



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 22ND NOVEMBER 2023, AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

SUPPLEMENTARY DOCUMENTATION 2

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

4. **Minutes of the meeting of the Overview and Scrutiny Board held on 16th October 2023** (Pages 3 - 12)
- (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes

There are no recommendations from the Overview and Scrutiny Board meeting held on 16th October 2023. The Board received an update in respect of progress with the Governance Systems Review at its meeting on 20th November 2023 and agreed recommendations on this subject for Cabinet's consideration. The report and recommendations are included in this Supplementary Papers 2 agenda pack.

S. Hanley
Acting Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

21st November 2023

This page is intentionally left blank

Recommendations from the Overview and Scrutiny Board Meeting held on 20th November 2023

Governance Systems Task Group – Update Report

The Overview and Scrutiny Board **RECOMMEND** to Cabinet that:-

- 1) The terms of reference for the Cabinet Advisory Groups be approved, subject to addition of Paragraph 12 which would read as follows: “Memorandum of Understanding also applies”; and
- 2) The proposed Memorandum of Understanding concerning cross party working be approved, subject to an amendment to point 5 of the Principles section to read as follows: “Recognise and respect that each individual member can contribute to decisions that are taken and should be involved and able to provide their opinion before a decision is taken”.

This page is intentionally left blank

Overview and Scrutiny Board 2023

20th November

Governance Systems Task Group – Update Report

Relevant Portfolio Holder		Councillor Charlie Hotham, Portfolio Holder for Finance and Enabling
Portfolio Holder Consulted		Yes
Relevant Head of Service		Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk	
Wards Affected		No specific ward relevance
Ward Councillor(s) consulted		N/A
Relevant Strategic Purpose(s)		An Effective and Sustainable Council
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

The Overview and Scrutiny Board is asked to **RECOMMEND** that:-

- 1) The terms of reference for the Cabinet Advisory Groups be approved;
- 2) The proposed Memorandum of Understanding concerning cross party working be approved; and
- 3) The update in respect of progress with implementing the recommendations made by the Governance Systems Task Group be noted.

2. BACKGROUND

- 2.1 The report details the work that has been undertaken at the Council to implement the recommendations made by the Governance Systems Task Group and which were approved at an extraordinary meeting of Council held on 20th September 2023.
- 2.2 The Overview and Scrutiny Board is invited to consider the update provided and whether to approve the recommendations detailed in the report.

Overview and Scrutiny

Board

2023

20th November

3. OPERATIONAL ISSUES

- 3.1 The Governance Systems Task Group completed a review of the Council's governance model in September 2023. The findings detailed in the group's report were subsequently approved at an extraordinary meeting of Council held on 20th September 2023.
- 3.2 Since Council approved the group's recommendations, the Constitution Review Working Group has held a number of meetings to consider progress with the implementation of the actions that were proposed.
- 3.3 At a meeting of the Constitution Review Working Group held on 28th September 2023, Members agreed that meetings of the group should take place approximately once a month to enable Members to ensure that the amendments to the Council's constitution and working practices that are required, following on from the review, will be delivered in time for all such changes to be in place by the start of the 2024/25 municipal year.
- 3.4 At a subsequent meeting of the Constitution Review Working Group, held on 1st November 2023, Members considered initial draft terms of reference for the Cabinet Advisory Groups that had been proposed by the Governance Systems Task Group. Members also considered a draft Memorandum of Understanding for cross party working, which had similarly been proposed by the Task Group.
- 3.5 A number of amendments were requested by Members to these documents and it was agreed that a further meeting of the Constitution Review Working Group should take place to consider the updated versions of the Cabinet Advisory Group terms of reference and Memorandum of Understanding for cross party working. To ensure that this could take place in time for a written update on the subject to be reported to the Overview and Scrutiny Board meeting in November 2023, this additional meeting of the Constitution Review Working Group took place at midday on Wednesday 8th November 2023.
- 3.6 Based on the amendments that had already been made to both documents and which were subsequently suggested at the meeting of the Constitution Review Working Group held on 8th November, the group endorsed the attached terms of reference for Cabinet Advisory Groups and Memorandum of Understanding for cross party working.

Overview and Scrutiny

Board

2023

20th November

- 3.7 In addition to this work, it is important to note that a comprehensive review of the Council's constitution is currently being undertaken on behalf of the Council. Findings arising from the Governance Systems Task Group will be taken into account as part of this process, whilst the review also aims to simplify and reduce the current length of the constitution. Any proposed changes to the constitution arising from this process will ultimately need to be determined by Council.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 Review and revision of the Constitution is governed by Article 15 of the Constitution.

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

- 6.1 The action proposed in this report supports the strategic purpose "an effective and sustainable Council".

Climate Change Implications

- 6.2 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.3 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

- 7.1 There is a risk that if the Council does not progress in a timely manner with consideration of the changes to the constitution required as a result of the Governance Systems Task Group, these amendments will not be in place in time for the start of the 2024/25 municipal year as intended.

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix 1 – Proposed Cabinet Advisory Group Terms of Reference.

Overview and Scrutiny Board 2023

20th November

Appendix 2 – Proposed Memorandum of Understanding concerning cross party working.

Background Papers

Governance Systems Task Group’s final report: [Governance Systems Task Group - report](#)

Minutes of the meeting of the extraordinary Council meeting held on 20th September 2023: [Minutes - Council meeting, 20th September 2023](#)

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Charlie Hotham.	10/11/2023
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	08/11/2023
Financial Services	Pete Carpenter, Director of Finance and Resources	08/11/2023
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	08/11/2023

CABINET ADVISORY GROUP

1. Cross Party working is widely recognised as a valuable part of the democratic process and it is important that there is openness and transparency in the way that the Cabinet operates.
2. Bromsgrove District Council will facilitate all member engagement and consultation on decisions to be taken by Cabinet by way of Cabinet Advisory Groups (“CAGs”).
3. CAGs are not formal Committees of the Council. They are informal groups convened to enable all members to be aware of and to contribute to strategic and other items.
4. CAGs are not subject to any of the procedure rules in the Council’s Constitution. The rules on political proportionality also do not apply.
5. CAGs should not attempt to replicate the functional areas covered by the audit and overview and scrutiny committees.
6. Any elected member can attend a CAG meeting. The meetings will be chaired by the relevant Portfolio Holder(s). Officers and other Cabinet Members may attend.
7. CAG meetings can be conducted in person, or in virtual or hybrid format at the discretion of the group.
8. Dates for the CAGs will be included in the calendar of meetings in advance, although additional meetings can be scheduled throughout the year as and when required by the Portfolio Holder.
9. Democratic Services shall arrange meeting times and provide any documentation required in advance of the meeting. A note of the views of members in attendance will be taken and actions reported to the Cabinet Working Group. This will also be referenced in any report to Cabinet.
10. The normal rules relating to access to information apply, in terms of members and officers observing the confidentiality of exempt information.
11. The Code of Conduct applies when attending CAG meetings and declarations of interests will need to be declared as a standing item on the agenda. Some members may not be able to participate in some items due to their personal interests.

This page is intentionally left blank

Bromsgrove District Council

Memorandum of Understanding

concerning

CROSS PARTY WORKING

2023

Introduction

- (A) Following the 2023 elections the political representation of the Council changed so that no party held the majority of seats on the Council.
- (B) In recognition of this change a review was carried out to understand which model of governance would best suit no overall control.
- (C) On 20 September 2023 Council resolved to retain the leader and cabinet model of governance on a hybrid basis involving all members, wherever possible.
- (D) All Members including group leaders wish to enter this Memorandum of Understanding to provide for their on-going relationship, aspirations, expectations and continuing collaboration and participation in the decision making at the Council.
- (E) These principles shall be incorporated into the Council's new constitution from May 2024.

Principles

The Parties agree to adopt the following principles to effect good decision making in the Council:

1. Acknowledge that cross party working is a valuable part of the democratic process;
2. Act in good faith and in the spirit of partnership with open and honest conversations;
3. Co operate to achieve effective cross party work;
4. Work collaboratively and collectively to find solutions in the best interests of the community;
5. Recognise that each individual member can contribute to decisions that are taken and should be involved and able to provide their opinion before a decision is taken.
6. Accept that the political proportionality rules shall apply to the allocation of seats on all formal committees and that wherever possible the person presiding full Council, Audit and Overview and Scrutiny Committee meetings should be selected from the political parties not represented on the Cabinet.
7. Accept that where possible the principles of political proportionality shall also apply to any other roles and responsibilities to be allocated [for example outside body appointments, not including ex officio appointments]