



# Report to Overview & Scrutiny Management Committee

3<sup>rd</sup> December 2019

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**Report of:** Head of Policy and Partnerships

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**Subject:** What works elsewhere? Feedback from conversations with Councils about how their governance structures work.

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## Summary:

The Overview and Scrutiny Management Committee is in the process of considering the Council's governance arrangements and developing principles that should underpin any future decision making structure.

As part of this work, the Committee wanted to talk to Councils who have experience of operating different governance models, and changing their governance arrangements. We arranged visits and conversations for members of the Committee with Rotherham Metropolitan Borough Council, Melton Borough Council and Cheshire East Council. This report sets out the key feedback from these conversations.

As part of this meeting, members of the Committee will have an opportunity to talk to Councillor Steele, Chair of Rotherham MBC's Overview and Scrutiny Management Board about Rotherham's approach to pre-decision scrutiny. There will also be an opportunity for members of the Committee to take part in a conference call with Reading Borough Council about their experience of operating a Committee system

As further background information, attached at Appendix 1 is a paper outlining how a number of other authorities operate their governance arrangements.

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## The Scrutiny Committee is being asked to:

Consider feedback from the conversations with other councils and discuss how the Committee may wish to use this information to inform the development of the principles that should underpin any future decision making structure in Sheffield.

The Committee may wish to pay particular attention to the areas it has previously identified for consideration including: speed of decision making; cross party member involvement; delegations; openness, transparency, clarity, and visible accountability; scrutiny and evaluation of decisions; forward planning of decisions.

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**Category of Report:** OPEN

## **1 Visit to Rotherham Metropolitan Borough Council – Wednesday 13<sup>th</sup> November 2019.**

In attendance:

Sheffield City Council: Cllr Mick Rooney, Cllr Sioned-Mair Richards, Cllr Julie Grocutt, Cllr Jim Steinke, Emily Standbrook-Shaw, Policy & Improvement Officer, SCC

Rotherham MBC: Cllr Brian Steele, Chair, OSMB, Cllr Allen Cowles, Vice Chair, OSMB, James McClaughlin, Head of Democratic Services, RMBC, Janet Spurling, Governance Advisor, RMBC

### **1.2 Purpose of Visit** – to explore Rotherham’s approach to pre-decision scrutiny.

Following the Government appointment of Commissioners at Rotherham, governance arrangements were reviewed, and changes were made to strengthen and enhance scrutiny’s role. The Overview and Scrutiny Management Board meets approximately 24 times a year, in advance of Cabinet. The OSMB considers the Cabinet Forward plan, and can scrutinise any item before a decision is made. Any recommendations the OSMB makes are then presented to Cabinet. The OSMB is chaired by a majority party Councillor, and the Vice Chair is an opposition Councillor. The OSMB co-ordinates the work of 3 Scrutiny Select Commissions (which are thematic) and the Chairs and Vice Chairs of the Select Commissions sit on OSMB.

### **1.3 Key issues**

- Attitude and culture are key. All parties are clear that Scrutiny shouldn’t be used politically – focus is on doing the best for Rotherham residents. Party politics stays in the Council Chamber.
- Pre-decision scrutiny has been effective – resulted in changes to policy and process. Opposition Councillors feel that they have opportunity to influence at appropriate time. Considering decisions before they are made has reduced the number of call-ins.
- Recognition that building relationships is key – regular meetings between Scrutiny Chair, Vice Chair, Leader and Chief Executive. Cabinet Members attend all scrutiny meetings.
- Organisation recognises the importance and workload of OSMB Chair role – on a par with Cabinet Member.

## **2 Visit to Melton Borough Council - Wednesday 20<sup>th</sup> November 2019**

In attendance:

Sheffield City Council – Cllrs Mick Rooney, Sioned-Mair Richards, Peter Garbutt. Emily Standbrook-Shaw, Policy and Improvement Officer.

Melton Borough Council – Cllrs Joe Orson, Alison Freer-Jones, Edd De Coverley, Chief Executive, Adele Wiley, Director of Law and Governance.

### **2.1 Purpose of Visit** – to learn from Melton’s experience of reviewing governance and moving from a Committee System to a Strong Leader model.

In 2018, Melton underwent a governance review. They wanted to be able to

- Make quicker and more timely decisions
- Have the ability to review decisions and maintain checks and balances
- Increase public understanding of who is accountable for what
- Ensure decisions are taken in context and not in isolation – avoid silo working
- Ensure the Council is democratically Member led – reduce delegations to officers

They felt that moving from a committee system to a strong leader and Cabinet model would deliver these outcomes.

### **2.2 Key Issues**

- They feel that the transition has been successful. There is stronger leadership, and clearer direction of the aims, objectives and direction of the Council. Clarity around who makes decisions, and stronger public accountability.
- Recognition that Strong Leader model is only as good as its scrutiny function. Strong focus on pre-decision scrutiny in Melton to avoid over centralisation of power. Role of Scrutiny Chair on a par with Cabinet Member.
- Mechanisms to involve all Councillors in policy development – 3 full council development days per year, cross party policy groups established, chaired by Portfolio holder, eg Climate Emergency. Monthly members bulletin to keep members up to date with developments. Forward Plan of Key Decisions circulated to all Councillors frequently.
- Reduction in number of committee and sub-committee meetings has freed up members for ward work and engaging with their communities.
- Positive response from members of the public to new system – especially around accountability – knowing who is responsible for what.
- Appropriate resourcing and support and training for Councillors in any new governance structure are essential.

### **3 Discussion with Cllr James Nicholas, Cheshire East Council – Friday 22<sup>nd</sup> November 2019**

In attendance:

Sheffield City Council: Cllr Mick Rooney, Cllr Steve Ayris, Cllr Sioned-Mair Richards, Jason Dietsch, Head of Democratic Services, Catherine Pritchard, Policy & Improvement Officer, Alice Nicholson, Policy & Improvement Officer.

Cheshire East Council: Councillor James Nicholas

#### **3.1 Purpose of Conversation** – to learn from Cheshire East’s experience of moving to a Committee system.

Cheshire East Council is currently in the process of moving from the Leader and Cabinet model to a Committee System. Councillor James Nicholas is part of the Independent Group and Chair of the Constitution Committee at Cheshire East and is leading the work examining their future model. Cllr Nicholas came to Sheffield to talk to OSMC about his experience of the process of changing systems.

#### **3.2 Key Issues**

- The process in Cheshire East originated with the Independent Group circulating a petition which reached 9,000 signatories. All out elections in May changed the makeup of the Council from a Conservative-led Council to one with no overall control. The Independent Group has therefore joined with Labour and gave notice of the motion to Full Council as a cross-party motion, which was voted through almost unanimously. Due to the regulations the change to a committee system will have to occur at the Council’s AGM, this gives Cheshire until May 2020.
- From the Constitution Committee at Cheshire East a cross-party Governance working group is currently looking at how they would like their committee system to work. The working plan is currently looking at creating six committees related to the services which the Council provides, these would be: Finance; Corporate; Economy, Communities and Environment; Highways and Transport; Children and Families; Adults and Social Care.
- Full information is available from public papers here:
  - <https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s73206/Constitution%20Committee%20Report%20Formal%20Resolution%20-%20report.pdf>
  - <https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s73209/Constitution%20Committee%20Report%20Formal%20Resolution%20-%20app%20B2.pdf>
- The Corporate Committee at Cheshire East will be the parent committee but does not allow for the overriding of decisions, instead they can decide where

decisions will be taken in the first place. Instead of having a call-in system there would instead be the opportunity to 'refer up' back to the Corporate Committee and there will also be the opportunity to refer to Scrutiny. Public participation will be encouraged at committees with all meetings being open where possible, unless a report is private or confidential. There will be a mechanism for urgent decision making.

- The overall message which came across from the discussion was the importance of consultation no matter what system is put in place and that culture and transparency are essential for good governance. There is recognition that it won't be right first time, and monitoring and review will be essential.

#### **4. Recommendations**

##### **The Scrutiny Committee is being asked to:**

Consider feedback from the conversations with other councils and discuss how the Committee may wish to use this information to inform the development of the principles that should underpin any future decision making structure in Sheffield.

The Committee may wish to pay particular attention to the areas it has previously identified for consideration including: speed of decision making; cross party member involvement; delegations; openness, transparency, clarity, and visible accountability; scrutiny and evaluation of decisions; forward planning of decisions.

## Governance Structures

The following information describes the some different models of governance that are in operation in a number of Councils across the UK. The models represented are a mixture of committee, leader-cabinet and mayoral.

Information on these Councils has been sourced from their websites.

### **Hybrid model - Kent County Council**

**Full Council** - agrees the Budget, the Constitution and the Plans and Strategies that form the Policy Framework

**Cabinet** – responsible for decisions which are not being made elsewhere and hold places on: Corporate Parenting Panel, Kent and Medway Joint Health and Wellbeing Board, Kent Health and Wellbeing Board

**Regulation Committees** - Electoral and Boundary Review Committee, Governance and Audit Committee, Personnel Committee, Personnel Committee - Member Appointment Panel, Planning Applications Committee, Regulation Committee Appeal Panel (Transport), Regulation Committee Member Panel, Selection and Member Services Committee, Standards Committee, Superannuation Fund Committee

**Cabinet Committees** – each portfolio has an advisory committee, the committee considers and either endorses or makes recommendations on statutory Key and significant decisions to be taken by the Cabinet Members either collectively or individually. The Committees are (clickable links to relevant webpages):

- Adult Social Care Cabinet Committee
- Children's, Young People and Education Cabinet Committee
- Environment & Transport Cabinet Committee
- Growth, Economic Development and Communities Cabinet Committee
- Health Reform and Public Health Cabinet Committee
- Policy and Resources Cabinet Committee
- Property Sub-Committee

Scrutiny committees:

- Health Overview and Scrutiny Committee
- Kent and Medway NHS Joint Overview and Scrutiny Committee
- Kent and Medway Stroke Review Joint Health Overview and Scrutiny Committee

- Kent Flood Risk Management Committee
- Kent Utilities Engagement Sub-Committee
- Scrutiny Committee

The Select Committee work programme is set by the Scrutiny Committee and endorsed by the Cabinet:

- Select Committee - Bus Transport and Public Subsidy
- Select Committee - Grammar Schools and Social Mobility
- Select Committee - Knife Crime in Kent
- Select Committee - Loneliness and Social Isolation
- Select Committee - Pupil Premium

## **Committee System - Reading Borough Council**

### **Full Council**

The Council operates the following committees covering the authority's main functions as Standing Committees and Sub-Committees (clickable links to the relevant webpages):

- Adult Social Care, Children's Services and Education Committee
- Housing, Neighbourhoods and Leisure Committee
- Mapledurham Playing Fields Trustees Sub-Committee
- Policy Committee
- Strategic Environment, Planning and Transport Committee
- Traffic Management Sub-Committee

**Regulatory Committees:** Licensing Applications Committee, Licensing Applications Sub-Committee 2, Licensing Applications Sub-Committee 3, Planning Applications Committee

Other Committees:

- Audit and Governance Committee
- Health and Wellbeing Board
- Personnel Committee
- Standards Committee

### **Consultative Bodies**

These are not formal committees but groups which can be brought in when discussing certain topic areas. They are: Access and Disabilities Working Group, Arts & Heritage Forum, Cleaner Air & Safer Transport Forum, Older People's Working Group, Safer Reading Neighbourhood Forum, Standing Advisory Council on Religious Education.

## **Committee System - Cambridgeshire County Council**

### **Full Council**

Cambridgeshire County Council operates under a Committee System with a General Purposes Committee of Chairs sitting as the parent committee.

### **General Purposes Committee**

- Made up of 15 members overarching and coordinating role and has authority for oversight, operation and review of Corporate Services.
- Subject to proportionality, the Committee includes the Chairman/woman of the Adults Committee, the Children and Young People Committee, the Economy and Environment Committee, the Health Committee, the Highways and Community Infrastructure Committee, the Commercial and Investment Committee, and the Communities and Partnership Committee.
- The Chairman/woman and Vice-Chairman/woman of the General Purposes Committee is appointed by Full Council and shall be, ex officio, the Council Leader and Deputy Council Leader.

### **Seven Policy and Service Committees**

- Adults Committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the County Council, of social care services to eligible adults within Cambridgeshire.
- Children and Young People Committee has delegated authority to exercise all the Council's functions, save those reserved to Full Council, relating to the delivery, by or on behalf of, the County Council, of services relating to children and young people.
- Commercial and Investment Committee has delegated authority to exercise the County Council's functions in respect of creating a commercially focused

organisation through the development and implementation of innovative, growth focused, commercial strategy.

- Communities and Partnership Committee is authorised by Full Council to deliver the County Council's ambition to build stronger self-sustaining communities as expressed in its Community Resilience Strategy, and to work together with the Mayor, combined authority, district councils and other partners to design and deliver services which best meet the needs of those communities
- Economy and Environment Committee has delegated authority to exercise all the County Council's functions, not otherwise reserved to Full Council, relating to the Economy and Environment within Cambridgeshire.
- Health Committee has delegated authority to exercise the County Council's functions in respect of public health and the review and scrutiny of any matter relating to the planning, provision and operation of the health services in Cambridgeshire.
- Highways and Community Infrastructure Committee has delegated authority to exercise the County Council's functions, other than those reserved to Full Council, in relation to highways and community infrastructure within Cambridgeshire.

Other committees: Audit and Accounts Committee, Pension Fund Committee and Planning Committee, and several committees established jointly with other authorities.

Cambridge City Joint Area Committee is a joint committee of Cambridgeshire County Council and Cambridge City Council to consider and determine significant transport issues within Cambridge City.

## **Committee System - Royal London Borough of Kingston Council**

Modern Committee System with strategic, neighbourhood and regulatory committees

Full Council sets the policy and budgetary framework and appoints the Mayor, the leader, lead members, licensing, development and overview and scrutiny members

5 strategic committees:

- Finance and Contracts
- Strategic Housing and Planning
- Community Engagement
- Environment and Sustainable Transport
- Children's and Adults Social Care and Education

#### 4 neighbourhood committees

- each neighbourhood has its own budget and can make decisions on a range of services, including traffic management, planning applications, parks, libraries, housing management, youth service and licensing matters
- Neighbourhood meetings are held in public and usually take place every five/six weeks locally within the neighbourhood to make it easier for residents to attend.
- Each neighbourhood committee has its own procedures to allow residents to ask questions and to speak at meetings. This includes:
  - up to 30 minutes at the start of the meeting for residents to ask their councillors questions on local issues
  - the opportunity for residents to speak on items on the agenda

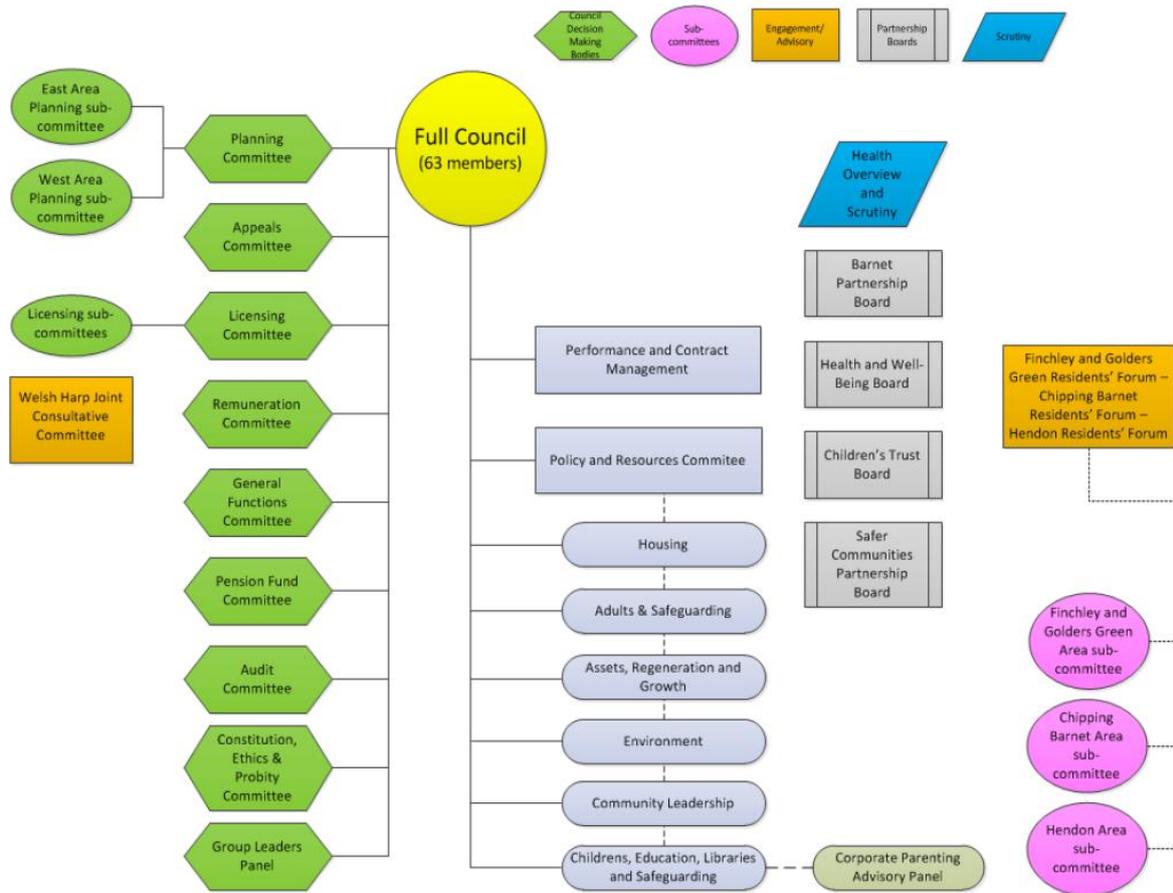
The Council's website also indicates that they intended to introduce new 'community forums' from June 2019 which enable residents to 'have their say on local issues that matter to them'. The first round of events focused on developing local Community Plans.

#### **Committee System - London Borough of Barnet**

Barnet Council operates under a Committee System, where decisions are taken by proportionally representative Committees. They also operate with their statutory and their strategic committees separated out.

Strategic committees include: Performance and Contract Management; Policy and Resources; Housing; Adults and Safeguarding; Assets, Regeneration and Growth; Environment; Community Leadership; Children, Education, Libraries and Safeguarding

The diagram below shows the structure of Barnet's Committee System:



## Cabinet with advisory boards - Tunbridge Wells Borough Council

Tunbridge Wells operate under Leader/Cabinet model – they have a Cabinet but also have cabinet advisory boards which can question decisions. The system is designed to make decision making process easier for consensus and less adversarial.

Each Cabinet Advisory Board has the following general responsibilities:

1. Consider and where necessary make recommendations on all key and non-key decisions to be taken by Cabinet that fall within the remit of the Cabinet Advisory Board.
2. Assist and advise the Cabinet in the development of the Policy Framework issues that fall within the remit of the Cabinet Advisory Board.
3. Assist in the development of Cabinet decisions within the remit of the Cabinet Advisory Board that require wider member involvement.

Cabinet Advisory Boards have the power to:

1. Request members of the Cabinet and officers to attend before it to answer questions.
2. Question and gather evidence from any person (with their consent)
3. Co-opt expert individuals on a non-voting basis to assist their work.

Committees: Audit and Governance, General Purposes, Licensing, Licensing Sub-Committee, Overview and Scrutiny, Planning

They also have a number of non-decision making bodies who can be brought together to discuss key issues and inform matter for example Code of Conduct and Joint Transport.

### **Elected Mayor - Bristol City Council**

Bristol is run by a directly elected Mayor who forms the Cabinet on an annual basis.

The Cabinet's role is to:

- provide leadership
- propose the budget and policy framework
- implement policy through strategic directors.

They also have regulatory committees, and then an Audit and an HR committee.

### **Cabinet with Committees – Newcastle City Council**

Leader/Cabinet model – Leader, Deputy and eight Cabinet Members

[Non-executive committees](#) – make decisions or make recommendations to City Council, such as on planning, licensing, employment, elections and constitution. These Committees are: the Constitutional Committee, Planning, Regulatory and Appeals sub-committee, licensing sub-committee and standards

[Advisory committees](#) – audit, corporate parent advisory, Mansion House Trust Advisory

[Scrutiny](#) – Overview and Scrutiny, Health Scrutiny, Finance and Budget Monitoring Scrutiny Sub-Committee

[Ward Committees](#) - deal with service issues at a ward level and involve local people in decision making. Every year, each ward holds an Annual Ward Event to agree priorities for the year ahead.