

Report of the Chief Executive

REVIEW OF GOVERNANCE ARRANGEMENTS

1 Purpose of report

To set out proposals for a review of the Council's decision making arrangements.

2 Executive summary

2.1 The Council's Committee arrangements have been in place for some time and it is now considered opportune to review these arrangements.

2.2 There are some areas of duplication of work across the existing committees and some agendas consist mainly of reports for information or to note. In addition the Localism Act allows Councils operating a committee system to operate without a formal Scrutiny Committee.

2.3 In addition to the above the Council's senior management arrangements have been restructured and there are now fewer senior officers and less time and resource to administer the existing committee arrangements.

2.4 This report makes a number of recommendations on how to better align our committees and decision making processes with our current circumstances.

3 Appendices

- A. Meetings of Policy and Scrutiny Committees - 2013
- B. Draft Civic Timetable - 2014.

4 Proposed action:

4.1 The Committee is invited to RECOMMEND that:

- a) **with effect from the 2014 Civic Year which commences with Annual Council on 29 May 2014:**
 - i) **the three existing policy committees be deleted and replaced with two policy committees known as Resources Committee and Services Committee.**

- ii) **the Overview and Scrutiny Committee is deleted and the Scrutiny function is removed as it is no longer required.**
 - iii) **a Partnerships & Performance Committee is established.**
 - iv) **the frequency of the 2 Policy Committees to be 6 times per Civic Year.**
 - v) **the frequency of the Partnerships & Performance Committee and Audit Committee to be 3 times each per Civic Year.**
 - vi) **reports to any Committee meeting of the Council should generally require substantive decisions.**
 - vii) **items for members to note or for information should generally be communicated via a Members' Briefing Note.**
 - viii) **the Notables report to Council be discontinued.**
- b) the draft Civic timetable for 2014 be approved.**

4.2 The Committee is invited to RESOLVE that if the recommendations in 4.2 above are agreed the Constitution Working Party should be convened to consider detailed administrative arrangements and to advise Council on these matters.

5 Background

- 5.1 The Council currently has 3 Policy Committees - Resources Committee, Development Committee and Community Committee. These policy committees consider the business of the Council and either make resolved decisions in line with powers delegated to them by Council or recommend actions to the Council for resolution.
- 5.2 In addition to the policy committees the Council also operates an Overview and Scrutiny Committee which can, although rarely does, receive and debate decisions "called-in" by a number of members. The Overview and Scrutiny Committee also considers the performance of a number of the Council's partner organisations and contracted bodies.
- 5.3 The Council's Audit Committee provides specific oversight of the Council's financial position and budget setting.
- 5.4 The Council also has a Planning Committee to carry out its functions as a Local Planning Authority and a Licensing Committee to deal with all aspects of Licensing legislation.
- 5.5 In addition to the 7 committees set out above the Council operates a Standards

Committee and an Appointments Committee as required and there are a number of member working groups and working parties.

- 5.6 Appendix A sets out the frequency of meeting of the policy committees and the Overview and Scrutiny and Audit Committees for the 2013 Civic Year. It is also possible for additional meetings to be called to deal with additional business from time to time.
- 5.7 This report is in the main concerned with the 3 Policy Committees, the Overview and Scrutiny Committee and the Audit Committee. For the purposes of this report these 5 Committees will be referred to as the Policy and Scrutiny Committees.

6 Discussion

- 6.1 The workload of the Policy and Scrutiny Committees is varied. Appendix A sets out the number of reports to each over approximately the last 12 months. The number of reports for noting and the number of resolved items and items recommended to Council are shown.
- 6.2 It can be seen that the vast majority of resolved and recommended items flow through and from the Resources Committee. A number of members have commented on this and on the relatively "thin" agendas for Community and Development.
- 6.3 A number of reports to the 3 Policy Committees, but mainly Community and Development, are for information or noting. There is no decision to be made. It can be seen from Appendix B that if information reports were not presented at the Community Committee there would be occasions when the agenda was quite short.
- 6.4 Even for Resources Committee there are a number of information or noting items where no decision is required. There are of course matters which whilst not requiring a specific decision do need to be aired in public. Resources Committee or indeed full Council provide a useful platform for this. However, it is arguable that for many of the information/noting items currently reported to a policy committee we are using resources to prepare reports that are not necessary for the efficient conduct of the Council's business.
- 6.5 There is a well established system of Members Briefing Notes (MBN) which could be used to report information items to members without the need for reports to a policy committee. Whilst this would not be appropriate in every situation it has the potential to vastly reduce the number of formal committee reports thereby saving time and resources and freeing staff to concentrate on other important work.
- 6.6 Such a significant reduction in the number of formal reports to the policy committees would provide scope to move to 2 policy committees rather than 3. The Resources Committee would carry on pretty much as now and a combined community and development or Services Committee could be formed. In the

fullness of time a move to only a single policy committee, Resources, could be considered but that is not recommended in this report.

- 6.7 By ensuring a good use of the MBN system it is unlikely that members would see any great reduction in the issues and information presented to them. Efficiencies in terms of officer resource and time would accumulate, however these are difficult to quantify precisely. Crudely a reduction of 13 committee meetings would equate to about 40% of the time currently spent on administering the 3 policy committee system. It is always difficult to put exact numbers against savings in time and doing things differently but there would be efficiencies. Recent reductions in the senior officer core mean that further savings there are difficult to envisage. However, the now much smaller senior team would have more time to concentrate on the Council's priority projects rather than Committee administration. We have, in effect, made the reduction in staffing in order to get the financial benefits, before reshaping our governance arrangements.
- 6.8 Members may also feel real benefits from having less meetings to attend, in effect freeing them to concentrate more on the many day-to-day ward issues that need to be attended to.
- 6.9 This report will now move on to consider the Overview and Scrutiny Committee and first the Scrutiny function. There is no need for an authority operating a Committee system to have a Scrutiny Committee or Committees (Localism Act 2011).
- 6.10 Scrutiny exists to provide checks and balance on executive decision-making and is effective where such executive decision making is carried out via a non-politically balanced cabinet or elected mayoral system of governance. It is arguable that in a politically balanced committee system (such as ours) sufficient checks and balances are already in place and when coupled with the system of recommendations to full Council a formal Scrutiny function is not necessary.
- 6.11 The current Overview and Scrutiny Committee also considers existing policies of the Council and work with other agencies and partners. This forms a large proportion of the work of the Overview and Scrutiny Committee. It is sometimes the case that partner organisations present to both Community and Overview and Scrutiny Committee. This duplication is not efficient.
- 6.12 In the past the Council maintained a performance committee which was dispensed with some years ago. It can be useful to review the focus on a small number of key performance indicators to help monitor progress and drive improvement. This could be done alongside the work on monitoring effective partnership working.
- 6.13 Given the details set out in 6.9 to 6.12 above it may prove effective to replace the Overview and Scrutiny Committee with a Partnerships & Performance Committee.

7. Related Matters

- 7.1 In considering the future shape of our Committee Structure there are a number of related matters that can be considered. These include:
- the timetabling of Committee meetings.
 - the Notables Report currently presented to Council.
- 7.2 In relation to timetabling the current number of Committee meetings are set out in Appendix A.
- 7.3 The proposed number of Policy Committee meetings if the Council moves to a 2 Committee system is 6 Resources and 6 Services. A Partnerships & Performance Committee and the Audit Committee could alternate throughout the year, each meeting 3 times. This gives a total of 18 policy committee, partnership and performance and audit committee meetings. This is a reduction of 13 committee meetings or around 40% on the current arrangements. As referred to above there are no changes proposed in relation to the Planning or Licensing Committees.
- 7.4 A proposed Civic Timetable for the 2014 Civic year is attached at Appendix B to show how the suggested changes could work out in practice.
- 7.5 The current Notables report to Council was put in place when the previous performance committee ceased. If it is agreed that performance and partnership should replace the Overview and Scrutiny Committee then the notable issues currently reported to Council could be reported to Partnerships & Performance Committee. This would remove the need for the notables report.

8. Conclusion

- 8.1 The Council is constantly changing and adapting to suit new circumstances. The financial position of local government in general and BCW more specifically are key drivers.
- 8.2 There have been many changes to the Council's officer structure over several years. More specifically the senior management of the authority has been reduced by 50% in the last 12 months.
- 8.3 There are a large number of reports to council Committees which are for information or noting and require no decision from elected members.
- 8.4 There is currently duplication of presentations from partners to both Overview and Scrutiny and the Policy Committees, mainly affecting Overview and Scrutiny and the Community Committee.
- 8.5 As the Council continues to contract it will find it increasingly difficult to service the existing Committee structure. Unnecessary reports and duplication of effort must be removed from the system in order to ensure that what limited resources

we have, both at member and officer level, are fully focused on delivering the Council's priorities and projects.

- 8.6 Members Briefing Notes are an established way of giving information to members which feedback suggests are considered very helpful. It would be effective and more efficient to keep members informed via a greater use of MBN's and less information/noting reports to Committee.
- 8.7 In relation to Overview and Scrutiny the number of reports for decision in the last 12 months has been 2 (13%) and there has been one recommendation to Council. In line with the Localism Act 2011 there is no requirement for a Committee system local authority to maintain a Scrutiny committee. Refocusing scrutiny around performance and partnership monitoring may be more effective and efficient. Returning to some form of performance committee would also allow the notables report to Council to be discontinued.
- 8.8 Taking all of the above into account this report concludes that
- a) the 3 current policy committees of Resources, Community and Development should be replaced with 2 policy committees known as Resources and Services.
 - b) the Overview and Scrutiny Committee should be replaced with a Partnerships & Performance Committee.
 - c) greater use should be made of the MBN system and unless there are compelling reasons for reporting formally to members information or noting reports should be avoided. The default position should be that all reports to Committee require a substantive decision.
 - d) the Notables report to Council can be discontinued with notable points being reported to the new Partnerships & Performance Committee.
- 8.9 If the proposals in this report are agreed it will be necessary to consider details such as the terms of reference and the number of members on each committee. Therefore, it is recommended that the Constitution Working Party meets prior to Council on 15 April 2014 to formulate advice on the detailed points for Council to consider.

9. Legal powers

- 9.1. Section 101 of the Local Government Act 1972 provides that a Local Authority may arrange for the discharge of any of its functions by, committee, sub-committee or an officer of the authority.
- 9.2. Section 102 of the Local Government Act 1972 allows a local authority to appoint committees for the purpose of discharging the functions delegated under the provisions of Section 101 above and to establish the terms of reference.

- 9.3. As stated in the report, there is no requirement for a Council operating the Committee system to appoint an Overview and Scrutiny Committee.

10. Financial, Risk and Value for Money Implications

- 10.1 There is no “standard” cost that can be applied to any meeting of the Council. The value of an effective and efficient system of governance is also tricky to measure. However, there is no doubt that savings will accrue if less meetings are held.
- 10.2 The measurable elements of the cost of committee meetings include printing, officer time, time in lieu, accommodation and utilities costs and members allowances. Less measurable aspects include the time spent by officers preparing reports, arranging attendance and generally administering meetings. The opportunity costs in relation to what also could be done if less time was spent on Committee Administration are also unquantifiable but a time saving of around 40% (estimated) if the proposals in this report are accepted will certainly assist officers in addressing other priorities.
- 10.3 In considering our governance and decision making arrangements it is important that effective arrangements and not just the cheapest arrangements are put in place. Whilst there is always an element of risk in such a major change to established practices it is my view that the proposed way forward will deliver effective decision making for the future.
- 10.4 Any agreed changes will of course be monitored and any necessary further refinements will be raised with members if required.

11. Implications for Safer and Stronger Communities and Equalities.

- 11.1 Whatever the Council does and however it makes decisions the impact on our communities is of paramount importance.
- 11.2 The proposals here should not have any adverse impact on our communities or on how the Council meets its statutory duties relating to the Equalities Act legislation. Indeed, by having more efficient governance arrangements it is likely that the Council will serve its communities even better.

12. Author and contact officer

John T Campbell, Chief Executive.

13. Consultees

Leader and Deputy Leader of the Council.
Leader and Deputy Leader of the Labour Group.
Liz Elliott, Head of Finance.
Bridget Lawrence, Head of Resources.
Julie Thomas, Interim Head of Planning and Local Development.
Sue Lyons, Monitoring Officer.

14. Background papers

The Council's Constitution.

Council Agenda Papers for the 2013 Civic Year.

Appendix A

Selected Committee Meetings - 2013 Civic Year

	Name	No of Meetings	Agenda Items**	For Decision	Info/Noting
1	Resources	7	57	45	12 (21%)
2	Development	7	35	24	11 (31%)
3	Community	7	33	14	19 (57%)
4	Overview & Scrutiny*	6	16	2	14 (87%)
5	Audit	4	7	2	5 (71%) ***
		31	148	87	61 (41%)

* a number of Overview and Scrutiny meetings in 2013 have been cancelled due to a lack of business.

** the numbers of agenda items are for 6 meetings (5 meetings for Overview and Scrutiny and 3 meetings for Audit). as the March cycle has not happened at the time of preparing this report .

*** Although a high percentage of reports to Audit Committee only require discussion and noting it is important that these reports are scrutinised by our Audit Committee. Audit is different in this sense to the other Committees.

**PROPOSED DRAFT CALENDAR OF COUNCIL AND COMMITTEE MEETINGS
MAY 2014 TO MAY 2015**

2014			2015		
MAY			JANUARY		
THURSDAY	29	ANNUAL COUNCIL	Wednesday	7	Planning (6 weeks) due to Xmas and New Year.
JUNE			TUESDAY	20	COUNCIL
Wednesday	4	Planning	FEBRUARY		
Monday	23	Services	Monday	2	Services
Wednesday	25	Resources	Wednesday	4	Resources
Monday	30	Partnerships & Performance	Monday	9	Partnerships & Performance
JULY			Wednesday	11	Planning (5 weeks)
Wednesday	2	Planning (4 weeks)	TUESDAY	24	COUNCIL
Tuesday	8	Audit	MARCH		
TUESDAY	22	COUNCIL	Wednesday	11	Planning (4 weeks)
AUGUST			Monday	16	Services
Wednesday	6	Planning (5 weeks)	Wednesday	18	Resources
SEPTEMBER			Tuesday	24	Audit
Wednesday	3	Planning (4 weeks)	TUESDAY	31	COUNCIL
Monday	15	Services	APRIL		
Wednesday	17	Resources	Wednesday	1	Planning (4 weeks)
Monday	22	Partnerships & Performance	Wednesday	29	Planning (4 weeks)
Tuesday	23	Audit			
OCTOBER					
Wednesday	1	Planning (4 weeks)	There will be no meetings in May 2015, other than annual council, as borough and parish elections are being held on 7.5.15.		
TUESDAY	7	COUNCIL			
Monday	20	Community			
Wednesday	22	Resources			
Wednesday	29	Planning (4 weeks)			
NOVEMBER					
Wednesday	26	Planning (4 weeks)			
DECEMBER					
TUESDAY	9	COUNCIL			
Monday	15	Services			
Wednesday	17	Resources			



