



Governance Committee 7th December 2021

Evidence Session B

Academic

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Sheffield City Council: Governance Arrangements Inquiry.

Introduction

The paper sets out some of the issues that can support the transition to a committee system in Sheffield and raises a series of questions that will assist the council in adopting a system that builds on the strengths of the committee system while minimising its weaknesses. It focuses on a number of areas that might assist in the transition rather than provide a comprehensive overview of how a transition should work as that information will come from other sources available to the council.

The suggestions in the paper are also designed to enable the council to ensure that a committee system does not lose some of the strengths of the scrutiny process and how that can become part of a committee system. The paper does not examine the necessary legal steps – altering the constitution, deciding on the terms of reference of new formal bodies, etc – that are required; rather it looks at the political and process issues that are of importance to a transition to a committee system.

Changing Systems: Member Engagement

Often overlooked in the formation of governance arrangements is the importance of the involvement of all members, from all groups, in the design of the shape and operation of a committee system. Also often overlooked are the effects of changes in the council membership over time and the need to ask if the system reflects the needs of new groups of members as they emerge.

There is a danger that a system is constructed that suits the needs of the council as an institution only and the needs it has to ensure certain decisions are taken, in certain ways at certain times. While this is understandable, councillors need deliberative and explorative forum to explore and assess different policy issues and committees, if not carefully constructed, can become simply decision-making bodies. If the latter emerges considerable frustration can result for members.

The process of change not only needs to be member lead, but member inclusive, which requires:

- Regular and frequent updates on the progress of the transition to a committee system to all members
- Small group discussions among members as an on-going part of feeding into the review
- A system for members' thoughts and comments to be regularly transmitted to the review group
- Involvement of members in any decisions about whether a committee system is thematically or services based

The success of any system rests on the engagement of all members to create the sense that the system is one which members have constructed rather than they have had given to them.

The Purpose of System change

In the transition to the committee system a clearly defined purpose for the change should be designed at an early stage. Put simply

- What is the system designed to achieve?
- What tasks and functions will it need to conduct?
- How will the committees be resourced and supported?
- Will the same committees deal with decisions and policy-making or will the two processes be separated?
- What system will be used to ensure a broad strategic oversight of policy and decisions and how will that system relate to individual committees?
- How will accountability, transparency and openness of the committee system and structure be achieved?

It is necessary to avoid the temptation to focus primarily and too early on the details of the new system without exploring and agreeing the strategic purpose and direction. Too much detail too soon risks a system from which members are disengaged and fails to provide a system that will meet the need for strategically oriented change.

It is necessary in the transition process to identify early on the aspects of the current system that members may want incorporated into the new system; examples being the deliberative and investigative process of overview and scrutiny or the simplified decision-making of an executive system.

The change needs to identify the strengths and weakness of the current system and how the new system can incorporate the strengths and minimise the weakness and do so within the framework of a series of council committees. Mapping those strengths and weakness in a clear fashion provides for a regular re-visiting of the overall purpose of the change and avoids details without vision.

After the creation of an agreed and a clear strategic purpose it is possible to then design a set of terms of reference for the overall process. The central point here is not to rush the process.

After the overall purpose of the change has been explored and agreed a set of second level purposes can be set by members, such as:

- Members' degree of involvement in decision-making and the nature of that involvement
- The nature of member-officer relationship within the new system
- Member engagement in strategic decision / policy such as the budget
- What degree of input, oversight and control will members have of service operation?
- How will the system support members' roles as community representatives and their activities within their wards?
- Will there be a series of area committees or area / ward forum and if so how will they link into the committee system and what role will they play in any committee's tasks and processes?
- What support and resources will members require in operating the new system and how will they be provided?

- How will the new system engage the public and what processes and structures will be introduced to support public engagement with each of the committees created and with any structure created to provide a strategic overview of the work of the various committees?
- Will the new system be open to a review process after a period of operation and if so how? It is best to plan for a review of the new system after a period of time so unforeseen issues can be addressed and an assessment made of the way in which the new system is working.

The above list is by no means exhaustive of the issues to be faced in the transition to a committee system; rather it provides examples of a set of questions and purposes which have to be addressed if the new system is to maintain the strengths of the current system and overcome any perceived weakness.

As always the best answers to the issues above can be provided by the full engagement of all members at each stage and avoiding members being confined to simply accepting or rejecting the new system.

The Party Group

Often overlooked in the creation of a committee system is the role of the party group and the relationship it has with members and their activities on committees. If the newly established committees are to fulfil any potential as a place for debate, deliberation and investigation and decision-making a challenge exists for how to make committees compatible with party group standing orders. The expectation of loyalty and adherence, by councillors, to decisions made in private party group meetings conflicts with the expectation that a committee will operate as a deliberative forum which will debate issues and make decisions on the basis of that debate.

Majority groups holding private meetings and voting on recommendations before they go to the formal committee and then imposing a whip on its members to vote in accordance with that private pre-meeting, means that the majority group's view will prevail in the committee. While that is convenient for decision-making, it negates the principle of a committee as a place where all members, irrespective of majority or minority group status, are able to have an equal input to the process and have equal opportunities to influence the outcome of debate and decision-making.

To avoid the practices of party groups negating the purpose of committees, which they had done long before the Local Government Act 2000, a more subtle and sophisticated approach to the use of the whip – by all groups (majority and minority(s)) - is required and that means:

- As much business as possible before committees is not subject to a pre-meeting and pre-decision by party groups or subject to the imposition of a whip
- Groups introduce a graduated whipping system of one, two and three line whips which give the member the opportunity to reflect on their group's position, their own views and views they may receive from constituents and other sources. One and two line whips not having the full disciplinary consequences for the member who does not adhere to them as a three line whip

Such requirements must be agreed and applied by all groups and should be part of the council's constitution. Such a change will also pose a challenge for the political culture of any council, especially those that are highly party politicised, and requires much more open exchanges and fluid debate between party groups during council committee meetings.

Ensuring the System Matches Requirements

A committee system normally requires far more member time and attendance at meetings than executive arrangements, particularly for those members that are not part of the formal leadership of leader, deputy leader and committee chairs. As committees are a labour intensive system the temptation to create a plethora of sub-committees should be avoided and if sub-committees are created suitable delegation should be introduced to prevent the need for sub-committees to constantly report to the parent committee.

The range of different council processes and systems for decision-making that currently exists will need to be explored and revised when a transition to a committee system is being introduced particularly any relevant legal issues and requirements. The new system will need to incorporate a review of the following:

- Financial regulations and procedures, including audit regulations and delegation of financial powers
- What financial and other management monitoring information will be processed through committees and how the committee structure assists members in utilising such data
- A political policy work-plan that sets out the strategic direction of the council and how the activities of the various committees fit in with that work plan (such a document is the responsibility of members to produce).
- How the public can input to the review and how the views received from the public will be explored and assessed by members

Given the particular circumstances of Sheffield City Councils transition to a committee system the latter bullet point above – involvement of the public – is of particular note. While the system must fit the objectives and priorities of the council members and provide them with a structure within which to pursue those objectives and priorities, it must also be shaped by engagement with the public to ensure the system encompasses some of the principles and arguments set out during the referendum campaign. Insufficient public engagement in the transition process and the final overall shape of the new system could lead to public disengagement or dissatisfaction with the process and its outcome.

Conclusion

Overall the transition to a committee system needs to encompass the strengths of the executive system and minimise the weakness of the committee system itself. Therefore the transition process needs to be based on such an understanding of strengths and weakness as well as how best to ensure openness, transparency and accountability of the new system introduced and of the transition processes itself.

Both full engagement of the entire elected membership of the council is vital to creating a system in which members find acceptable and effective. That requires moves beyond reports from the review group informing members of progress to multiple and varied ways in which members can engage with the process including use of informal systems of information flows and the use of IT and social media accounts – restricted to council members – which can be used for the collection views and opinions about the new system.

Equally it is vital that the public are engaged in the transition process and that the new system provides ample opportunities for the public to engage with members through the committee system. Such engagement need not be restricted to ‘public question time’ but could introduce more inclusive debates between communities and citizens in the forum of a committee with members and that debate to take place before any votes are taken at a separate event.

Accountability remains an important issue for a committee system as committees can blur who is responsible for decisions: is it the entire committee membership? Is it only those voted for a particular issue? Is it the chair and vice-chair? Where the line of accountability is within a committee system is a difficult task to clarify.

Serious attention must be given to the operation of the party group system and the use of pre-meetings, pre-determined votes on issues before committees and the requirement for members to abide by pre-decisions through the use of the whipping system. Without a sophisticated approach to whipping and group loyalty, many of the perceived benefits of committees can be negated.

A clear set of objectives, purposes and an understanding of what the new system should deliver for both members and the public are required to avoid frustrations emerging among members and the public once the new system is operational.

A regular annual review of the system should be conducted and changes made as and when necessary.



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