

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 Matter 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				