



BROMSGROVE DISTRICT COUNCIL

EXTRAORDINARY MEETING OF THE COUNCIL

WEDNESDAY 20TH SEPTEMBER 2023

AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

MEMBERS: Councillors S. Ammar (Chairman), B. Kumar (Vice-Chairman), A. Bailes, R. Bailes, 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, D. Hopkins, R. J. Hunter, H. J. Jones, R. Lambert, M. Marshall, 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, C. B. Taylor, S. A. Webb and P. J. Whittaker

AGENDA

WELCOME

1. **To receive apologies for absence**

2. **Declarations of Interest**

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. **To confirm the accuracy of the minutes of the meeting of the Council held on 19th July 2023 (Pages 1 - 30)**

4. **Changes to Committee Membership**

Members are asked to note the changes to the following Committee:

Appointments Committee:

Councillor S. Baxter (Member) and Councillor C. Hotham (substitute)

Councillor David Stewart – (substitute)

Councillor Shirley Webb (substitute)

5. **Governance Systems Task Group Report (Pages 31 - 80)**

A copy of the Governance Systems Task Group's report has been attached together with a report from the Council's Statutory Officers in respect of the findings detailed in the report.

The notes arising from a briefing for all Members on the subject of the Task Group review, at Appendix 7 to the report, will follow in a supplementary pack for the meeting.

A copy of the presentation delivered at that briefing will be published in a separate background papers pack.

(i) Overview and Scrutiny Board - Recommendation on the Governance System Task Group's Report (Pages 81 - 82)

The recommendation agreed by the Overview and Scrutiny Board, at a meeting held on 11th September 2023, on the subject of the Governance Systems Task Group review, has been attached.

The relevant extract from the minutes of the Overview and Scrutiny Board meeting held on 11th September 2023 will follow in a supplementary pack.

(ii) Recommendations from the Cabinet

Any recommendations from the Cabinet meeting held on 13th September 2023 in respect of the Governance Systems Task Group will be published in a supplementary papers pack to this agenda. The relevant extract from the minutes of the meeting of the Cabinet will also be published in a supplementary pack.

All other Cabinet recommendations arising from the meeting on 13th September 2023 will be considered at the ordinary Council meeting due to take place on 25th October 2023.

6. **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**

Sue Hanley
Chief Executive (Interim)

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

12th September 2023

**If you have any queries on this Agenda please contact
Jess Bayley-Hill**

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GUIDANCE ON FACE-TO-FACE MEETINGS

Please note that this is a public meeting.

**If you have any questions regarding the agenda or attached papers,
please do not hesitate to contact the officer named above.**

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Meeting attendees and members of the public are encouraged not to attend the meeting if they have if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.



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- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY 19TH JULY 2023, AT 6.00 P.M.

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

Officers: Mrs. S. Hanley, Mr P. Carpenter, Mrs. C. Felton, Mrs. J. Bayley-Hill and Mrs J. Gresham

18/23

TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S. Colella, H. Jones and D. Nicholl.

19/23

DECLARATIONS OF INTEREST

There were no declarations of interest.

20/23

TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 24TH MAY 2023

The minutes from the Council meeting held on 24th May 2023 were submitted for Members' consideration.

RESOLVED that the minutes of the meeting held on 24th May 2023 be approved as a true and accurate record.

21/23

TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE

The Chairman advised that former Chairman of the Council, Mr. Chris Scurrall, had sadly passed away since the previous meeting of the Council. The Chairman led Members in paying tribute to Mr. Scurrall by observing a minute's silence.

During consideration of this item, the Chairman announced her charity for the municipal year would be Age UK. The Chairman stated that she was looking forward to a number of events in order to help provide support for this worthy charity. Members were also informed that the switching on of the Christmas tree lights would be carried out by children from a school located in Rubery.

The Deputy Chief Executive confirmed that there were no announcements to be made on behalf of the Head of Paid Service on this occasion.

22/23

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

The Leader took the opportunity to pay tribute to former Chairman Mr. C. Scurrall. Members were informed that Mr. Scurrall was one of two Members representing Hagley until May 2015 and had been a Parish Councillor at Belbroughton for over 20 years. It was reported that during this time, Mr. Scurrall had raised money for local charities and was a keen supporter of the Severn Valley Railway. The Leader expressed her sadness at his passing and commented that he would be missed.

23/23

TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC

The Chairman informed Council that no questions, comments or petitions had been received from members of the public on this occasion.

24/23

URGENT DECISIONS

Members were advised that no urgent decisions had been taken since the previous meeting of Council.

25/23

CHANGES TO COMMITTEE MEMBERSHIP

The Chairman informed Members that the following changes had been made to the named substitutes on Committees since the previous meeting:

- Planning Committee - Councillors J. Elledge and P. McDonald
- Appointments Committee – Councillor S. Ammar

RESOLVED that the changes to the named substitutes outlined above be noted.

26/23

AUDIT, STANDARDS AND GOVERNANCE ANNUAL REPORT 2022/2023

Members were informed that usually the Chairman of the Committee in the previous municipal year would present this report. However, as Councillor S. Colella, who had been the Chairman of the Committee in 2022/23, had submitted his apologies for this meeting and the Vice-Chairman of the Committee the previous municipal year was no longer a Councillor, the Chairman decided to postpone this item for consideration until the following ordinary meeting of Council in order that Councillor Colella could present the report to Members and answer any questions Members may have.

27/23

OVERVIEW AND SCRUTINY BOARD ANNUAL REPORT 2022/2023

Councillor C. Hotham presented the Overview and Scrutiny Board Annual Report 2022-23 in his role as previous Chairman of the Board. Members were informed that this had been a very busy year for scrutiny at the Council and several recommendations had been made and agreed by Cabinet.

In particular, the excellent work by the Fuel Poverty Task Group, chaired by Councillor R. Hunter and supported by the relevant Cabinet Member, Councillor S. Webb, was noted.

There were areas that still needed to be monitored for the remainder of the municipal year including the UK Shared Prosperity Fund (UKSPF).

Council was informed that the Finance and Budget Working Group continued to meet and that the Corporate Performance Working Group had been suspended, however a six-monthly report was considered by the Board in respect of service performance.

Councillor Hotham thanked all Board Members, in particular former Councillor J. Till for her work as Vice-Chairman of the Board. In addition to this, all officers who had provided reports presented to the Board were also thanked as were members of the Democratic Services Team, Mrs. J. Gresham and Mr. M. Sliwinski, for their hard work in supporting the Board over the previous municipal year.

Councillor P. McDonald was invited to comment on the report as the current Chairman of the Overview and Scrutiny Board. In doing so, it was noted that some reports had not always been provided to the Board in good time, which had made it more difficult to undertake effective scrutiny and policy development work as outlined in the Annual Report. However, it was hoped that this would change in the future and that Members could be more involved in policy development, particularly in light of the cross party membership of the Cabinet. It was also queried whether the minutes of the Bromsgrove Partnership Board would be made available to Members of the Board as requested in the previous municipal year. Officers undertook to follow up on this request.

Members thanked Councillor Hotham for his successful work as Chairman of the Board in the previous municipal year and commented that many areas of work had been considered, which had included a successful change in the Council Tax Reduction Scheme, that had helped the poorest residents within the District. It was noted that there could potentially be some significant changes ahead, particularly in light of the Governance Systems Task Group investigation that was being undertaken which Members noted could result in changes to the Council's Constitution.

There was a query in respect of the CCTV item contained within the report and it was clarified that there had been an upgrade to the District's CCTV system in recent years. However, there were three cameras that still needed to be upgraded in Rubery, Wythall and Alvechurch. These were not new cameras but were still on the old analogue system. Members were informed that Cabinet had considered and approved a recommendation regarding the completion of the upgrade and associated maintenance costs at a meeting held on 18th January 2023. It was further noted that there were three mobile cameras that could be deployed on request to areas that needed additional CCTV coverage.

The Leader also thanked the Board for their work over the previous years in this important area and commented that this was key to ensuring transparency in Council operations.

Members queried whether progress had been achieved on the recommendations made by the Fuel Poverty Task Group. The Cabinet Member for Strategic Housing, Health and Wellbeing explained that there was a Cost of Living Group that had been established and that they met on a regular basis. In addition to this, the Council continued to work with its energy service provider, Act on Energy. A Cost of Living

leaflet had been circulated to all Members in order for them to distribute to residents and a further leaflet was due to be released very shortly. It was agreed that an all Member briefing be arranged in order to provide Members with an update.

RESOLVED that the Overview and Scrutiny Board Annual Report 2022/2023 be noted.

28/23

ROLE OF THE INDEPENDENT PERSON

Councillor C. Hotham presented the report in respect of the Role of the Independent Person for Members' consideration. In doing so, the following was highlighted:

- The Localism Act 2011 introduced changes to the rules on how Councils upheld standards in public life in 2021. This had resulted in the introduction of a new Code of Conduct for Members and changes to the way complaints were investigated and sanctioned. One of these measures included the requirement that a Council should appoint at least one 'Independent Person' whose views were sought and taken into account by the authority prior to any investigation being undertaken on an allegation.
- The current incumbent, Mr. M. Nock, had been successful in the role for the previous 12 years. However, included within the report it was proposed that the Council joined a scheme that would allow access to a 'pool' of Independent Persons as and when required or if Mr. Nock was unavailable. The scheme, it was reported, operated County wide and the membership comprised six local authorities.
- The allowance for Mr. Nock's services cost £1,632 per annum. If Members were to agree to join the scheme, then an extra cost of £500 per annum would be incurred, which was a percentage of the costs which were shared between all the Councils operating within the scheme.

The recommendations were proposed by Councillor C. Hotham and seconded by Councillor K. May.

During consideration of this item, there were some concerns raised regarding the importance of an Independent Person having local knowledge and understanding the specific needs of Bromsgrove District Council. However, it was explained that Mr. Nock would still provide services to the Council for the ensuing four years, but that a 'pool' of Independent Persons would be available, as and when required.

Members queried what the requirements of the role were under the Localism Act 2011. Officers undertook to provide this information.

RESOLVED that

- 1) For the purposes of the appointment of Independent Persons under section 28(7) of the Localism Act 2011, the Council join the group of Worcestershire local authorities who operated a joint pool of Independent Persons.
- 2) Authority be delegated to the Monitoring Officer to appoint the named individual Independent Persons currently serving in the joint pool, and to make any future appointments to the role of Independent Person.
- 3) The current Independent Person Mr Mel Nock to continue to act as Independent Person for Bromsgrove District Council for another four-year term until July 2027.
- 4) That any costs arising from the new arrangements for Independent Persons be met from the existing budget.
- 5) That authority be delegated to the Monitoring Officer to make any consequential changes to the Constitution.

29/23

OUTSIDE BODIES

Councillor C. Hotham presented the Council Appointment to Outside Bodies report for Members' consideration. It was stated that this was a straightforward report, that outlined the nominations to be appointed to the Outside Bodies for the ensuing municipal year as follows:

Organisation	No. of Appts & Length of Office	Nominations 2023/2024
Amphlett Hall Management Committee	2 (previous years 4) 1 year	H. Rone-Clarke S. Webb
Citizens' Advice Bromsgrove and Redditch	2 1 year	S. Ammar S. Webb
Hereford & Worcestershire Integrated Care Partnership Assembly	1 and a substitute (new group first appointment made by Council on 17th October 2022)	S. Webb Substitute: S. Baxter

Organisation	No. of Appts & Length of Office	Nominations 2023/2024
Midlands Joint Council for Environmental Protection	2 1 year	H. Rone-Clarke
West Mercia Police and Crime Panel <i>Rep and sub must be from majority political group on the Council</i>	1 rep and 1 substitute	H. Jones Substitute: S. Colella
Worcestershire County Council Corporate Parenting Board	1 1 year	E. Gray
Worcestershire County Council Health Overview and Scrutiny Committee	1 1 year	Delegate to the next meeting of the O&S Board to determine
Worcestershire Regulatory Services Board (previously Worcestershire Shared Services Joint Committee)	2 1 year To include relevant Portfolio holder and one other member of the controlling group and one substitute	K. Taylor H. Jones Substitute: M. Marshall (Agreed at the Council meeting held on 24 th May 2023)

The proposals were proposed by Councillor C. Hotham and seconded by Councillor S. Baxter.

RESOLVED that the Council Outside Bodies Appointments for the 2023-24 municipal year be approved as detailed above.

30/23

APPOINTMENT OF INTERIM HEAD OF PAID SERVICE, RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

Councillor C. Hotham presented the Appointment of an Interim Head of Paid Service, Returning Officer and Electoral Registration Officer report.

Members were informed that as a result of the retirement of the Chief Executive Officer, it would be necessary for interim measures to be implemented prior to the recruitment of a new Chief Executive Officer of Bromsgrove District Council. Council was informed that the Deputy Chief Executive, Mrs. S. Hanley, had agreed to become Interim Chief Executive, until such time as a new Chief Executive was in post. The initial part of the recruitment process was currently underway.

The recommendations were proposed by Councillor C. Hotham and seconded by Councillor K. May.

There were questions in respect of whether the Chief Executive Officer role was part of the Shared Service arrangements that covered both Bromsgrove District and Redditch Borough Councils. Furthermore, Members asked whether there was a risk that although Bromsgrove District Council might agree to the arrangements, Redditch Borough Council might not. It was confirmed that the role was part of the Shared Service arrangements and in terms of risks, Members were assured that these interim measures had been discussed and were suitable to both Councils.

Further clarity in respect of the process was requested by some Members and confirmation of when the proposals detailed within the report had been decided. Members confirmed that agreement to the recommendations at this meeting would result in the proposed interim measures commencing on the existing Chief Executive's retirement.

In respect of the recruitment process, it was confirmed that two recruitment organisations had been approached to undertake the recruitment to the new Chief Executive Officer and the Executive Director of Finance roles. Following presentations from both organisations, it had been agreed that West Midlands Employers (WME) would be engaged to carry out the process.

During consideration of this item, sincere thanks were extended to Mr. K. Dicks for his work over his time working for Bromsgrove District Council. Sincere thanks were also extended to Mrs. S. Hanley for agreeing to act as Interim Chief Executive in the meantime.

RESOLVED that on the retirement of the current Chief Executive, Mrs Susan Hanley be appointed as the Council's Head of Paid Service, Returning Officer and Electoral Registration Officer on an interim basis until such time as a new Chief Executive and Head of Paid Service was appointed and in post.

(Prior to consideration of this item, Mrs S. Hanley left the room. She was therefore not present during the debate in respect of this item nor the vote thereon.)

RECOMMENDATIONS FROM THE CABINET

Council was informed that there had been no recommendations made at the Cabinet meeting held on 21st June 2023. However, recommendations had been agreed at the meeting of Cabinet held on 12th July 2023.

Worcestershire Housing Strategy 2023-2040

The Cabinet Member for Health and Wellbeing and Strategic Housing presented the Worcestershire Housing Strategy 2040 for Members' consideration. It was reported that the strategy set out a 20-year vision for the County and the significant role it played in decisions for housing in the future.

Cabinet was informed that the strategy would be delivered through four priority areas as follows:

- Economic Growth and Jobs
- Quality and Standards
- Health and Wellbeing
- Net Zero Carbon and Climate Change

The Cabinet Members for Strategic Housing, Health and Wellbeing explained that the recommendations detailed in the report were being proposed with a slight alteration to the wording of the first recommendation, as detailed below:

"The Worcestershire Housing Strategy 2021 – 2040 be adopted in principle."

In terms of the future for the District, it was confirmed that there would be a local Action Plan introduced in order to address issues at a more local level. This was in the process of being worked on by Officers.

The recommendations within the Worcestershire Housing Strategy 2023-2040 report were proposed by Councillor S. Webb and seconded by Councillor K. May.

Following the presentation, there was a detailed discussion regarding the report, which included the lack of detailed responses to the issue of Climate Change and the risks it posed to communities within the strategy. There was also reference made to several previous

Government reports that had referred to specific risks that would be faced by residents and their communities in the future.

Council was reminded that this was a County wide strategy and was part of a bigger picture and provided a roadmap for the future. Further details in respect of Climate Change would be apparent within the local Action Plan and the Cabinet Member for Climate Change would certainly be involved in this.

Some Members welcomed the strategy and expressed the view that it was good to see that Bromsgrove District Council were taking a lead in this strategy. It was with this in mind that sincere thanks were extended to the Chief Executive in his role as Chair of the Worcestershire Housing Strategy Board. Furthermore Councillor S. Webb was also thanked for her work as the relevant lead Cabinet Member.

Member involvement in the formation of both the local Action Plan and the Council Plan was raised. Members queried whether there would be an opportunity for them to be involved in order to ensure that essential areas were covered in both plans, including affordable housing. It was confirmed that this would be the case and that Strategic Planning Steering Group (SPSG) meetings were in the process of being arranged to discuss these matters further.

Further discussion included reference to the disparity between house prices and income within the District and the growth in numbers of people diagnosed with dementia between 2019 and 2035 and what plans there were to address these areas. Members were also keen to understand what percentage of affordable homes there were within the District. Officers undertook to provide this information.

During a detailed debate, Members raised concerns about adopting the strategy, as it would result in being tied to a strategy that may prove difficult in the future. It was with this in mind that Councillor A. Bailes proposed that an amendment to the recommendations within the report be made and that 'in principle' and 'guidance outlined' be added as follows:

1. "The Worcestershire Housing Strategy 2021 – 2040 be adopted *'in principle'*."
2. Officers be asked to develop a District Level Action Plan with consideration given to *the 'guidance outlined' in this Strategy.*"

Members were once again reminded that this strategy was overarching and that local issues would be addressed in the Action Plan. The Cabinet Member for Strategic Housing, Health and Wellbeing invited Councillor A. Bailes to join the Committee who would be working on the Bromsgrove Action Plan to help provide assurance of how it would work in the future.

It was suggested that the consideration of this report be deferred to help Members better understand the details. However, it was noted that the strategy needed to be adopted by September 2023 and therefore there was not the opportunity to defer this matter and reconsider it at a later date. Members were reassured that local detail would be included within the Action Plan as stated in the preamble above and it was noted that the Cabinet Members was already proposing to adopt the strategy in principle.

On being put to the vote it was

RESOLVED that

- The Worcestershire Housing Strategy 2021 – 2040 be adopted in principle.
- Officers be asked to develop a District Level Action Plan with consideration given to the proposals in this Strategy.

Approval to Spend

The Cabinet Member for Finance and Enabling presented the Approval to Spend report. It was noted that the report set out the key implications of the new Procurement Bill, which needed to be enacted by 1st April 2024. The Bill brought even more transparency to how Councils undertook their business.

It was stated that the Bill would reform the UK's public procurement regime, making it quicker, simpler, more transparent and better able to meet the UK's needs while remaining compliant with the authority's international obligations.

Furthermore, Members were informed it would introduce a new regime based on value for money, competition and objective criteria in decision-making, creating a simpler and more flexible commercial system that better met the country's needs. It would more effectively open up public procurement to new entrants such as small businesses and social

enterprises so that they could compete for and win more public contracts.

Although this was a large area of work, the Council had already begun to put measures in place which had resulted in the majority of the requirements under the new Bill already being met with only a few changes required for transparency purposes. Measures already in place included:

- The Council's No Compliance No Order regime which was implemented on the TechOne system on 1st April 2023. With this, an order could not be raised unless it was linked to a contract or an identifiable procurement route.
- All new suppliers had to be approved by the procurement and payments teams.
- Monthly spending of over £500 was published on the Council's Website.
- The Council had an European Professional Card (EPC) Card system for small expenditure.
- The contracts register was available to Officers, Members and the Public to view.
- The Procurement team was available for monthly meetings with Heads of Service, which ensured that the procurement team had visibility of what service departments were procuring in order to ensure contracts were set up in a way that accorded with the No Compliance No Order regime.
- Procurement training could be provided to the teams on request.
- Monthly Accounts payable training was being delivered.
- There was a dedicated Procurement Team page on the Council's website.

Members were informed that Part 6 of the Constitution contained the Officer Scheme of Delegation. The Scheme of Delegation set out what decisions were delegated to Officers. The Council's Constitution set out that from a financial basis a 'Key Decision' was any item that had a combined financial spend (either as a single item or for the length of the contract) of £50,000 or more. This, it was clarified, included Revenue, Capital and Section 106 allocations.

Notice needed to be provided by the Council in respect of any Key Decisions due to be taken and this was achieved at the Council through the publication of forthcoming items of business on the Cabinet Work Programme. Once this had taken place Cabinet decisions were

actioned via a Cabinet Report and decisions delegated to Officers were actioned and further publicised through Officer Decision notice.

It was confirmed that the Council's Procurement Pipeline provided a forward look of potential contracting opportunities when existing contracts were due to expire. The key task of the pipeline was to allow for proper planning of procurements to ensure the Council maximised its contracting opportunities.

From the data provided to Members from the existing contracts register, it was clear that the £50k threshold for Key Decisions covered far too many projects as many contracts lasted for multiple years. The majority of Councils had traditionally set the key decision limit at the European Union Threshold level of £179k.

Further information on Key Decision limits in respect of other Councils in Worcestershire and the wider local area was provided as follows:

- Wyre Forest District Council - £50k
- Worcester City Council – £164,176 in 2017 (prior to the introduction of a new governance structure)
- Birmingham City Council– Capital £1m, Revenue £500k, Chief Officers £200k
- Solihull Metropolitan Borough Council - £500k
- City of Wolverhampton Council - £250k

The national Contracts finder level was reported as being also set at £200k.

Members were informed that the report had been reviewed by the Finance and Budget Working Group on behalf of the Overview and Scrutiny Board on 7th July 2023.

An Approval to Spend report would be considered at Cabinet on a quarterly basis. Implementing this measure would ensure even greater transparency.

Following presentation of the report, Members discussed the proposals. Some Members commented that they were disappointed that the Constitution of the Council had been breached by Officers and that certain reports had not been provided to Members on some occasions. Although Members understood the need to potentially raise the Key Decision threshold due to the nature of some of the contracts within the Council, £200k was deemed too high by some Members and it was

requested that the increase be in line with inflation. This would result in raising the threshold to £60k at the most during the present time. This amendment was proposed by Councillor P. McDonald and seconded by Councillor J. Elledge.

In considering the proposed amendment, some Members stated that these concerns had not been mentioned during the consideration of the report at the Finance and Budget Working Group as detailed above, and they expressed their disappointment about this. It was also reiterated by Officers that the proposals, as set out within the report, would allow Officers to produce more reports and increase transparency. Contracts valued at £50k - £199,999 would also still be reported to Cabinet on a quarterly basis.

Councillor McDonald subsequently stated that there were a number of new Members within the Council following the local elections in May 2023; and that they needed to be better informed of the procurement process within the Council before making a decision. Given that the changes did not need to be implemented until 1st April 2024, he requested that this item be deferred and that all Members be provided with further information on the changes and the procurement process going forward.

Subject to the preamble above, the Approval to Spend report was deferred and Officers were tasked with providing additional information to Members in the future.

Draft Treasury Management Outturn Report 2022/23

The Cabinet Member for Finance and Enabling presented the Draft Treasury Outturn Report for 2022/23, which included the draft outturn position on the Council's Capital and Treasury Management Strategies, including all prudential indicators. It was clarified that there was a requirement for progress in this area to be reported through Cabinet and then to Council.

The 2021 Prudential Code included a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 27th June 2022.

Included with the report was a summary of the fluctuating economic position for the year from the Council's Treasury Advisors ArlingClose.

On 31st March 2023, the Authority had net borrowing of £2.5m arising from its revenue and capital income and expenditure. It was clarified that the underlying need to borrow for capital purposes was measured by the Capital Financing Requirement (CFR), while usable reserves and working capital were the underlying resources available for investment.

The Council was making returns in the region of 4% for the balances it was investing in the short term (working capital) and it was confirmed that the Council did not have any long-term debt as the Capital Programme had been financed using working balances.

The remainder of the paper set out how the Council was complying with its prudential indicators.

The recommendations contained within the report were proposed by Councillor Hotham and seconded by Councillor May.

Following the presentation of the report, Councillor May extended her sincere thanks to the Finance Team for their significant work in this area and commented that the Council was in a stronger position than most due to the lack of borrowing.

RESOLVED that the Treasury Outturn position for 2022/23 be noted.

Establishment of a Housing Company

The Cabinet Member for Finance and Enabling presented the Establishment of a Housing Company report for Members' consideration. In doing so, it was stated that the report being considered at this meeting followed a number of reports presented to Cabinet on the Burcot Lane Housing Development Scheme at the site of the Council's former offices. It was agreed that the Council would undertake the development of 61 dwellings at the site with the sale of 6 units on the open market and the sale of 18 units of affordable housing to Bromsgrove District Housing Trust. It was also proposed that the remaining 37 units be provided as private rented accommodation. The details in respect of the options of the management of the remaining properties had been included within the report.

Council was informed that the overarching aim of the development was for the authority to assist in balancing the local housing market by

providing high quality private rented housing which would also result in the Council having a long-term capital asset and play an important role in the housing market, which was lacking in Bromsgrove, in the future.

It was hoped that as a result of this development, the Council could work to not only increase the number of privately rented properties but also help towards improving standards within the sector. The creation of a Housing Company provided the framework to meet this ambition of the Council and to provide services that were appropriate to the management of private rented stock.

Council was further informed that there were two additional recommendations to those recommended by Cabinet on 12th July 2023. These further recommendations had been tabled for Members' consideration at this meeting.

All recommendations were prozed by Councillor Hotham and seconded by Councillor Webb.

Following the presentation of the report, Members questioned several areas within the report, including the outstanding £6m debt that had been incurred by the Council during the building of the Burcot Lane Housing project. It was confirmed that the debt would stay with the Council, however the Housing Company would pay the interest on the debt back to the Council. It was also confirmed that the Council owned the lease to the units and that these would not be sold, leaving the Council in ownership of both the lease and the units in the future.

Members commented that this was a successful project and would provide high quality, affordable housing to residents within the District. The rental costs for the units were confirmed as being set at market rent.

There was a large amount of support for the project, particularly in light of the fact that the properties were to be leased and no option for the Right to Buy.

Members stated that they were very proud of the project and that should any Councillors wish to visit the site prior to the opening, they should contact Members or Officers to arrange a site visit.

RESOLVED that

- 1) A housing company limited by shares wholly owned by the Council be established.

- 2) By way of a formal loan agreement between the Council and the housing company and in compliance with the requirements of subsidy control (formerly State aid) the Council provide the housing company initial operating capital to the sum of £50,000.
- 3) Subject to Members' agreement to establish a housing company, a housing company board be established, comprising a membership of 2 Non-Executive Directors and 3 Executive Directors: the Head of Community and Housing Services, the Head of Finance and Customer Services and the Strategic Housing Services Manager.
- 4) Authority be delegated to the Director of Resources to undertake a recruitment process to appoint 2 non-Executive Directors to the Housing Company Board.

32/23

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 21ST JUNE 2023 AND 12TH JULY 2023

The minutes of the Cabinet meeting held on 21st June 2023 and 12th July 2023 were noted.

33/23

QUESTIONS ON NOTICE

The Chairman explained that five Questions on Notice had been submitted for this meeting.

Question submitted by Councillor H. Rone-Clarke

"In recent years, the A38 roundabout at Morrison's (Redditch Road) and immediate surrounding area has been subject to much development; new shops, a Costa Drive-Thru and planned improvements to the A38 mean this area will soon be unrecognisable compared to 5 years ago. Local residents along with myself are, as a result, calling for air pollution monitoring so they can be educated as to the air quality around their homes.

I'm aware that studies have been undertaken prior to development suggesting it would not have a negative impact, but given the other changes that have taken place in the area, will the leader write to Highways to request that a survey is undertaken as soon as possible?"

The Leader provided a response to the question and in doing so reported that duties around air quality sat mainly with the District Council in two tier areas, although under the new Environment Act 2021, County

Councils did have a duty to work with District authorities to improve air quality where levels fell below objective standards.

The Technical Services Team at Worcestershire Regulatory Services (WRS) were responsible for discharging the District Council duties for monitoring Air Quality across Worcestershire. It was confirmed that they carried this out for all six partner Councils, including Bromsgrove, to address the Districts' duties which included reporting on progress with regards to air quality to the Department for Environment Food and Rural Affairs (DEFRA).

Council was informed that in Bromsgrove District there were three Air Quality Management Areas (AQMAs) declared, as follows:

- Lickey End (Junction 1 of M42) - Bromsgrove declared in 2001.
- Redditch Road (A38) - Bromsgrove declared in 2010.
- Worcester Road - Bromsgrove declared in 2011.

It was stated that details of the AQMAs outlined above, could be found on the WRS website under Air Quality.

It was further clarified that the area around Morrisons/A38 roundabout, specifically referred to in the question was near to the Redditch Road AQMA with two sensitive receptor (SR) locations (i.e. houses,) being located within the AQMA at the junction of Redditch Road and Buntsford Hill. The long-term Nitrogen Dioxide (NO_x) tube monitoring locations in this AQMA showed that there had not been any exceedances of the national air quality objectives standard since 2016. In 2022 (the last full year of data), the annual average level of NO_x at locations in the AQMA was 25.91 ug/m³, falling below the national objective standard of 40 ug/m³. Residential properties to the north-east of Morrisons area were set well back from the A38 and this, plus the above results, would suggest that pollutant concentrations were likely to be within the air quality objective standard at these locations.

The view of Officers was that the current monitoring network in this overall vicinity was considered sufficient at this time.

However, Members were reminded that additional monitoring equipment had been funded and that once available, would be deployed across the county at priority sites. Whilst Officers were unable to commit to the additional monitoring at this particular location, it would most certainly be kept under review.

Where there were future developments, such as Costa Coffee, WRS did respond, providing advice on specific planning applications on a case-by-case basis, and this would include addressing issues such as air quality. Recent developments in this vicinity did not appear, at this stage, to have had an adverse impact in terms of causing exceedances of the NOx levels.

Question submitted by Councillor S. Evans

"The Liberal Democrat group welcomes the investment of £14.5 million to improve Bromsgrove, however we would like to ensure that the opportunity is taken to regenerate the entire High Street.

Would the Cabinet Member please confirm whether the ruling Conservative and Independent administration agrees with me that the Council should install hanging baskets, flower planters and heritage lighting on Bromsgrove High Street?"

The Deputy Leader and Portfolio Holder for Economic Development and Regeneration provided the response to this question. In doing so it was reported that the Bromsgrove Levelling Up Fund project included approximately £2 million of funding for public realm improvements on both the south of the High Street and Chapel Street which provided the link through to the Windsor Street Site. These improvements would, it was noted include resurfacing and new street furniture. Works were expected to start in April 2024. Following on from a walkaround the previous year with the Leader and Bromsgrove Centres Manager, several areas were identified for improvements on the high street, such as the removal of tarmac areas which it was confirmed had been completed along with the installation of hanging baskets. Using UK Shared Prosperity Fund (UKSPF) funding, the Bromsgrove Centres Manager was in the process of procuring new planter baskets and associated planting on the lamp columns throughout the high street.

Question submitted by Councillor R. Hunter

"I understand that members of Bromsgrove Sports and Leisure who were unable to access the pool for an extended period earlier this year due to maintenance issues were given the option to pause their membership. Do you think this is sufficient or do you agree with me that members who were inconvenienced but continued to pay membership fees should be offered recompense such as a limited period of free membership?"

As the Cabinet Member for Leisure, Culture and Climate Change had submitted his apologies for this meeting, the Cabinet Member for Environmental Services and Community Safety provided a response to the question.

Members were informed that the Council and Everyone Active who managed the centre completely understood the frustrations felt by members and casual users of the pool through the unfortunate extended closure earlier in the year of the main pool.

As mentioned in the question, members that felt that the pool closure had impacted their overall membership, were given the option to freeze their membership. Members were also given the opportunity to use the neighbouring Everyone Active facilities as part of their Bromsgrove membership. Many sessions were adapted into the teaching pool including lessons, aqua fitness and casual swimming. Those directly impacted, for example lessons that could not be accommodated or swim only members, had had their payments automatically frozen.

To initiate any kind of blanket recompense for all members would have been very difficult as this was a multi-facility site. Therefore, members that only used their membership for the gym, fitness classes or to use the teaching pool with younger children, may not have felt impacted at all by the closure.

Both the Council and Everyone Active were acutely aware of the impact that this had had on residents and that was why it was felt that the most appropriate way to provide recompense to those members who felt impacted by the closer was to freeze their membership on request. Although there was certainly no perfect way to be able to adequately appease everybody impacted by the closure and also not to diminish the impact that those effected would have felt, there had only been a reduction of 8.4% of members from pre-closure until re-opening. The Council would have preferred no reduction in members, but the recompense needed to be through a continuation of high-quality service to users. It was confirmed that the Council was also working with the builders to ensure that an incident such as this did not occur again.

Question submitted by Councillor S. Robinson

“Do you think the A38 BREP will really support the housing needs it is purported to and do you agree with the County Council that the plans, including the closure of the right hand turn into School Lane, are in the best interests of the people of Bromsgrove?”

The Cabinet Member for Planning, Licensing and WRS provided the response to the question and highlighted that the A38 Bromsgrove Route Enhancement Programme (BREP), was coming forward to support housing growth, but also critically supporting the economic growth of the town as well as providing much needed additional infrastructure to support increased levels of walking and cycling around the town.

The A38 works were in part being funded by the Department for Transport and Major Road Network funding and as such, the scheme would go through a high level of technical scrutiny in order to secure the funding. All plans, including the closure of the right turn into School Lane would be subject to this scrutiny to ensure the effectiveness of the whole A38 BREP.

It was stated that the Cabinet Member was not aware of anything further pertinent to this point, other than to be assured that the BREP would achieve its aims and be a benefit and in the best interests of the people of Bromsgrove.

Question submitted by Councillor J. Robinson

“Could you please update us on what has caused the delay to the old market hall redevelopment site and confirm if it is still being taken forward as the best solution for the area?”

The Deputy Leader and Portfolio Holder for Economic Development and Regeneration provided the response to the question and in doing so informed Members that as part of the project design stage (RIBA 3), a Flood Risk Assessment and River Mapping exercise (FRA) was carried out in April 2023, which identified a potential risk with the existing building design. This had led to the project design team focusing efforts on reviewing the FRA and exploring options to mitigate the risk. Following a period of review and extensive engagement with the relevant statutory authorities, the design team had been able to return to a variation of the original pavilion building design, incorporating additional flood remediation works.

The project outputs had not been impacted by the variation to the original pavilion building design. The design work was on course for completion in July 2023 with a target planning submission date of the end of July 2023.

34/23

MOTIONS ON NOTICE

The Chairman explained that five Motions on Notice had been received for this meeting.

In respect of the first two Motions that had been received, the Chairman provided Council with an update regarding live streaming of Council meetings.

It was noted that the subject of live streaming Council meetings using meeting “owls” had recently been discussed by political group leaders. At this meeting it had been agreed that group leaders would like to start live streaming Council meetings on a regular basis within the following six months. The specific arrangements for this remained to be discussed further at the following meeting of the Constitution Review Working Group.

Given all group leaders were in agreement with this, it was agreed that the first two Motions on the agenda would not be discussed at this meeting.

Future of Libraires within the District

Council considered the following Motion on Notice that was submitted by Councillor H. Rone-Clarke:

"There is a threat to the future of our libraries and the way in which they are to be managed. It is proposed that Bromsgrove, Rubery and Wythall Libraries will be the first in the County to become ‘unmanned.’ There will be serious consequences associated with such changes both for staff and users of this service. Therefore, we call upon the Overview and Scrutiny Board to investigate the consequences of such action."

In proposing the Motion, Councillor Rone-Clarke commented that it seemed that there was little consultation with the public in respect of these changes and that the changes were being made as part of the ‘modernisation’ of the libraries.

It was stated that libraires were a vital service for residents including the elderly and those with a disability and that it was extremely important to keep libraires and librarians delivering this service.

Councillor E. Gray seconded the Motion.

The Leader responded to the Motion and in doing so, requested that should the Motion be agreed, Members looked at the Impact of the Review of Libraires Task Group's report that had been carried out in 2021.

Members were informed that Worcestershire County Council (WCC) were looking at rolling out Libraries Unlocked to a number of other libraries, following a successful pilot at Droitwich and Stourport. This involved introducing new technology which allowed customers with Libraries Unlocked membership to enter the library using their library card outside normal opening hours and to use library services independently when staff were not present. Customers who upgraded to free Libraries Unlocked membership would be able to access the library from 8am to 8pm Monday to Saturday.

Since Libraries Unlocked was launched in Droitwich and Stourport Libraries in June 2022, library opening hours had increased by 85%, providing more flexibility and convenience for customers and community groups.

It was reported that the scheduling of libraries for Phase 2 of the implementation prioritised library clusters where Worcestershire County Council owned the freehold of library buildings and progress was not subject to negotiations with landlords or a private finance initiative (PFI) provider. On this basis, two stages of implementation had been identified and Rubery and Bromsgrove libraries were included in Stage 1, with an estimated go-live date of Autumn 2023.

Members were informed that pre-implementation work at library sites included IT surveys, building surveys (including asbestos surveys and surveys of building management systems) and identification of optimal locations for CCTV cameras, PA system and entry control panels.

Work was also undertaken by local Library Managers, supported by feedback from staff consultation, public consultations and engagement with schools, to identify opening hours timetables and new staff posts and working patterns.

A formal public consultation (Library Strategy) on library transformation options, including the option of an Open Library service delivery model, ran from October 2018 to February 2019 and provided customer feedback on respondents' willingness to use the library when unstaffed; concerns that would stop them from using the library when unstaffed and

best times of day for libraries to be unstaffed. A range of measures had been implemented in response to customer feedback.

Local library-based customer engagement sessions would be held before go-live to provide information on Libraries Unlocked and an opportunity for customers to ask questions, share ideas and make suggestions. A survey of Libraries Unlocked customers would run for 3-6 months after go-live to identify what was working well and how the service could be improved.

A formal consultation for staff affected by stage 1 implementation ran from 7th June to 8th July 2023. A similar consultation would be held for Stage 2 once feasibility work had progressed further.

Libraries Unlocked engagement sessions were being scheduled for library staff, relief staff and volunteers in July 2023 to share staff experiences and customer feedback to date and to provide an opportunity for attendees to ask questions, share ideas and make suggestions.

A survey of school children aged under 16 was launched on 30th June 2023 to identify their preferred times for visiting libraries unaccompanied and to ask for their suggestions for new library services. The survey would run to the end of term and survey results would shape final Libraries Unlocked timetables and local service development plans.

Following the response from the Leader, it was confirmed that reference to Wythall Library within the Motion should be replaced by Hagley Library as Wythall would not be part of the scheme as it was connected to the local school.

Members raised concerns about the plans, in particular the potential for the replacement of staff who provided a vital service with technology. The potential issue of an increase in Anti-Social Behaviour (ASB) and the safeguarding of children in unmanned libraries was also raised as a serious concern that could potentially result in compensation payments having to be made if ASB was experienced. It was with this in mind that Members sought further information on the type of security systems that would be implemented in any unmanned library.

There were further concerns identified which included the use of IT equipment for residents who did not have access within their homes and the quality of the service if the libraires were unmanned. It was noted that these measures could not be assessed accurately as they were not

logged but would certainly impact on residents if they were to be removed.

Some Members expressed the view that this was not a step back and could potentially enhance the library services within the District. It would allow more residents to access services after normal working hours if they signed up to a Libraires Unlocked membership. It was also raised that, although savings could be made, the residents would experience more efficiency within the service as the libraries would be opened for longer hours. The potential for using volunteers was also raised as a possibility. Furthermore, it was commented that the current staff working within the libraries could potentially be satisfied with the proposed changes to their contracted working hours.

In summing up, Councillor Rone-Clarke explained that although the point had been raised by Members, if Worcestershire County Council were ensuring cost effectiveness rather than cost savings this would have been promoted as part of the implementation.

On being put to the vote the Motion was carried.

RESOLVED that

There is a threat to the future of our libraries and the way in which they are to be managed. It is proposed that Bromsgrove, Rubery and Hagley Libraries will be the first in the County to become 'unmanned.' There will be serious consequences associated with such changes both for staff and users of this service. Therefore, we call upon the Overview and Scrutiny Board to investigate the consequences of such action.

Recreation Grounds within the District

Council considered the following Notice of Motion that was submitted by Councillor E Gray:

"Unfortunately, at the moment the Council does not have the staff to put bids in for funding from the Lottery and other organisations. At a time when our recreation grounds are crying out for investment it needs this capacity. I therefore call on the Cabinet to review the structural vacancy list as a matter of urgency to explore the reason why these posts remain unfilled."

In proposing the Motion, Councillor Gray explained that the Motion was particularly important in light of the improvements needed within local

parks and recreation grounds and the number of vacant posts within the Council that resulted in Council operations not being able to be carried out in a timely manner. Furthermore, due to the lack of staff in this area, she suggested that Officers were unable to take the time to apply for funding that could provide additional financial support in the upkeep of the parks and recreation grounds within the District.

Councillor McDonald seconded the Motion, and in doing so commented that some recreation grounds had not been upgraded since their installation fifteen years previously. There was specific reference made to the agreement by Council in June 2018 that water fountains be installed in all recreational areas within the District and Councillor McDonald suggested that this had not been implemented.

The Cabinet Member for Finance and Enabling provided a response to the Motion and in doing so explained that he too remembered the agreement of water fountains being installed within the parks and he commented that he would investigate what the current situation was in this area.

It was further stated that on 21st June 2023, Cabinet had agreed that there would be two posts established to work within a new Programme Office that would operate across Bromsgrove District and Redditch Borough Councils. This would provide an opportunity for the Council to access more funding sources, as part of the programme management of individual projects, such as the upgrades to parks and recreation grounds. It was noted that the introduction of a Programme Office had been a recommendation from the Audit Task Group agreed earlier in the year.

Funding that had already been secured by Council Officers included a Salix Grant of £600k for improvements to The Artrix, £1.1m for the clearing of Brownfield Sites, £2.8m of UKSPF and £14.5m in Levelling Up funding. This equalled approximately £19m in funding secured by Officers in recent times. However, it was noted that if more funding was available then Officers should be further identifying and applying for this funding.

Some Members raised concerns that the issue of improvements within local recreation grounds including 'pocket parks' had been an ongoing discussion point for Members and that a meeting had been arranged to discuss this further. Officers were asked to seek some clarity on what the plans were in terms of long term upgrades to the parks.

There was a robust discussion in respect of community members applying for funding to help improvements within their local communities. Members were advised that large amounts had been raised in various areas across the District, which had enabled residents to feel they had ownership of their local parks.

On summing up, Councillor Gray stated that it should not be the responsibility of residents to give up their resources and time to apply for such funding. In response, other Members commented that this was not what had been implied and that there was room for both the Council to apply for funding as well as residents should they wish to.

On being put to the vote this Motion was carried.

RESOLVED that

Unfortunately, at the moment the Council does not have the staff to put bids in for funding from the Lottery and other organisations. At a time when our recreation grounds are crying out for investment it needs this capacity. Council therefore call on the Cabinet to review the structural vacancy list as a matter of urgency to explore the reason why these posts remain unfilled.

Closure of Railway Ticket Offices

Council considered the following Notice of Motion that had been submitted by Councillor J. Robinson:

“This Council opposes the closure of ticket offices at local railway stations including Bromsgrove, Hagley and Wythall and calls on the Leader of the Council to write to the Rail Delivery Group and Secretary of State setting out our opposition to the plans. Council also calls for its media platforms to be used to raise awareness of the consultation and encourage residents to give their views.”

In proposing the Motion, Councillor Robinson expressed his disappointment and shock at the potential number of railway ticket office closures contained within the proposals. It was explained that any such changes would severely impact residents within the District, particularly the elderly and those with a disability.

In terms of the data that had been provided as part of the consultation in respect of the percentage of tickets purchased from the ticket office, Councillor Robinson explained that although it was noted as only 12% of

tickets being purchased this way, it still equated to 180 million train journeys per annum.

Reference was made to the cost savings that had been identified as part of these proposals. However, it was questioned whether these would be achieved, in light of the fact that the proposals included still maintaining staff within the stations but in a more 'roaming' role. This, it seemed, would not only limit any savings made but would make it more difficult for rail users to identify where station staff would be at any one time.

Councillor S. Evans seconded the Motion.

Members expressed the view that the proposals had been widely condemned by the public. This was evident in the number of protests that had been carried out across the Country.

There was support for the Motion and Members stated that not only did the Council consider train travel as a sustainable mode of transport that should be as easy as possible for all residents, businesses, employees, and visitors within the District to access, railway stations provided a reassuring presence within the community for all residents including the District's most vulnerable.

The deadline for the consultation was 26th July 2023. In light of this it was requested that letters be sent to the Rail Delivery Group and the Secretary of State for Transport as a matter of urgency to express the concerns raised by the Council.

On being put to the vote this Motion was carried.

RESOLVED that

"This Council opposes the closure of ticket offices at local railway stations including Bromsgrove and calls on the Leader of the Council to write to the Rail Delivery Group and Secretary of State setting out our opposition to the plans. Council also calls for its media platforms to be used to raise awareness of the consultation and encourage residents to give their views."

35/23

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 9.15 p.m.

Chairman

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OVERVIEW & SCRUTINY BOARD

GOVERNANCE SYSTEMS TASK GROUP

FINAL REPORT

September 2023



Bromsgrove
District Council
www.bromsgrove.gov.uk

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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
<p>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:</p> <ul style="list-style-type: none">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.
<p>Financial Implications for recommendations:</p> <p>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 £40k (plus on costs).</p> <p>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.</p>
<p>Legal Implications for recommendations:</p> <p>Review and revision of the Constitution is governed by Article 15 of the Constitution.</p>
<p>Resource Implications:</p> <p>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.</p>

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.

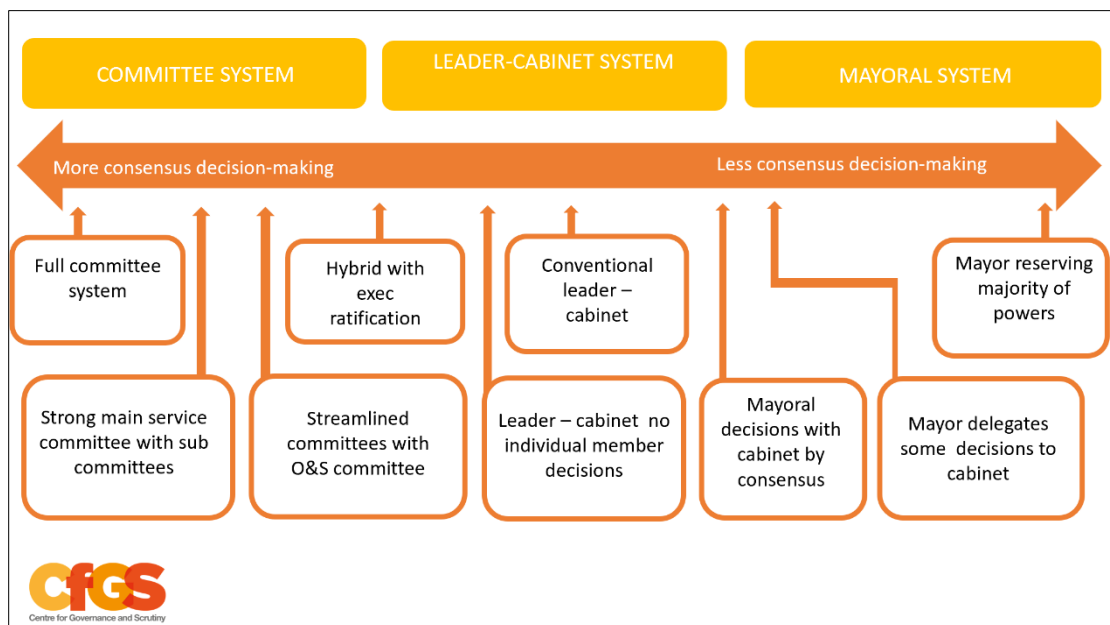


Figure 1: Decision making structure © Centre for Governance and Scrutiny¹

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 apprised 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.
- The introduction of a Memorandum of Understanding between all political group leaders to maintain these working arrangements for at least the next four years. This suggestion was proposed at the briefing that was held for all Members on the subject of the Governance Systems Task Group's review held on 8th September 2023. Whilst Members appreciated that it would be unlawful to fetter the ability for Council to determine alternative working arrangements this proposal was made to ensure that these arrangements would have some longevity and that Members would remain committed to their application at the Council.

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 48 hours of meetings (which represents a circa 61% 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 Committee (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.

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.

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.”

MEETING DATES AND ACTIVITIES

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

Meeting Date	Activities
21 st July 2023	Agreed Task Group Objectives Consideration of information about different governance models Group session: <ul style="list-style-type: none"> • Initial discussion of strengths and weaknesses of the Council’s current governance structure • Initial consideration of design principles for the Council’s governance structure
10 th August 2023	Consideration of questions for Councillor Craig Browne Group session: <ul style="list-style-type: none"> • 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
17 th August 2023	Interview with Councillor Craig Browne, Deputy Leader of Cheshire East Council (Council with a Committee system)
22 nd 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
30 th August 2023	Consideration of financial costs association with governance changes Consideration of timescales for proposed governance changes Finalisation of recommendations

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.

FOOTNOTES AND BIBLIOGRAPHY

Footnotes

¹Rethinking 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	<p>More efficient decision-making process</p> <p>Less delegation to officers</p> <p>Fewer reports for noting</p>	Could be improved in terms of timeliness of information	<p>Administration must always have a majority</p> <p>Committees responsible for Policy, not delivery</p> <p>Pace of decision making has not changed</p>	<p>Number of reports for noting/decisions (more is delegated to officers)</p> <p>Some decisions taken under urgency powers</p> <p>Could be improved in terms of timeliness of information</p>	<p>Important to note that process would need to be in place to improve Member access to information so that Members get info in a timely manner</p>
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	<p>Cabinet to engage and involve</p> <p>O&S to be strengthened and this to be cemented in the Constitution</p> <p>System to allow members to be more involved on a cross-party basis</p>
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!	<p>Solves problems</p> <p>More participation and</p>	It doesn't change who is running the Council	

Design Principle	Current Arrangements		Committee System		Additions?
	Pros	Cons	Pros	Cons	
collaborative working)	<p>Collective and cross-party decision making</p> <p>No member has individual executive authority</p>		<p>Member involvement Collective responsibility</p> <p>It does make for more collegiate working</p>	<p>Generates other Committees More meetings and more work to do</p> <p>No guarantee which way decisions will go</p>	
Putting residents of the whole district of Bromsgrove at the centre of all decisions	<p>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</p> <p>Opposition on Cabinet assists with this</p>		<p>Dealing with cross-cutting issues</p> <p>It can facilitate a culture transformation</p> <p>It can change perceptions of the council</p>	<p>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</p>	<p>Constitute working practices – ensure future proofed</p> <p>Cement geographical representation</p>
Assurance (members being sure that the right things are being done in the right way)	<p>The cross party working arrangements enable more scrutiny and greater knowledge and understanding</p>		<p>Decision making is more transparent</p> <p>Better engagement key items e.g. budget</p>	<p>Committees can make “rogue” decisions</p> <p>Committee Chairmen meeting – is closed so how actually transparent is it?</p>	
Trust and mutual respect	<p>A more balanced decision-making process enables more</p>	<p>Still in early stages and a reliance on constitutional change to</p>	<p>One-Council approach vs silo working</p> <p>Each committee is</p>	<p>Member/Officer contact time can be greater</p>	

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	

**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

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 Committee (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 move 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 discussing 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	Number	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 Committee (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 Group
				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
Licensing 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				
Portfolio 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				
Licensing Committees	Yearly	22				
Constitution Working Group	Yearly	4				
Climate Change Working Group	Yearly	4				
Performance 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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Overview and Scrutiny Board Meeting 11th September 2023
Recommendation on the subject of the Governance Systems Task Group's
report

Recommendation

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.

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 £40k (plus on costs).

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.

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