

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

20TH SEPTEMBER 2023, AT 6.00 P.M.

PRESENT: Councillors S. Ammar (Chairman), B. Kumar (Vice-Chairman), S. J. Baxter, S. R. Colella, A. M. Dale, J. Elledge, S. M. Evans, D. J. A. Forsythe, E. M. S. Gray, C.A. Hotham, R. J. Hunter, H. J. Jones, R. Lambert, K.J. May, P. M. McDonald, B. McEldowney, S. T. Nock, D. J. Nicholl, J. Robinson, S. A. Robinson, H. D. N. Rone-Clarke, J. D. Stanley, D. G. Stewart, K. Taylor, S. A. Webb, P. J. Whittaker and S. R. Peters

Officers: Mrs. S. Hanley, Mr P. Carpenter, Mr. G. Revans, Mrs. C. Felton, Ms. A.-M. Harley and Mrs. J. Bayley-Hill

36\23 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were recorded from Councillors R. Bailes, A Bailes, D. Hopkins and M. Marshall.

37\23 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

38\23 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 19TH JULY 2023**

Councillor R. J. Hunter announced that whilst not an issue of accuracy of the minutes, he had omitted to state at the last meeting of the Council that he was a member of the Bromsgrove and Redditch Rail Users Partnership.

RESOLVED that the minutes of the meeting held on 19th July 2023 be approved as a true and accurate record.

39\23 **CHANGES TO COMMITTEE MEMBERSHIP**

The Chairman drew Council's attention to the reported changes to membership of the Appointments Committee:
Councillor S. Baxter (Member) and Councillor C. Hotham (substitute)
Councillor David Stewart (substitute)
Councillor Shirley Webb (substitute).

RESOLVED that the changes to the membership of the Appointments Committee as set out above be noted.

GOVERNANCE SYSTEMS TASK GROUP REPORT

Councillor P. McDonald, the Chairman of the Governance Systems Task Group, introduced the Task Group report and in doing so outlined:

- the reasons for the work which had been undertaken;
- the process involved, including opportunities for all Councillors to attend briefings and ask questions, and consideration at Cabinet and Overview and Scrutiny Board; and
- an additional recommendation which had been supported by Cabinet, to be included as '(f) A review to take place after 6 months by the Overview and Scrutiny Board'.

Councillor McDonald proposed the recommendations and these were seconded by Councillor S. Nock.

Council also considered the minutes of discussion of this item at the Overview and Scrutiny Board meeting held on 11th September 2023 and the Cabinet meeting held on 13th September 2023.

Councillor D. J. Nicholl proposed the following amendment: 'Council thanks the Task Group for its efforts to improve the governance and decision making and calls for the Task Group to reconvene and consider further evidence in order to deliver the best possible system for Bromsgrove in time for the final meeting of the year.' Councillor J. Robinson seconded the amendment.

In proposing the amendment, Councillor Nicholl referred to the high number of Councils across the country which operated the Committee system and other forms of governance. He suggested that the Task Group's research had been constrained by the time available to it, particularly as it included the 'summer recess' and examples given in its report were not of the same type of Council as Bromsgrove. Also, since the Task Group had completed its work, reports had been received about Councils which had severe financial issues, and he suggested that the new Governance system should maximise all Councillors' opportunities to check the financial standing of the Council.

During the debate on the amendment, the following points were made:

- the Task Group had been advised and supported by the Centre for Governance and Scrutiny, which was an independent body with knowledge across the sector;
- The Task Group had looked at the effectiveness of the types of governance used and technical aspects. For example, some Councillors considered that the Cabinet form of governance was a 'closed shop' but this observation was also made about some Committee systems, where the Chairmen of Committees had collaborated and other Members had felt excluded from some big decisions;

- The role of a Council's culture in implementing its governance structures needed to be considered and the current proposals offered an opportunity for improving the future governance of the Council which was also affordable;
- The Task Group had fulfilled the brief set by the Council at its meeting in May 2023 and its members had approached the work with open minds. The Group had considered what was working well in the current arrangements and what could improve this further and be embedded. It would not be appropriate to delay implementation of the recommendations as there was a lot of work to do to enable the new system to be implemented for the municipal year 2024/25. However, the view was also expressed that more information should be obtained so that a robust and thorough case for the final form of governance could be made. It was suggested that a delay until the Council meeting in December 2023 would still enable changes to be made in time for the new municipal year;
- Some Members considered that the Task Group's research of a unitary Council's experience of changing its governance system was inappropriate for Bromsgrove as a District Council with different responsibilities and scale; others pointed out that the principles considered applied across different types of local authorities; and
- The view was expressed that it was disappointing that the potential costs of a Committee system meant that it was not recommended. However, the additional recommendation to review the operation of the new governance structure after 6 months meant that it could be changed or refined based on experience.

In accordance with Procedure Rule 18.3, a recorded name vote was requested by Councillor J. Robinson and voting was as follows:

Members voting FOR the amendment proposed by Councillor D. Nicholl:

Councillors S.M. Evans, R.J. Hunter, D.J. Nicholl, J.W. Robinson and S.A. Robinson. (5)

Members voting AGAINST the amendment proposed by Councillor D. Nicholl:

Councillors S. Ammar, S.J. Baxter, S.R. Colella, A.M. Dale, J. Elledge, D.J.A. Forsythe, E.M.S. Gray, B. Kumar, R.E. Lambert, K.J. May, P.M. McDonald, S.T. Nock, S.R. Peters, H.D.N. Rone-Clarke, J.D. Stanley, D.G. Stewart, C.B. Taylor, S.A. Webb, P.J. Whittaker (19)

Members ABSTAINING in the vote:

Councillors C.A. Hotham, H.J. Jones and B.M. McEldowney (3)

On being put to the vote, the amendment was declared lost.

During debate of the original proposal, the following were the main points made:

- The proposals had come forward as the result of collaborative effort across the Council;
- The proposals from the Task Group would empower scrutiny and the role of front-line Councillors;
- The proposals did not enable all Members to have a vote, which would be the only way for all Members to feel enfranchised;
- Whichever system was pursued would be likely to involve informal discussions between leading Members to develop policy proposals;
- The view was expressed that the proposed Cabinet Member Advisory Panels would not be transparent or influential as they would meet in private. However, it was suggested that experience of the Finance and Budget Working Group showed that cross party input at an early stage could influence policy development;
- The proposals were an opportunity to improve the operation of the Council and to meet the challenges facing it, such as levelling up;
- The Deputy Leader invited Cllr J. Robinson to discuss with her outside the meeting his concerns that some members of the opposition felt disenfranchised in the current system;
- The view was expressed that if the proposals led to maintaining a hybrid of the Cabinet system there was a risk of slipping back to the previous culture of the Council. However, the Leader of the Council confirmed that she was committed to continuing to change the culture. The detail of how the changes proposed would work would be discussed in Constitution Review Working Group meetings and proposals brought forward to the Council for agreement;
- If the Council chose to move to the Committee system, then it would be enshrined in legislation and the hybrid system proposed did not have that security. However, Group leaders had committed to agree a memorandum of understanding which demonstrated their commitment to making this work and the inclusion of a review by Overview and Scrutiny also provided an opportunity to reconsider;
- In response to a query, the Monitoring Officer confirmed that most of the proposals in the report to the Council would be included in the constitution, but other aspects would be subject of protocols; and
- The mechanism for review by Overview and Scrutiny was discussed and it was confirmed that this would be reported to Council.

Further to a request by Councillor J Robinson, in accordance with Procedure Rule 18.3, a recorded name vote was undertaken and voting was as follows:

Members voting FOR the recommendations in the report of the Governance Systems Task Group and with the addition of recommendation (f) from Cabinet:

Councillors S. Ammar, S.J. Baxter, S.R. Colella, A.M. Dale, J. Elledge, D.J.A. Forsythe, E.M.S. Gray, C.A. Hotham, H.J. Jones, B. Kumar, R.E. Lambert, K.J. May, P.M. McDonald, B.M. McEldowney, S.T. Nock, S.R. Peters, H.D.N. Rone-Clarke, J.D. Stanley, D.G. Stewart, C.B. Taylor, S.A. Webb, P.J. Whittaker (22)

Members voting AGAINST the recommendations in the report of the Governance Systems Task Group and with the addition of recommendation (f) from Cabinet:

Councillors S.M. Evans, R.J. Hunter, D.J. Nicholl, J.W. Robinson and S.A. Robinson. (5)

Members ABSTAINING in the vote:

No Councillors (0)

On being put to the vote, the motion was declared carried.

RESOLVED that 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.
- e) Introduce a Memorandum of Understanding between all political group leaders to maintain these working arrangements for at least the next four years, and
- f) A review to take place after 6 months by the Overview and Scrutiny Board.

41\23

TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE HEAD OF LEGAL, DEMOCRATIC AND PROPERTY SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING

There was no urgent business on this occasion.

The meeting closed at 7.45 p.m.

Chairman