

Overview and Scrutiny Board 2024

12th February

Governance Systems Task Group – Progress Update

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

1. **RECOMMENDATIONS**

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

- 1) The proposed amendments to the Committee Terms of Reference, at Part 5 of the Constitution, in respect of special provisions as to the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board, be approved as detailed in Appendix 1 to the report;
- 2) The proposed amendments to the Council Procedure Rules, at Part 8 of the Council's Constitution, in relation to the appointments of the Chairman of the Council and the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board, be approved, as detailed in Appendix 2 to the report; and

To **RESOLVE** that

- 3) The update in respect of progress with the implementation of actions arising from the Governance Systems Task Group be noted.

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2. BACKGROUND

- 2.1 This report provides an update on the work that is currently being undertaken to implement the recommendations arising from the Governance Systems Task Group review that was completed in September 2023.
- 2.2 In line with proposals made by the Task Group, proposed amendments to the Council's constitution are outlined in this report which would enable, where possible, Members from political groups not represented on the Cabinet to serve as the Chairmen of the Council, Audit, Standards and Governance Committee and Overview and Scrutiny Board respectively.

3. OPERATIONAL ISSUES

- 3.1 The Governance Systems Task Group completed a review of the Council's governance model in September 2023. The findings detailed in the group's report were subsequently approved at an extraordinary meeting of Council held on 20th September 2023.
- 3.2 Since Council approved the group's recommendations, the Constitution Review Working Group (CRWG) has held a number of meetings to consider progress with the implementation of the actions that were proposed by the Task Group.
- 3.3 Included amongst those proposals was the suggestion that, wherever possible, opposition Councillors should be appointed to the positions of Chairmen of the Council, Audit, Standards and Governance Committee and Overview and Scrutiny Board.
- 3.4 There has been a Councillor from a political group not represented on the Cabinet serving as the Chairman of the Council during the 2023/24 municipal year. Members have reported that they feel that this arrangement is working well. However, there is not currently a constitutional requirement for the Chairman of the Council to be a member from a political group that is not represented on the Cabinet.
- 3.5 The position of Chairman of the Council is a civic role which is apolitical in nature. The Chairman chairs meetings of full Council as well as representing the authority at civic events.

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- 3.6 Currently the Chairmen of the Audit, Standards and Governance Committee and the Overview and Scrutiny Board are members of political groups that are not represented on the Council's Cabinet. However, this is not a constitutional requirement at the authority.
- 3.7 The appointment of opposition Councillors as the Chairmen of the Audit, Standards and Governance Committee and Overview and Scrutiny Board complies with national best practice for Committees that have a role challenging the Executive (known as the Cabinet in Bromsgrove).
- 3.8 The proposed amendments to the Committee Terms of Reference and the Council Procedure Rules, at Parts 5 and 8 of the constitution, are designed to enable the Council to continue in the future to appoint Councillors who are members of political groups not represented on the Council's Cabinet wherever possible.
- 3.9 There is the possibility that, following future local elections, there may be insufficient numbers of opposition Members available to appoint to the positions of Chairmen of the Council, the Audit, Standards and Governance Committee and the Overview and Scrutiny Board respectively. Should this be the case, then the proposed wording of the Committee Terms of Reference and Council Procedure Rules would enable other Councillors to be appointed to those positions, thereby ensuring that Council business could continue without disruption.
- 3.10 The Council's constitution continues to be reviewed. Further proposed amendments to the constitution will be reported for the consideration of the CRWG at a meeting scheduled to take place on 12th March 2024.
- 3.11 Members are asked to note that any proposed changes to the constitution arising from this process will ultimately need to be determined by Council.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications in this report.

5. LEGAL IMPLICATIONS

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

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- 5.2 With the exception of the Cabinet, the Council is required by law and / or its own constitution to allocate places on its main Committees in accordance with its political make-up and to approve the Committee terms of reference. The main requirements are that:
- the number of seats on each Committee allocated to each Political Group reflects the proportion it holds of the total number of seats on the Council;
 - the Group with the majority of seats on the Council should hold the majority of seats on each Committee.
- 5.3 The definition of a Political Group for these purposes is that it has a minimum of 2 members.
- 5.4 The current composition of the Council enables opposition Members to be appointed to the positions of Chairmen of the Council, the Audit, Standards and Governance Committee and the Overview and Scrutiny Board.
- 5.5 However, the Council's political composition could change in the future, following local District Council elections. The Council will need to assess after each election whether sufficient numbers of opposition Members are available to be appointed to these positions.

6. OTHER - IMPLICATIONS

Relevant Strategic Purpose

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

Climate Change Implications

- 6.2 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.3 There are no equalities and diversity implications.

7. RISK MANAGEMENT

- 7.1 There is a risk that if the Council does not progress in a timely manner with consideration of the changes to the constitution required as a result

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of the Governance Systems Task Group, these amendments will not be in place in time for the start of the 2024/25 municipal year as intended.

8. **APPENDICES and BACKGROUND PAPERS**

Appendices

Appendix 1 – Proposed amendments to the Committee Terms of Reference, at Part 5 of the Constitution

Appendix 2 – Proposed amendments to the Council Procedure Rules, at Part 8 of the Council's Constitution

Background Papers

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

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

Governance systems Task Group – Update Report – report to the Overview and Scrutiny Board meeting held on 20th November 2023: [Governance Systems Task Group - Update Report - 20th November 2023](#)

Minutes of the Overview and Scrutiny Board meeting held on 20th November 2023: [Overview and Scrutiny Board minutes - 20th November 2023](#)

Minutes of the Cabinet meeting held on 22nd November 2023: [Cabinet minutes 22nd November 2023](#)

Governance Systems Task Group Progress Update, considered at a meeting of the Overview and Scrutiny Board held on 16th January 2024: [Governance Systems Update Report - 16th January 2024](#)

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9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor C. Hotham, Cabinet Member for Finance and Enabling	07/02/24
Lead Director / Head of Service	Claire Felton, Head of Legal, Democratic and Property Services	06/02/24
Legal Services	Claire Felton, Head of Legal, Democratic and Property Services	07/02/24