



# Agenda

Meeting: **Governance Working Group**  
Date: **11 October 2021**  
Time: **5.00 pm**  
Place: **Zoom - remote meeting**

To: Councillors Connor McConville, Ian Meyers, David Monk, Tim Prater, Lesley Whybrow and David Wimble

Officers: Susan Priest (Chief Executive), Amandeep Khroud (Monitoring Officer), Jemma West (Committee Services Specialist) Ed Hammond – Centre for Governance and Scrutiny (Chairman)

1. **Apologies for absence**
2. **Welcome and introductions**
3. **Declarations of interest**
4. **Minutes of previous meeting and matters arising**

To agree as a true record the minutes of the meeting held on 27 February 2020.

5. **Hybrid technology in the Council Chamber**

A presentation will be given.

6. **Options for Governance arrangements**

To consider the options set out within the report.

**Queries about the agenda? Need a different format?**

Contact Jemma West – Tel: 01303 853369  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our website

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# 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](#).

### 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.

# Hybrid technology at Committee meetings

## Background

- The emergency legislation which permitted council meetings to take place virtually expired on 6 May 2021 and were not capable of being extended. Since 7 May, councils have been required to meet physically in order to conduct their business.
- The call for evidence conducted by the Ministry of Housing, Communities and Local Government about arrangements to meet remotely or in hybrid format closed on 17 June 2021. Local authorities hope that Primary legislation will be brought in, giving councils the flexibility to hold remote/hybrid meetings.
- Both Scotland and Wales already have legislation permitting remote and hybrid meetings.



## Present situation

- Legislation requires all decision makers to be physically present at the meeting.
- The requirements in terms of officer attendance are less clear, but ADSO/LLG guidance recommend that as a minimum to have those officers directly supporting the meeting as a whole attend physically. This might include the Chief Executive, the Monitoring Officer, a Democratic Services Officer, plus key Chief Officers (depending on the meeting in question).
- Therefore hybrid technology would enable officers below chief officer level to attend remotely, as well as any external presenters, and, for example, Cabinet Members could attend Scrutiny meetings remotely.

The LGA have identified the following as key benefits of hybrid meetings:

- Increased attendance by both councillors and residents, ‘levelling the playing field’ for disabled participants or those with caring responsibilities, increasing transparency and reducing barriers to democratic accountability;
- Reduced costs, reduced travel time and reduced carbon footprint (one council estimated a reduction of 6 tons of carbon emissions over the last year);
- Flexibility in times of emergency without an automatic need to rely on delegated officer powers;
- Reduced barriers to diverse and inclusive councils, allowing equal participation and reducing barriers to engaging with public meetings or standing for election.

# Public-I Connect Hybrid system

- Public I have already installed hybrid technology in 80-90 councils in the UK.
- Costs around £3500 to £4500.
- Three months lead in time for installation.



Participants in the Council Chamber can see the remote participants using large visual displays and hear them through the in-room audio.



Remote participants can see a wide shot of the chamber. When a participant in the chamber speaks, the camera focuses on them and their name is displayed.

# How it works

- Links participants in the Council chamber with remote participants on video conference. Both sides can see and hear each other, and both sides can present.
- Fully integrates with both mod.gov and existing webcasting arrangements.
- Chairman and/or Dem Services will have a tablet in order to control the Zoom aspect of the meeting.
- Example can be viewed at: [https://tandridge.public-i.tv/core/portal/webcast\\_interactive/562808](https://tandridge.public-i.tv/core/portal/webcast_interactive/562808)

# Questions?

## **Options for Governance arrangements**

### **1 Introduction**

- 1.1 This report summarises the work of the group to date and seeks instructions on the next steps. It sets out the various governance models available.
- 1.2 It is useful to look at the resolution of the Council establishing the working group. This reads:-

***“RESOLVED:***

*That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council.” Council 25 September 2019 (minute 43.2).*

### **2 Activity since the resolution**

- 2.1 The cabinet (or executive of the Council) now consists of councillors of more than one party and an invitation has also been sent to the Labour Group to join the cabinet. The Group has decided not to take up the invitation. The executive is therefore cross – party. More information is given in appendix 1.
- 2.2 The governance working group has met on three occasions. Copies of the minutes of the various meetings are available within the [mod.gov](https://mod.gov) system. In response to the work of the Group changes have been made to the Overview and Scrutiny function to make it more effective. Appendix 1 sets out the progress against the ‘Goals for change in Governance’, produced by the Centre for Governance and Scrutiny, and approved by the working Group at the meeting held in February 2020.
- 2.3 At the last meeting of the working group it was agreed:-  
*“That a site visit/briefing be arranged for both Devon and Tewkesbury Councils.”*
- 2.4 However because of the present situation it has not been possible to arrange such a visit and it will probably not be possible in the short to medium term.
- 2.5 Given the above the working group needs to decide whether any further action is necessary or whether it is now in a position to report back to Council in accordance with the resolution.
- 2.6 In order for the group to consider what, if any other action is required, it is considered that it would be helpful to set out the various governance options available.

### **3 Governance Options**

3.1 Below are the governance options which follow the executive model and the committee system.

### 3.2 Executive model

- a. A leader-cabinet system with collective and individual cabinet member decision-making (as seen in most English authorities) is the standard approach which the majority of councils currently operate and which is the approached used in this council.
- b. A mayor, with various different approaches to cabinet autonomy; different mayors take different approaches to the appointment of their cabinets, and the amount of powers those cabinets have.
- c. A hybrid system whereby a cabinet ratifies decisions made by a number of cabinet committees. This requires a political assurance by the leadership that such ratification will happen.\*
- d. A leader-cabinet system with collective cabinet decision-making has collective decision-making at cabinet, with a leader who chooses to act accordingly. Under this model the leader does not delegate power to individual cabinet members to make decisions, although delegated decision-making by senior officers will still happen in consultation with lead members.

*\*A hybrid system is legally a modified version of the leader/cabinet system hence it is included under the executive model heading.*

### 3.3 Committee model

- A traditional committee system which will have a relatively large number of service committees which will often align fairly closely with council departments. There may or may not be a coordinating policy and resources committee to knit together work programmes. This approach will usually require frequent meetings to deal with cross-cutting issues.
- A streamlined committee system will consist of two or three service committees, which may or may not be supplemented by one or more overview and scrutiny committees.

3.4 The Centre for Governance and Scrutiny has provided a short comparative paper providing a snapshot and highlights key considerations on how business is managed and overseen in district councils operating a committee system of governance. This is their independent view and the document can be found at appendix 2.

3.5 The options available to the Council are relatively limited therefore, in addition it is important for councillors to understand key aspects of the models.



- 3.6 As councillors are aware under the committee model all the powers of the council are vested in the full council. The council decides how it will discharge the functions. It can discharge them:-
- By decision in full Council – these are the main decisions;
  - By committees or sub – committees; or
  - By officers.
- 3.7 Committees and sub – committees must be politically balanced.
- 3.8 In the executive model the powers of the council are divided into executive and non – executive functions. This is a distinction which does not appear in the committee system.
- 3.9 Major decisions, e.g. the budget, continue to be made by full council. Non – executive functions are vested in the full council and it decides how to discharge them as above.
- 3.10 Executive functions are vested in the leader of the council or the elected mayor. One of the main distinctions between the two is the method of election, a leader is a councillor chosen by the full council, and an elected mayor is elected directly by the electors of the district.
- 3.11 The leader / mayor must appoint a cabinet of not less two or more than 9 councillors one of whom must be a deputy.
- 3.12 It is up to the leader / mayor how the executive functions are discharged and he / she has the following options:-
- By the cabinet;
  - By a committee of the cabinet;
  - By an individual cabinet member; or
  - By officers.
- 3.13 Except in the limited case of area committees, delegation of executive powers outside cabinet members or officers is not permitted.
- 3.14 The Council cannot instruct the leader / mayor in how to discharge the executive functions, including who to have on his / her cabinet, the number and functions of individual cabinet members – these are all decisions of the leader / cabinet. Ultimately if the Council is unhappy with a leader's actions the Council can dismiss him or her. An elected mayor cannot, of course, be removed by the Council.
- 3.15 Consequently the hybrid model, or a model with cabinet only collective decision making, depends on the decision of the leader. It is not something that can be made a permanent feature of decision making. As noted above it is essentially a variation of the executive model.

#### 4 **Next Steps**

- 4.1 The legislation provides for the lawful governance models for Councils. It is for the members of the Council to decide by resolution in full Council whether they wish to change the Council's present model or continue with the leader / cabinet model. Both models can and are successfully used by different authorities but which is most suitable for a particular authority is probably more influenced by the makeup and history of that authority rather than the merits or otherwise of the models themselves.
- 4.2 It is difficult to assess whether there would be any financial implications in moving to another model until it is decided what any new model would look like in detail. In particular a model that leads to an increase in the overall number of meetings is likely to have resource implications.
- 4.3 Mindful of the Council's instructions the working group's views are now requested. Specifically:-
- Is the Working Group in a position to make a recommendation to full Council; and
  - If not what further work does the Group wish to be undertaken?

### **Background papers**

The minutes of the working group can be found at the links shown below.

[Minutes of the meeting held on 5 Nov 2019 11.00 am](#)

[Minutes of the meeting held on 25 Nov 2019 3.30 pm](#)

[Minutes of the meeting held on 27 Feb 2020 2.00 pm](#)

### **Appendices**

Appendix 1 – progress against the Goals for Change

Appendix 2 – committee system research

## The Goals for Change in Governance – progress update

The Goals for Change in Governance were agreed at the last meeting of the Governance Working Group, held on 27 February 2020. The goals were based on a series of conversations with Group Leaders, and discussion points made at the last Working Group. The update below sets out progress against each of the 6 agreed goals (shown in italics).

- 1. *Inclusiveness*** – *more Councillors should be involved in making decisions. Currently (at the time of writing in January 2020), 7 out of the 30 Councillors make decisions in Cabinet. The aim should be to increase the percentage of Councillors who have a role in making policy and service decisions.*

**Progress** – On 1 February 2020, both the Green and Lib Dem Group Leaders joined the Cabinet and the number of Members on the executive increased to 9. The Labour Group Leader was also invited to join at this time, but declined to accept the offer making the Labour group the only party not holding an executive position.

Since February 2020, the Executive has consisted of 5 Conservative, 1 Lib Dem, 1 Green, 1 Independent group leader and 1 independent member.

Four portfolio holders are not members of the largest political group. The 4 portfolios held are:

- District Economy – Independent group
- Environment – Green group
- Revenues, Benefits, Anti-Fraud and Corruption – Lib Dem group
- Transport and Digital Transformation – Independent group

Since the start of this broader more inclusive executive, there have been 15 meetings held (as at 15 Sep 21).

In addition, the creation of theme based Working Groups has also resulted in many more members being included directly in contributing to policy and service decisions. To date, a total of 36 Working Group meetings have been held involving at least 30 members.

<b>Name of Working Group</b>	<b>Start date / end date</b>	<b>Current Membership</b>	<b>Number of meetings</b>
Corporate Plan	6 November 2019 - 1 July 2020	Councillors Monk (Chair), Mrs Hollingsbee, McConville, Meyers, Prater and Whybrow	3
Otterpool Park	7 October 2019 – 23 July 2020	Councillors Monk (Chair), Fuller, Keutenius, J	8

		Martin, Mullard and Wimble.	
Folkestone Town Centre	30 October 2019 – ongoing	Councillors Brook (Chair), Davison, Monk, Prater, Wade and Wimble.	10
Climate and Ecological Emergency	18 October 2019 – ongoing	Councillors Whybrow (Chair), Fuller, Hills, McConville, Meyers, Wimble	12
Governance working group	5 November 2019 - ongoing	Councillors McConville, Meyers, Monk, Prater, Whybrow and Wimble (Chaired by LGA/CfGS).	3

In addition, since September 2019, members have been invited to attend a total of 13 Member briefings, on various topics of interest to the council including the Otterpool Park project, the Folkestone Place Plan, the Climate Emergency, and a demo of MyAccount. All councillors are invited to attend these briefings.

- 2. Representation** – *currently, some communities in Folkestone and Hythe, represented by the Green, Labour and Liberal Democrat parties, have no representation in the main decision making processes of the Council. Change should ensure that more communities feel represented in the way decisions are made, and ensure effective engagement with the public.*

**Progress** – As per point 1, the executive now have broad representation from various wards, and political groups. In addition, the changes to Overview and Scrutiny have resulted in stronger pre-decision scrutiny through a clear well planned and articulated work plan which helps deliver greater inclusiveness and representation (also see point 4 below). Furthermore, communities were surveyed as part of the Corporate Plan preparatory work, and many more surveys and consultations have taken place to secure the views of residents and other interested parties in subsequent policy development and decision-making.

- 3. Accountability** – *the current system of portfolio holders gives clear accountability and responsibility for the decisions that are made. Any change should ensure that clear accountability remains.*

**Progress** – The current executive system with portfolio holders has not changed, but since the changes to cabinet membership there are now 4 portfolio holders who are not Conservative members (see above, representing a 55% 45% split). In addition, the expectation now is that portfolio holders

present reports to the Overview and Scrutiny Committee which clearly identify member accountability for reporting, for policy development, for decision-making, and for subsequent service improvements.

In addition, a published forward plan for scrutiny and for decision-making makes the accountability more transparent.

- 4. *Effective Scrutiny*** – *strong scrutiny is to be encouraged. In particular, there should be more emphasis on pre-decision scrutiny to ensure that proposals are explored in detail before decisions are made. In a Committee system this can be achieved through ensuring that each Committee has a clear role in ensuring effective scrutiny. In a Cabinet system, the Overview and Scrutiny Committee can have a stronger and more influential role in decision making (eg the Kirklees model) and not just scrutinising decisions once they are made. A process for call in will remain necessary.*

**Progress** – A lot of work has been undertaken in making the Scrutiny function more effective, with the support of the Centre for Governance and Scrutiny (CfGS). Previously, the OSC would see Cabinet reports the night prior to Cabinet, which gave them little opportunity to have any meaningful considered impact. One of the main changes made was that OSC would have an opportunity to scrutinise topics at an earlier stage in development. On 6 October 2020, the Scrutiny Committee adopted an Overview and Scrutiny and Cabinet Members protocol. In addition, the structure of the work plan was revised to allow an average of two topics per meeting (12 topics in total, 3 of which held as ‘reserves’), enabling the Committee an opportunity for more in-depth exploration and scrutiny on each topic. In addition, on 6 October 2020, the Committee agreed to create a dedicated Finance and Performance Scrutiny Sub-Committee to receive detailed finance and performance quarterly monitoring reports. The Sub-Committee is chaired by the Leader of the Opposition and has met 4 times thus far. These changes are still at an early stage but offer a dedicated opportunity to discuss in detail the performance and budget matters of council.

- 5. *Efficiency*** – *the current model is reasonably streamlined. Any change should not increase the overall number of meetings that are held in any year and should be mindful of the capacity of Members and officers alike to attend or service meetings. Any change should not lead to any significant increase in the costs of the Council’s decision making.*

**Progress** – The changes made to the Scrutiny function have focused the work of the Committee, allowing more time within each meeting to explore in depth the specific topics on the Scrutiny work plan. Many more meetings have been held (see above for a review of Working Groups and all member briefings) and in the current resource base there is no capacity to increase this further.

- 6. *Transparency*** – *the forward programme of decisions and the reasons for decisions, once made, should be communicated clearly to all Councillors and*

*to residents and businesses in the District. The number of meetings held in private or confidential papers should be minimal.*

**Progress** – The forward plan has been adapted to show forthcoming decisions for a three month rolling period, whereas previously only key decisions were published, as per the statutory duty of the council.

The number of confidential papers has been reduced, and for the municipal year 20/21, only 4 Cabinet reports out of a total 71 were considered in private, three related to contractual matters regarding the waste contract, and one related to the Otterpool Park Business Plan - financial plan. Where possible, reports now tend to have a 'confidential annex', allowing for debate to take place in public based on the available information with restricted information kept to the minimum on 'pink' papers.

In addition, the Folkestone Parks and Pleasure Grounds Charity Trustee meetings are now a public meeting.

Transparency remains a key element of focus in the current Corporate Plan and will continue to be an important issue embraced through the culture of the council.

### The committee system: structures and operations in district councils

This short comparative paper provides a snapshot and highlights key considerations on how business is managed and overseen in district councils operating a committee system of governance. The table below displays the case study authorities chosen for this comparative exercise, these were selected according to one, or more, of the following criteria:

- Similar population size served by the local authority;
- Located within the same top-tier area of governance;

Local authority	Region & county	Population 2019 ONS est. (Cllr-electorate ratio)	Council size: cycle	Date of change	No. of committees
Folkestone & Hythe	South East, Kent	112,996 (3,767)	30: all out	N/A	N/A
Maidstone	South East, Kent	171,826 (3,124)	55: in thirds	2015	4 service, 3 regulatory
Canterbury	South East, Kent	165,394 (4,241)	39: all out	2015	3 service, 4 regulatory
Three Rivers	East of England, Hertfordshire	93,323 (2,393)	39: in thirds	2014	3 service, 4 regulatory
Newark & Sherwood	East Midlands, Nottinghamshire	122,421 (3,139)	39: all out	2013	4 service, 4 regulatory
Worcester	West Midlands, Worcestershire	101,222 (2,892)	35: all out	2017	3 service, 4 regulatory
Stroud	South West, Gloucestershire	119,964 (2,352)	51: all out	2013	3 service, 1 service/regulatory, 2 regulatory

### How are decisions made through their committee systems?

#### Key considerations

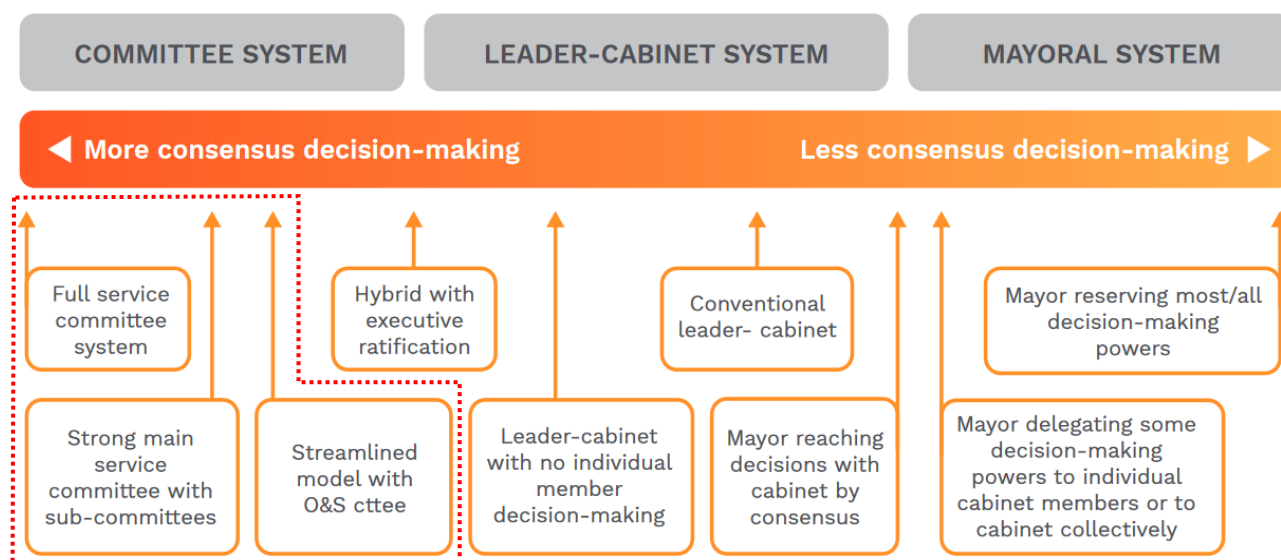
Under a committee system, regulatory committees (e.g. planning, licensing, standards, audit) are still required and are largely unaffected by governance change. However, decisions previously taken by executive members, either collectively or individually, are taken in committee systems by politically balanced service committees.

Various governance arrangements exist under the committee system, and it is often best understood as a spectrum of choices (as displayed in dotted box in the diagram).

Councils under the committee system have several options:

- **A full-service committee system:** in which individual service committees have the freedom to make decisions in their remit, and cross-cutting decisions go to multiple committees for signoff. All the committees would be responsible for implementation in their relevant service area, working within the overall policy and budget framework as determined by full Council. Committees will also consider and develop policy for recommendation to Council for approval.

- **Strong main service committee with service committees:** in which a co-ordinating committee has an overarching role in setting corporate policy. This committee usually deals with major cross-cutting issues itself and may have the chairs of other committees sitting on it, and it may also set the agendas for those other committees.
- **Streamlined “fourth option” style approach:** in which councils operate what was termed a “streamlined” model – with only a couple of service committees, a strategy and resources committee and a separate scrutiny committee.



In the district council arrangements examined below there are three or four service committees, and often some form of central coordinating committee (usually termed as the Policy and Resources committee), which has a role in providing strategic oversight and coordination to the service committees. In most cases, this committee is comprised of Group Leaders and/or the Chairs of the service committees.

Whether the council operates a flat committee structure or hierarchal committee structure often depends upon the strength of the coordinating committee and its terms of reference, e.g., in examples with strong coordinating committees cross cutting issues go to the Policy and Resources Committee as well as any large commissioning decisions, budget and grant bids, and ‘general functions’ issues. Another aspect is whether the Policy and Resources committee has the ability to refer items to full council.

Terms of reference are sometimes loosely phrased, so careful consideration of terms of reference can often improve clarity, avoid mission creep and minimise overlap. Depending on the strength of the role allotted to a strategic coordinating committee, there is generally a need for service committees’ terms of reference to be explicit about what is and is not included in their remit than would typically be the case for portfolio holders, in order to avoid conflict in overlapping matters between committees.

There is also a choice to be made over the formation of sub-committees, and an appreciation of the resource required to support this. There can be a danger, over time, of drift with additional unaffordable costs of operating a larger governance structure. In the experience of some councils, the formation of task and finish groups when necessary are favoured over sub-committees to avoid additional bureaucracy. There is also merit in sunsetting sub-committees so that their continuation can be reconsidered at a set date.



This paper was produced by the Centre for Governance and Scrutiny

Thought therefore needs to be given as to the optimal number of committees and meetings cycle and, wherever possible, the avoidance of duplication of efforts. Arguably a bigger committee size provides for a larger number of councillors to be involved in the decision-making process, gives some flexibility to each party group as to who they put forward for membership of the committee and gives greater flexibility if the proportionality of the membership of the council changes. However, bigger committees also consume more time and resources to support and can impact timely decision-making, a focus on quality of debate over quantity involved in debate can be useful in this regard.

Clear demarcation as to which committee is responsible for what, how frequently they meet and a limit to their number of members helps ensure committees do not become unwieldy and ineffective. There must be effective separation in delegations between decisions that are regulatory, operational, or policy setting. Hence, the remit of each committee should be defined without overlap with effective delegation to officers.

Portfolios and individual members making decisions are a feature of executive arrangements, however under the committee system there is the option to introduce more informal and less authoritative 'Lead Members'. Lead members are allocated a particular function (e.g. transport) to work closely with the Chair of the relevant committee, coordinating work on their function, guiding officers and acting as the council's spokesperson on their function. However, this is intended to complement and not replace the role of committee Chairs. Lead Members tend to be the majority group's members of the Policy and Resource committee.

In committee systems, as with executive arrangements, there are some statutory functions which must be delivered by the Full Council including but not limited to:

- approval or adoption of key strategies, including development plans
- approval or adoption of council budgets
- approval of a scheme of allowances for elected councillors
- applications for changes in arrangements for elections, such as smaller numbers of councillors or a move from multi-member to single-member wards.

In the committee system, all functions are vested in the Full Council who may delegate to a Committee, sub-committee, or officer. In moving to a committee system of governance there may be little change to business of Full Council, in that it is reserved for overall strategy decisions and largely statutory responsibilities, or the responsibilities of Full Council are sometimes significantly expanded.

In considering the function of Full council care should be given to ensure that Full Council's role is broadly strategic and should not be used as a body to refer committee decisions and responsibilities to unless absolutely necessary (for example as reserved powers) under the Council's scheme of delegation.

## Cases

In **Maidstone** there are four service committees:

- Policy and Resources Committee (15 members, Leader of the Council chairs)
  - Appointment sub-committee
  - Performance sub-committee
- Strategic Planning and Infrastructure Committee (9 members)
- Communities, Housing and Environment Committee (9 members)

This paper was produced by the Centre for Governance and Scrutiny

- Economic Regeneration and Leisure Committee (9 members)

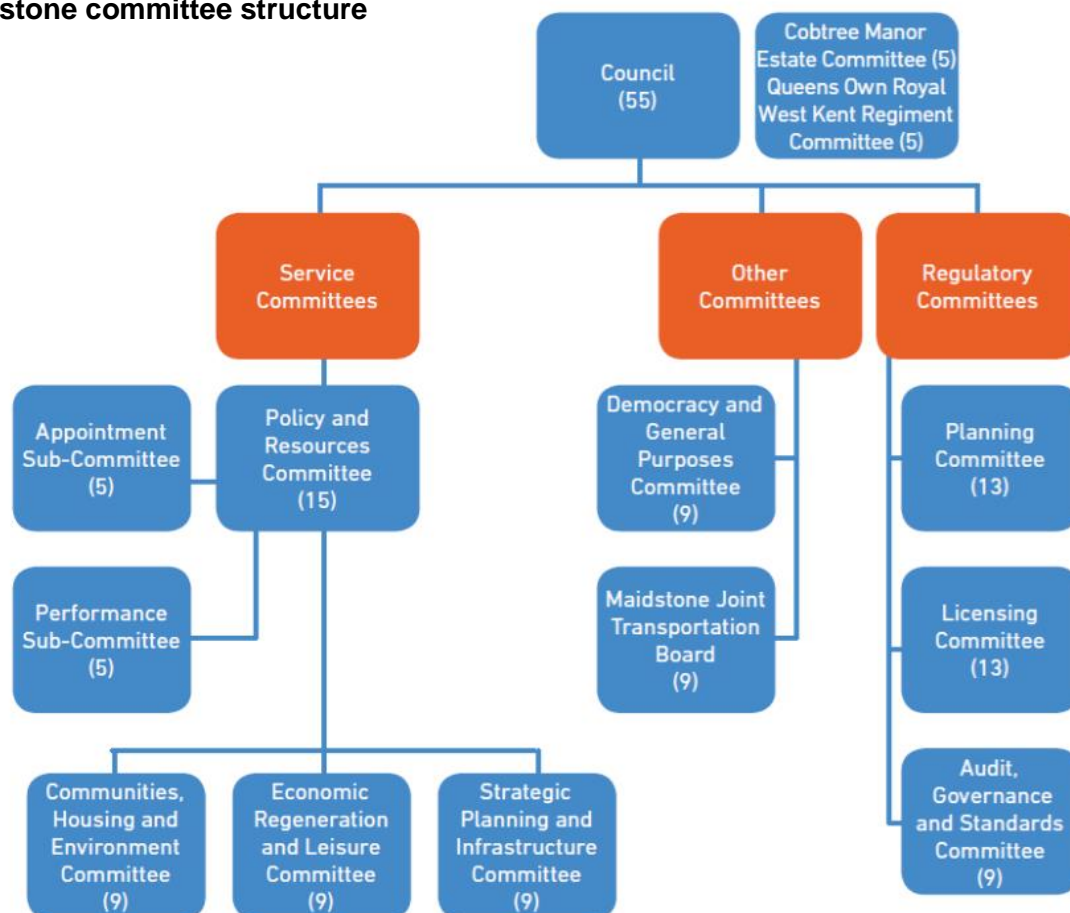
All significant policy decisions (other than those reserved to Council) are taken by four these service committees. The Policy and Resources Committee makes recommendations to full council on budget and policy matters, and provides strategic direction to the operation of the Council, determining policies in its remit and any cross-cutting policies that impact on other Committee areas.

Each of these service committees has a responsibility for strategic planning and performance management across the range of their functions and reviews whether policies and approaches should be changed or if desired outcomes are achieved within the remit of the Committee. Aside from the Policy and Resources Committee, each of the other service committees have a purpose specifically tied to Strategic Plan Objectives.

Group Leaders nominate members to sit on committees at the Council’s AGM, each newly appointed committee at its first meeting elects a Chair and Vice-Chair.

A recent review of Maidstone’s committee structure was carried out 2019. The review generally concluded that their principles of change had been met. Costs to the council had decreased over the four years the committee system had been in place by approximately 6%, although the review report was clear that some, and possibly all, of these savings would have been made under the old system as they had significantly reduced printing and had some changes in staffing.

### Maidstone committee structure



This paper was produced by the Centre for Governance and Scrutiny

In **Canterbury** there are three main service committees:

- Policy Committee (13 members, Leader of the Council chairs)
- Community Committee (12 members)
- Regeneration Committee (13 members)

The Policy and Resources Committee provides strategic oversight and has greater financial and policy-making powers than the other service committees – “a first amongst equals.” The Policy Committee co-ordinates the development and recommendation to full Council of the budget and policy framework, including in-year adjustments, performance and budget monitoring of all the council’s activities and a range of other specific functions.

The other two service committees have the delegated authority to exercise the council’s functions relating to the delivery, by or on behalf of the city council that fall within their respective remits. Performance and budget monitoring also falls within the remit of each relevant service committee.

Each of the council’s political groups might appoint one or more of their group to be a Lead Councillor for particular functions. These Lead Councillors have oversight in their area and, in the case of majority group members, provide informal political direction to officers. At the AGM the council appoints the Chair and Vice-Chair of the committees, as well as appointing the rest of the committee membership.

Canterbury carried out a review of the committee system in April 2019, part of which looked at whether the system had met the objectives set out five years earlier. For example, the number of meetings was reported to have decreased by 8%, so one of their objectives around managing resourcing has been met.

In **Three Rivers** the Policy and Resources Committee sets and co-ordinates all policy for itself and the service and decision-making committees, it concentrates at a strategic level on how the council allocates resources between its key objectives, the level of council tax to be set, and the financial reserves to be held. All the Lead Members designated by full Council are de facto members of the Policy and Resources Committee.

- Policy and Resources Committee (13 members, Leader of the Council chairs)

The following two service committees formulate recommendations to the Policy and Resources Committee on the provision and level of services within their remit:

- Leisure, Environment and Community Committee (11 members)
- Infrastructure, Housing and Economic Development Committee (11 members)

There are three Presiding Members of each service committee appointed from the Lead Members designated by full Council. The Chairs of the service committees are split between the three Presiding Members in accordance with their areas of Special Responsibility with the other acting as the Vice-Chair when they are not in the Chair.

In Three Rivers there has been an emphasis on committee meetings being for decisions only, so the presumption is that there are no reports for noting. Instead, there has been a drive for greater use of member briefings, email alerts and improved access for councillors to the intranet for updates.

In **Newark and Sherwood** there are the following four service committees:

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- Policy and Finance Committee (7 members, Leader of the Council chairs)
- Economic Development Committee (12 members)
- Leisure and Environment Committee (12 members)
- Homes and Communities Committee (12 members)

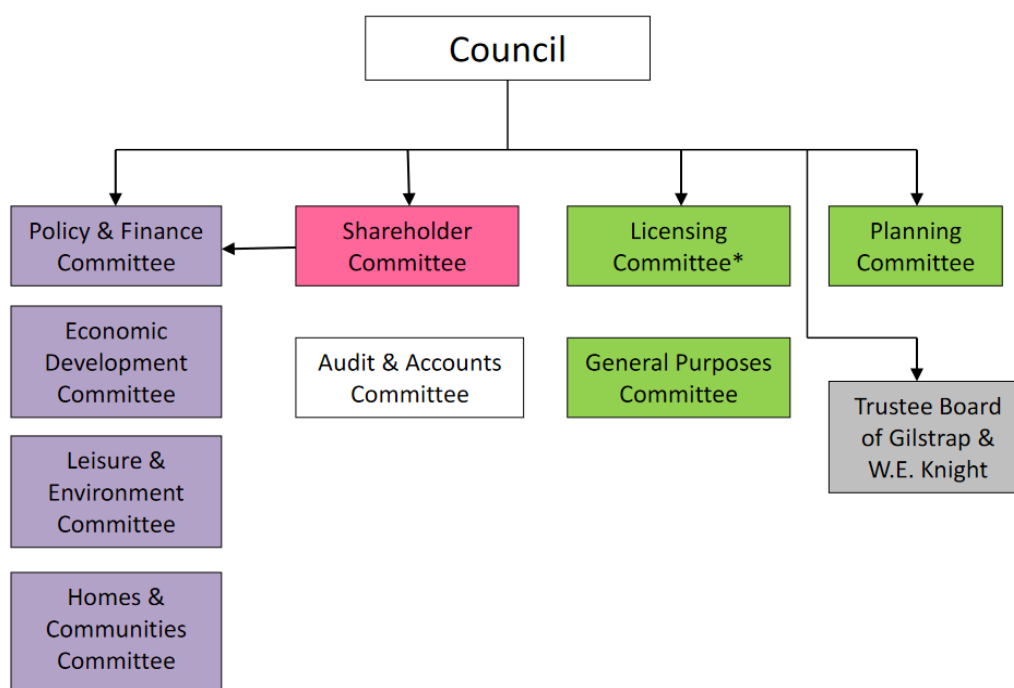
In Newark and Sherwood, the decision was made in 2013 to move to a 'hybrid' committee system that separated strategic from operational decision making, with Policy and Finance Committee and three service committees. Policy and Finance Committee was intended to take all the key strategic decisions, largely mirroring the work of the Cabinet. Over subsequent years, the remits of the committees have been amended and adapted to meet the changing circumstances and strategic objectives of the Council, to an extent that the original split between strategic and operational decision making has become blurred.

The Policy and Finance Committee has responsibility for formulating all key strategic decisions and policies (other than those which must be determined by full Council). The terms of reference for the Policy and Finance Committee also sets out overall responsibility for managing and monitoring council performance against approved estimates of revenue expenditure and income and locally set performance indicators.

The other service committees have responsibility for policy development, implementation and review in respect of all areas falling within the remit of the committee. They also have responsibility to develop and adopt policies in accordance with the Council's wider strategies that fall within their remit.

At AGM committee Chairs and Vice-Chairs are appointed and Group Leaders are responsible for nominating members from their groups to the committee seats allocated. The Chairs are also, in practice, a Lead Member in the area of the Council's work which falls within the remit of his or her committee and acts as spokesperson of the committee.

### Newark and Sherwood committee structure



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In **Worcester** the constitution refers to policy committees (rather than service committees), these are the three main policy committees:

- Policy and Resources Committee (13 members, Leader of the Council chairs)
- Environment Committee (11 members)
- Communities Committee (11 members)

The Policy and Resources Committee has the responsibility of strategic level policy making and resource allocation as well preparing the budget, monitoring performance oversight of the City Plan and Transformation Programme. The Policy and Resources has three sub-committees: the Place and Economic Development sub-committee would have six members and looks at issues including economic development and tourism; the Income Generation sub-committee has six members and is responsible for projects for generating income for the council, fees and charges and reviewing use of the council's property and other assets; the Personnel and General Purposes sub-committee has a membership of seven and looks at issues related to council staffing.

The other two policy committees have responsibility for services and functions within their remit and oversight of relevant shared services/outsources contracts. At the AGM members are appointed to committees and Chairs and Vice-Chairs are appointed unless delegated by full Council.

In **Stroud** there are four main service committees:

- Strategy and Resources Committee (13 members, Leader of the Council chairs)
- Community Services Committee (12 members)
- Environment Committee (12 members)
- Housing Committee (12 members + 2 co-opted Council tenant representatives)

The Strategy and Resources Committee is responsible for the development of budget recommendations to full council, as well as asset management and economic development. All of these four service committees have the responsibility of undertaking all functions associated with their broad purpose and terms of reference, this includes dealing with strategies, policies and performance monitoring. The Community Service Committee also has the statutory responsibility for the council's licencing function.

At the AGM the membership of committees, alongside the Chairs and Vice-Chairs are appointed. The Chairs of the Communities, Environment and Housing Committees are also selected to sit on the Strategy and Resources Committee, as are political Group Leaders.

Reports to committees are for decisions, and there is an emphasis on no information only items. The appointment of sub-committees has been discouraged, instead there are a number of review panels, task and finish and working groups to look at policy formulation, influence decision making and monitor performance.

## How does scrutiny operate through their committee systems?

### Key considerations

Under executive arrangements at least one scrutiny committee is legally required, under the committee system this is optional. However, there is a statutory duty for local authorities to

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scrutinise health, community safety, and flood prevention where relevant. Councils who choose not to have scrutiny committees must specify how these areas will be scrutinised, either by the full council or by one of its committees. Overview and scrutiny can be the responsibility of a specific committee, or it may be embedded into the work of all service committees.

The change to a committee system means the number of members serving on committees will reduce the pool of members available to do scrutiny work. In addition, given the cross-party nature of the committees (depending on the overall political composition of the Council of course), there will most likely be an “in-committee” challenge to decision making.

The focus of scrutiny is likely to be different under a committee system given that the committees are themselves committees of the whole council, and it could be that scrutiny of the council’s financial and non-financial performance would sit better either with individual committees and/or with a Policy and Resources type committee.

It is important therefore to look at how decision-making power is distributed, where the balance lies between policy and service committees and the effective use of Full Council and how to make best use of any continuing role for scrutiny.

Under a committee system, decisions of a strong central co-ordinating committee (e.g. the Policy and Resources Committee) can be reconsidered, and this is the case even if the Council has delegated full decision making. In a committee system there is no requirement to have the ability to ‘call-in’ or ‘refer’ a decision, however putting call-in arrangements in place can give more assurance for those concerned that decisions may have been made erroneously. Arrangements can be put in place to refer a decision to a specific committee, or to full Council.

## Cases

In **Maidstone** there is no formal scrutiny or decision review committee, but provisions allow for three councillors to request a review of service committee decisions to be referred to the Policy and Resources Committee, or five councillors necessary to request a review to full Council if it is a decision made by that committee. The Chair of the Policy and Resources Committee then may reject a referral under certain grounds, or the Mayor in the case of full Council, if accepted the committee, or full Council, considers the matter and either endorses the original decision or substitutes a different decision.

In **Canterbury** there is a Decision Review Committee, this committee has the ability to review the decisions that have been made by the three main service committees (Policy and Resources Committee, Community, and Regeneration). The Chair of the Decision Review Committee must be a member of the opposition group(s).

A decision can only be reviewed if 14 councillors request a review in writing within three working days of the decision being published. The review must also be based on evidence that the decision has not been properly taken. The Decision Review Committee can refer a decision back and make recommendations to the relevant committee, or to full council if a decision involves significant budgetary or policy issues or is speedily required.

In **Three Rivers** any decision taken by the Policy and Resources Committee, or any other decision-making committee can only be overturned by full Council. As part of its terms of reference the Policy and Resources Committee reviews and scrutinises the policies made or proposed to be made by the Council and can recommend appropriately to full Council. Five

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councillors must request a review in full Council within five working days of the decision having been taken, in writing to the Monitoring Officer or Chief Executive.

In **Newark and Sherwood** there are no dedicated scrutiny arrangements, however the council applies overview and scrutiny principles in the work of the Economic Development, Leisure and Environment and Homes & Communities Committees. Each of these service committees (not including the Policy and Finance Committee) has the responsibility of policy review and development, performance management as well as external review.

These committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisors and or invite external stakeholders to assist them in this process. The committee may scrutinise and review decisions made or actions taken by the Policy and Finance Committee in so far as they have a direct impact on the role or functions of the committee.

In **Worcester** each of the Policy Committees has a role in monitoring the financial and performance of specific areas of Council business. In addition, the Policy Committees are able to undertake the scrutiny of matters of local concern outside of the functions of the Council. The Policy and Resources Committee can undertake externally focussed scrutiny on matters relevant to the functions of the committee, provided that the areas of scrutiny shall be City Plan priorities and the committee shall not undertake more than two scrutiny reviews per year. It also has the ability to establish member-led task and finish groups on matters relevant to the functions of the committee.

In **Stroud** all service committees have the responsibility of overviewing and scrutinising the outcomes of projects with reference to the effective delivery of the Council's Corporate Delivery Plan or other key corporate policies and strategies. All service committees can also establish ad hoc task and finish groups to look into a particular topic for scrutiny and report back to committee. Each service committee is also required to produce a work plan report at the start of each municipal year to help promote the committee's scrutiny work.

Two 'performance monitoring champion' members from each committee meet on quarterly basis with senior management teams in informal meetings to report back to their committees on any significant concerns or successes.

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