

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>

<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.</p>	<p>call in procedure is available but not widely used or understood</p>	<p>does not naturally sit with a committee system</p>	<p>call in procedure would allow for this</p>
<p>The governance model should enable the implementation, outputs and outcomes from decisions to be scrutinised.</p>	<p>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</p>		
<p>The governance model should provide for decisions to be made at the correct level</p>	<p>A scheme of delegation is required by each system to ensure decisions are made at the correct level</p>		
<p>The governance model should provide for effective partnership decisions.</p>	<p>Many partnerships work on the assumption of their being an executive Leader or Cabinet Member</p>	<p>Difficult to identify a person with authority to attend partnerships and represent and commit the Council</p>	<p>Many partnerships work on the assumption of their being an executive Leader or Cabinet Member</p>
<p>There should be clear Accountability for decisions</p>	<p>All decisions by Council, Cabinet, Leader and individual Cabinet Members are recorded.</p>	<p>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</p>	<p>All decisions by Council, Cabinet, Elected Mayor and individual Cabinet Members are recorded.</p>
<p>Cabinet portfolios should be mirrored by scrutiny panels</p>	<p>This should be considered if the present decision making system is retained and modified.</p>		
<p>Should reduce adversarial approach and foster co-operation</p>	<p>this is a cultural issue and I'm not sure one decision making system encourages this more than another</p>		

<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

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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

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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?			