BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 13TH SEPTEMBER 2023, AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

SUPPLEMENTARY DOCUMENTATION 1

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. **Governance Systems Task Group Report** (report to follow) (Pages 1 - 50)

The following documents are included in this pack:

- The Governance Systems Task Group's report
- The Statutory Officers' report, detailing their response to the points raised in the Task Group's report.

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11th September 2023

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OVERVIEW & SCRUTINY BOARD

GOVERNANCE SYSTEMS TASK GROUP

DRAFT FINAL REPORT

September 2023

Bromsgrove District Council
www.bromsgrove.gov.uk

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Contents

MEMBERSHIP OF THE TASK GROUP

Councillor Peter McDonald (Chairman)

Cllr Alan Bailes

Cllr Esther Gray

Cllr Simon Nock

Cllr Rob Hunter

Foreword from the Chairman

The Governance Systems Task Group was formed in response to the motion passed by Full Council on 24th May 2023.

The Task Group consisted of Councillors: Peter McDonald (Chairman), Robert Hunter, Esther Gray, Simon Nock and Alan Bailes. We were supported by and guided by Cath Buckley throughout, from the Centre for Governance and Scrutiny.

A full analysis of the strengths of the current governance system or features that Members would wish to retain in the future was undertaken. The weaknesses of the current system that Members might wish to change were also discussed. The features that Members would wish to include in the Council's governance system moving forward are detailed in the report.

There was a presentation from Councillor Craig Browne, Deputy Leader, Cheshire East Cheshire. His authority had changed over to the Committee System from the Leader Cabinet. In addition, we had a presentation from Mr Ian Parry, Centre for Governance and Scrutiny (CfGS).

After listening to the presentations, a Comparative Analysis was carried out between the Committee System and a Hybrid System based on the present governance system in operation within the Council.

The outcome of this exercise for the overwhelming majority of the Task Group were that the present (Hybrid) system was working well and should be recommended. Therefore, small changes in the Constitution and the addition of Working Practices and Protocols were needed to ensure the objectives were in line with the full Council's wishes.

I would like to thank all the members of the Task Group that made it possible to keep to the timeline to ensure recommendations would be reported in time for the September meeting. In addition, I would like to thank all the officers and visitors that helped to ensure we remained on track throughout.

Councillor Peter McDonald
Chairman, Governance Systems Task Group

Summary of Recommendations

After consideration of the evidence available and interviewing witnesses the Task Group have proposed the following recommendation. Supporting evidence can be found under the relevant chapters within the main body of this report.

1. **Chapter**

Recommendation 1
Bromsgrove District Council should have a hybrid Leader and Cabinet governance model from May 2024 onwards. To achieve this model, the Council should do the following: a) Agree changes to the Council's constitution during the 2023/24 municipal year, as detailed in the report. b) Introduce working protocols designed to embed more collegiate working in the Council's governance culture. c) Introduce Cabinet Advisory Panels. d) Take action to improve communication with Members
Financial Implications for recommendations: There will be a need to employ another full time equivalent Democratic Services Officer to facilitate the additional workload involved in the hybrid Leader and Cabinet model of governance. This officer would be employed on a Grade 7 at a cost of £xk. The changes to the constitution required for a hybrid Leader and Cabinet structure can be delivered as part of ongoing updates to the constitution which have already been incorporated into the budget framework.
Legal Implications for recommendations: Review and revision of the Constitution is governed by Article 15 of the Constitution.
Resource Implications: There will be a need for the Constitution Review Working Group to consider changes to the constitution and the content of proposed working protocols at meetings held throughout the 2023/24 the year. This won't require any additional resources to be allocated to the review of the constitution. The introduction of Cabinet Advisory Panels will result in an increase in workload for the Democratic Services team and therefore an additional Democratic Services Officer will need to be recruited.

Introduction and Background Information

At the Annual Council meeting held on 24th May 2023, a Motion on Notice was submitted for the consideration of Members. This Motion called for the Overview and Scrutiny Board to prepare a report regarding the transition of the Council from a Leader and Cabinet model of governance to a Committee system and to report back to Council in September 2023. This Motion on Notice was approved at the Annual Council meeting.

The Motion on Notice was subsequently referred to the Overview and Scrutiny Board for consideration at the first meeting of the Board in the 2023/24 municipal year, which took place on 6th June 2023. At this meeting, the Board agreed to establish a short sharp review to investigate the transition from the Leader and Cabinet model to the Committee system. The Board agreed that five Members, representing all of the political groups on the Council, should be appointed to this scrutiny group, which was named the Governance Systems Task Group.

During the meeting of the Overview and Scrutiny Board held on 6th June 2023, Members were also advised that independent support for this review had been arranged through the Local Government Association (LGA). This support was provided by the Centre for Governance and Scrutiny (CfGS) on behalf of the LGA and commenced with an initial presentation on the subject of governance models which was delivered for Members' consideration at a meeting of the Board held on 10th July 2023, which all Councillors were invited to attend. Support continued to be provided by the CfGS throughout the course of the review.

Following the Board meeting in July, the Governance Systems Task Group convened its first meeting, which took place on 21st July 2023. At this meeting Members agreed the following objectives for the review:

1. To establish the governance options available, including an assessment of any additional/reduced costs and Member & Officer time requirements associated with those options, and to make recommendations to Council on the most appropriate for Bromsgrove ensuring the inclusion of:

a. effective decision making

b. cross party engagement

c. inclusive policy development and decision making

d. constitutionally, the principles of equality, inclusiveness, efficiency and accountability are embedded.

These objectives were included in the agenda of every subsequent meeting of the Task Group as a reminder of the focus of the investigation.

The group subsequently held four further meetings in August 2023. At these meetings, Members considered information about the different governance models available to local government, the strengths and weaknesses of the Council's existing governance structure and the design principles identified by the group for the Council's future governance arrangements.

During the review, interviews were held with Councillor Craig Browne, Deputy Leader of Cheshire East Council and Mr Ian Parry, Head of Consultancy from the CfGS. Councillor Browne represented a Council that had recently opted for the Committee system and was able to speak authoritatively from a Member perspective, based on experience of serving at that Council under both the Leader and Cabinet and subsequent Committee system, about both governance models. Mr Parry is an expert in respect of different local government governance systems and provided the group with useful information about the features of the various models. The group found the information that both witnesses shared during their interviews to be invaluable and were very grateful for their contributions.

Members were keen to consult with representatives of other Councils during the course of the review. The suggestion was made that it would be useful to interview a Member representative of a Council that had moved to using the Committee system and subsequently chosen to return to a Leader and Cabinet model in order to obtain a different perspective on the models available. Members also discussed the potential to interview Member representatives of District Councils representing an area located closer geographically to Bromsgrove District which had changed systems in order to learn more about the application of the Committee system in the local area. However, it was not possible to arrange this in the time allocated to the review. Further consideration was given to the potential for the group to visit a Council where the Committee system is in place to observe a meeting in action. However, this was also not possible to arrange, partly due to the time restrictions and also due to the fact that the review was being undertaken during August when many Councils do not hold Committee meetings. Had further interviews been held and additional investigative work undertaken, it would not have been possible to meet the deadline for completion of this investigation that was set by Council.

During the review, the Chairman met with political group leaders at the Council to provide an update on the progress of the investigation. It was agreed at this meeting that a briefing would be provided to all Members on the outcomes of the Governance Systems Task Group's review prior to reporting back to Council in September 2023. This briefing was scheduled to take place on Friday 8th September 2023 and the outcomes of that briefing are summarised at Appendix 7 and a copy of the presentation slides is available to access as background papers.

Chapter 1

Governance Models

Background Information

The Local Government Act 2000 proposed a number of changes with regards to local government, including in respect of governance structures. Prior to this legislation, Councils across the country had operated a Committee system. Councils had to replace their governance structures with one of a small number of governance options. The majority of Councils, including Bromsgrove District Council, opted for the Leader and Cabinet model of governance at that time.

Members were advised that this legislation was introduced in a context in which there had been concerns about how local government was operating generally across the country. Whilst it was by no means applicable to all authorities or Councils at the time, there had been concerns that decision-making was slow and there had been high profile cases of poor behaviour.

The Localism Act 2011 introduced the option for local Councils to change governance structures. This included the power to cease to operate a Leader and Cabinet model and to replace this with a Committee system, or a Mayoral system (and vice versa).

There are two methods through which the governance structure can formally be changed under the legislation:

- Through a resolution at a meeting of full Council to change the system, which would need to be approved by a majority of Councillors voting at the meeting. In cases where the decision is taken at a Council meeting, the new governance system does not come into effect until the following Annual Council meeting, usually held in May. Where the change to a Council's governance model occurs under this process, the authority is obliged to retain that new governance structure for five years.
- Through a local referendum. The Council could trigger a referendum for this purpose or alternatively the public could instigate a referendum. Where governance change occurs as a result of a local referendum, this system must remain in place for ten years and a Council can only change back by holding another referendum.

The group was informed that any change to governance structures requires a lot of work from the Council. Typically, this might take six months or more to complete in order to ensure that the governance structures proposed for the Council will work in practical terms. This includes changes to a Council's constitution, working processes, Member and Officer training and amendments to procurement practices.

The group reviewed arrangements for the Leader and Cabinet model, the Committee system and hybrid systems. There was little consideration given to the Elected Mayor and Cabinet model during the investigation and, as such, limited details are included in this report in respect of that particular structure.

Governance Models – Spectrum

At an early stage in the investigation, Members were advised that there was a spectrum in terms of the governance models that Councils could adopt. Whilst there were specific features associated with each model of governance, Councils had some flexibility over the features included in the models. For example, in the Leader and Cabinet model of governance, some Councils grant Portfolio Holders individual decision-making powers whilst other authorities, such as Bromsgrove District Council, require decisions to be taken collectively at meetings of the Cabinet.

The spectrum is further illustrated in Figure 1 below which highlights the different features of the various governance models.

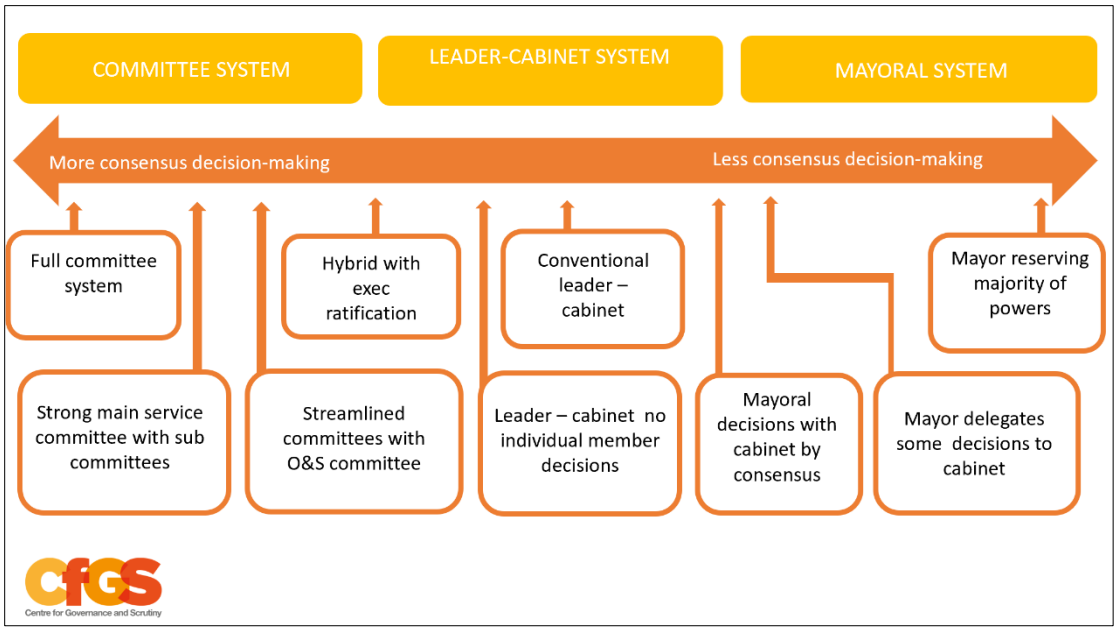

Figure 1: Decision making structure © Centre for Governance and Scrutiny[1]

Despite this, there are some defining features of each governance model which the group learned about during the course of the review.

Leader and Cabinet Model

In the Leader and Cabinet model of governance, many decision-making powers are invested in the Cabinet. There are some decisions that must be taken by full Council, some decisions that must be taken by the Cabinet, some decisions where there are shared responsibilities and some "local choice" functions, whereby the authority determines whether the decision is

taken by Cabinet or Council. Current responsibilities for the various functions are outlined in further detail in the Council's constitution.

At some Councils, individual Cabinet Members have decision making powers whilst at other local authorities, such as at Bromsgrove District Council, decisions are taken collectively at Cabinet meetings. Cabinet meetings are chaired by the Leader of the Council, who can have decision making powers. There are Cabinet Members, including the Deputy Leader of the Council, with lead responsibility for particular service areas or issues, who are often referred to as Portfolio Holders. The membership of the Cabinet is determined by the Leader of the Council and this membership does not need to be politically balanced.

In the Leader and Cabinet model of governance there is a statutory requirement to have an Overview and Scrutiny function. Overview and Scrutiny Committees can investigate any issues impacting on the local community and the process is also designed as a check and balance on the executive, holding the Cabinet to account for decisions taken. There are no prescriptive rules in respect of the number of Overview and Scrutiny Committees that a Council should have or how frequently the Committees should meet and there is therefore local discretion to determine how this should function.

The Overview and Scrutiny process has a call in function. This call in function can be used to call in, or pause, the implementation of decisions taken by the Cabinet where there are concerns about a decision that has been taken. Where a decision is called in, Overview and Scrutiny Members can investigate the subject of the decision further and scrutiny Members then report their findings for the consideration of the Cabinet. This call in function should only be used in exceptional circumstances where there are legitimate concerns about a decision that has been taken – Bromsgrove District Council has had one call in since 2001. Most Councils have a very specific call in process, detailed in the Council's constitution, designed to prevent the potential for call in to be exploited inappropriately.

Alongside the Cabinet, Council and Overview and Scrutiny, there are other Committees that hold meetings at Councils that have the Leader and Cabinet model. This includes the quasi-judicial Committees, such as the Planning Committee and Licensing Committee. Membership of the formal Committees, apart from the Cabinet, reflects the Council's political balance.

The purpose of Cabinet meetings, particularly where decisions are taken collectively, is to make decisions and recommendations on a range of Council policies. There should be very few reports in this structure for noting. Some functions can be delegated to Officers in the Leader and Cabinet model, mainly in relation to operational matters, although most decisions are taken by Cabinet and Council. All delegations to Officers are detailed in the Officer Scheme of Delegation, usually included in a Council's constitution.

Committee System

In the Committee system, decision-making powers are invested in thematic Committees. Members of the Committees take part in making decisions, including members of both the leading political group and members of opposition groups. This helps to create a consensus-based approach towards decision-making. Minutes from meetings of the Committees are reported to Council for consideration.

The focus of the thematic Committees is determined by the local authority operating the Committee system. At some Councils, the focus of these Committees may be similar to the remits of Portfolio Holders under the Leader and Cabinet model. At other Councils, the focus of the thematic Committees may be on specific priority areas for the Council. Most Councils operating a Committee system also have a corporate Policy Committee, often referred to as a Policy and Resources Committee and generally this is chaired by the Leader of the Council. This Committee may determine which thematic Committee should consider a particular policy, where the issue may be of relevance to a number of Committees and also considers important policies and strategies for the Council. Alongside the thematic Committees, quasi-judicial Committees such as the Planning Committee continue to meet as does full Council.

Members learned that under the Committee system, the members of the Committees have to take responsibility for ensuring that decisions are taken in accordance with the Council's budget framework. At some Councils, there is a process built into the authority's constitution to enable Members to intervene in decisions considered to be inappropriate, which can operate as a form of call in. Where there is a call in function, the process for this call in needs to be clearly defined in the Council's constitution and designed to ensure that the process is only applied where appropriate and is cannot be used to obstruct decision-making.

In the Committee system, Members do not have individual decision-making powers. However, Committee Chairmen might meet in private to agree a particular position for the controlling group in respect of reports due to be considered at forthcoming meetings. As such, Committee Chairmen have a significant amount of influence over the decisions taken by a Council. The Task Group was informed that within this system Chairmen's' positions are often held by Members of the controlling group. In addition, the controlling group ultimately continue to determine the decisions taken at the Council as they have the majority of seats on the Committees, which are appointed in accordance with a Council's political balance.

Councils with a Committee system have a Leader and a Deputy Leader. They also do not have individual decision-making powers. However, the Leader and Deputy Leader are important figureheads for the Council and Chair some of the Committees. The Leader and Deputy Leader of the Council at an authority with a Committee system are usually Councillors from the controlling political group.

During interviews with expert witnesses, Members were advised that under the Committee system more authority needs to be delegated to Officers than under the Leader and Cabinet model to ensure that Council business continues to be delivered effectively. If Councils do not delegate additional authority to officers under this system, then Committee meetings would need to take place incredibly frequently, which would have implications for both Members' and Officers' time. Members are kept appraised of the decisions taken by Officers through progress reports, meaning that there are more reports for noting at Councils operating the Committee system compared to the Leader and Cabinet model. Officer decisions cannot be overturned retrospectively at Committee meetings.

As all Councillors are involved in making decisions, all Members need to be actively engaged in the decision-making process. Members were advised that there was no space in the Committee system for Councillors who might have limited time available to commit to their Council duties. In addition, Members need to attend more briefings, to enable them to consider items on the agenda in advance of meetings. The group was also advised that there tends to be an increase in the number of political group meetings within the Committee system, as groups meet to determine their views of particular items on the agenda prior to a formal Committee meeting. Therefore, in a Committee system, Members can be required to attend more meetings than they might expect to attend under the Leader and Cabinet model.

Hybrid Structures

The Task Group was advised that there is no specific governance system in the legislation referred to as 'the hybrid model'. Instead, in a hybrid system, Councils can make amendments to an existing structure to ensure that that system best meets the needs of that local authority. This is possible to arrange as there is some flexibility over the features of each governance system, as demonstrated in figure 1 above in respect of the spectrum of systems available. In practice, this means that a hybrid governance model at one authority can operate in a very different manner to a hybrid system at another Council.

In a hybrid Leader and Cabinet model, Councils may choose to amend Cabinet and Committee procedure rules and the terms of reference for specific Committees. Local authorities may also identify particular working practices that Members wish to apply at the Council and these may be reflected in agreed protocols for the authority.

A hybrid Committee system could involve different types of amendments to the standard model. For example, Councils operating the Committee system can choose to retain some form of Overview and Scrutiny process, holding Committees to account for decision-making. However, this is not required in this model and there can also be challenge from members attending Committee meetings during the debate.

It is important to note that there are no legal requirements in respect of the length of time that a hybrid system must remain in place if Members agree hybrid arrangements in relation to the Council's existing governance model.

Chapter 2

Design Principles

Background

During the investigation, Members of the Task Group were informed that there was no single governance structure that was considered to be an example of best practice for local government. Instead, Councils need to ensure that they have a system in place that best meets the needs of the Council and the communities it serves.

Members were advised at the start of the review process that it was difficult to consider the most appropriate governance model in relation to the positive and negative aspects of each model as the arrangements that work in one local authority area might not work in another. The positives and negatives of a governance model will instead depend on how the different features of those models would work under local circumstances.

The group was also advised that frequently Councils would approach a review of their governance structures with an aim to change behaviour at their Council. However, Members were asked to note that a change to governance structure alone would not necessarily result in change to Members' and Officers' behaviour. Instead, behaviour is representative of organisational culture and separate work is required to address this if it is an area of concern for a Council. Organisational culture can also influence in turn the choice of the most appropriate governance structure for that Council.

Strengths and Weaknesses of the Council's Current Governance System

In identifying the most appropriate governance structure for the Council, Members were advised that it was important to start by considering what they felt to be the strengths and weaknesses of the authority's existing governance system. These identified strengths and weaknesses could then be used to inform development of design principles for the authority's ideal future governance model, whereby the strengths of the system could be incorporated whilst the weaknesses could be addressed with amendments to working practices.

The group discussed the strengths and weaknesses of the Council's existing governance system at consecutive meetings. The following strengths in the current system were identified by Members during these discussions:

- Overview and Scrutiny, particularly the potential for Members to investigate subjects in detail and to contribute to policy development through scrutiny Task Group activities.
- The appointment of a Cabinet involving Member representation from a number of political groups, through a coalition arrangement. Members commented that this was more inclusive than previous administrations.

- The approach to Council meetings that had been adopted since the local elections in May 2023, which Members suggested was more joined up and collegiate than in previous years.
- The appointment of Members, who were not members of a political group represented on the Cabinet, to important roles at the Council including Chairman of the Council, Chairman of the Audit, Standards and Governance Committee, Chairman of the Licensing Committee and Chairman of the Overview and Scrutiny Board.
- The positive impact that cross-party working had had on trust and confidence between Members of different political groups since the local elections held in May 2023. In particular, it was noted that this developing trust and confidence was enabling the Council to focus on considering important decisions rather than spend time on resolving disputes between Members of different political groups.
- The comprehensive member training package that had been introduced following the local elections in May 2023.

The following weaknesses were identified in the Council's current governance system:

- Access to timely information for Members not serving on the Cabinet which could restrict the potential for backbench Members to influence the decision-making process.
- Frustrations amongst opposition Members regarding limited opportunities for backbench Members to influence decisions, including at Council meetings, which had resulted in challenging interactions at Council meetings prior to the local elections in May 2023 and had impacted on Members' working relationships. The group noted that this had also been identified as an issue in the recent Corporate Peer Challenge.
- Trust and confidence between Members of different groups, particularly prior to the local elections in May 2023. Members commented that experienced Councillors in particular had struggled to trust each other and this had impacted on the tone and length of Council meetings, including in relation to the number of Motions discussed at meetings.
- The position of communities within the District located outside the town of Bromsgrove. Members commented that residents living in these communities often felt that their needs and involvement in the District was not taken into account effectively enough.
- The lack of any constitutional basis for the appointment of opposition members to important Chairmanship positions at the Council.
- The basis of the current positive collaborative, cross-party working on good will. Whilst Members welcomed this collaboration, concerns were raised that this could end in the future should there be changes to key personnel following elections.
- The risk that a majority political group, returned at future local elections, would base their decisions on their advantageous position in the short-term and decide not to allocate Cabinet positions and other key roles to opposition parties.

- The impact of the political balance on the influence of the leading groups over matters arising, including recommendations, from meetings of the Overview and Scrutiny Board.
- Member learning and development was highlighted as an area to improve. Members noted that their induction night had been cancelled at the start of the municipal year. Whilst there has been a lot of intensive training provided to Members since then, the group has suggested that this was an area that could be improved further.

Design Principles

Having considered the strengths and weaknesses of the Council's current governance system, the Task Group subsequently discussed and agreed a number of design principles for the Council's future governance model. These design principles were intended to take into account those existing strengths and to try to address the weaknesses in the current system.

The following design principles were identified by the group at consecutive meetings:

- The timeliness of information.
- Skills based roles for Members, including Chairmen of Committees.
- Consensus based decisions on a cross party basis (and protection of collaborative working).
- Putting the residents of the whole District at the centre of all decisions.
- Assurance (Members being sure that the right things are being delivered in the right ways).
- Trust and mutual respect with Councillors and Officers.
- Active participation of backbench Members.
- Cost neutral (the new system not costing more).

It is important to note that there was collective agreement amongst Members of the group in respect of the strengths and weaknesses of the Council's current governance structure as well as the design principles that were identified for the future model.

Comparing Design Principles to Governance Models

Having identified the design principles for the Council's future governance model, Members subsequently compared the features of the Leader and Cabinet model and the Committee system respectively to those design principles.

The following points were raised in relation to each of the design principles in turn (excluding financial costs).

a) Timeliness of Information

In relation to the current Leader and Cabinet model, Members noted that the decision-making process was quite efficient and many decisions could be taken by Members rather than Officers, with very few reports for noting considered at meetings of the Cabinet. However, Members raised concerns about the timeliness of information provided particularly to Overview and Scrutiny Members, given that under the terms of the constitution, currently the Overview and Scrutiny Board does not have the right to access Cabinet reports for pre-scrutiny in draft form.

In the Committee system, it was noted that the pace of decision-making would potentially remain the same and all Committees would be making decisions on policy. However, there would be an increase in officer decisions under this system and an associated increase in reports for noting at a later date, which would detail those decisions taken by officers that could not be retrospectively changed by Members.

The group noted that there is a cultural issue at the Council in terms of some report authors failing to meet deadlines for the submission of their reports and this was also identified during the Corporate Peer Challenge held in 2023. This impacts on the timeframes in which Members can consider crucial information when making decisions and would need to be addressed regardless of the governance model adopted by the Council.

b) Skills Based Roles for Members

Under the Committee system, Members could be appointed to thematic Committees linked to their skillset and knowledge. However, the membership of the Committees would still need to be politically proportional and therefore opportunities to link to skillsets in this system would be limited by the number of seats available per group.

In the current system, Members can volunteer to participate in Scrutiny exercises focused on areas relating to their skills. Members commented that the role of Overview and Scrutiny could be strengthened further in a hybrid Leader and Cabinet model to take advantage of Members' skills. In addition, if Cabinet Advisory Panels, comprising a membership of both Cabinet and backbench Members, were introduced, Members could be appointed to these advisory panels based on their skill set.

c) Consensus Based Decisions on a Cross-Party Basis

A strength of the current system in this regard is that Bromsgrove District Council already requires decisions to be taken collectively at Cabinet meetings, rather than investing decision-making powers in individual Members. In addition, the group noted that there has been more consensus based decisions taken at Bromsgrove District Council following the outcomes of the local elections held in May 2023. This

reflects the coalition arrangements, involving representation of Members from two different political groups on the current Cabinet. However, the group also acknowledged that not all political groups are represented on the Cabinet and there is inevitably a limit to the number of Councillors who can be appointed to serve on Cabinet. There is also no guarantee that there will continue to be representation of other political groups on the Cabinet after future local elections, with membership of Cabinet ultimately determined by the Leader of the Council at the time.

Under the Committee system, there would be the involvement of Councillors from all political groups, reflecting the political balance, in Committee meetings and decision making. However, the majority group would retain a majority under the political balance at Committee meetings and their position would therefore ultimately determine the outcomes of the decisions made at meetings. There would also be a significant amount of additional work generated, in terms of briefings prior to meetings and political group meetings to enable groups to determine their positions in relation to reports, and this would have implications for the time that would need to be committed by both Members and officers.

d) Putting the Residents at the Centre of All Decisions

The group agreed that the appointment of Members from different political groups to the Cabinet in May 2023 helped to ensure that a wider range of geographic areas as well as demographic needs in the District were being represented under the current system than in previous years. All Members could participate in and influence decisions through membership of scrutiny Task Groups and engagement in working groups and through this they could help to raise awareness of the different communities in the District.

In the Committee system, depending on how the thematic Committees were structured, there could potentially be a refocus on the needs of different communities. However, Members also learned during the review that there was a risk that the Committee system could be misleading for the public, as there could be assumptions that the Committees could make decisions about specific operational issues impacting on communities when in fact those Committees would need to be more strategic in focus and operational matters would be more likely to be delegated to Officers for determination.

e) Assurance (Members being sure that the right things are being delivered in the right ways)

The group commented that since the elections in May 2023, the appointment of Members from different political groups to Cabinet had helped to provide Members with greater assurance that appropriate actions were being taken. In addition, the appointment of opposition Members as the Chairmen of the Audit, Standards and Governance

Committee and Overview and Scrutiny Board respectively helped to demonstrate commitment to scrutinising the decision-making process through which Members could receive assurance about the decisions being taken.

Under the Committee system, Members from all political groups would have a greater involvement in making decisions, as well as greater influence therefore of management of the Council's budget. However, Members learned that Committee Chairmen often met in private at Councils with Committee systems to discuss key reports and agree approaches to determining these and therefore the transparency of this decision-making process was questioned. Furthermore, the group was advised that, where Committee members did from time-to-time vote for alternative actions to those proposed in reports, this could disrupt Council business and where this occurred unexpectedly and without consideration of the full consequences, this represented a risk in terms of providing Members with assurance about the appropriateness of those decisions.

f) Trust and Mutual Respect with Councillors and Officers

Members commented that the coalition membership of Cabinet, following the local elections in May 2023, had resulted in more consensus developing between different political groups and greater understanding between Members. In addition, Members commented that it was noticeable that Member behaviour had improved at both Council and Committee meetings convened since these elections. This was regarded as a positive consequence of Members working more closely together and willingness to offer key chairmanship roles to members of opposition groups and this had had a beneficial impact on trust and mutual respect between Members. However, concerns were raised about the longevity of these arrangements under existing circumstances, as they are not currently reflected in the Council's constitution and rely on good will in order to continue to remain in place.

In the Committee system, Members of different political groups would be appointed to Committees in line with the political balance and would work alongside one another to make decisions, including in relation to relevant sections of the budget framework. However, there would be additional work required from both Members and Officers to deliver this model, including through extra briefings for Committee meetings.

g) Active Participation of Backbench Members

In the current Leader and Cabinet governance model Members have previously had concerns about the potential for backbench Members to influence decision making and this has led to frustrations. However, the group noted that, were Cabinet Advisory Panels to be introduced, comprising membership of both Cabinet and backbench Councillors, this would provide backbench Members with a greater opportunity to

influence the decisions taken by the Cabinet and Council, as the Advisory Panels could review issues in detail before they are determined by Cabinet and ensure that a greater range of Members from different political groups can input into the process.

Within the Committee system, all Members would be able to take part in making decisions at meetings of the Committees to which they are appointed. However, there would be a need for an increase in Committee meetings, which all Members would need to engage with, and the volume of meetings required would result in a need for meetings to be held during the day. The group was concerned that some Members, particularly Councillors with work commitments, would struggle to commit to the resulting increase in workload.

A table detailing all the points raised during consideration of this matter can be viewed at Appendix 6.

Chapter 3

Bromsgrove District Council – Future Governance Arrangements

Proposed Hybrid Leader and Cabinet Model – Features

Based on consideration of these design principles and evidence provided in relation to each of the governance models, the group is proposing that in future Bromsgrove District Council should have a hybrid Leader and Cabinet model. It is important to note that this proposal has been endorsed by four of the five members of the group with the fifth member favouring the Committee system.

The following features have been proposed for inclusion in this hybrid Leader and Cabinet model:

- Amendments to the Council's constitution which would include the requirement for opposition Members to be appointed to the positions of Chairmen of the Audit, Standards and Governance Committee and Overview and Scrutiny Board respectively. This would address concerns that the current arrangement is reliant on good will, as the requirement would be incorporated into the terms of reference and procedure rules for both Committees in the constitution. It is also important to note that this arrangement would comply with national best practice.
- The introduction of working protocols detailing expectations in respect of cross party working to ensure that a collegiate approach to working remains in place moving forward regardless of the outcomes of future local elections. Members were keen for the protocols to be used to help ensure that the Chairmen of Committees could be apportioned in a way that best reflects the make up of the Council at the time.
- The introduction of Cabinet Advisory Panels, comprising a membership of both Cabinet and backbench Councillors, to review and contribute to the development of important strategies and policies. These Cabinet Advisory Panels would need to be chaired by the relevant Portfolio Holder and would provide backbench Councillors with greater opportunities to influence the decision-making process. The focus of the advisory panels would need to be considered further by Members at meetings of the Constitution Review Working Group and Council, but could include Planning Policy, Environmental Services and Climate Change.
- Taking additional action to improve communication with Members through the following:
    - Inclusive Member-led work programming in the Overview and Scrutiny process, whereby Members prioritise issues for investigation at the start of the municipal year. This should help to embed

backbench Members' greater involvement in policy development and critically challenging decisions taken by the Cabinet.

- Providing backbench Members with access to reports and other information in a timely manner to enable Overview and Scrutiny Members to effectively pre-scrutinise items on the Cabinet work Programme. This will entail amending the Access to Information rules at Part 9 of the constitution.
- Continuing arrangements whereby group leaders share information with their Members at political group meetings.
- Raising awareness of the support and resources available to Members through ongoing Member training. For example, the group referred to the availability of the modern.gov app which could be used by Members to access and annotate electronic copies of agenda packs.

Other considerations

The group was particularly enthused by the more collegiate working arrangements that have been in place at Bromsgrove District Council since the local elections held in May 2023. There were a number of features of these current arrangements that Members were keen to retain and still further actions that could be taken to enhance cross-party working and trust between groups, in line with the design principles, but which could not be stipulated within the Council's constitution for different reasons. The proposed working protocols for the Council could address some of these features, although in other cases there may be a need for a gentleman's agreement between group leaders in order to take these actions forward.

Potential opportunities within this context included the following:

- Continuing to appoint an opposition Member as Chairman of the Council in future years. In May 2023, the Council appointed a member from an opposition group as Chairman of the Council. The group noted that this situation had been warmly received by opposition groups. Members also noted that there had been a marked improvement in behaviour amongst Members at Council meetings since this time. However, the Council is ultimately responsible for the appointment of the Chairman of the Council, through a vote at the Annual Council meeting, and the options available in terms of Members who could be appointed to this position could not be constrained in terms of specific requirements detailed in the constitution.
- Continuing the mixed political group representation on the Cabinet. Members were advised that the Leader ultimately determines who should be appointed to Cabinet and his/her power cannot be fettered in respect of this matter. However, the group did feel that current cross-party representation on the Cabinet had had a beneficial impact on trust between Members and behaviour at meetings. There was recognition that after future elections there could be a majority group, rather than the current No Overall Control position of the Council and a majority group might be naturally inclined to take all the seats on the Cabinet.

However, Members also noted that in future Leaders of the Council might wish to consider continuing to appoint members of other political groups to the Cabinet regardless of the political balance in order to maintain those positive Member working relationships. The group learned that this approach has been adopted by Redditch Borough Council under various different administrations for many years.

- Suspending the political balance for the membership of the Overview and Scrutiny Board. The membership of formal Committee meetings (apart from the membership of Cabinet) reflects a Council's political balance. However, under the Local Government and Housing Act 1989, Councils can suspend the political balance for the membership of a particular Committee as long as no Councillors votes against this proposal when determining the issue at Council. The suspension of the political balance for the Overview and Scrutiny Board would enable there to be a majority of opposition members appointed to the Board, who would be in a position to hold the Cabinet to account. Members cannot be compelled to vote for a suspension of the political balance so this could not be included as a requirement in the constitution and, depending on the balance after every election, there may not always be sufficient numbers of opposition Members to enable the balance to be suspended. However, this could enhance the independence of the Overview and Scrutiny process from the executive should it be applied. Again, the group was advised that this approach has been adopted at Redditch Borough Council under different administrations for many years.

Practical Considerations

In considering the most appropriate governance model for Bromsgrove District Council moving forward, the group discussed the implications in relation to the workload for both Members and Officers arising from any potential changes. This included considering the implications in relation to the frequency, volume and timing of Committee meetings.

At present at Bromsgrove District Council, Committee meetings are generally held during the evening, with the exception of Licensing Sub-Committee meetings and some Cabinet Working Group meetings. Based on an assessment of the calendar of meetings in recent years, Members were informed that currently, the Council schedules a total of 119 Committee meetings during a municipal year. Of these 119 meetings, 62 are for operational and quasi-judicial committees such as the Licensing, Planning and Audit, Standards and Governance Committee and these would continue regardless of the governance structure in place. There are a further 43 Committee meetings which are "strategic or policy forming" in nature. These figures do not take into account ad hoc Task Group meetings or Member training sessions, which are also generally held during the evenings throughout the year.

The introduction of Cabinet Advisory Panels, as proposed for a hybrid Leader and Cabinet governance model, would result in some increases to the number

of meetings. However, depending on the number of advisory panels and the focus of these groups, this could be minimised to some extent if some existing working groups were subsumed into these advisory panels, such as the Climate Change Working Group.

By contrast, a move to the Committee system would result in a significant increase in the number of Committee meetings that would need to be held. The Council would need to determine the focus of the thematic Committees but it is anticipated that these would likely align with the current remit of the seven Portfolio Holders on Cabinet, including a Policy and Resources Committee, chaired by the Leader. Whilst the Cabinet, Cabinet Working Group and Overview and Scrutiny Board would cease to exist, there would be more thematic Committees under the Committee system than there are currently Committees in the Leader and Cabinet model. As the regulatory Committees, such as Planning Committee, would continue to operate, this would inevitably result in an increase in Committee meetings during the year compared to current commitments.

The implications arising from an increase in Committee meetings would include the need to hold many of the thematic Committee meetings during the day. Bromsgrove District Council shares many services, including a shared management team, with Redditch Borough Council, which also holds most Committee meetings during the evenings. Whilst Bromsgrove Members do not attend meetings in Redditch, Officers do attend these meetings. Redditch Borough Council has an estimated 118 meetings per year, based on the calendar of meetings (not including Task Group or Member training which also takes place in the evenings). Therefore, Officers would not be available every evening of the week to attend meetings at Bromsgrove alone. Under the current Leader and Cabinet governance model, there are already frequently very busy periods across the two authorities in terms of the volume of meetings that are being held. For example, in September 2023, there is only one evening mid-week free of evening meetings across the two authorities and there have been similar challenges throughout the year.

The group did raise concerns during their meetings about the potential need to hold meetings during the day. Approximately half the current 31 Members of the Council have work commitments and they might struggle to attend meetings during the day. Furthermore, Bromsgrove District Council operates in a two-tier authority area and there are many District Councillors who are also Worcestershire County Councillors. As Worcestershire County Council holds their meetings during the day, Members in both positions would potentially have difficulties with the need to attend conflicting engagements. Members were also keen to future proof the local democratic process and to encourage younger candidates to stand for election and there were concerns that meetings held in the day could deter younger candidates because of the potential conflict with their careers. It is important to note that the Council already often struggles to organise Licensing Sub-Committee meetings during the day that are quorate due to Members' work and other commitments impacting on their availability.

The level of commitment required from all Members would also potentially increase under the Committee system. The group has estimated that at least seven Members would need to be appointed to serve on each of the thematic Committees. As there are only 31 Councillors at Bromsgrove District Council, each Member would inevitably need to serve on at least one though probably two or three thematic Committees meeting six or seven times a year. This would require dedicated time from all Members and some Member might struggle to attend this volume of meetings, particularly during the day, due to other commitments.

The tables below illustrate the estimated number of hours required by Members to dedicate to specific meetings. The first table estimates the number of hours required by Members to attend policy development related Committee meetings throughout the year under the existing Leader and Cabinet model. The second table estimates the number of hours required from Members to attend thematic Committees if the Council was to introduce a Committee system, which takes into account the fact that separate briefings would be required for each thematic Committee per meeting. It is important to note that neither table includes the number of hours Members dedicate to serving on regulatory Committees, participating in Member training or attending ad hoc scrutiny Task Group meetings (under the current system). However, it is estimated that there would be a requirement for an additional 30 hours of meetings (which represents a circa 23% increase in Member time dedicated to Committee meetings.)

	Number	Members	Hours	Total Hours	Members Required
Cabinet	9	7	2	18	63
Cabinet Working Group	9	7	2	18	63
O&S - Reflects Cabinet	9	11	2	18	99
Budget Working Group	6	5	1.5	9	30
Climate Change Working Group	4	5	1.5	6	20
Strategic Planning Advisory Grp	6	5	1.5	9	30
Totals	43			78	305

Table 1 Estimated number of hours by Members dedicated to policy development Committee meetings under the Leader and Cabinet model

	Number	Members	Hours	Total Hours	Members Required
Economic Development and Regeneration Committee (EDR)	6	7	2	12	42
Chairmans Briefing - EDR	6	2	1	6	12
Leisure Culture and Climate Change Committee (LCC)	6	7	2	12	42
Chairmans Briefing - LCC	6	2	1	6	12
Finance and Enabling Committtee (FEC)	6	7	2	12	42
Chairmans Briefing - FEC	6	2	1	6	12
Planning Licensing and WRS Committee (PLW)	6	7	2	12	42
Chairmans Briefing - PLW	6	2	1	6	12
Health Wellbeing and Housing Committee (HWH)	6	7	2	12	42
Chairmans Briefing - HWH	6	2	1	6	12
Environmental Services and Community Safety (ECS)	6	7	2	12	42
Chairmans Briefing - ECS	6	2	1	6	12
Policy and Resources Committee (includes Partnerships) (P&R)	6	7	2	12	42
Chairmans Briefing - P&R	6	2	1	6	12
Totals	84			126	378

Table 2 Estimated number of hours by members dedicated to policy development Committees under the Committee System

The frequency and volume of Committee meetings as well as the governance system in place also has implications for Officers. At present, at least two Chief Officers (at a Director and / or Head of Service level), one Democratic Services Officer and individual report authors attend the policy development related Committee meetings. They therefore dedicate the same amount of time as Members to attending and participating in Committee meetings (although extra time is allocated by Officers to attending meetings in Redditch, to preparation of reports and agenda packs in advance of the meetings and to recording the minutes after the meetings).

Under the Committee system, the group has been advised that in addition to Statutory Officers and Democratic Services Officers, there would need to be officers attending the meetings in the capacity of Subject Matter Experts (SMEs). It is estimated that there would need to be separate SMEs for each thematic Committee, potentially up to two SMEs per Committee to ensure continuity. Officers would also need to prepare for and to facilitate the briefings associated with those thematic Committees. For Statutory Officers and Democratic Services Officers, it is estimated that this would result in a requirement to attend an additional 81 hours of meetings, which is almost a 70% increase in time requirements.

For SMEs, which do not currently exist at Bromsgrove District Council, there would be a new requirement to attend meetings and deliver briefings over an estimated period of 168 hours a year. The briefings required for Committee meetings under the Committee system would also have significant implications for officer time, in other departments in respect of lead officers/report authors. This would need to be factored into their workloads and could impact on timescales for delivery of services or, in the worst-case scenario, result in a need for more staff to be recruited at a financial cost to the Council.

Consideration should also be given to the specific implications for Democratic Services. The Democratic Services team provides a shared service and facilitates Committee meetings and Member training across both Bromsgrove District and Redditch Borough Councils. There are six full time equivalent members of staff in the team, including a Trainee Democratic Services Officer, as well as one fixed-term, part time member of staff. The team are already dealing with excessive workloads under the existing governance system and this will increase regardless of the model that is ultimately selected by Members. The group has been advised that realistically, for the proposed hybrid Leader and Cabinet system, one additional full time equivalent Democratic Services Officer would be needed. Under the Committee system, the workload of the team would increase even further and at least two new full time equivalent Democratic Services Officers would need to be recruited to help deliver the service.

Financial Implications

The group's proposal to adopt a hybrid Leader and Cabinet governance system would have some financial implications for the Council. The recruitment of an additional full time equivalent Democratic Services Officer, at a Grade 7, would cost £40k per annum (plus on costs). As the Democratic Services team is already managing excessive workloads under current arrangements, it would be reasonable to share the costs involved in recruiting this additional member of staff with Redditch Borough Council.

Should Members opt for the Committee system, resulting in a need for at least two new full time equivalent Democratic Services Officers, there would be a cost of £80k per annum (plus on costs). As additional workload would be generated by Bromsgrove District Council, the Council would need to cover more costs arising from the recruitment of the extra staff than Redditch Borough Council. This would result in a change from the current sharing of costs for the team on a 50:50 basis to cost allocations closer to a 60:40 split.

There would also be financial implications in relation to the work of other officers arising from the introduction of the Committee system, in the form of opportunity costs. Statutory Officers and SMEs would need to allocate an additional circa 249 hours a year to covering Committee meetings (plus preparation time). This cost has been estimated as at least £100k a year as it covers a range of services.

There would be additional work required under the proposed Leader and Cabinet system to amend the Council's constitution and to produce working protocols. The Council is already due to receive external support to update the constitution, at an approximate cost of £20,000 and the required changes to the constitution could be made as part of that process. As this work is due to take place regardless of any changes to the Council's governance system and this has already been factored into the Council's budget, the financial costs involved are not considered to be costs arising from the Task Group's recommendation.

Under the Committee structure, it is likely that the financial costs involved in updating the Council's constitution would be far greater and this could not be delivered within the existing plans for changes to the constitution as there would be the requirement to change the Council's constitution radically in a move to a Committee structure. In addition, there would be a need for significant Member and Officer training and dual running of shadow meeting arrangements closer to the changeover date. The financial costs involved would vary depending on the timescales in which Members would wish to move to the Committee system. However, if Members wanted to make this change in time for the start of the 2024/25 municipal year, Officers have estimated that the cost of this work would be circa £200k.

As mentioned earlier in the report, it is likely that with the volume of meetings that daytime meetings will be required. Although Portfolio Holder and Leader's Allowances will be reallocated to Committee allowances it is expected that overall member allowances will increase by circa 20% to take account of the fact that Members will need to meet during the day when many of them will have work commitments. This is subject to the outcomes of the Independent Remuneration Panel's review of Members' allowances should we change to this structure and would be an ongoing cost.

It is worth noting the financial costs to the Council that would arise should the authority opt to hold a local referendum to determine whether to adopt the Committee system. The group was advised that a local referendum on this subject would cost a total of £158,770.01. This would cover the costs associated with holding the referendum, including polling stations and the staff required for polling stations and the count.

Conclusion

The Governance Systems Task Group has conducted a detailed investigation of a complex subject in an intense period of time. Evidence has been gathered from a range of sources and this has informed the group's recommendation.

It is important to note that there is no best practice governance model that Councils are urged to adopt. Instead, local authorities need to ensure that they have the best governance system in place to meet the needs of the Council and the communities it serves.

For this reason, consideration of the design principles for the Council's future governance arrangements was a crucial element of the Task Group's investigation. This allowed Members to identify what they felt really mattered to the Council and to local residents.

It is disappointing that consensus could not be reached amongst all Members of the group on the most appropriate future governance model for the Council. However, the proposed model is reflective of the position of the majority of Members of the group and was based on the evidence gathered.

Appendix 1

OVERVIEW & SCRUTINY BOARD

Governance Systems Task Group

Objectives of the Review

1. To establish the governance options available, including an assessment of any additional/reduced costs and Member & Officer time requirements associated with those options, and to make recommendations to Council on the most appropriate for Bromsgrove ensuring the inclusion of:

a. effective decision making

b. cross party engagement

c. inclusive policy development and decision making

d. constitutionally, the principles of equality, inclusiveness, efficiency and accountability are embedded

Meeting Arrangements

Members agreed at the first meeting of the Governance Systems Task Group that meetings should last a maximum length of 90 minutes. The group also agreed that should any member miss two or more meetings of the Task Group they would be removed as a member of the group. In the event, no members of the group missed two or more meetings and all remained members of the group throughout the review.

Appendix 2

NOTICE OF MOTION

MOTION – COUNCIL 24th MAY 2023

The following Notice of Motion has been submitted in accordance with Procedure Rule 10 by Councillor P McDonald:

"We call upon the Overview and Scrutiny Board to prepare a report regarding the transition of the Council from a Cabinet System to that of a Committee System. The report is to be presented to an Extraordinary Meeting of the Council to be held in September."

Appendix 3

MEETING DATES AND ACTIVITIES

Meetings of the Governance Systems Task Group took place on the following dates:

Meeting Date	Activities
21st July 2023	Agreed Task Group Objectives Consideration of information about different governance models Group session: • Initial discussion of strengths and weaknesses of the Council's current governance structure • Initial consideration of design principles for the Council's governance structure
10th August 2023	Consideration of questions for Councillor Craig Browne Group session: • Further consideration of the strengths and weaknesses of the Council's current governance model • Further consideration of design principles for the Council's governance structure
17th August 2023	Interview with Councillor Craig Browne, Deputy Leader of Cheshire East Council (Council with a Committee system)
22nd August 2023	Interview with Mr Ian Parry, Head of Consultancy, Centre for Governance and Scrutiny Discussion of preferred future governance model for Bromsgrove District Council based on the evidence gathered
30th August 2023	Consideration of financial costs association with governance changes Consideration of timescales for proposed governance changes Finalisation of recommendations

Appendix 4

WITNESSES

The Task Group considered evidence from the following sources before making its recommendations:

Councillor Craig Browne, Deputy Leader, Cheshire East Council
Ian Parry, Head of Consultancy, Centre for Governance and Scrutiny

The group would like to thank Councillor Browne and Mr Parry for attending meetings of the group and for providing detailed answers to the group's questions.

Cath Buckley, from the Centre for Governance and Scrutiny, provided independent advice and support to the Governance Systems Task Group throughout the investigation. Members would like to thank Cath for her hard work and support during this time.

The following senior officers provided support to Members at every meeting of the Governance Systems Task Group:

Pete Carpenter, Interim Director of Finance and Resources
Claire Felton, Head of Legal, Democratic and Property Services.

Appendix 5

FOOTNOTES AND BIBLIOGRAPHY

Footnotes

[1]Rethinking Council Governance for the 20s: Learning from Councils Changing their Formal Governance Option, Centre for Governance and Scrutiny (2021)

Bibliography

Bromsgrove District Council's Constitution

The Local Government Act 2000

The Localism Act 2011

Rethinking Council Governance for the 20s: Learning from Councils Changing their Formal Governance Option, Centre for Governance and Scrutiny (2021)

Appendix 6

DESIGN PRINCIPLES – COMPARISON WITH GOVERNANCE MODELS

Design Principle	Current Arrangements		Committee System		Additions?
	Pros	**Cons**	**Pros**	**Cons**	
The timeliness of information and decision making	More efficient decision-making process Less delegation to officers Fewer reports for noting	Could be improved in terms of timeliness of information	Administration must always have a majority Committees responsible for Policy, not delivery Pace of decision making has not changed	Number of reports for noting/decisions (more is delegated to officers) Some decisions taken under urgency powers Could be improved in terms of timeliness of information	Important to note that process would need to in place to improve Member access to information so that Members get info in timely manner
Skills based roles for members (e.g. for Chairmen)	Advisory groups enable membership based on skill		Members empowered to use skills in the space where initial decisions are made	Committees require political proportionality	Cabinet to engage and involve O&S to be strengthened and this to be cemented in the Constitution System to allow members to be more involved on a cross-party basis
Consensus based decisions – cross party (protection of	Hybrid does enable a greater degree of flexibility	Cabinet is great, as long as you're in it!	Solves problems More participation and	It doesn't change who is running the Council	

Design Principle	Current Arrangements		Committee System		Additions?
	Pros	Cons	Pros	Cons	
collaborative working)	Collective and cross-party decision making No member has individual executive authority		Member involvement Collective responsibility It does make for more collegiate working	Generates other Committees More meetings and more work to do No guarantee which way decisions will go	
Putting residents of the whole district of Bromsgrove at the centre of all decisions	Member surgeries and working groups on key matters create opportunities for all members to feed into decisions and how they affect each ward across the whole district Opposition on Cabinet assists with this		Dealing with cross-cutting issues It can facilitate a culture transformation It can change perceptions of the council	More difficult to meet residents' expectations – there may be a lack of understanding that thematic committees have a strategic focus and cannot resolve local operational matters	Constitute working practices – ensure future proofed Cement geographical representation
Assurance (members being sure that the right things are being done in the right way)	The cross party working arrangements enable more scrutiny and greater knowledge and understanding		Decision making is more transparent Better engagement key items e.g. budget	Committees can make "rogue" decisions Committee Chairmen meeting – is closed so how actually transparent is it?	
Trust and mutual respect	A more balanced decision-making process enables more	Still in early stages and a reliance on constitutional change to	One-Council approach vs silo working Each committee is	Member/Officer contact time can be greater	

Design Principle	Current Arrangements		Committee System		Additions?
	Pros	Cons	Pros	Cons	
	consensus and understanding Improved behaviour and strengthened relationships since May 2023	enable in the longer term	responsible for its own budget It can improve cross-group working		
Active participation from members (backbench)	Currently achieved through balanced Cabinet and apportionment of Chairmen positions (Licensing Audit O and S Council Advisory Groups) and working practices	Dependence on constitutional change and protocols to enable backbench participation	Makeup of Committee, Number of Members, Number of Committees It can empower backbench members The level of challenge is definitely greater	There are definitely more meetings to attend Likely day time meetings could exclude some members, especially those with work commitments Number of reports for noting, not decisions.	
Cost neutral (the new system not costing more)	The main structure is in place already. Changes to a hybrid Leader and Cabinet model could be largely delivered within existing resources.		Changes to officer scheme of delegation	Changing governance is a huge undertaking Member/Officer contact time can be greater Extra demand on officers to brief Members (all members) More work in terms of group management.	The Democratic Services team already have an excessive workload and would need additional resources regardless of the model, although more staff would be needed for the Committee System

Design Principle	Current Arrangements		Committee System		Additions?
	Pros	Cons	Pros	Cons	
				Member training and public communications	

Appendix 7

SUMMARY OF THE OUTCOMES OF THE ALL MEMBER BRIEFING HELD ON 8TH SEPTEMBER 2023

To follow for consideration at Council on 20th September 2023.

Legal, Democratic and Property Services
Bromsgrove District Council, Parkside Offices, Market Street
Bromsgrove, Worcestershire B61 8DA
Email: scrutiny@bromsgrove.gov.uk

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Bromsgrove Governance Systems Task Group – Statutory Officer Assessment

This report sets out draft costings of the present alternatives being discussed by the O&S Task Group. The Council is presently in a Hybrid model with a mixed party Cabinet and opposition leads on the two main challenge Committees. The report is based on coverage now for the Hybrid Structure and compares this to the costs of a Committee Structure as per the discussions in the Task Group.

There will be two types of cost, ongoing costs based on additional support requirements, as well as one of costs such as changes to the constitution.

Present Hybrid Structure

The present support Structure as per Appendix A sets out that the Council runs a total of 119 meetings. Of these 119 meetings, 62 are for operational and quasi-judicial committees such as Licensing, Planning and Audit Committee and these would continue in both structures and so no change is assumed here. There are a further 49 Committee Meetings which are "strategic or policy forming" in nature. It is these where the main analysis will take place. It is assumed the number of Council meetings will not change from 6 a year.

At this time it is pertinent to point out that Democratic Services is a joint service. It also supports the 118 Committee Meetings that take place in Redditch and the Quarterly Worcestershire Regulatory Service (WRS) Board meetings.

Under the current system, in September we have only one evening mid-week that is free of meetings involving members across the two authorities and this is not unusual – 9th May to 28th July we only had one evening free of meetings across the two Councils and that was only because a meeting was cancelled. It's not just committee meetings but also training that is held during the evenings too which members and officers attend.

The present system has Cabinet Member surgeries on a periodic basis, which are not supported by Council Officers, and which are open for any Member to attend. There is a view that Advisory Groups will be set up, to input into major policy changes well before approval. The full expectations of these for officers and members is still to be evaluated as this will link to importance and frequency of these policy changes. Scrutiny would also take place following policy formation as part of the normal Overview and Scrutiny process.

Appendix A sets out the legal framework within which the changes to the constitution can be made for a hybrid structure.

The Democratic Services Team number 6 fte and 1 part-time members of staff at a total cost of £282k. This structure presently supports both Councils and the WRS meetings. It needs to be pointed out that presently this group is at capacity and across both Councils and although

1) Some Cabinet Working Group, all (Redditch) PHB and Licensing Sub-Committee meetings at both Councils are day time meetings, all other meetings are in the evening.
2) Cabinet and O&S are supported by the report writers as well as representatives from legal Services, Finance and the Chief Executive

As set out above, the team are currently dealing with excessive workloads and this will increase regardless of the system that is ultimately selected by Members. Realistically, for the hybrid system, we think one additional fte Democratic Services Officer is needed to

ensure full involvement of back bench members. This will cost of Circa £40k a year. This would be an ongoing cost.

The constitution will require changing to support the changes that are now in place. We have a quotation for this and the one off costs are circa £20k. This includes a total update of the Council's constitution.

Given that the Council are working in this way at the moment, there will be little other change.

The move to a Committee system sees the number of "strategic or Policy Forming" meetings, if we reflect the present portfolios, increase from 49 meetings to 78

We presently have

9 Cabinet Meetings and 9 Cabinet Working Groups a year, this is supported by 7 Members and at least 2 of the Statutory Officers and Democratic Services. The meetings take on average 2 hours to complete (this might be slightly high for Cabinet).

The scrutiny of these policies takes place via the 9 O&S Board meetings that take place during the year. These are attended by up to 11 members of the board as well as Cabinet Members (where invited) and these generally take 2 hours to complete. In addition, there are 6 Finance and Budget working group meetings, 4 climate change working group meetings and an average of 6 Strategic Planning Advisory Group meetings a year. It is assumed that these meeting take 1.5 hours. Again, these meetings generally have at least 2 of the Statutory Officers, Democratic Services and the subject matter expert in attendance.

The table below highlights meeting effort and time under the present structure just to support the meetings. 305 Members are required to cover 43 meetings which in themselves take 78 hours to take place. It should be noted that quorum levels are lower than this and this would be the maximum number of members in attendance. It is assumed that all meetings are supported by at least 2 of the Chief Officers, Democratic Services and the Officers responsible for the individual reports.

	Number	Members	Hours	Total Hours	Members Required	Stat Officers	Dem Services	SME's	Total
Cabinet	9	7	2	18	63	2	1	?	27
Cabinet Working Group	9	7	2	18	63	2	1	?	27
O&S - Reflects Cabinet	9	11	2	18	99	2	1	?	27
Budget Working Group	6	5	1.5	9	30	2	1	?	18
Climate Change Working Group	4	5	1.5	6	20	2	1	?	12
Strategic Planning Advisory Grp	6	5	1.5	9	30	2	1	?	18
Totals	43			78	305	12	6		129

This does not include preparation time.

Move to a Committee System

The move to Committee System, and for comparison purposes mirroring the present cabinet portfolios. This assumes 7 Members of each Committees and Committee Meetings take 2 hours to complete. This ensures all parties, on the present proportionality splits, are represented on all Committees. .

Changes to Officers allocations are that Subject Metter Experts will be needed for each Committee as well as the Statutory Officers and the Democratic Services Officers. It is assumed that at Chairman's Briefings, both the Chair and the Vice Chair will attend and the meetings take an hour. The table below summarises the position.

	Number	Members	Hours	Total Hours	Members Required	Stat Officers	Dem Services	SME's	Total
Economic Development and Regeneration Committee (EDR)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - EDR	6	2	1	6	12	1	1	2	24
Leisure Culture and Climate Change Committee (LCC)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - LCC	6	2	1	6	12	1	1	2	24
Finance and Enabling Committtee (FEC)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - FEC	6	2	1	6	12	1	1	2	24
Planning Licensing and WRS Committee (PLW)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - PLW	6	2	1	6	12	1	1	2	24
Health Wellbeing and Housing Committee (HWH)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - HWH	6	2	1	6	12	1	1	2	24
Environmental Services and Community Safety (ECS)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - ECS	6	2	1	6	12	1	1	2	24
Policy and Resources Committee (includes Partnerships) (P&R)	6	7	2	12	42	2	1	2	30
Chairmans Briefing - P&R	6	2	1	6	12	1	1	2	24
Totals	84			126	378	21	14	28	378

Overall, the 31 members of the authority will be need to be allocated to the 7 Committees based on political proportionality. However, overall

- There is the requirement for 48 hours more of meetings (Circa a 61% increase in Member time) and 73 more members to be allocated compared to the present situation.
- As highlighted in the hybrid section, already there is severe pressure within the existing evening meeting schedule with very limited capacity for additional meetings. Given the increase in meetings, all Members would need to be prepared to attend meetings during the day under the committee system and it is worth noting that approximately half our current membership work. This would similarly have implications for those Councillors who are dual hatters as they would have a conflict between daytime meetings held at BDC and WCC.

The biggest change however links to officer requirements

- For Statutory Officers and Democratic Services there is the requirement to attend an additional 81 hours of meetings – this is almost a 70% increase in time requirements.
- The committee system, at least two fte new members of Democratic Services staff would be needed due to all the extra hours. Whilst one new member of staff is clearly needed, given current pressures, any further staffing on top of that would be to meet additional BDC demand. Currently the costs of the service are split 50:50 between the two Councils but in the Committee scenario, with more staffing required, BDC would need to be prepared to cover the extra costs alone. This cost is circa £80k a year

- For Subject Matter experts, there is the new requirement to attend meetings/give briefings which amounts to 168 hours a year. The briefings required for Committee meetings under the Committee system would have significant implications for officer time, in other departments in respect of lead officers/report authors. This would need to be factored into their workloads and could impact on timescales for delivery of projects/services or, in the worst-case scenario, result in a need for more staff to be recruited.

This is just attendance at meetings, this workload also links to additional preparation requirements as well which is difficult to estimate.

However there is the Opportunity cost of Statutory and Subject Matter Experts of circa 249 hours a year that will need to be covered (plus preparation time). This cost is at least £100k a year as it covers a range of services.

There will be the requirement to change the Council's constitution radically if we more to a Committee structure. This would also include significant Member and Officer training and dual running as we get close to the changeover date. The estimated cost of this work/time is circa £200k.

The timescales for delivering the changes proposed by Members is another item Members will be discussion at tonight's meeting. These timescales would largely depend on what Members are proposing. If they propose a hybrid Leader and Cabinet system, then it should be possible to manage these changes and to deliver them this municipal year within existing resources. However, if Members opt for a Committee system, and they want to introduce this in the next municipal year, then we could not do this within existing resources. Instead, this would only be achievable if the Council procures an external organisation to undertake the work on behalf of the Council, which would be at a financial cost (estimated to be tens of thousands of pounds. This needs to be factored into the costs (estimated as within the £200k at the moment for the change to committees.

The additional meetings, as highlighted in other reports, will be difficult to deliver in the evenings given the present committee schedule at both Councils. As such they will need to be delivered in the daytime. Although Cabinet Member special responsibility allowances will go, in the Committee Structure there will be allowances for Committee Chairman. With over 50% of Council Members working, there would also be the requirement to reassess Member Allowances if there would be a move to daytime meetings. This is estimated to be a 20% increase but would need to be validated by the Independent Remuneration Panel.

Referendum Costs

It should be noted that if the Council felt that the change warranted a referendum then this would cost an additional £158k broken down as follows:

Form	Description	Possible Referendum Costs
E	Counting Officer Costs	£7,456.70
F	Polling Stations	£73,574.84
G	Postal Voting	£24,940.00
H	Poll Cards	£38,440.47
I	Count Costs	£9,058.00
J	Other Costs	£5,300.00
Total		**£158,770.01**

Appendix A – Legal Considerations

We have set out below some advice on hybrid options that members might like to consider. These can all be written into the constitution, as an indication of the way in which the council could agree to operate. A council has to operate in accordance with its constitution; although where the constitution and the legislation are in conflict, the legislation takes precedence.

The basis for local authority governance is set out in the Local Government Acts of 1972 and 2000. The LGA 1972 sets out the basic principles that local authorities must observe; the LGA 2000 (as amended, mostly by the Localism Act 2011) introduced the executive/council split, which meant that authorities with over 85k residents had to adopt an executive model; broadly either a cabinet or elected mayor. The smaller councils could either adopt an executive system or keep to the council and committee structure. The Localism Act allowed any authority, or whatever size to adopt either the executive or council system by means of a vote at council, which bound the authority for five years against a change of governance without a public referendum.

The Localism Act also allows Councils to propose new forms of structure. Some authorities have introduced “hybrid” structures as a result, usually intended to give more of the minority party members a say in executive decision making. These models do allow minority parties more say; and when cemented into the constitution they provide a clear indication of how the council intends to operate. This means that whilst a majority party could decide to cease to operate the agreed arrangements, and it would in law be difficult to stop this; there would be the need to recognise that this was going against what the council had agreed. And of course, where the hybrid model is working well there are significant arguments for keeping it.

As regulatory functions are already dealt with in politically proportionate cross-party committees, any hybrid system focuses on executive matters. The leader of the council has the power to decide who is in his/her cabinet and how large it is, subject to a limit of ten. The portfolios can be held, and not infrequently are, by more than one party, dependent upon political matters.

Cabinets are able to set up Cabinet Committees/advisory groups to assist with executive decision making. Whilst the law specifies that only cabinet members can be full, voting members of such, the cabinet can co opt any members they choose to sit on these committees as non- voting. Such arrangements can be adapted to suit the requirements of the council. For example, the agenda could be set to mirror the forward plan, so that matters will go to the cabinet committee in advance so that their views can be given to Cabinet on a decision that is to be made. The Cabinet Committee/Advisory Group, can also be asked for their views on what should be on their agenda.

However, such committees are not the same as scrutiny and must not be confused as such.. In these committees the leading group(s) are using them to help develop their agenda before decisions are made, in which members of the cabinet committee will participate; and the constitution can require that the views of the cabinet committee must be put forward to the cabinet and considered when decisions are made.

These and other arrangements can be agreed by council and enshrined into the constitution so that the benefits of cross-party working are openly recognised as the way in which the authority feels it is best to progress. If this were to be done, whilst it would always be possible for an incoming administration to change them, there is a robust and constitutional safeguard.

Appendix B – Comparisons of New Structures

Bromsgrove Member Splits	Members	%	Ctte of	Ctte of	Ctte of 9
Conservative	11	0.4	1.8	2.5	3.2
Labour	8	0.3	1.3	1.8	2.3
Independent	7	0.2	1.1	1.6	2.0
Liberal Democrat	5	0.2	0.8	1.1	1.5
Total	31		5.0	7.0	9.0

Present Structure		Number		Proposed Committee Structure	Numbe	Notes
Council Bromsgrove	Yearly	6		Council Bromsgrove	6	
Cabinet	Yearly	9	63	Economic Development and Regeneration Committee	6	
Cabinet Working Group	Yearly	9	63	Chairmans Briefing - EDR	6	
O&S - Reflects Cabinet	Yearly	9	81	Leisure Culture and Climate Change Committee (LCC)	6	Will include Climate Change WG
Budget Working Group	Yearly	6	30	Chairmans Briefing - LCC	6	
Climate Change Working Group	Yearly	4	20	Finance and Enabling Committtee (FEC)	6	Will include Budget Working Group
Strategic Planning Advisory Grp	Yearly	6	30	Chairmans Briefing - FEC	6	
Subtotal		49		Planning Licensing and WRS Committee (PLW)	6	Will include Planning Advisory Grou
				Chairmans Briefing - PLW	6	
				Health Wellbeing and Housing Committee (HWH)	6	
				Chairmans Briefing - HWH	6	
				Environmental Services and Community Safety (ECS)	6	
				Chairmans Briefing - ECS	6	
				Policy and Resources Committee (includes	6	
				Chairmans Briefing - P&R	6	
				Subtotal	**90**	
Audit Committees (6 a year)	Yearly	6		Audit Committee	6	No Change - still required
Shareholders - 4 (new)	Yearly	4		Shareholders Committee	4	No Change - still required
Planning Committees	Yearly	22		Planning Committee - Operational	22	No Change - still required
Licencing Committees	Yearly	22		Licensing Committee - Operational	22	No Change - still required
Constitution Working Group	Yearly	4		Constitution Working Review	4	No Change - still required
Member Development	Yearly	4		Member Development	4	No Change - still required
Total Bromsgrove Committees		**111**		Total Bromsgrove Committees	**152**	
Redditch Borough Council -						
Council Redditch	Yearly	7				
Executive - Monthly	Yearly	9				
Porfolio Holders Board	Yearly	9				
O&S - Reflects Executive	Yearly	9				
Audit Committees (6 a year)	Yearly	6				
Shareholders (existing)	Yearly	4				
Budget Working Groups	Yearly	6				
Planning Committees	Yearly	22				
Licencing Committees	Yearly	22				
Constitution Working Group	Yearly	4				
Climate Change Working Group	Yearly	4				
Perfromace Scrutiny Working Group	Yearly	5				
Planning Advisory Panel	Yearly	6				
Member Development Steering Group		4				
Crime and Disorder Scrutiny Panel		1				
Total		**118**				
Outside Committee (Bromsgrove						
WRS Board 4 (2 from each Council)	Yearly	4				

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