.

The comments from the members workshop were:

- 1 that the experience and expertise of elected members was not taken advantage of, and some members felt they didn't see how cabinet heard their views.
- 2 the feedback was that there was no desire to go back to a cabinet scrutiny committee which didn't work as intended previously.
- 3 the culture of the ways of working was too adversarial.

Other issues outside of the remit of the group which were raised in the process which could potentially be picked up at a later date were:

- KLACC Terms of Reference
- Appointment of the Mayor
- Appointment to outside bodies
- The role of planning sifting.

A discussion was held on the difference over time of appointing members to sit on bodies and the level to which members wished to get involved. The issue of scrutiny and policy development operating within the same bodies was discussed and the point made that they should be separated which would also permit more members to be involved. It was felt the term scrutiny should be re-introduced in a title. With policy development it was stressed that Cabinet members should be involved in this role.

The question was raised as to whether there could be a cabinet and committees with delegated functions. It was noted that if a cabinet was in place there were clear cabinet responsibilities set out in legislation. It wasn't clear if those responsibilities could be onward delegated to committees.

A discussion was held on scrutiny and the development of the Board to review major projects.

The Group was reminded that it wasn't possible to use the exact copy of the old Committees structure from pre Cabinet days as many things

had changed since that time and the council was delivering services in different ways.

Mr Huggins commented that the points being made were indicating a wish to improve the current situation rather than spend time looking for new structures, to which it was noted that the Group wished for further information on a Committee Structure or a hybrid.

With the approval of the Corporate Business Plan following the rounds of consultation with the panels it was noted that a document would be brought to show how the high level corporate plan fitted into department and service plans etc.

Agreed: It was agreed to rule out the Mayoral system for future investigations.

In looking forward to the design principles, the table in the report was discussed and the following points raised:

Achievable/worthwhile - SO34 right of members to attend committees was considered important. Downside of committees was it was generally more officer led and less accountable to an individual.

The cabinet system gave the Leader too much power, all members should be able to bring their ideas into the mix.

Achievable within the time – within the time members are able to put in. Members should have the ability to know what is happening across the organisation.

Decisions made for the public good and timely - Committee system was less timely. Delegated powers for day to day operations, and consultation with the Chairs as appropriate. It was less open.

Why - Reasons for decision given at Cabinet, not always apparent at cttee.

Accountability – Cabinet accountability for cabinet and cabinet members. Cttee system less so. Cabinet members were able to help resolve issues directly.

Political make up of the council – scrutiny was more difficult when a larger majority.

Policy Development – Committees could have separate Task Groups.

Scrutiny – No scrutiny required in the Committee system.

Call in – It was considered that there were too many hurdles for call in. Previous CSC had the ability to call things in post decision to look at. It

was very confrontational. The call in criteria need to be clear. Potential to bring a less adversarial approach.

Scrutiny of partnerships - difficulty with a committee system

Role of the Group – the difference between Independents and a political group was discussed.

Cost Neutral – It was reminded that any change should be cost neutral.

The Next Steps

It was agreed to explore what other local authorities were doing. A hybrid example was requested, to which Kent County Council was the only one known, but it was far removed from this authority.

Newark and Sherwood, Gloucester were suggested. Where possible a desk top exercise would be undertaken if not potentially skype link.

It was suggested that the Leader and opposition leaders and officers could liaise if necessary.

Assistant Directors would have the consultation on their agenda for February.

Next meeting

Leave the meeting scheduled for 26 February in the diary- hold the date.

As the timescale had slipped due to the general election in December, it was agreed to cancel the all members seminar date booked for 24 March, but hold the date for a potential meeting (MR 2:1 now booked at 3.30pm if required).

The meeting closed at 4.15 pm

REPORT TO GOVERNANCE TASK GROUP

Date of Meeting : 24th March,2020

UPDATE ON ACTIONS SINCE LAST MEETING AND CONSIDERATION OF CONSULTATION WITH OTHER LOCAL AUTHORITIES

Summary

This report will

1. Give feedback from the consultation with the Assistant Directors' Group and enable discussion on this.
2. Report progress on planned consultation with three local authorities
3. Consider and agree key questions and who and how the consultations will occur

Recommendations

The Task Group is recommended to

1. consider the feedback from the Assistant Directors group and how this impacts on the choice of governance model.
2. decide who is to attend consultation video conferences with other local authorities
3. agree the questions and key lines of enquiry which they wish too explore

Reason for Decisions

To enable the recommendations of the Task Group to be better informed and evidence based.

1. Introduction

1.1 The last meeting commenced consideration of the benefits of the alternative governance models when compared with the BC KLWN design

principles previously agreed. The decision was made to exclude the Elected Mayor governance model and to continue with evaluation of the other two options. It was acknowledged that modifications could be made to improve the existing Leader and Executive model which may result in something preferable to the Committee model. This remains the unresolved issue.

1.2 To aid resolution and in order to enable a recommendation to be agreed by the Task Group two further steps were agreed. Firstly a consultation with staff using the Assistant Directors group for this purpose. Secondly the opportunity to speak with and seek information from other local authorities who may have experience from which BC KLWN would benefit.

2. Consultation with Assistant Directors

2.1 Together with the Demographic Services Manager I met with the Assistant Directors Group on 18th February, 2020. I used similar material and questions to those used with the all Member consultation.

2.2 A summary of the feedback from this session is attached to this report as appendix 1. I can expand upon this at the meeting.

2.3 The Working Party will want to consider if and if so how this feedback influences either their design principles or the choice of governance model.

3. Evidence Gathering from other Local Authorities.

3.1 Approach has been made to three other local authorities.

i Newark and Sherwood District Council. This is a District Council with an excellent reputation for being well run and which changed to the Committee System of governance. The chief executive has subsequently informed me that they are reviewing this decision and contemplating a return to the Leader and Executive model. They have set up a members commission with a similar brief to the Task Group and the proposal is to have a video conference with them. The Demographic Services Officer is working with their officer to identify a suitable date and time for this. It is hoped this will be known by the date of the Task Group Meeting.

2. South Gloucestershire Council. A District Council which changed to the committee system. They have recently changed back to the Leader and Executive model. They are willing to share their experiences and have suggested a video conference with their Leader and Chief

Executive followed by a short break and then a second session with opposition Leaders. Again the Democratic Services Officer is seeking to set this up and it is hoped this will be known by the date of the Task Group Meeting. South Gloucestershire have offered to send copies of their relevant reports and I will report at the meeting on content which will be helpful to the Task Group.

3. North Kesteven District Council. This was identified as a District Council where the overview and scrutiny function was working well and from which we may gain ideas for improving this. I will report further at the meeting.

3.2 Members of the task group need to agree the approach to be taken to the video conferences with other local authorities. Do all members want to participate in all sessions or selected representatives to report back to the Working Party.

3.3 Having regard to the previously agreed design principles and the discussion at the last meeting the Working Party should identify key questions and issues they wish to explore with the local authorities. I will bring some suggestions to the meeting.

4. Corporate Priorities

Not Applicable

5. Policy Implications

None to this report

6. Financial Implications

The workplan is within budget. The workplan provides for the financial implications of the recommendation to be assessed.

7. Personnel Implications

None to this report

8. Statutory Considerations

It is proposed to seek the Monitoring Officers view as proposals are agreed

9. Equal Opportunities Considerations

Will be considered in the Task Groups final report

10. Risk Management Implications

None to this report

11. Recommendations

The Task Group is recommended to

1. consider the feedback from the Assistant Directors group and how this impacts on the choice of governance model.
2. decide who is to attend consultation video conferences with other local authorities
3. agree the questions and key lines of enquiry which they wish too explore

12. Declarations of Interest/Dispensations Granted

None

13. Background Papers

None

Appendix 1

**BC KLWN
Governance Task Group
Feedback from AD's meeting 18th February,2020**

Positive

The team began with a summary of the positive. They value the importance of working for an organisation which is agile in its decision making. The current system allows for decisions to be made in a timely and business like way.

Context

Recognition that

the political environment has changed with the controlling group having a smaller majority

a perception that presently some members feel marginalised and remote from key decisions, unable to make a meaningful contribution to the governance of the authority BUT it must also be understood that this is not universal and other members are satisfied with their role and are not seeking further commitments

the Cabinet appear more willing to listen to and acknowledge ideas from opposition members e.g. questions at Cabinet meetings

training to assist members to become more effective is important but attendance at training is often low. The ADs consider that there are tools for more active participation and scrutiny which are not utilised and possibly understood.

Areas for improvement

Most time was spent on considering how the governance system could be improved.

The ADs considered a recent example where a decision was made which the officers considered to be a poor one... what were the lessons to be learnt?

Members who influence decisions may base their views on limited interaction with service users

Sometimes these key influencers chose not to disclose the full reasons for their decisions

Decisions can get approved by being “buried” within bigger reports without any evaluation of the options, risk analysis and not being evidence based.

The example was a Council decision and contradicts the view that suggests if Council was to make all decisions they would be better

The new ADs would benefit from a better understanding of the world from a members perspective and how all views political and professional lead to better decisions for the community of KLWN

The interaction of ADs, portfolio holders, Cabinet, scrutiny, opposition members etc would benefit from a greater understanding and openness of how this works.

Scrutiny has lost its way and needs redefining

Scrutiny is aided by having sufficient time for pre scrutiny before a decision is made. Reductions in staff resources leads to a “last minute” culture which doesn’t allow for this time. A complete and high quality forward plan similarly aids pre scrutiny and could be improved.

Questions at cabinet good but is not a substitute for scrutiny

Consider opposition chair of scrutiny but not a return to old system of post scrutiny which was unproductive and ineffective

Reduction in staff resource impacts on the ability to support, encourage and develop the scrutiny process.

Sometimes the absence of having information (the full picture) is the reason for disquiet between Cabinet and opposition groups. Could better use be made of informal briefings of group leaders / all members?

Executive members have important roles in the working of the Council and when new need to be helped to be effective quickly. Training and development for cabinet members needs priority.