

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



Governance Task Group

Agenda

Tuesday, 28th January, 2020
at 2.00 pm

in the

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



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21 January 2020

Dear Member

Governance Task Group

You are invited to attend a meeting of the above-mentioned Panel which will be 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** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. **Minutes of the previous meeting** (Pages 5 - 7)

2. **Apologies**

To receive apologies for absence.

3. **Members present under Standing Order 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

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 8 - 19)

To:

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

Officers

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,
19th November, 2019 at 2.00 pm in the Meeting Room 2-1 - Second Floor,
King's Court, Chapel Street, King's Lynn**

PRESENT: Councillor
Councillors I Devereux, A Kemp, G Middleton and J Moriarty

An apology for absence was received from Councillor B Long

Officers present: D Gates, L Gore and S Winter

1 MINUTES OF THE PREVIOUS MEETING

RESOLVED: The Minutes of the meeting held on 22 October 2019 were agreed as a correct record subject to an amendment to show Councillor Kemp left the meeting prior to the decision being made on consulting parishes.

It was noted that the letter to parishes and the King's Lynn Area Committee would be distribute the following day.

The item for senior staff would be submitted to the next meeting of extended management team.

It was also agreed that the meeting scheduled for 9 December would not take place as it was election week.

2 MEMBERS PRESENT UNDER STANDING ORDER 34

None

3 DECLARATIONS OF INTEREST

None

4 OFFICERS REPORT

The Task Group had met to review feedback from the member workshop which had taken place on 5 November and to agree the design principles which would guide the next phase of the work programme to explore amendments to the current governance model or alternative models of governance.

Copies of the notes made on the flipboards at the workshop were considered. The following comments were made:

- Surprise at how little many members know about the processes and the council generally
- Many new members were learning from their colleagues - mentoring was useful
- Many members didn't attend the training laid on for them.
- Pre council briefings were useful for members

It was noted that an offer would be made to councillors to visit some departments in small numbers to see the roles carried out by the officers. In response to a request to know where officers sat, it was stressed that members should make an appointment to see officers rather than just arrive at a desk.

It was also noted that further training was planned to be re-run in 2020, after a questionnaire to members on what they felt they needed.

In looking at the selection of 14 potential design principles to be considered the task group made some points around the current panel process such as:

- Earlier input by Panels to future decisions and policy development was requested.
- Panels didn't always encourage individual thoughts
- Members weren't utilising the current model effectively
- Cabinet reports were not generally going through scrutiny meaning members were not aware of some issues going forward. (it was noted that this was as a result of the CfPS recommendations that this was not best practice.)
- Encouragement of panels working with cabinet members to develop policy
- Members should be able to know what policies are in existence.
- More debates should be held at council rather than being referred elsewhere.
- Standing order 34 attendees couldn't ask questions at Cabinet.
- More members should be involved in policy development/scrutiny.

The 14 design principles were put forward to which it was agreed that they were all acceptable.

The following additional principles were proposed by Councillor Moriarty and discussed:

- Traceability in terms of accountability
- cabinet portfolios mirrored by scrutiny bodies
- We are not central government, why is the authority so adversarial, co-operation should be fostered.

- All members of the opposition should know what is happening across the authority.
- Quasi cabinet – should be transparent. There is the view that items are decided before the meeting.
- SRA positions should be politically proportionate.

The additional points were discussed, and a number of the points were accepted, however the issue on the SRAs was not accepted as it was felt it was a political element, but if the cabinet structure was maintained it was agreed that the allocation of the chair and vice chair positions should be looked at.

The Chair commented that visibility of the process was important and that there was scope to provide simple views to how to do business.

Mr Huggins reminded members that political realities were important, and that the Group could look at how structures could be tailored effectively, whilst accepting the political reality, with the reality check that some members at the workshop had indicated that they did not have much more time to spend on Council work.

In moving forward, Mr Huggins agreed to look at other organisations and their structures for the task group to look at and potentially speak to. He also asked for the Members to feed back any good examples they or their groups were aware of.

5

DATE OF NEXT MEETING

28 January 2020 at 2pm in Meeting Room 2:1

The meeting closed at 3.15 pm

REPORT TO GOVERNANCE TASK GROUP

Date of Meeting : 28th January,2020

SELECTING GOVERNANCE MODEL

Summary

The principal purpose of this task group meeting is to consider the available Governance Models and how these align with the agreed design principles for BC KLWN

Recommendations

The Task Group is recommended to

1. Consider in detail the Governance Models and their alignment with BC KLWN Design Principles and identify where further information or evidence is required based upon the experience of other local authorities.
2. Receive and consider the feedback from consultations and if appropriate make amendments to the previously agreed design principles.
3. Agree a revised timetable to complete the task.

Reason for Decisions

To enable completion of the required task

1. Introduction

1.1 There has been a delay since the last meeting of the task group and I will therefore recap the position we have arrived at and set out a revised programme of work to complete the task.

1.2 At this meeting the task group will

- consider the options for governance models and how each aligns with the design principles which are important to KLWN BC
- receive feedback from consultation with other parties,
- consider what questions and further information is required in order to conclude the report and make recommendations
- agree a revised timetable to complete the task

2. Recap

2.1 So far the task group has

- considered its terms of reference and agreed a plan to complete the task.
- Designed and implemented an all member workshop.
- Sought views from Town and Parish Councils, KLACC and officers.
- Agreed the design principles for a revised system of governance.

2.2 The next stage is to consider the available alternative governance systems and how each impacts on the design principles. From this determine the issues the Task Group would like to explore further and questions it would like to ask of others. This will lead to making conclusions

and recommendations to include in a final report which will be introduced to the Council at a further all member seminar before any final amendments. The Task Group report will then follow due process to Cabinet and Council.

3. Consultation

3.1 An update on progress with consultation with other parties will be given at the meeting and where responses have been received these will be shared.

4. Governance Decision Making Options

4.1 From the establishment of District Councils in 1974 until 2000 these local authorities operated under a Council and Committee form of governance. All authority lay with the Council which formed a number of committees to undertake work in specific areas. Committees were often closely aligned with the Council departments e.g. planning, environmental health, recreation and leisure, finance etc. With the exception of the quasi legal committees i.e. planning and licensing all committee decisions often had to be ratified by the full Council which received and approved the minutes of all committees. Decisions for day to day running of the Council were delegated to the officers and if any urgent requirement for a decision arose this was often taken by the chief officer after consulting with the chairman of the committee and the committee would be asked to retrospectively approve the officer decision. There was no leader of the Council.

4.2 The Local Government Act 2000 introduced significant changes to the governance models for District Councils. Significantly other than for small District Councils (population under 85,000) the committee system was removed as an option. There have been various amendments to the governance models that were introduced at this time and at this moment there are three basic decision making systems for Councils to choose from.

4.3 **Leader and Cabinet.** This is the system used by BC KLWN and is that used by most Councils. The Council elects the Leader of the Council who appoints a Cabinet. Certain decisions on key policies and strategy are made by full Council e.g. approval of annual budget, Corporate Strategy, Treasury Management Strategy, Local Plan etc. Within the terms of these Council approved policies and budget the remainder of executive/policy decisions are taken by the Cabinet either collectively or by individual Cabinet members where they have delegated authority. Operational decisions are delegated to the officers.

4.4 Councils who operate this system must have at least one overview and scrutiny committee. There is a process for identifying when key decisions are to be taken and for recording of decisions taken under delegated authority. Also a process for "calling in" decisions.

4.5 **Mayoral System.** These Councils have a directly elected executive Mayor. Not to be confused with the ceremonial and civic mayor which the Borough has. The mayor appoints a Cabinet of other councillors, who may have delegated decision making powers. These Councils must have at least one overview and scrutiny committee.

4.6 **Committee System.** This has been re-introduced as an option available to all Councils. Committees of Councillors either make decisions or make recommendations to the full Council. They are not required to have an overview and scrutiny committee but some do. They do not have a Council Leader. Although some councils chose to give this title to a person she/he has no executive authority as in the first model.

4.7 No other decision making systems are available. However, each is capable of "fine tuning" to best suit the needs of BC KLWN providing this is within the legal framework. For example a suggestion was made that the cabinet system should be retained but that the Cabinet should be multi party. This could not be written into the BC KLWN constitution as the legislation is clear that the appointment of the Cabinet is the responsibility of the Leader. Alternatively the Council could agree to change its constitution on the appointment and terms of reference of its scrutiny committees under the present Leader and Cabinet system or could modify the Committee System

to retain a separate scrutiny function or to have a person designated as “Leader” all be it with limited authority.

5. Assessing the options against BC KLWN design principles

5.1 It had been proposed that the Task Group should shortlist the design principles to 5 priorities but members preferred to keep all 14 suggested principles and added five more. Our task is to assess how the possible models for governance, as outlined above, align with these design principles.

5.2 I recommend that for each of the design principles you consider firstly whether each of the governance models is positive for that design principle or negative or neutral. Those identified as neutral will be those where that particular design principle will be unaffected by whichever model is chosen. This does not make the design principle any less important but it does mean that it will not affect the choice of governance model and can therefore be disregarded for this exercise. Attention will need to be focussed on those principles where one or more governance models has either a negative or positive impact. This may also indicate where modifications might be needed to the governance model to ensure the design principle is met.

5.3 I have made notes on the chart with which members may or may not agree. Their purpose is not to influence your views but to illustrate and stimulate the thought that is now required.

5.4 A further blank copy is appended to the report to which I request members give consideration before the meeting and record your own thoughts. The Task Group will complete the chart collectively at the meeting. This will lead to clarification of what’s important for BC KLWN and questions and areas to explore further.

Design Principle	Leader and Cabinet Model	Committee Model	Elected Mayor
The governance model should be straightforward and easily understood	an important design principle - no one model is more straightforward to understand than any other but whichever is chosen must be well communicated in order to be understood.		
The governance model should enable all elected members to have a worthwhile role and one which is achievable within the available time.	Requires the purpose of overview and scrutiny to be understood and to work well. Some feedback has been critical of the way O&S operates. The point about a role which is achievable within available time is an important one.	Attending a committee can give the impression of having a worthwhile role. Is this what would happen? Needs consideration. The point about a role which is achievable within available time is an important one.	Requires the purpose of overview and scrutiny to be understood and to work well. Some feedback has been critical of the way O&S operates. The point about a role which is achievable within available time is an important one.
The model should enable decisions to be made based upon the public good and in a timely fashion.	All models enable decisions to be made based upon the public good.	All models enable decisions to be made based upon the public good. The Committee systems is less likely to enable decisions to be made in a timely fashion.	All models enable decisions to be made based upon the public good.

<p>The governance model should provide for stakeholders who will be impacted by decisions to be able to express a view.</p>	<p>all models are equally capable of this</p>		
<p>The governance model should provide for decisions to be based upon evidence.</p>	<p>all models are equally capable of this</p>		
<p>The governance model should make it clear why a decision was made / why this option was chosen from amongst the alternatives</p>	<p>Decisions are normally made as a result of an officer report which includes the options considered and the reasons for the recommended action.</p> <p>The record of the decision could indicate “why” where this differs from the recommendation</p>	<p>Decisions are normally made as a result of an officer report which includes the options considered and the reasons for the recommended action.</p> <p>Where a committee or Council makes a decision on a majority vote with opposing views it may be less clear why it was made.</p>	<p>Decisions are normally made as a result of an officer report which includes the options considered and the reasons for the recommended action.</p> <p>The record of the decision could indicate “why” where this differs from the recommendation</p>
<p>The governance model should make it clear who is making the decision.</p>	<p>Each model is capable of the required clarity although some comments have indicated that this is not presently universally understood by all members.</p>		
<p>The governance model needs to work with the political makeup of the Council (e.g. large majority party or party with a small majority or no overall control)</p>	<p>There has been some suggestion that the change in political make up of BC KLWN is the reason why change in decision making is needed - be that a new system or modifications to the existing one</p>		
<p>The governance model should enable members to contribute to the formation of policy (not just rubber stamp proposals)</p>	<p>Requires the effective operation of overview and scrutiny.</p>	<p>Committees are not the best place to research and develop evidence based policies. A modification to the basic committee system would be needed.</p>	<p>Requires the effective operation of overview and scrutiny.</p>
<p>The governance model should provide an acceptable way of selecting topics/issues for pre decision scrutiny</p>	<p>a modification to the present way this operates?</p>	<p>does not naturally sit with a committee system</p>	<p>would need to be built in to a new constitution</p>

The governance model should provide a method to arrest a decision for further consideration when there is evidence of sufficient concern that the decision was made in error.	call in procedure is available but not widely used or understood	does not naturally sit with a committee system	call in procedure would allow for this
The governance model should enable the implementation, outputs and outcomes from decisions to be scrutinised.	it is important to have a method of monitoring outputs and outcomes, KPIs etc whichever system is used. These would typically be reported to Cabinet and Scrutiny with these systems or the appropriate committee and/or a general policy and resources committee with the committee system		
The governance model should provide for decisions to be made at the correct level	A scheme of delegation is required by each system to ensure decisions are made at the correct level		
The governance model should provide for effective partnership decisions.	Many partnerships work on the assumption of their being an executive Leader or Cabinet Member	Difficult to identify a person with authority to attend partnerships and represent and commit the Council	Many partnerships work on the assumption of their being an executive Leader or Cabinet Member
There should be clear Accountability for decisions	All decisions by Council, Cabinet, Leader and individual Cabinet Members are recorded.	Can be problems with committee decisions as to who is accountable. The Committee collectively? Some members may wish to disassociate themselves with the decision for which they are collectively accountable	All decisions by Council, Cabinet, Elected Mayor and individual Cabinet Members are recorded.
Cabinet portfolios should be mirrored by scrutiny panels	This should be considered if the present decision making system is retained and modified.		
Should reduce adversarial approach and foster co-operation	this is a cultural issue and I'm not sure one decision making system encourages this more than another		

<p>Should enable all members (incl opposition members) to know what is happening across the authority</p>	<p>In this system the Leader and Cabinet members with special responsibility inevitably develop a level of knowledge and understanding that can not be expected of all members.</p> <p>Some evidence from workshop that members appreciate an information briefing on a regular basis</p>	<p>Must take care not to use the committee as an easy means to be informed.</p>	<p>In this system the Elected Mayor and Cabinet members with special responsibility inevitably develop a level of knowledge and understanding that can not be expected of all members.</p>
<p>Should be transparent - items not decided before the meeting</p>	<p>Meetings at which decisions are made should, so far as possible, be open to the public and press. Those members on a Cabinet or committee should be prepared to listen to and engage with others but it is unrealistic in a party political environment to not recognise that those parties will have had their own thoughts and discussions on major issues before the meeting.</p>		
<p>COST NEUTRAL?</p>	<p>The Centre for Public Scrutiny (CfPS) says that no one governance system is more or less expensive to operate. It's a matter of how each works in practice. The Task Group is required to estimate the financial implications of any change it recommends.</p>		

6. Next Steps

6.1 The above exercise when completed by the Task Group will have clarified for each model questions and issues which you would like to consider further before making your recommendations. This process may be aided by the opportunity to speak with other local authorities. From my own research I suggest that members may wish to approach two other local authorities to explore your questions and learn from their experience. Newark and Sherwood District Council has recently (2013) moved to a committee system from a Cabinet system. Its present political makeup is 27 Conservative, 7 Labour, 3 Independent and 2 Liberal Democrat. It is close enough for a visit to be considered if that is members preference and of course if this is acceptable to N&SDC. The other authority to consider might be Gloucestershire Council. Whilst this is a unitary authority and not a District it has since 2012 moved from Cabinet to Committee and then back again to Cabinet. It might be more efficient to contact them via video conference or by one to one calls with key officers and members. Their political makeup is Conservative 33, Liberal Democrat 17, Labour 11.

7. Revised timetable

7.1 Owing to the delay in the previously agreed timetable arising through the need to prioritise election duties the Task Group needs to agree a revised timetable.

Date	Activity
February	Visit and/or contact with other local authorities to answer questions and concerns
tbc March	Task Group Meeting to agree recommended option, implementation procedure and timetable (this could require a longer meeting)
tbc April	Task Group consider and amend a draft report prepared for them based on their discussions in March and agree their final report.

tbc April/May All member seminar to introduce and explain the Task Group Report
existing BC KLWN Report follows due process for Council approval.
meeting dates

8. Corporate Priorities

Not Applicable

9. Policy Implications

None to this report

10. Financial Implications

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

11. Personnel Implications

None to this report

12. Statutory Considerations

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

13. Equal Opportunities Considerations

Will be considered in the Task Groups final report

14. Risk Management Implications

None to this report

15. Recommendations

The Task Group is recommended to

1. Consider in detail the Governance Models and their alignment with BC KLWN Design Principles and identify where further information or evidence is required based upon the experience of other local authorities.
2. Receive and consider the feedback from consultations and if appropriate make amendments to the previously agreed design principles.
3. Agree a revised timetable to complete the task.

16. Declarations of Interest/Dispensations Granted

None

17. Background Papers

None

Appendix 1

blank chart for members use to capture thoughts, ideas and views before the meeting

Design Principle	Leader and Cabinet Model	Committee Model	Elected Mayor
The governance model should be straightforward and easily understood			
The governance model should enable all elected members to have a worthwhile role and one which is achievable within the available time.			
The model should enable decisions to be made based upon the public good and in a timely fashion.			
The governance model should provide for stakeholders who will be impacted by decisions to be able to express a view.			
The governance model should provide for decisions to be based upon evidence.			
The governance model should make it clear why a decision was made / why this option was chosen from amongst the alternatives			
The governance model should make it clear who is making the decision.			
The governance model needs to work with the political makeup of the Council (e.g. large majority party or party with a small majority or no overall control)			

The governance model should enable members to contribute to the formation of policy (not just rubber stamp proposals)			
The governance model should provide an acceptable way of selecting topics/issues for pre decision scrutiny			
The governance model should provide a method to arrest a decision for further consideration when there is evidence of sufficient concern that the decision was made in error.			
The governance model should enable the implementation, outputs and outcomes from decisions to be scrutinised.			
The governance model should provide for decisions to be made at the correct level			
The governance model should provide for effective partnership decisions.			
There should be clear Accountability for decisions			
Cabinet portfolios should be mirrored by scrutiny panels			
Should reduce adversarial approach and foster co-operation			
Should enable all members (incl opposition members) to know what is happening across the authority			

Should be transparent - items not decided before the meeting			
COST NEUTRAL?			

1) Response from South Wootton Parish Council 18/12/19

Following the letter sent to us by Ms Lorraine Gore on 20th November 2019, I can inform you that the Parish Council discussed the matter and felt that the current system where decisions are made by the Leader of the Council and the Cabinet of Executive Members is the best, it was felt that this is the simpler and quicker system.

It was also felt that members of the Cabinet must receive training in order to scrutinise decisions made.

2) Response from Castle Acre Parish Council 24/12/19

The letter addressed to all Town and Parish Councils and dated 20 November 2019 was read out to Cllrs at their December meeting.

Cllrs were surprised at the lack of information contained with this letter. There was no paper detailing the pros and cons of the different decision making processes of local government to allow an informative judgement to be made. How could Cllrs not involved in the day-by-day running of the Borough form any view without being properly briefed? There was not even a deadline date by which to reply!

Cllrs are of the opinion that this letter was just sent out as part of a 'consultation exercise' because it had to be, rather than a genuine attempt to canvass views on the best way to govern West Norfolk.

This is very disappointing.

3) Response from Lee Stevens

Lee Stevens - Thank you for your letter dated November 20th concerning the review of the council's decision making process. Having attended the last three council meetings, I would like to suggest that the current Cabinet system is less than transparent. The main council meeting appears to refer most key decisions to the Cabinet and yet there is no time scale for the Cabinet to bring recommendations or decisions back to the council. This could be seen as at best inefficient, at worst deliberate obfuscation.

My understanding is that Cabinet meetings are not open to the public and yet, given the level of interest in issues such as transport policy and climate change, would it not be possible to allow the public to witness the key discussions and decisions undertaken through the Cabinet system?

May I wish you a happy Christmas.
Yours sincerely,
Lee Stevens

SW Response - Dear Mr Stevens

Thank you for your email. I thought I should let you know that Cabinet meetings are open to the public with the exception of exempt items which are clearly marked on the agenda as such.

Mr Stevens response

Many thanks for getting back to me and I'll look on the council web site for dates of the

meetings. If you could therefore just forward my comment re. having a timescale for reporting back, I would be grateful.

Yours sincerely,
Lee Stevens

4) Response from Sandringham Parish Council

I refer to correspondence last month in which you asked for views on the Borough's governance structures by the end of the year. As Sandringham Parish Council does not meet again until 15th January it is not possible to have a roundtable discussion on the issue, and I am therefore replying in the light of responses from each Parish Councillor.

I explained – to the best of my knowledge – the essential differences between the current Cabinet system of management, and that of the formerly widely used Committee system, and asked them, simplistically, to choose between the two. We should have seven Councillors but are one short, and the outcome was three in favour of retaining the Cabinet system and three preferring to revert to a Committee system.

I shall therefore put my own take on the situation and reflect my observation and the view of those more strongly favouring a return to a Committee system. Whilst I believe there is a strong case for reverting to a Committee system, I am willing to give the Parish's support to retaining the Cabinet system, but with important reservations and a call for change to the detailed practices which have grown up, and which cause increasingly widespread concern amongst Borough residents with regards the integrity and transparency of the system.

If the Cabinet system is retained, then it needs two important changes to the procedures used:

- 1 The right of the Cabinet, or Leader, to call-in for Cabinet discussion matters raised in either Full Council or Scrutiny Committees, must, under all circumstances, end. This appears to be increasingly being done, and it is an abuse of the system of proper scrutiny of the Cabinet, and therefore brings a feeling that all is not right if matters cannot be considered with integrity following open debate. It is entirely wrong in particular that matters are snatched away from properly and appropriately constituted scrutiny committees to what are, in effect, because of the party-based Group Meetings, closed door decisions not made in open forum.
- 2 As a subset of this, the Sifting Panel which considers which Planning Applications go before the Planning Committee must be abolished. In extremis, this system could be used to stifle proper public examination of major projects such as the Knights Hill or West Winch developments, and that cannot be right, even if the probability is very slight. The alternative is that the sifting panel should include more Councillors who are not from the governing party and should not include, in a decision making position, any officers.

With these important changes, the Cabinet system will work more efficiently than the Committee system, whilst injecting some of the transparency and accountability of the Committee system which is certainly lacking from a Cabinet system, and all the more so a Cabinet system which has evolved to be increasingly removed from proper scrutiny.

With best wishes
Ben Colson
Chairman, Sandringham Parish Council