Committee Structure Design

UPDATE REPORT

November 2019

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PROJECT WORKSTREAMS

1. Committee Design Phase

2. Constitution Re-write

3. Training: Members and Officers

4. Service Review + Staffing Re-design

5. Members Allowances Scheme

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Moving to a Committee System
Workstream 1: Design

Member Working Group Meetings post 14/10 decision

28/10/19   Outline on project and outcomes arising from the Council decision

4/11/19   Agreement on principles for drafting and outcomes

11/11/19   Working Group meeting on design iteration

26/11/19   Report to Standards & Constitutional Oversight Committee

ITERATION QUESTIONS ASK:

- What do you want to achieve?
    - Returning to the agreed objectives

- Is that what this looks like?
    - Will what has been produced meet those objectives

- What does that mean?
    - Examining the practical implications

- How does that affect process and culture?
    - The view that this is as much about changing the culture as the governance system – form following function

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PRACTICAL QUESTIONS ASKED

- How Does It Work?
- Back to basics – What do Members and officers do?
- How do you (or do you) mitigate the problems of committees and/or retain the best of the cabinet system to become a 'streamlined committee system'?
- Design of committees
- Reservation system or call-in?
- O&S and external scrutiny separate or part of committee remits?
- What should be the size and frequency of meetings?
- What do others do?

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Based on the agreed objectives of:

- **Accountability** – responsibilities and accountability should be clear, within the Council and to residents;

- **Credibility** – governance should assist good decision making, which involved proper and early scrutiny;

- **Transparency** – the decision making process should be open and transparent to Members and to the public;

- **Collaboration** - decision making should be collaborative across parties and less combative;

- **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

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QUICK RECAP
How does it work?

The system operates under the Local Government Act 1972 (with some exceptions)

Council "supreme" decision making body

- Council may arrange for the discharge of any of their functions—
  - by a committee, or a sub-committee appointed by the Committee, or
  - an officer of the authority, either directly by any of those or through a general scheme of delegation

- Allocation of seats on Committees and Sub-Committees must reflect political balance

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Exceptions being

- Regulations specify functions which must be exercised by full Council (Schedule 2, Chapter 3 – 9J) – "non delegable functions"*

- May have Overview and Scrutiny Committee(s) but do not have to – except that scrutiny functions are required for health, flood prevention and coastal erosion and Community Safety, which can be

  o Full system of Overview and Scrutiny Committees (as now);

  o No dedicated overview and scrutiny function and required functions are built into proposed Committee remits; or

  o A hybrid of committees and focussed overview and scrutiny committees:
    - one for statutory functions
    - one for Call-In

The Local Authorities (Committee System) (England) Regulations 2012

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What do Members and officers do?

Drop and dedicated short training session

For Officers (27/11/19)

Designing the new system – Recap of discussion:
Lessons from history

Audit Commission Management Paper Sept 1990

"We can't go on meeting like this"

   - "the processes of local authority management, which are seen most clearly in the committee system, can tend to focus on day to day problems rather than on policy, strategy and results"

   - "committees can become overloaded with detail and the really important policy issues – the setting of objectives and monitoring of outcomes – get squeezed out"

Risks and Mitigation (1)
- A traditional committee structure

Weakening of strategic leadership and direction

- Return to silo based thinking and decision making
- Lack of strategic co-ordination
- More meetings to resolve cross cutting issues
- Too much focus on operational management rather than strategic leadership – tension with officers – erosion of officer delegation
- Real challenges in dealing with cross partnership decision making

Lack of openness and transparency

- Political decision making behind closed doors
- Fail to engage the public in decision making

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Risks and Mitigation (2)
- A traditional committee structure

Slowing down of decision making

- Politicians cannot be given 'executive' authority – can't delegate decision making to Committee Chair
- Reservation (or rescission) system used without restriction, replacing call-in, causing undue delay

Increased bureaucracy

- More meetings
- More officer capacity required
- Expensive to resource

No mechanisms for holding decision makers and external bodies to account

- Distributed power, balance between policy and operational committees and effective use of Council
- Not making best use of continuing role for scrutiny

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Risks and <u>Mitigation</u> (3)
- Committee System Streamlined Arrangements

- Cross party support for a proportionate system to engage all Members/all political groups in democratic process

- Council is "supreme" decision making body – all Members therefore play a part in key strategic decisions

- Separation in delegations between decisions that are regulatory, operational, policy formulation and policy setting

- All Members can be involved in key/controversial decision making, with enhanced openness and transparency, <u>but</u> avoiding dragged out operational or business decisions, so:

  - **not** a nostalgic return to the traditional committee system;

  - retain the best of an open cabinet system in making decisions that are accountable but also reactive and commercial where they need to be; and

  - making use of call-in on overview and scrutiny principles

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What this says: AGREED DESIGN PRINCIPLES

Decisions

- **Council** taking decisions on a full list of reserved policies and referred decisions on recommendation of:

- **Policy & Resources Committee** designed to undertake a similar role to an open style Cabinet:

  1. having delegated authority for key strategic decision making within the budget and major policy framework set by Council, with ability to make decisions quickly and effectively across the range and

  2. focussing on strategic leadership not operational management, often on the recommendation of:

- **Functional committees**, 'doing and reviewing' Policy and Services Committees, designed in an understandable way:

  1. having delegated authority to make decisions within a strategic policy and financial framework determined by the Policy & Resources Committee, **and**

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What this says: *AGREED DESIGN PRINCIPLES*
Overview and Scrutiny

- **Functional committees** [cont.]

  2. to carry over an Overview and Scrutiny skillset to review the policy frameworks within which they operate and to formulate new policy recommendations
      (↳ implement, review, formulate, recommend ↩)

- **An Overview & Scrutiny Committee** to

  1. focus on outside bodies, partnership working and the statutory scrutiny functions; and also

  2. co-ordinate overview and scrutiny functions of the Policy and Service Committees where required

- **A Call-In Committee** to conduct proper scrutiny of controversial decisions in an in-depth, non-partisan and speedy manner as and when required

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What this says: AGREED DESIGN PRINCIPLES Regulatory and Administrative

- **Regulatory Committees** to be kept separated from the strategic and operational

  - Full committees for the quasi-judicial and administrative functions (e.g. Planning, Audit, Standards, Licensing), some of which may be delegated

  - Sub-committees or panels wherever possible (e.g. HR)

What this says: *AGREED DESIGN PRINCIPLES*
Other matters

- **Committee Chair's** role, acting as advocate, ambassador and functional spokesperson but not decision maker

    - Formal Chair's briefings to be in the presence of Group Representatives, whose role is also defined

- **Leader's role** as Chair of P&R and spokesperson for the whole Council

- **Partner** bodies and links into the Council

- **Officers'** Scheme of Delegation, clarity and whether by exception

- **Review** all Standing Orders against model/best practice

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NEXT Workstream 1: Design
By mid-January

- Drawing up detailed design and remits for Committees

- Size of Committees
  - impact on political balance: apply matrix to different models
  - securing engagement of all members

- Frequency of meetings

- Appointment of Chairs and Vice-Chairs

- Sub-Committees
  - More business through standing sub-committees or a limit?

- Consultation

- Officer Scheme(s) of Delegation discussion

- Review of Procedures & Protocols in Constitution

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Draft Committee Design v.2.1

COUNCIL

POLICY & SERVICES COMMITTEES

- HR Sub-Committee → Policy and Resources Committee
- Shareholder Board → Policy and Resources Committee
- Health & Wellbeing Board ····· Adult Social Care & Health Committee
- Corporate Parenting Panel → Children and Young People Committee
- Local Plan Sub-Committee → Economy, Regeneration & Development Committee
- Communities & Neighbourhoods Committee
- Environment & Highways Committee

SCRUTINY COMMITTEES

- Overview & Scrutiny Committee (Overarching and External)
- Call-In Committee

REGULATORY COMMITTEES

- Planning (Development Control) Committee
- General Regulatory Committee
  - Hearing Sub-Committees
- Licensing Committee
  - Hearing Sub-Committees

OTHER COMMITTEES

- Audit Committee,
- Standards Committee & Constitution Committee
- Charitable Trusts Committee

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