

# Overview and Scrutiny Board 2024

19<sup>th</sup> November

---

## Six-Month Review of Working Arrangements (Hybrid Leader and Cabinet Governance Model)

Relevant Portfolio Holder	Councillor Karen May, Leader and Cabinet Member for Strategic Partnerships and Governance
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Claire Felton, Assistant Director for Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Assistant Director of Legal, Democratic and Property Services Contact email: <a href="mailto:c.felton@bromsgroveandredditch.gov.uk">c.felton@bromsgroveandredditch.gov.uk</a>
Wards Affected	No specific ward relevance
Ward Councillor(s) consulted	N/A
Relevant Council Priority	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 RESOLVE that the six month review of the governance arrangements in place at Bromsgrove District Council be noted.**

### 2. **BACKGROUND**

- 2.1 This report reviews how the hybrid Leader and Cabinet model of governance has been working at Bromsgrove District Council over the last six months.
- 2.2 Members are invited to consider the update provided in the report and to note the progress that has been achieved to date.

### 3. **OPERATIONAL ISSUES**

- 3.1 A review of the Council's governance model was undertaken by the Governance Systems Task Group in 2023. The group's findings were reported at an extraordinary meeting of Council held on 20<sup>th</sup> September 2023 and the proposals detailed in the report were approved.

## **Overview and Scrutiny**

### **Board**

**2024**

**19<sup>th</sup> November**

---

- 3.2 The key proposal detailed in the report was that the Council should have a hybrid Leader and Cabinet model of governance moving forward. To enable this to be delivered, this recommendation was underpinned by six sub-proposals which can be summarised as follows: -
- a. That the changes to the constitution detailed in the October 2023 report be implemented.
  - b. That working protocols be introduced to embed more collegiate working.
  - c. That Cabinet Advisory Panels be introduced
  - d. That action be taken to improve communications with Members
  - e. That a Memorandum of Understanding between all political group leaders to maintain these working arrangements for at least the next four years be introduced.
  - f. That the arrangements be reviewed in six months' time by the Overview and Scrutiny Board.
- 3.3 In addition to the above matters the Governance Systems Task Group also recommended that an additional Democratic Services officer should be recruited due to the increase in workload expected to arise from the changes being made.
- 3.4 Updates are provided within this report on the progress that has been achieved in relation to the matters outlined above. The report has been divided into sections to cover the separate areas and set out the changes that have been made.

### **Staffing**

- 3.5 As set out in paragraph 3.3 above, the Governance Systems Task Group highlighted that the proposed changes would have implications for the workload of the Democratic Services team. The suggestion was therefore made that an additional Democratic Services Officer should be recruited to work for Bromsgrove District Council only and funding was included in the budget in February 2024 to enable this to happen. Since then, a new Democratic Services Officer has been recruited into the team.

**Overview and Scrutiny  
Board  
2024**

**19<sup>th</sup> November**

**On-going review of the changes**

3.6 A series of reports have been considered by the Overview and Scrutiny Board since September 2023 to monitor the implementation of the Constitution Review. This has allowed Members sitting on the Board the opportunity to discuss changes and ask questions. Specifically matters have been considered at meetings on: -

Date of Meeting	Documents considered
20 <sup>th</sup> November 2023	Draft versions of the Memorandum of Understanding and terms of reference for the Cabinet Advisory Group
16 <sup>th</sup> January 2024	General Update
12 <sup>th</sup> February 2024	Changes to the Chairing of Audit, Standards and Governance Committee and Overview and Scrutiny Board, as set out in the Committee Terms of Reference (as amended) and to the Chairman of the Council (where possible) and Council Procedure Rules (as amended)
22 <sup>nd</sup> April 2024	Updated versions of the following parts of the Constitution: - <ul style="list-style-type: none"><li>• Part 7 – Joint Arrangements</li><li>• Part 14 – Planning Procedure Rules</li><li>• Part 12 – Scrutiny Procedure Rules</li><li>• Part 13 – Audit, Standards and Governance Committee Procedure Rules</li><li>• Part 22 – Member Officer Relations Protocol, Including Member Enquiries Guidance at Appendix 1</li><li>• Part 5 – Extract from Committee Terms of Reference – Licensing (Miscellaneous) Sub-Committees A and B</li></ul>

3.7 Changes to the constitution can only be made by Full Council and reports seeking approval of new or amended sections of the Constitution have been considered by Council as follows: -

**Overview and Scrutiny  
Board  
2024**

**19<sup>th</sup> November**

---

Date of Meeting	Documents considered
6 <sup>th</sup> December 2023	Resolved that Memorandum of Understanding be approved.
21 <sup>st</sup> February 2024	Changes to the Chairing of Audit, Standards and Governance Committee, Overview and Scrutiny Board, and Chairman of the Council (where possible) as set out in the Committee Terms of Reference (as amended) and Council Procedure Rules (as amended) were approved.
15 <sup>th</sup> May 2024	Updated versions of the following parts of the Constitution were approved: - <ul style="list-style-type: none"><li>• Part 7 – Joint Arrangements</li><li>• Part 14 – Planning Procedure Rules</li><li>• Part 12 – Scrutiny Procedure Rules</li><li>• Part 13 – Audit, Standards and Governance Committee Procedure Rules</li><li>• Part 22 – Member Officer Relations Protocol, Including Member Enquiries Guidance at Appendix 1</li><li>• Part 5 – Committee Terms of Reference for the Licensing (Miscellaneous) Sub-Committees A and B</li></ul>

3.8 In light of the fact that the main changes to the constitution were approved by Council on 15<sup>th</sup> May 2024, Members of Overview and Scrutiny Board agreed that the “six month review” would be more effective once the new arrangements had been in operation for a period of time. Accordingly, this report constitutes the six month review as referred to at paragraph 3.2 (f) above.

**Introduction of Memorandum of Understanding**

3.9 As part of the process of embedding a more collegiate style of working under the hybrid Leader and Cabinet governance model the final report of the Governance Systems Task Group recommended the introduction

## **Overview and Scrutiny**

### **Board**

2024

19<sup>th</sup> November

---

of a Memorandum of Understanding (“MOU”). In the original Task Group report this was described as : -

“...a Memorandum of Understanding between all political group leaders to maintain these working arrangements for at least the next four years.”

- 3.10 It was further noted that “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.”
- 3.11 Officers worked with Members from all groups through the Constitution Review Working Group to draw up a suitable document for this. Following input from the Overview and Scrutiny Board and the Cabinet a final version of the MOU was approved by Members at Full Council on 6<sup>th</sup> December 2023.

### **Implementation of changes to the constitution**

- 3.12 As can be seen from the Table at 3.7 above a number of changes have been made to the Constitution as a consequence of the introduction of the hybrid Leader and Cabinet governance model. Officers have worked closely with Members on a cross party basis to ensure that the agreed amendments to processes and procedures are accurately reflected in updates to the constitution.
- 3.13 For ease of reference a full list of the changes to the Constitution associated with the change of governance model is set out in the table format at Appendix 1. This covers the period from September 2023 to October 2024.
- 3.14 Members will also be aware that other changes to the constitution not directly related to the contents of this report have been undertaken and approved by Full Council. These are summarised in the table below:-

Date of Meeting	Decision
17 <sup>th</sup> July 2024	Approval of the establishment of the Joint Appointments Committee (“JAC”). This is a joint

## **Overview and Scrutiny**

### **Board**

2024

19<sup>th</sup> November

---

	committee with Redditch Borough Council to take on the functions of appointing Statutory Officers on behalf of both Councils (Chief Executive, Section 151 officer and Monitoring Officer).
9 <sup>th</sup> October 2024	<ul style="list-style-type: none"><li>• Approval that the JAC have a standing committee to deal with matters additional employment matters relating to Statutory Officers regarding disciplinary action, dismissals and appeals. Updated committee Terms of reference to reflect these changes approved.</li><li>• With regard to questions on notice, approval that the Council Procedure Rules in the constitution should be permanently updated to enable up to one supplementary question to be asked by Members at Council meetings which must be based on the original question, or the answer provided to that question.</li><li>• Updating of the Committee Terms of Reference with regard to Licensing Committee including increase in number of committee members on the parent committee and clarification of remit of sub-committees and training requirements for Members to sit on sub-committees.</li></ul>

### **Collegiate working**

3.15 The final report of the Governance Systems Task Group commented on the desire of Members to see the use of protocols to support collegiate working, particularly with regard to the Chairing of Overview and Scrutiny Board and to Audit, Standards and Governance Committee. The Task Group also commented positively on the introduction of having a non-ruling group Chairman of the Council and the inclusion of non-ruling group members on the Cabinet to reflect that the Council's political make up is currently one of no overall control.

## **Overview and Scrutiny**

### **Board**

**19<sup>th</sup> November**

**2024**

---

- 3.16 In terms of capturing these concepts in documentary changes, as already set out in this report changes have been made to the constitution to reflect that the Chairmen of the Overview and Scrutiny Board and Audit, Standard and Governance Committee be appointed from a non-ruling group.
- 3.17 Some of the other changes are harder to crystallise by re-wording of the constitution and depend instead on Members working collaboratively and maintaining good working relationships. For example, the Chairmanship of Council cannot be pre-defined as that appointment is in the gift of Members and accordingly the wording that this will be applied “wherever possible” has been used. The appointment of Cabinet Members is a power that under legislation sits with the Leader and cannot be changed by the constitution. In terms of other documents that can articulate the intentions of members, the introduction of the Memorandum of Understanding referred to at paragraphs 3.9 to 3.11 indicates the desire of members to support a collegiate approach and records the commitment of all groups to achieve effective cross party working.

### **Communication**

- 3.18 The final report of the Governance Systems Task Group identified 4 objectives that Members felt could be actioned to improve communication. Specific issues included work planning for the Overview and Scrutiny Board, access to committee reports, sharing of information within political groups and raising of awarenesses of support and resources available for members.
- 3.19 Members are referred to the table at Appendix 2 which sets out the 4 objectives from the final report and the actions that have been taken to address these. With regard to Member training, in addition to the annual training programme, if there are changes in membership of the Council during the municipal year officers will ensure that newly elected members receive full training. This will include one to one sessions as necessary and general support with induction.

### **Introduction of Cabinet Advisory Group**

- 3.20 Following the report of the of the Governance Systems Task Group officers worked on drafting terms of reference for a new cross party body which was named as the Cabinet Advisory Group (“CAG”). The terms of reference were considered by the Overview and Scrutiny Board on

## **Overview and Scrutiny**

### **Board**

**2024**

**19<sup>th</sup> November**

---

20<sup>th</sup> November 2023 and approved by Cabinet on 22<sup>nd</sup> November 2023. A copy is attached for Members' reference at Appendix 3.

3.21 Members will recall that the aim of holding CAG meetings is to facilitate all member engagement and consultation on strategic issues and Council priorities. The meetings are not treated as formal committee meetings and as such fall outside the constitution. Any elected member may attend and invitations are sent out by the Democratic Services team to all members. This municipal year 6 meetings have been scheduled into the meetings calendar of which so far three have taken place as follows: -

- 8<sup>th</sup> May 2024 – On-Street Car Parking Strategy
- 18<sup>th</sup> July 2024 – Play Audit and Investment Strategy
- 16<sup>th</sup> October 2024 - Review of CAG Meetings

The number of members in attendance has ranged between 10 and 14. The meetings have been chaired by the relevant portfolio holder for each topic considered.

3.22 At the most recent meeting on 16<sup>th</sup> October, members carried out a review of the CAG process. There was feedback that the system had worked well in relation to the On-Street Car Parking Strategy meeting with the external consultant having commented positively on the discussion and input. Views were more mixed in relation to the meeting for the Play Audit and Investment Strategy. Some members commented that it had enabled a difficult topic to be tackled on a cross party basis with issues raised by members at the CAG meeting feeding into the audit and the final report to Cabinet. Other views were expressed that the process felt more like consultation than direct input.

3.23 In terms of more general issues raised it was noted that no topics had been discussed as a result of backbench suggestions. There also seemed to be some lack of clarity around the process for nominating topics and how they would be allocated to the most suitable forum out of the 3 options available, namely a CAG meeting, Portfolio Holder Surgery or a Member Briefing.

3.24 At the end of the meeting the following action points were noted:-

1. Clarification to be provided on the difference between Member briefings, Portfolio Holder Surgeries and CAG meetings.



# Overview and Scrutiny

## Board

2024

19<sup>th</sup> November

---

2. That a standing item be added to the CAG agendas regarding feedback on any suggestions that had been provided by Members and the response as to whether they would be discussed.
3. That information regarding the Portfolio Holders be added to Mod.Gov.
4. That the process of submitting items for consideration at CAG meetings be explained so that all Members are aware.

### **Conclusion**

- 3.25 Introducing changes to established ways of working can be challenging and it takes time for all parties involved to adapt. With the bulk of the changes in this report having only been formally in place since May 2024, it may be too early to draw any well-founded conclusions. However, it is hoped that Members have been able to observe some early positive indications that the changes are enabling a greater degree of cross party involvement.
- 3.26 It should also be noted that a significant amount of work has been delivered, particularly with regard to reviewing and updating the Council's constitution, over the last 12 months in response to the Task Group's proposals, as agreed by Council.
- 3.27 As set out in 3.25 above, a number of suggestions have been made to improve the operation of CAG meetings. Members can expect there to be an on-going process of refining the working arrangements while these become established.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from this report. However, there has been the cost of a significant amount of officer time spent on implementing the proposals arising from the Governance Systems Task Group's review over the last 12 months.

### **5. LEGAL IMPLICATIONS**

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

### **6. OTHER - IMPLICATIONS**

#### **Relevant Council Priority**

**Overview and Scrutiny  
Board  
2024**

19<sup>th</sup> November

---

- 6.1 The issues discussed in this report support the Council priority of sustainability.

**Climate Change Implications**

- 6.2 There are no specific climate change implications

**Equalities and Diversity Implications**

- 6.3 There are no specific equalities and diversity implications.

**7. RISK MANAGEMENT**

- 7.1 Having implemented changes to the Constitution as a result of the Governance Systems Task Group there is a risk that these changes may be less effective at this early stage if they are not kept under review and subject to continued monitoring by Members and Officers. The monitoring and review will highlight where further changes may be needed or where officers should be supporting the process.

**8. APPENDICES and BACKGROUND PAPERS**

**Appendices**

Appendix 1 – Table of Amendments to the Council’s Constitution agreed since September 2023

Appendix 2 – Table of actions in relation to Communication

Appendix 3 – Terms of Reference of Cabinet Advisory Group

**Background Papers**

Governance Systems Task Group’s Final Report – report to the extraordinary Council meeting held on 20<sup>th</sup> September 2023:  
[Governance Systems Task Group - report.pdf](#)

Minutes of the extraordinary council meeting held on 20<sup>th</sup> September 2023: [Council Minutes - 20th September 2023](#)

# **Overview and Scrutiny Board 2024**

**19<sup>th</sup> November**

---

Governance Systems Task Group Update Report – Update to the Overview and Scrutiny Board meeting held on 20<sup>th</sup> November 2023: [Overview and Scrutiny Board agenda - 20th November 2023](#)

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

Governance Systems Task Group – Progress Update – report to the Overview and Scrutiny Board meeting held on 16<sup>th</sup> January 2024: [Overview and Scrutiny Board agenda - 16th January 2024](#)

Governance Systems Task Group – Progress Update – Report to the Overview and Scrutiny Board meeting held on 12<sup>th</sup> February 2024: [Overview and Scrutiny Board agenda - 12th February 2024](#)

Minutes of the Overview and Scrutiny Board meeting held on 12<sup>th</sup> February 2024: [Minutes of the Overview and Scrutiny Board meeting - 12th February 2024](#)

Governance Systems Task Group – Constitution Review – Recommendations – report to the Overview and Scrutiny Board meeting held on 22<sup>nd</sup> April 2024: [Overview and Scrutiny Board agenda - 22nd April 2024](#)

Minutes of the Overview and Scrutiny Board meeting held on 22<sup>nd</sup> April 2024: [Overview and Scrutiny Board Minutes - 22nd April 2024](#)

Minutes of council meeting held on 15<sup>th</sup> May 2024: [\(Public Pack\)Minutes Document for Council, 15/05/2024 18:00](#)