

**Member Briefing – Outcomes of the Governance Systems Task Group Review  
Friday 8<sup>th</sup> September 2023 Parkside Hall and Microsoft Teams (Hybrid Briefing)**

**Members Present: (In Person) Councillors P. McDonald (Chairman) and Councillors A. Bailes, R. Bailes, S. Baxter, S. Colella, C. Hotham, R. Hunter, B. McEldowney, K. May, D. Nicholls, J. Robinson and S. Robinson**

**(Remotely): Councillors S. Ammar, A. Dale, S. Evans, E. Gray, D. Hopkins, B. Kumar, R. Lambert, S. Nock, D. Stewart, S. Webb and P. Whittaker**

**Guest: Ms C. Buckley, Centre for Governance and Scrutiny (CfGS)**

**Officers: S. Hanley, P. Carpenter, C. Felton and J. Bayley-Hill**

The Chairman, together with Ms Buckley from the CfGS, the Interim Section 151 Officer and the Head of Legal, Democratic and Property Services, delivered a presentation on the outcomes of the Governance Systems Task Group's Final Report (please see the background papers pack).

During the delivery of the presentation, Members were asked to note the following:

- The CfGS was an independent charitable organisation which had provided expert and impartial advice to the Members of the Task Group throughout the course of the review.
- There were various governance models that could be adopted by a Council and there was no single model that was considered to be best practice.
- The Leader and Cabinet model, which Bromsgrove District Council already had in place, was the most common governance structure in local government across the country.
- There was a spectrum of governance models available to local Councils and even within specific models, there was the capacity to adapt arrangements to meet local needs.
- Bromsgrove District Council already had a more consensual governance system than many other Councils with a Leader and Cabinet model because individual Cabinet Members did not have decision making powers; instead, decisions were taken collectively at meetings of Cabinet.
- There was the potential to have hybrid versions of both the Leader and Cabinet governance model and the Committee system. Each hybrid model could look slightly different, depending on the amendments required by the particular authority, and there were no figures available regarding the number of hybrid systems in operation across the country.
- At an early stage in the review, the group had discussed and agreed a list of strengths and weaknesses that they had identified in the Council's current governance system.
- Strengths had included the appointment of Members from two different political groups to the Cabinet since the local elections held in May 2023, which Members felt had helped to develop more cross-party collaboration amongst Councillors.

- However, Members had agreed that a weakness of the existing system was that backbench Councillors had limited opportunities to get involved in decision making.
- Trust and confidence amongst Members of different political group was also considered to be a challenge, with working relationships having been quite strained prior to the local elections in May 2023. Members had agreed that further progress could still be made in respect of this matter.
- The significant number of meetings already being held under the existing Leader and Cabinet model had been identified as a weakness of the current system.
- The Task Group had subsequently identified a number of design principles, intended to shape future ways of working at the Council.
- Members had noted that they wanted to build on collaborative ways of working and consensus building in the future.
- The group were also proposing that there needed to be more involvement of backbench Members in the future and there was the potential for the introduction of Cabinet Advisory Panels to help with this process.
- Communications had been identified as a key area for improvement, including with reference to how officers communicated with Members and responded to their queries.
- Members needed to be able to access information in a timely manner and it was noted that the Access to Information rules in the Council's constitution might need to be updated to address issues arising in relation to publication of reports for pre-decision scrutiny.
- Under the Leader and Cabinet model, it was considered best practice for the Chairmen of the Audit and Overview and Scrutiny Committees respectively to be members from an opposition group.
- Amendments could be made to the constitution to require these positions to be taken by opposition Members however, there was a limit to how far this could be extended; the Council could not fetter future administrations and appointments needed to be made in accordance with the Council's political balance.
- The need to future proof arrangements to encourage the continuation of collaborative, cross-party working regardless of the outcome of future elections had been highlighted. The suggestion was made that working protocols could assist with this.
- The Committee system involved more consensus building and provided more Members with an opportunity to participate in decision-making.
- However, under the Committee system, there would be more meetings and Members would need to do more work, including attending meetings during the day.
- The group had agreed that residents should be central to Members' considerations and to the governance structure in place at the Council.
- There was a risk with the Committee system that residents' expectations of what the Committees could do might not match a committee's remit. For example, residents might think that thematic Committees could resolve

operational matters when in fact there would need to be a more strategic focus for these issues.

- Under the Committee system there was also the potential that Committee Chairmen would continue to meet in private to agree approaches to particular decisions and the extent to which this was transparent was questioned.
- Each Committee was responsible for its own section of the budget under the Committee system and needed to make sure that decisions were taken within budget.
- However, there was also the potential for Committees to make “rogue decisions” which, if they did not comply with the Council’s budget framework, could create serious difficulties for the authority.
- The review had challenged some of the long-serving Councillors to think differently about the authority. For example, one of the newer Councillors had commented that a recent Council meeting had been quite political whilst an experienced Member had suggested that the meeting was much more collegiate than in previous years.
- Should the Committee system be introduced this would result in an increase in Committee meetings being held at the Council.
- As the Council had many shared services with Redditch Borough Council, including a shared management team and a shared Democratic Services team, there would be a need to hold many of these meetings in the day; whilst Members would not be attending the meetings in Redditch, key Officers could be and they would also need to be available to attend the Bromsgrove meetings.
- It was noted that approximately half the Councillors currently serving at the authority had work commitments and many would struggle therefore to attend meetings during the day.
- The introduction of daytime meetings would necessitate a review of Members’ allowances as Members would need to be recompensed at an appropriate level for attending meetings during the day.
- There would be a significant financial cost to the Council arising from a decision to adopt the Committee system. This related to the need for a thorough overhaul of the Council’s constitution at an estimated cost of £200,000.
- In addition, there would be the need to recruit new staff in Democratic Services. The team were already managing excessive workloads and changes to the governance system would necessitate investment in recruiting more staff.
- The time that would need to be committed by senior and statutory officers to attending meetings would increase and this would have financial implications.
- Subject Matter Experts (SMEs) would also need to be recruited to attend thematic Committees and there was the potential that this would occur at a cost to the Council.

Following the presentation, Members discussed a number of points in detail:

- Whether the Task Group had fulfilled their remit, as detailed in the Motion that had been agreed at the Annual Council meeting held on 24<sup>th</sup> May 2023.

- The reasons for references having been made to Redditch Borough Council in the presentation and in relation to the Committee system in particular.
- The date when the Chairmen of the Audit and Overview and Scrutiny Committees respectively had last been Members from the lead political group. Officers agreed to clarify this after the briefing.
- The extent to which the leading group could influence which Councillor was appointed to chair the Audit and Overview and Scrutiny Committees.
- The potential for the political balance to be suspended to enable a majority of opposition Members to serve on the Overview and Scrutiny Board, as long as no Member voted against this proposal at Council.
- The purpose of the Cabinet surgeries and the extent to which they helped to meet the needs of local residents. The Leader advised that the purpose of the Cabinet surgeries was to help Members address issues within their wards. Members needed to attend these sessions in person.
- The timing of the Cabinet surgeries, which had taken place during the day, meaning that some Members had been unable to attend due to work commitments. The Leader commented that she would be happy to reschedule these surgeries for a later time.
- The extent to which Cabinet surgeries were receiving Officer support. The Leader clarified that Officers were not attending these meetings.
- The fact that Cheshire East Council, which had been consulted during the review, had not reported any significant financial costs arising from that authority's move to the Committee system and the reasons why Bromsgrove District Council should be expect different outcomes. Members were advised that Cheshire East Council was a large authority with a budget of circa £350 million and it was therefore in a position to accommodate greater costs than Bromsgrove District Council.
- The reasons why the group had opted to interview a Councillor representing a large unitary authority that had moved to the Committee system rather than a smaller District Council. Members were informed that the Local Government Association (LGA) had been approached for advice and they had recommended the interview.
- The outcomes of the local elections held in May 2023 and whether the move to No Overall Control could be interpreted as a sign that the public wanted change.
- The difficulties that Councillors with work commitments would have in terms of attending meetings held during the day under the Committee system.
- The value of attracting younger people to stand as candidates in local elections and the potential for daytime meetings to deter some younger people from doing so.
- The financial costs to the Council arising from a change to the Committee system and the extent to which this could be justified to the public during a cost of living crisis.
- The fact that the majority of these financial costs, particularly in terms of changes to the Council's constitution, would be one off costs. The exception to this was recognised as the staffing costs highlighted in the presentation.

- The extent to which local residents were interested in the governance model at the Council as opposed to delivery of Council services.
- The staffing implications of the proposals for the Democratic Services team and the extent to which the financial costs involved in employing additional staff could be shared with Redditch Borough Council. Officers explained that where the workload of the officers was shared with Redditch Borough Council the other local authority would share the costs, and this was likely to occur under the hybrid Leader and Cabinet model. However, the additional staff required under the Committee system would entail extra work generated by Bromsgrove District Council alone and these costs would therefore need to be covered by this Council.
- The extent to which the financial figures provided in the report took into account the amount of time that staff in the Democratic Services team would book as time off in lieu to make up for working during the evening.
- The excessive workloads that the Democratic Services team were already managing and the extent to which the Council was reliant on the good will of team members for the effective delivery of the service.
- The risk that asking the Democratic Services team to undertake more work would lead to their departure from the authority's employment. Members commented that they valued the hard work of the team.
- The impact that the Committee system could have on Officer time, in terms of staff employed in other departments.
- The positives of the Committee system that had been highlighted by Councillor Craig Browne, Deputy Leader of Cheshire East Council when he had been interviewed by the Task Group.
- The size of Cheshire East Council, as a large unitary authority with 82 Councillors, compared to the 31 Councillors serving at Bromsgrove District Council.
- The extent to which the Task Group had been provided with sufficient time to complete their investigation effectively.
- The potential for the Council to postpone making a decision on this subject to provide time for the Task Group to reconvene to interview a representative of a District Council located in the West Midlands region that was already operating the Committee system.
- The potential for Members to visit other Councils operating hybrid Leader and Cabinet models should the Council agree this as a way forward.
- The potential to monitor progress with the delivery of the proposals arising from the Task Group's investigation, should they be approved by Council.
- The implications arising from a delay to the review, including in respect of financial costs and the potential to make changes to the Council's constitution in time for the following municipal year.
- The potential for Cabinet Advisory Panels to enable backbench Councillors to have far more influence over the decision making and policy development process.

- The possibility of operating the Cabinet Advisory Panels in a similar manner to the Finance and Budget Working Group, which Members highlighted as an example of good practice.
- The difficulties that the Council already experienced trying to appoint Members to serve on Licensing Sub-Committee meetings, which were held during the day and the fact that these challenges would be even greater under the Committee system.
- The potential for political party group leaders to agree a Memorandum of Understanding (MoU) to ensure the longevity of the proposed new ways of working under a hybrid Leader and Cabinet model. Whilst Members noted that the Council's future approach to operating could not be fettered, an MoU would help to provide Members with assurance that there was cross-party support to continue with these working arrangements for the remainder of their terms of office.
- The potential to also make changes to the Council's constitution and to agree working protocols that would make it difficult for unilateral changes to be forced through to the system in future.
- The frustrations that backbench Councillors experienced when they were serving in a Council that had a Leader and Cabinet governance model.
- The requirement for there to be more delegations made to officers under the Committee system and how this would operate in practice. Officers clarified that this would be needed to ensure that there was sufficient speed in the decision-making process to enable the Council to function effectively. Delegations to Officers would be recorded in the Council's Scheme of Delegations.
- The power that a majority group would continue to have in respect of decisions taken at the Council regardless of the governance model in place.
- The importance of the Council's culture, including the political culture, and Members' behaviour in relation to how the governance system operated, regardless of the governance model.
- The important role of the Overview and Scrutiny process in enabling backbench Councillors to challenge Cabinet Members' decisions.
- The slow speed of the decision-making process that had occurred at the Council under the Committee system prior to the change to the Leader and Cabinet model in 2001.
- The beneficial impact that an opposition Chairman of Council had had on the tone of Council meetings since the local elections held in May 2023.

Members concluded the briefing by thanking the Members of the Governance Systems Task Group for their hard work. Thanks were also extended to officers as well as to Ms Cath Buckley, from the CfGS, for the support she had provided throughout the review.

**ACTION**: Clarification to be provided as to the last time members of the leading group was appointed as the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board respectively.