

Minutes

Governance Working Group

Held at:	Hythe Room, Civic Centre
Date	Thursday, 27 February 2020
Present	Councillors Connor McConville, David Monk, Tim Prater, Rebecca Shoob and Lesley Whybrow
Apologies for Absence	Councillor Ian Meyers
Officers Present:	Amandeep Khroud (Assistant Director), Susan Priest (Head of Paid Service) and Jemma West (Committee Service Specialist)
Others Present:	Councillor Rebecca Shoob. Ian Parry (CfPS)

8. Minutes of previous meeting

The minutes of the meeting held on 25 November 2019 were agreed as a true record.

9. Goals for Change

The Working Group Members commented on the paper provided by Andrew Campbell of the LGA, and made points including the following:

- There had been significant welcome changes to the Cabinet recently, but these should be constitutionally guaranteed, not just gifted by the Leader, although it was understood that this could not be done under current arrangements and therefore not before May 2021.
- The council was not doing enough to engage with the public. More effective interaction and engagement was needed.

It was agreed that:

- A seventh objective be added that politically balanced decision making be enshrined in the constitution. It was agreed that this principle would be explored but it was necessary to explore this in accordance with legislation and the remit of the constitution.

- Point two relating to representation be amended to make reference to effective engagement with the public.

10. **Summary of Member survey results**

Ian Parry (CfPS) set out a summary of the responses from the survey on governance which had been circulated to members. The survey had received a 63% response rate.

A copy of the presentation is appended to these minutes.

11. **Best practice examples**

The Head of Paid Service gave a presentation which outlined the headlines of governance arrangements at Tewkesbury, and the Scrutiny arrangements at Devon.

The Working Group agreed that in a committee hybrid model, there still needed to be contingency provision for urgent decisions to be made.

It was agreed:

- **That a site visit/briefing be arranged for both Devon and Tewkesbury Councils.**

12. **Overview and Scrutiny - forward look**

The Chairman of the Overview and Scrutiny Committee gave a presentation setting out proposals to change the way in which the Overview and Scrutiny Committee operates.

Members of the Working Group commented on various issues and made points including the following:

- The call-in thresholds should be reconsidered if there was no opportunity for pre-scrutiny prior to the final decision at Cabinet.
- The forward work programme needs to have some degree of flexibility.
- The number of members to sit on the Performance & Monitoring Sub-Group to be considered.
- The selection process for items needed to be 'hard-nosed' and follow an agreed methodology.

The Assistant Director of Governance and Law advised that the constitution made provisions for topics to be referred to Scrutiny.

The Head of Paid Service advised that the Sub-Group should be made up of a small group of members, possibly

Ian Parry added the following points:

- Scrutiny could deal with topics using task and finish groups but these should be limited to perhaps one at any time due to the resources required to service the group.
- A selection process for work plan items could be implemented following a clear methodology that links the item to key pieces of work that would give clear outcomes of value to the council and the community.
- Elsewhere an annual joint meeting between Scrutiny and Cabinet is held.

The Group Leaders indicated their agreement for the proposals contained within Cllr Shoob's presentation (see attached).

13. Report from the Independent Remuneration Panel

The Assistant Director of Governance and Law set out the recommendations from the IRP and invited feedback from the Working Group Members on each recommendation. Members commented as follows:

- 13.1 There was no support at the present time for this recommendation, but should there be a significant change to the constitution, this point should be reconsidered.

The Leader left the meeting for the consideration of the above recommendation.

- 13.2 All Group Leaders should be entitled to the Special Responsibility Allowance, regardless of the group size.

- 13.3 The Working Group supported this recommendation.

- 13.4 The Working Group supported this recommendation.

- 13.5 The Working Group supported this recommendation.

- 13.6 The Working Group supported this recommendation, and the implementation of the Parental Leave Policy as drafted and included in the agenda pack.

- 13.7 The Working Group **did not** support this recommendation.

- 13.8 The Working Group supported this recommendation.

- 13.9 The Working Group supported this recommendation.

The Leader of the Council indicated that he felt the Deputy Leaders SRA points weighting should be increased by 100 points, making 320. The Assistant Director of Governance and Law advised that she would look into this proposal and report back to the group.

The comments of the group would be reported back to Full Council, along with the report of the IRP.



Centre for Public Scrutiny

Folkestone & Hythe District Council Member Survey

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Minute Item 10

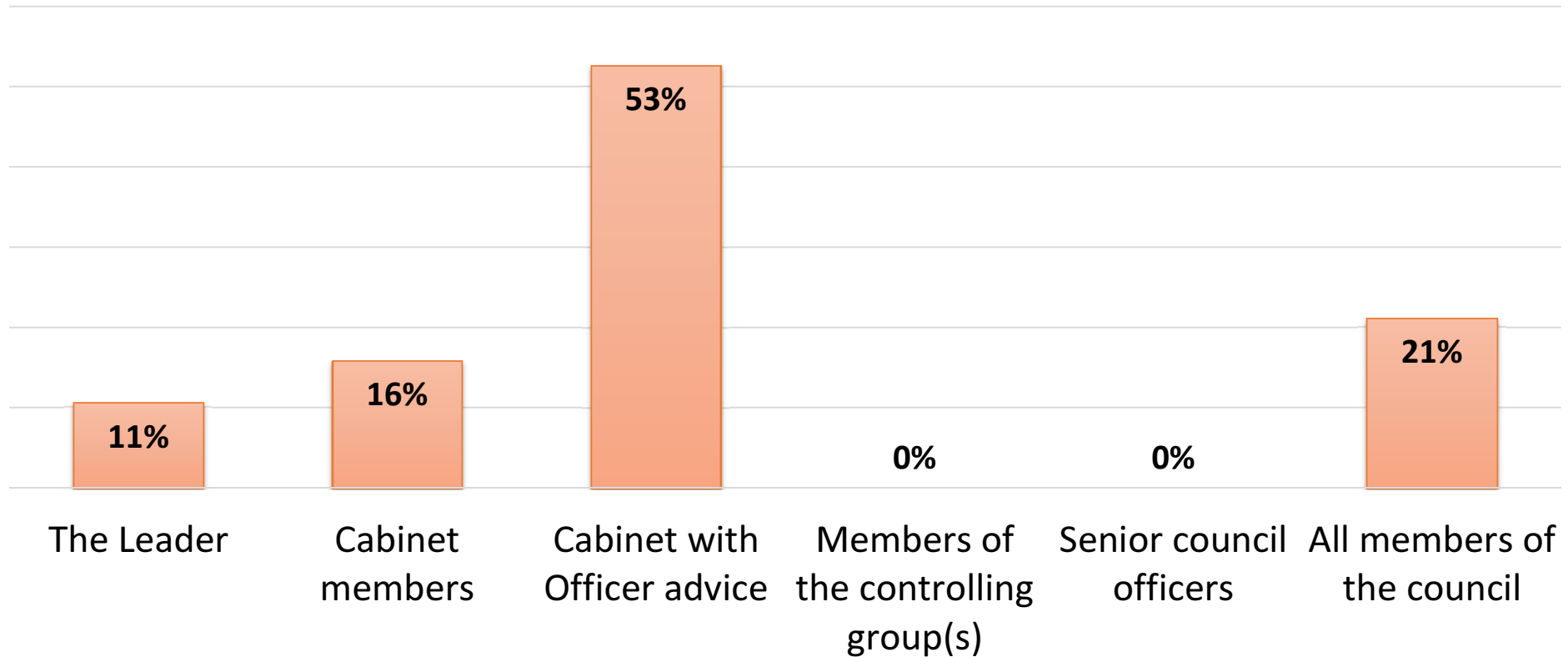


- 19 total responses = 63% of Councillors completed the survey

Q1: Who is currently responsible for developing policy at the council?



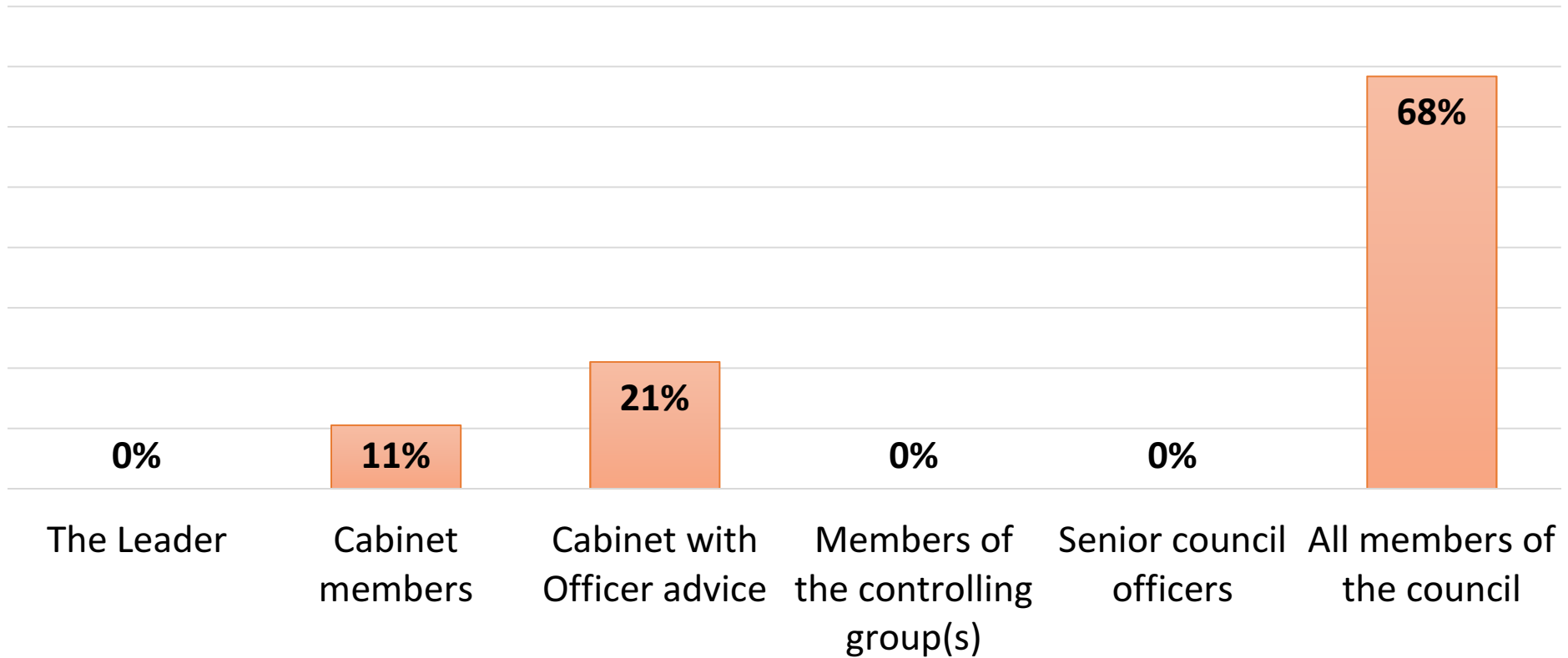
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Q2: Who should be responsible for developing policy?



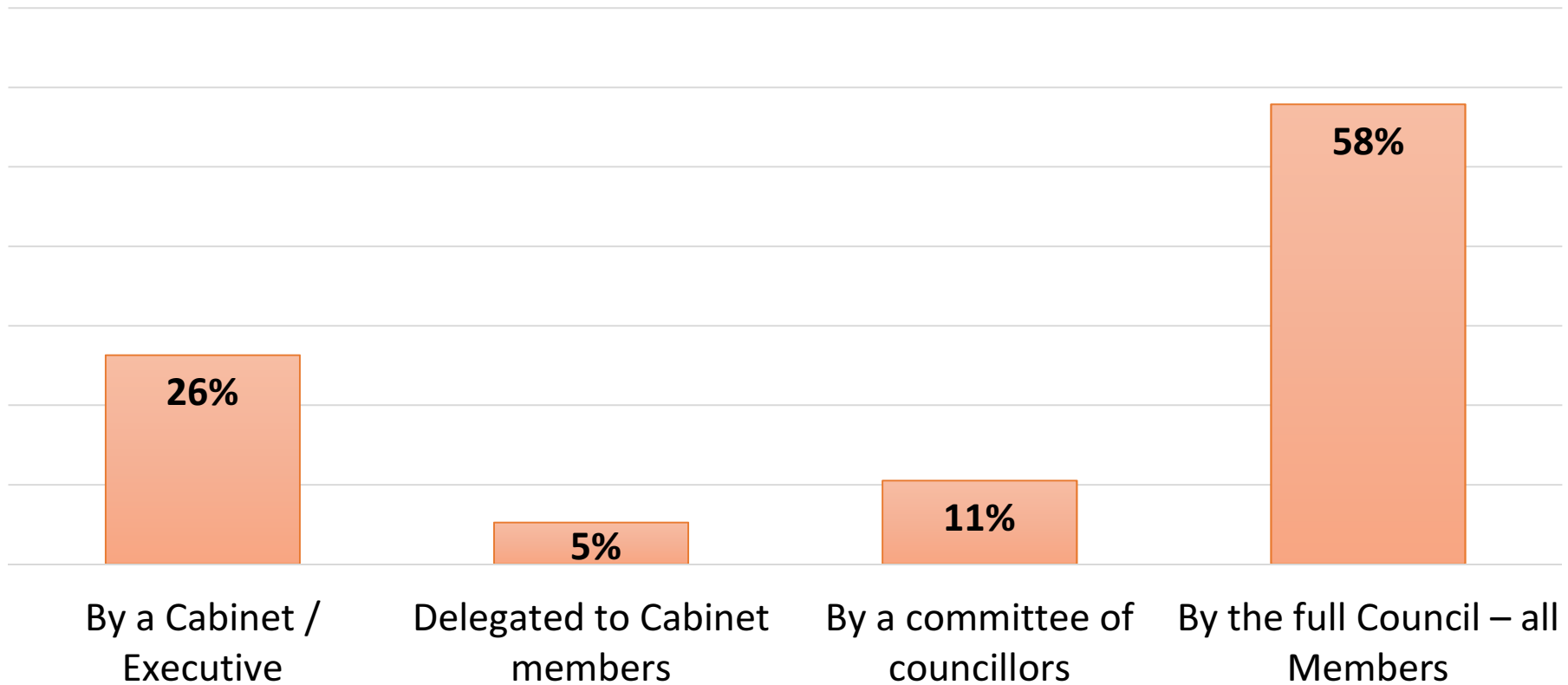
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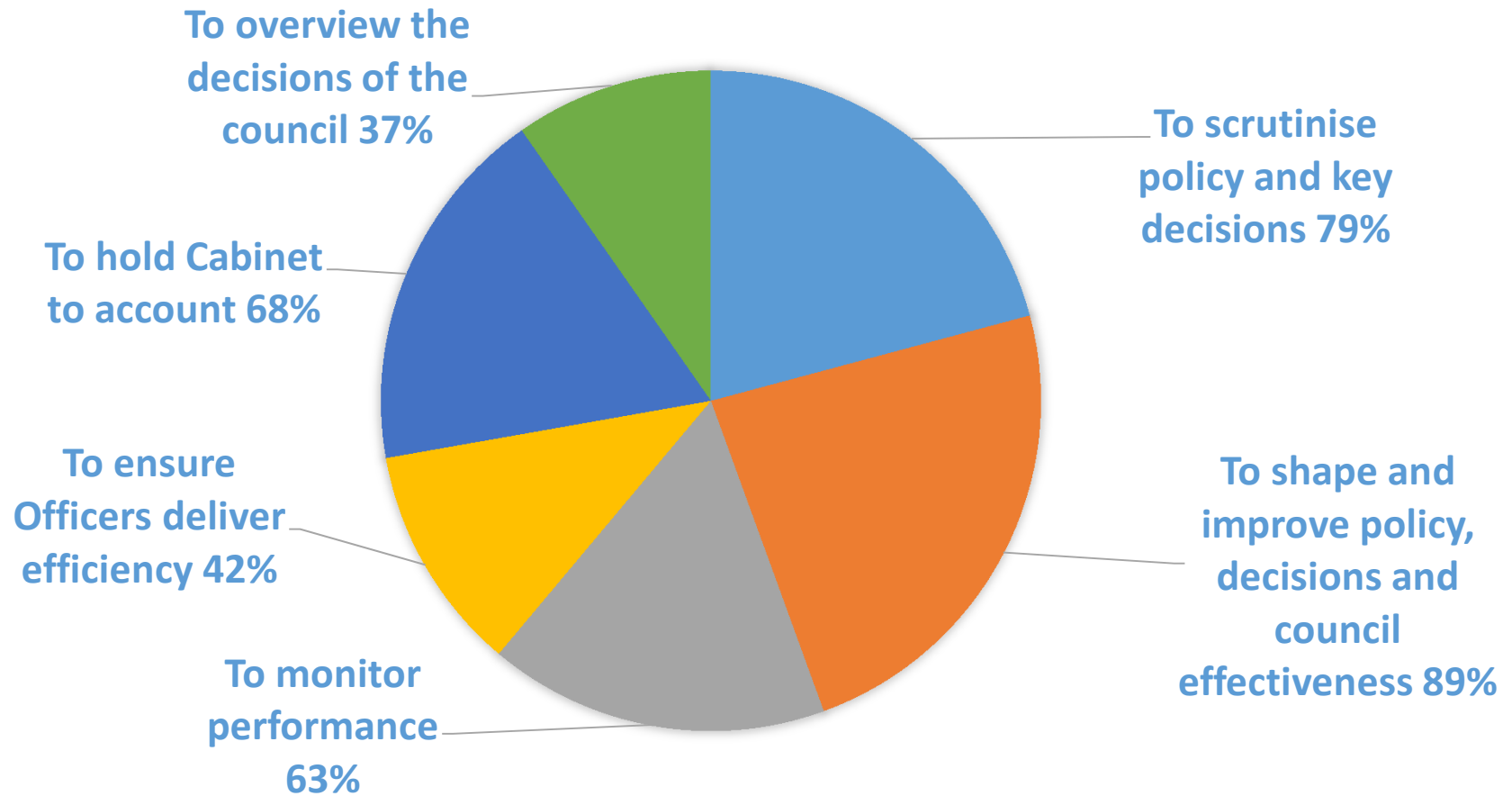
Q3: How should key decisions be made?



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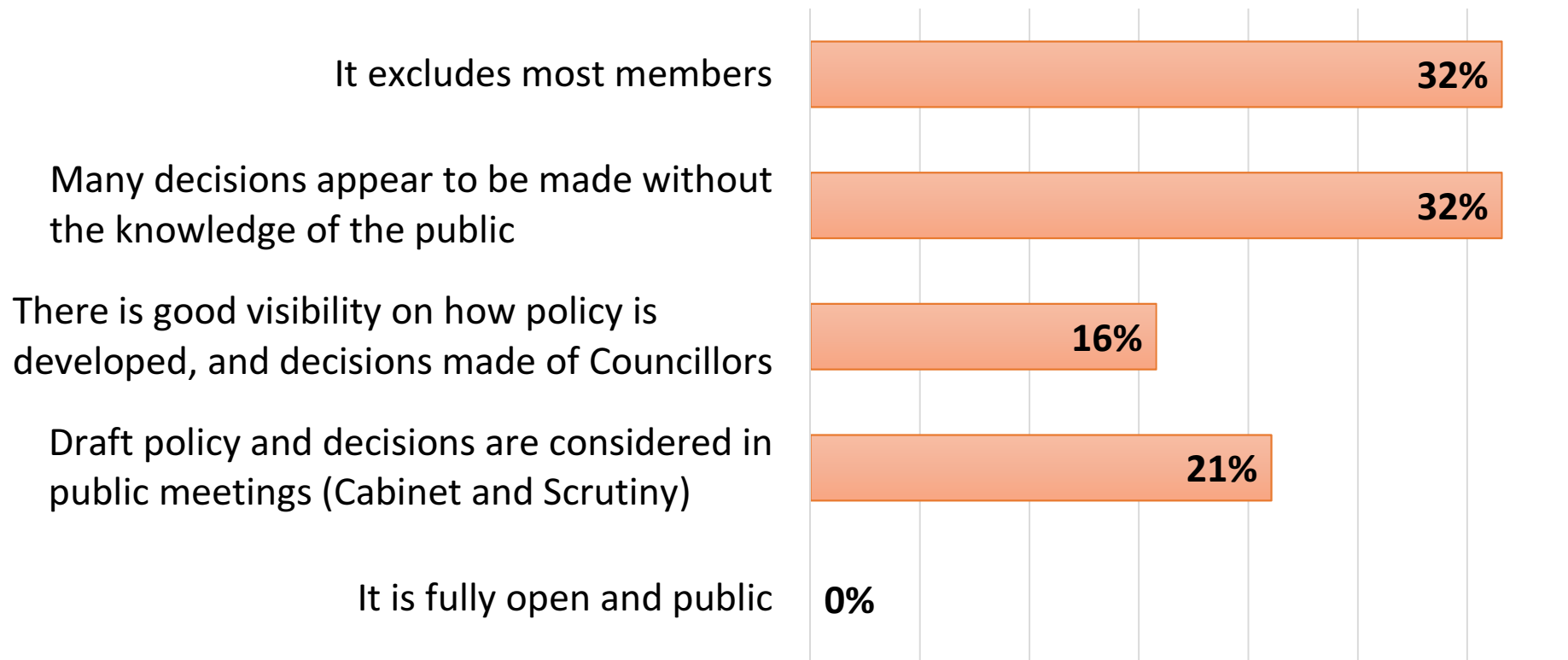
Q4:How should scrutiny be used? (Tick all that apply)



Q5: How open and transparent is key decision-making?



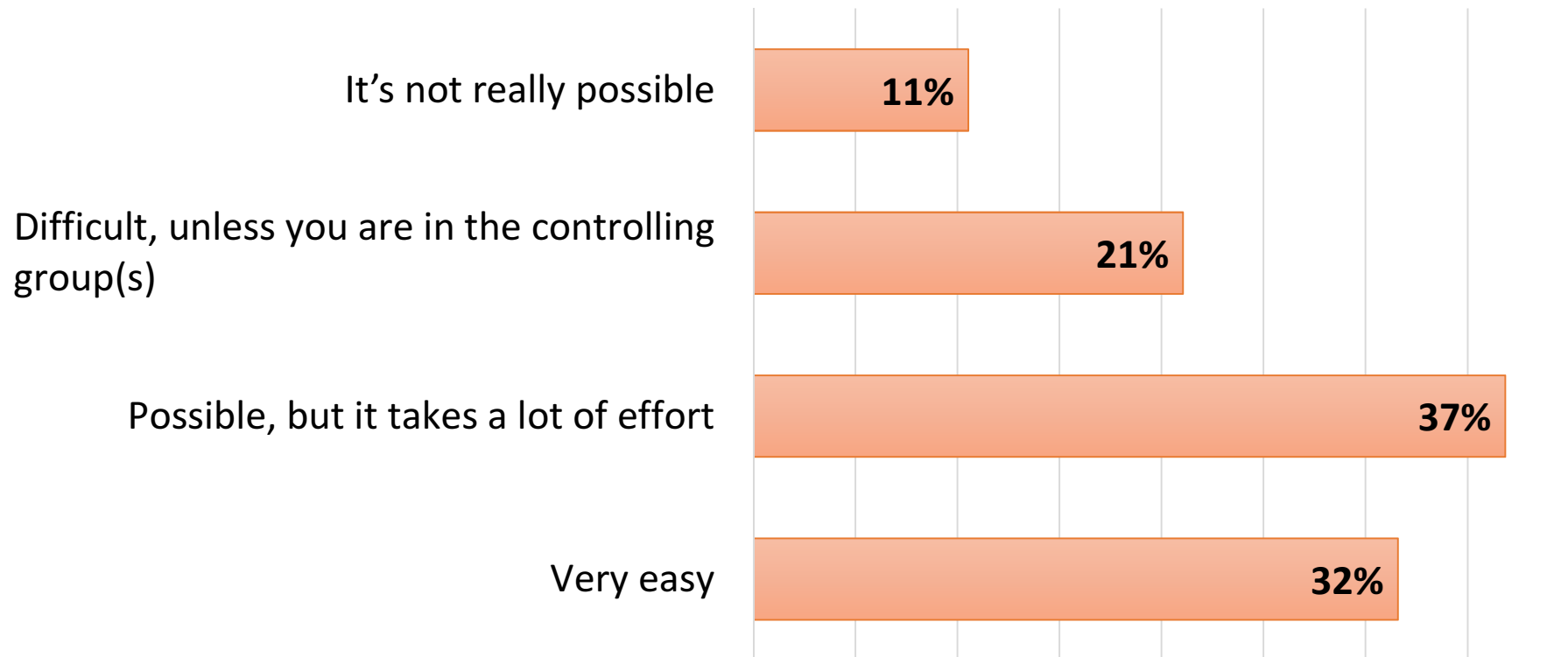
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Q6: How easy is it for all members to contribute ideas or improvements to policy?



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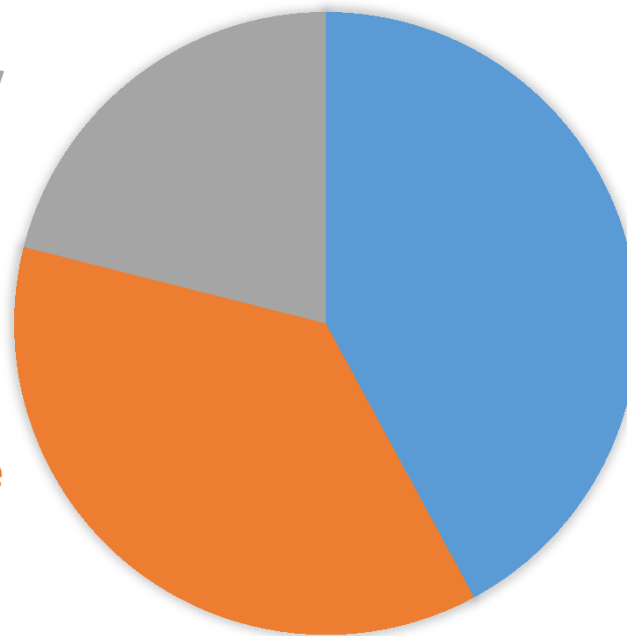
Q7: What role do you think an individual councillor should play in policy development and key decisions?



To test and challenge policy
21%

To have full access and to be able to contribute to all policy areas
42%

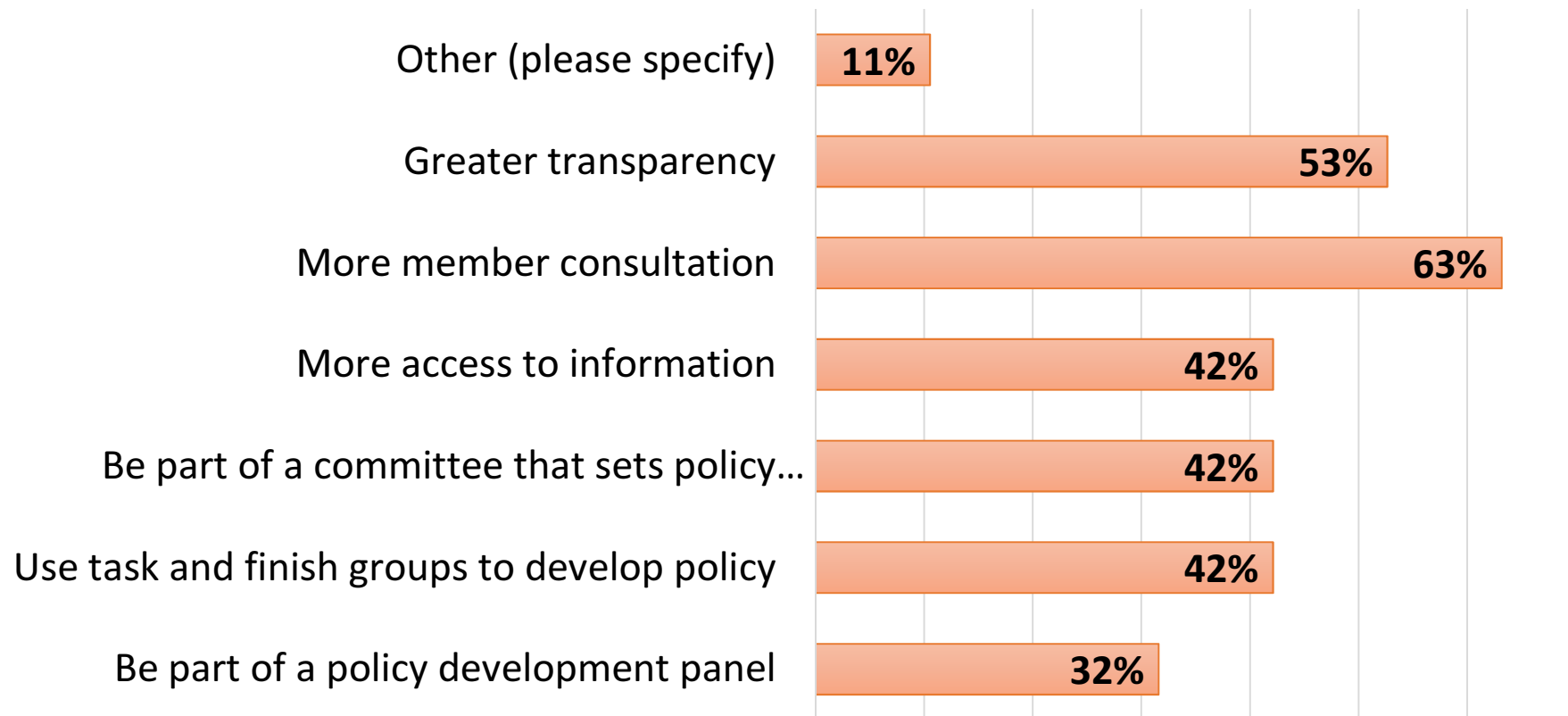
To help to shape policy ideas
37%



Q8: What might help members to have a greater role in policy development? (Tick all that apply)



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Q8:What might help members to have a greater role in policy development? (Tick all that apply)



Other (please specify) **11%**

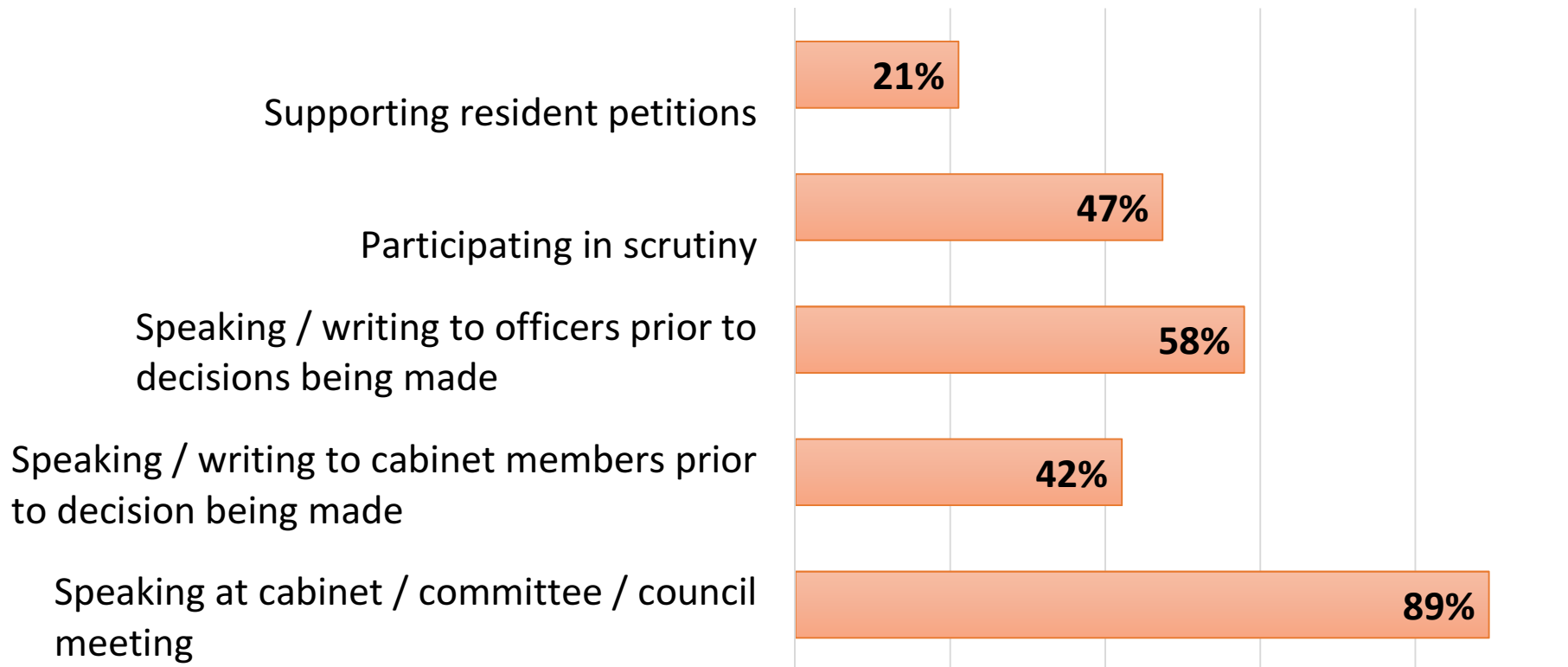
“It is possible that creating an informal forum that invites all Council members to meet on a quarterly basis to put forward ideas and make suggestions for existing policy amendments. If the general consensus is that an idea is positive then further research could be undertaken by officers before the matter goes before the relevant Committee or Full Council”

“Individual members need to make use of all the information already available to them so they can play a useful part of the process. They should not expect to be in control of all aspects of the running of the council but concentrate on some key areas where they have an interest or wisdom to share.”

Q9: What do you currently do to participate in council decision making? (Tick all that apply)



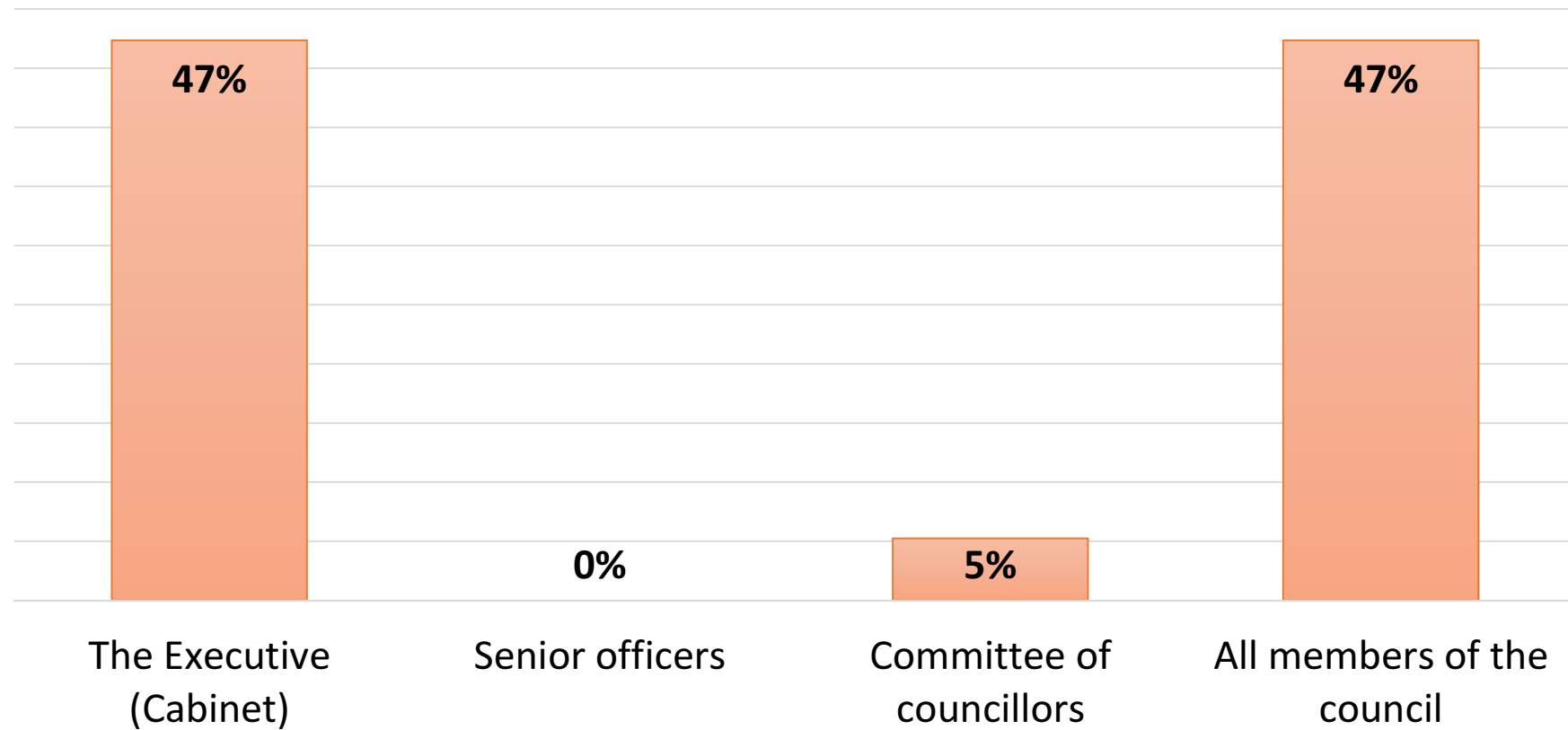
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Q10: Who should be accountable for decisions and council policies?



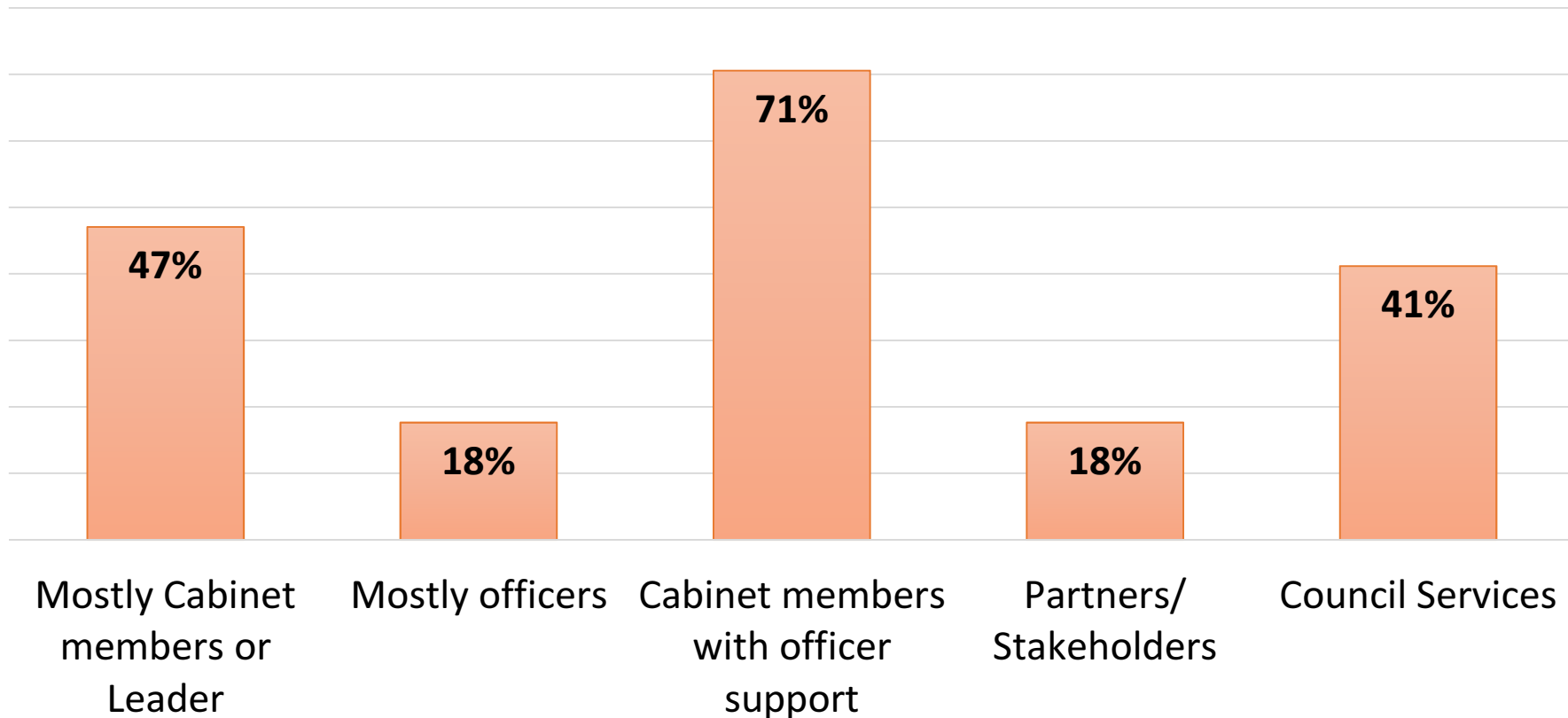
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Q11: Who do you think scrutiny currently holds to account? (Tick all that apply)



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Q12: Which models of governance you would favour? *(1st and 2nd preference weighted average)*



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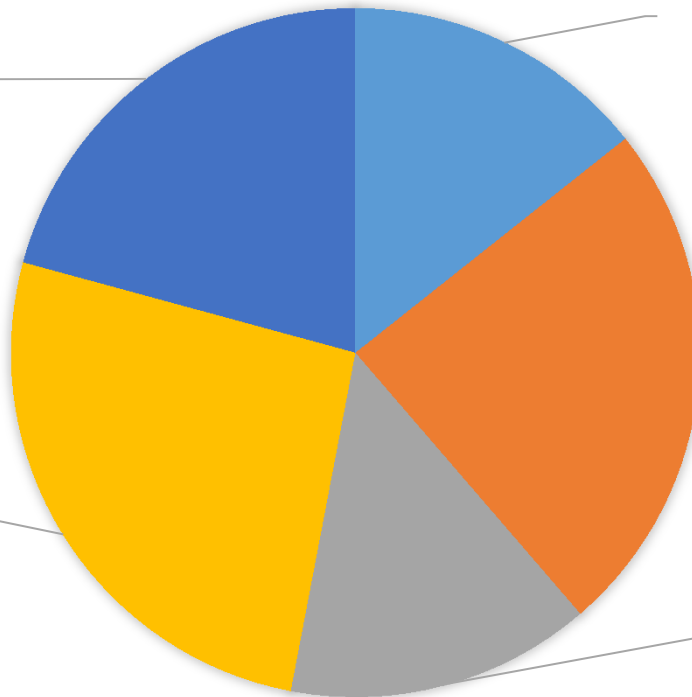
Hybrid Committee system with overview and scrutiny function
21%

Leader – Cabinet – Scrutiny
14%

Hybrid – Leader Cabinet with enhanced scrutiny
26%

Leader – Committee Structure
25%

Elected Executive Mayor – Cabinet – Scrutiny
14%



Q13: What are the benefits of your first preference?



- Leader – Cabinet – Scrutiny** : “Clear-cut governance structure and effective quick (when required) decision making.”
- Leader – Committee Structure** : “Cross party decision making where the voices of all the groups of the council have their views and ideas heard.”
- Elected Executive Mayor – Cabinet – Scrutiny** : not a 1st preference
- Hybrid – Leader Cabinet with enhanced scrutiny** : “More scrutiny, less power to cabinet. I believe members of the public will trust this system more than the current system”
- Hybrid Committee system with overview and scrutiny function** : “It retains scrutiny’s role.”

Q14: What are the disadvantages of the current system?



“Not all councillors are involved in the decision making process. Scrutiny is toothless. The public sees council apparently making a decision (e.g. to withdraw the planning application of Princes Parade) but not only is this not binding on cabinet but cabinet haven't even debated the issue in public so the public feel cheated.”

“Some would say it is not as inclusive as it could be. To that end, improving the role and remit of Scrutiny Committee could address some of the concerns raised by members not involved in the Cabinet.”

“Members of the public have little or no trust in the current system. Lack of proper scrutiny.”

“Members of opposition/minor parties feel they have little influence or opportunity to make contribution to policy and decisions.”

Q15: What do you feel is missing or lacking the current system that makes it weaker or less functional?



“A better system would see the involvement of all Councillors (or at least groups) in the formation of policy at an earlier stage, a willingness and structure designed to take input and make amendment to policy proposals throughout their development period (and even through into their application) and an involvement of all Councillors (or at least groups) in then evaluating, collating and deciding on the final scheme to vote it into policy.”

“Any sense that recommendations by the scrutiny committee to the cabinet are listened to or actioned.”

“Teamwork, a culture change is needed.”

“I do think that giving Overview and Scrutiny greater powers could strengthen the Council's policy and decision making process.”



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Folkestone & Hythe District Council Member Survey

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Governance Working Group

Two examples of good practice for
Governance and Scrutiny function

27 February 2020

Tewkesbury: Governance example

38 Councillors: Conservative: 23, Liberal Democrat: 8, Brockworth First: 4, Tewkesbury and Twyning Independents: 2, Green: 1

Committee structure with an Executive Committee - 11 Members on Executive, politically balanced.

- Conservative: 7; Lib Dem: 2; Brockworth First: 1; Tewkesbury and Twyning Indep: 1; Green: 0

Leader is Chair, Deputy Leader is Vice-Chair.

9 Lead Members (Executive Members) and Support Lead Member (formerly Shadow Lead Member). Only Lead Members receive SRA.

In place since Nov 2007, reviewed in 2009

Tewkesbury (continued)

No individual decision making powers for Leader or any member of Executive

Powers delegated to the Executive Committee.

Public Participation scheme - gives members of the public the opportunity to tell council members, at a Council meeting or Executive Committee meeting, about things of concern to them. This can be either a petition, a question, a statement or a deputation to either the Executive Committee or Council.

Would members like us to follow up later in the year and arrange a visit and briefing?

Devon County Council: Scrutiny Function

O&S function carried out by three service committees of major importance to the Council:

- Corporate Infrastructure and Regulatory Services;
- Health and Adult Care Scrutiny Committee;
- Children's Scrutiny Committee.

Each meets five times per year.

Not just Committee work, work plan takes input from several sources.

Suggested items scored for urgency prior to addition to work plan.

Devon County Council

In addition to the main public meeting, Devon also uses the following:

Different styles of scrutiny:

- **Scrutiny Task Groups** – in depth review over a number of meetings, and report back to Committee.
- **Spotlight review** – short focussed investigation in one meeting, report back to Committee.

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Training and Member Development, specific to Scrutiny topics:

- **Standing Overview Group** – for Committee Members only. Informal information sharing and member development. Action points then reported to main O&S meeting. Held bi-monthly.
- **Masterclass** – open to all Members – information sharing and member development, no formal minutes taken. Held the morning before each committee meeting.

Devon County Council

SCRUTINY IMPACT

Scrutiny continues to act on problem gambling, raising awareness:

- ⇒ lobbying ministers,
- ⇒ Being on local TV
- ⇒ Inspiring other Councils

The Carers task group have spoken to more than 121 unpaid carers across Devon



Recommendations to follow.....

Scrutiny helped SWASFT identify some of the 5,000 Defibrillators in Communities potentially saving lives!



All 13 recommendations in the Scrutiny budget process – were agreed by Cabinet



Speed Limits Task Group realigned the Council's approach to speed.

+ piloted two 20mph zones



Scrutiny looked at proposed changes to foster carer fees and allowances (which would see a reduction in allowances for some carers)

Scrutiny said that income protection should be guaranteed for foster carers until all current placements come to an end.

Cabinet agreed additional £1.2m funding

Impact – Better placement stability for children living with foster carers



The evidence and recommendations from the Education Health and Care Plan (EHCP) task group helped secure over £1m additional investment in the service.



Governance Working Group

Proposed changes to Overview and Scrutiny

27 February 2020

Drivers for change

Current arrangements not satisfactory.

Pre-Scrutiny of Cabinet reports the night before a Cabinet decision not effective.

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Scrutiny should be advisory, with involvement in shaping council policy, to influence decision-making on major issues facing the council.

Scrutiny is best undertaken without political interference.

A clear role for Scrutiny

An opportunity for Members to have an impact and influence the work of the council.

Focus more on pre-scrutiny at an early stage, i.e. assist in the development of major, strategic policies, programmes of works, projects, etc.

Not just act as a rubber stamp

Work plan items to be properly scoped, allowing for clear outcomes.

Less busy agendas, allowing members to give more time and focus to consider individual issues on matters of significance to the work of the council.

“Scrutiny should be a strategic function of the authority.

It should be central to the organisation’s corporate governance, a crucial cog in the decision-making machine”.

*Centre for Public Scrutiny –
Taking Scrutiny Seriously - January 2020*

Proposed changes

Reduction in number of meetings of the Overview and Scrutiny Committee from 11 to 5 or 6 per year.

Creation of a finance and performance sub-group to meet quarterly.

Committee work plan to include about 12 clearly scoped topics, allowing for a deep dive into two topics per meeting.

Work plan topics to have clear lines of enquiry, questions, and to draw on external expertise as necessary.

Members to lead the items at Scrutiny meetings.

Call-in function remains available.

Proposed next steps:

If supported by the Governance working group:

- Meeting schedule to be considered.
- Work plan topics to be considered (see next slide).
- Members encouraged to develop lines of enquiry and questions for the work plan.
- Training to be provided to Members and staff.
- Clear expectations established – cultural change and continuous improvement.

Formal proposal for agreement at Overview and Scrutiny Committee in April, then Annual meeting of Council in May.

Ongoing support from CFPS through change in 20/21.

Potential topics:

CIL - Strategic Investment Framework and governance for decision-making.

Council Tax Reduction Scheme (CTRS)

Fireworks

Modern slavery

Licensing policy; Taxi policy; Discretionary Business Rates Policy

ED Strategy.

HRA: new build & acquisition programme; estate renewal programme.

Homelessness

Update from Climate and Ecological Working Group, including pesticide motion.

Update from Town Centre Working Group – progress, impact,

PREVENT & Safeguarding (statutory item)

Oportunitas

Waste

Car parking

Potential for OSC Chairman to assign a named OSC Member to scope each topic being considered.

Questions?