

Governance Committee

Meeting held 6 April 2023

PRESENT: Councillors Julie Grocutt (Chair), Sue Alston (Deputy Chair), Christine Gilligan Kubo, Dianne Hurst, Mark Jones, Mary Lea, Mike Levery, Joe Otten and Richard Williams (Substitute Member)

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Penny Baker, Bryan Lodge and Mick Rooney.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the press and public.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest made at the meeting.

4. MINUTES OF PREVIOUS MEETING

4.1 RESOLVED: That the minutes of the meeting held on 9 February, 2023 were agreed as an accurate record subject to an amendment to paragraph 6.10 to reflect that the discussion was around the necessity to determine committee remits prior to the AGM and not advising that it may be “good practice”.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 The Committee received questions from a member of the public, prior to the meeting. It was noted that those questions and responses provided by the Head of Policy and Partnerships would be included in the minutes.

5.2 Ruth Hubbard

The questioner did not attend the meeting in person but the answers from officers are included in the minutes for information. A written response was sent to the questioner.

1. The Street Trees Inquiry Report reveals serious governance failures over many years, and reports these go beyond the street trees dispute (and as we all know).

Is the council already talking to its external auditors about the Inquiry Report and, if not, will this committee push to ensure this happens straightaway given the auditors statutory responsibilities to investigate and, for example, report in the public interest (issue Public Interest Reports)?

This question is not within the remit of the Governance Committee.

2. The inquiry Report also appears to expose the systematic and repeated breaking of the Members Code of Conduct (embedded in the constitution) but with no effective action taken by Members throughout the period, nor by the Monitoring Officer. Indeed, council attention in this respect was directed towards precisely the wrong people in the council - namely Members who tried to challenge or expose the wrongdoing, rather than the perpetrators.

In light of this comprehensive failure of this aspect of governance AND the dysfunctional response to it, what action can the Governance Committee take in the immediate term to address the significant risks inherent in repeated breaches of the Code of Conduct and a failure to even recognise these when they happen let alone challenge them?

This question is not within the remit of the Governance Committee. The regime for Member Standards is an issue for Audit & Standards Committee

3. Given the serious findings of the Report why have not Councillors Fox and Lodge immediately resigned from public office? Does this not represent simply a continuing, chronic failure to uphold basic standards of good governance, to bring the council into disrepute, and to further undermine public trust, confidence and basic legitimacy? How concerned is the Governance Committee about this, and what is it doing about it?

This question is not within the remit of the Governance Committee. The regime for Member Standards is an issue for Audit & Standards Committee.

4. On the Governance Review thank you for the answers to my lengthy questions last time. The answers, in important ways, certainly appear to acknowledge some limitations of the approach to, and implementation of, the Review.

In light of this I find it quite worrying that the wheels continue to turn in exactly the same way. Surely the Review Report to be recommended to full council should at the very least be open and transparent about the serious limitations of the Review. For example, it should note clearly that the Review was not done as originally planned and as reported to full council i.e. it does not assess the new system against its governance principles. It has not done this at all. And, it should also honestly report the failure to meaningfully engage citizens and stakeholders for the Review. The report itself is still peppered with totally meaningless bits of data plucked out of thin air apropos of nothing. The Report would be strengthened if these distractions were removed. In all this I find the report does not meet basic standards of honesty and openness in reporting to full council about the Review. It is misleading.

As suggested in the answers to public questions from the February Governance Committee, we fully recognise that we need a more frameworked approach to any future reviews, using the design principles and supported by measurable and collectable metrics. Given the stage at which the review has taken place, there has been a focus on more technical and operational improvements, resolving issues raised by the Members and officers who have experienced the Committee System and listening to citizens who have interacted with it to date.

We do acknowledge in the report that the citizen engagement in the review was low and while the qualitative contributions were valuable, we recognise that these can't be used to reach reliable quantitative conclusions. We can strengthen this message in the report to Full Council and reassess how the data currently in there is presented.

As suggested in answers to public questions from the February 2023 Governance Committee, the number of Sheffieldsers that have had direct interactions and experience of the new Committee System is relatively small and so it is difficult for many citizens to express an informed view at this stage. Governance Committee are committed to leading work on enhancing community involvement and interaction with our committees over the coming year.

4. The focus of the Review demonstrates ongoing council “insularity” as reported in Lowcock in its prioritising of technical and internal, operational concerns. I think this should cause some alarm. It is disturbing and depressing that certainly since 2018 i have been raising concerns on behalf of It's Our City!, for example, about the need to integrate stakeholders, citizens and communities into decision-making (including in constitutional arrangements) (and as I am sure many before have also done). And many people have offered repeatedly to help with this but have been “consistently and systematically rebuffed” just as Lowcock says happened through the street trees crisis. And here we are five years later in 2023 - and where is the Involve Report? - and there is now a proposal to set up a task and finish group. Please can you comment on this chronic inability to change and glacial progress? I know the council likes to claim it has changed but as is acknowledged in the answers to my questions last time, any notion of measuring or demonstrating any progress has not formed any part of the Review.

As acknowledged in answers to public questions from the February Governance Committee, we know and recognise that there is a lot we need to do – through the committee system but also through the whole council - to be much better engaging and involving communities in everything the Council does with the city and our communities. Further, as suggested in previous responses, citizen involvement happens through a whole range of formal and informal channels across the council and the city, not just directly through the work of Policy Committees. We certainly need to be better about emphasising and evidencing where such involvement is taking / has taken place.

Recent reviews – including the LGA Peer Challenge report recognised that while there has been progress made in citizen involvement, we need to go much further. But, as your question suggests, there are huge opportunities through the activity of Policy Committees, particularly through increased policy development and review,

to establish greater connectivity between stakeholders and citizens in the work of the committees.

5. The task and finish group on public questions and on stakeholder and citizen engagement in recommendation 16 appear to be proposed to be undertaken in exactly the same tired, failing, top-down ways that are routinely undertaken. There never appears to be learning or any shift in approach at all. Please will the committee reconsider how it goes about (trying to) change in these two important areas?

The Governance Committee are recommending this to Full Council as something which must be progressed over the next year. No predefined methods or approaches have been considered at this stage other than to recommend that the Governance Committee dedicate time and capacity to this in the coming year.

It is a good opportunity for the Governance Committee to demonstrate leadership and good practice within the committee system by utilising more innovative approaches to engaging citizens, stakeholders, officers and Members in developing ideas and solutions.

6. Recommendation 11 suggests informal meetings of policy committees to undertake policy development work on the months they do not meet. What are the implications of this for openness, transparency and involvement?

The implications of this recommendation are about creating scheduled and regular diary time for the Members of Policy Committees to undertake policy development, policy review – ie to enable greater opportunities for engagement and involvement in policy design and review.

7. When the committee comes to actually address basic issues in relation to its governance system including (lack of) alignment with stated governance commitments and principles, does the committee recognise the (bloated) system it has created will, and should, change in big ways?

The Governance Committee are recommending to Full Council that they continue to undertake their role in reviewing and improving the committee system. As recognised above and in responses to public questions from the February Governance Committee, we recognise that there needs to be stronger alignment of future reviews to the Design Principles that were established as part of the transition to the committee system and clearer measures against which we can assess progress and development.

This is part of a continuous improvement journey we are on as a Council and our governance system is a central and critical part of that. We know that there is progress to make and hope the implementation of the actions in the 6 Month Review will further that progress.

8. So much remains unaddressed on basic equality issues but can I seek assurances that basic access issues to council meetings will be addressed, including for public questions at council meetings that effectively prevent all but an

absolutely miniscule constituency of people attending and getting their questions answered? Can strong performance / output measures and targets be set in this area?

We would agree that we must make progress in improving equality, diversity and inclusion through our Committee System, including accessibility to information and meetings. Section 6 in the Review report sets out some initial actions that we will undertake and we will continue to work with VCF partners on ensuring our governance is inclusive.

We need to ensure that our any performance measures for our committee system include clear EDI measures, in line with our Strategic Equality Objectives.

6. 6 MONTH REVIEW OF GOVERNANCE ARRANGEMENTS

6.1 The Director of Policy and Democratic Engagement submitted the final report on the 6 Month Review of Governance Arrangements which set out findings and recommendations. The committee was asked to agree to submit the final report to Full Council where approval of the recommendations would be sought and any subsequent decision to amend the constitution as a result.

6.2 The Governance Committee was asked to approve the recommendations as listed in Appendix one of the officer's report;

1. To note that action to improve how we explain and support the Committee System is underway through the Governance Review Implementation Plan, and progress will be monitored by Governance Committee.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

2. The role of the Strategy & Resources Committee and senior officers in early identification of cross-cutting issues and directing them to the most appropriate Policy Committee needs to be re-emphasised – including the role of Strategy & Resources Committee in maintaining an oversight of Policy Committee work programmes. Guidance on this should be produced through the Governance Review Implementation Plan.

Members discussed the benefit of briefings by officers on cross-cutting issues involving multiple committees. It was also clarified that co-opted members did not have to come only from the relevant Policy Committee.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

3. As part of ongoing work to develop the role of LACs, consideration should be given to devolving decisions and budgets on minor local transport and highways issues to Local Area Committees. The Policy Committee should provide overall strategy within which local areas make decisions to meet local need; and remain the decision maker for strategic

transport issues and major schemes.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

4. The remit of the Education, Children and Families Policy Committee should be expanded to clarify that it includes all the functions that are the statutory responsibility of the Director of Children's Services.

The committee reiterated its intention to continue to review the remits of all policy committees. It was noted that this recommendation related specifically to the political accountability of the lead member for Children's Services and therefore the requirement for that person to have appropriate oversight.

RESOLVED UNANIMOUSLY: Members requested that the wording of this recommendation be amended and circulated to the committee prior to the Annual General Meeting.

5. Where Policy Committees are developing regulatory policies, they shall form a working group with members of the relevant regulatory committee to inform the process.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

6. The Job Share Chair Protocol should be adhered to by co-chairs, and promoted amongst officers and members to help develop a greater understanding of the role.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

7. Co-chairing arrangements should not be permitted for sub-committees.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

8. Where there are co-chairs in place, only the member nominated to attend Strategy and Resources Committee should attend the Strategy and Resources briefing meetings.

It was suggested that a caveat be added to the recommendation to state;

"subject to when the co-chair is the substitute member"

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the amended recommendation to Full Council as part of the final report.

9. Substitutes should be permitted at S&R. Where the committee member is Chair of a Policy Committee the substitute must have sufficient knowledge of their

committee's work, and political proportionality must be maintained.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

10. Briefing practises must enable all members of a policy committee to be adequately briefed for formal decision making. All Members should also have the opportunity to develop their knowledge and engage in policy and work programme development.

Committee Members and officers should work together to identify where it is appropriate for these briefings to be all member/whole committee/Chair, deputy, group spokesperson/political group. Guidance on this should be produced as part of the Governance Review Implementation Plan.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

11. Policy Committees should continue to meet formally 6 times a year, with informal space diarised on the month where no formal meetings take place. This should enable Committees to carry out policy development activities as per their work programmes. This should not add to Member and Officer workloads, but reduce the need for additional, ad hoc briefing sessions and workshops.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

12. Current guidance states that Policy Committees should only operate one task and finish group at a time. This should be revised to provide a more 'enabling' approach to policy development. Policy Committees should be able to carry out work as required, subject to sufficient officer and Member capacity.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

13. An action should be added to the Governance Review Implementation Plan, to develop and promote a 'Policy Development Toolkit' for officers and Members that sets out best practice for developing policy in a Committee System, to be used alongside the existing 'Engagement Toolkit.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

14. Arrangements should be put in place that enable early conversations post-AGM, between Chairs, their Committees and Senior Officers, to develop work programmes that address corporate, service plan and Member priorities, resulting in a balanced programme of decision making, policy development and scrutiny & evaluation. Guidance for members and officers should be produced as part of the Governance Review Implementation Plan.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit

the recommendation to Full Council as part of the final report.

15. Governance Committee should continue into 2023/24 as a forum for ongoing review and maintenance of the constitution and governance arrangements, as well as Member development.

It was explained that this recommendation formed part of the wider narrative and a bullet point would be added to clarify that the Governance Committee would take a holistic look at the Policy Committee remits in 2023/24

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation subject to the addition of further clarification to Full Council as part of the final report.

16. Governance Committee sets up task and finish groups to look at:
Public Questions - ensuring the process for citizens to ask public questions is clear, that public questions are triaged in a way that directs them to the most appropriate forum and that those forums are easy to access. Considering processes for responding to public questions, ensuring a consistent approach that is fit for purpose in the Committee System.

Citizen Engagement and Involvement – Consider how we can drive progress in realising our ambitions for community involvement and engagement, taking learning from recent reviews including Involve, the LGA Peer Challenge, the Race Equality Commission Report.

These task and finish groups will actively seek feedback from, and test proposals with, citizens and stakeholders; and report into the Governance Committee.

Discussion took place around the need for the work on public questions to clarify the process for members of the public submitting a question to the Full Council that had not been adequately dealt with by a Policy Committee.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

6.3 The Governance Committee was asked to agree that Full Council is recommended to:

1. Approve the findings and recommendations of the Governance Review.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

2. Note that action is underway to implement recommendations 1,2,6,11,13 and 16, and elements of 10 and 14 through the Governance Review Implementation Plan.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit

the recommendation to Full Council as part of the final report.

3. Agree the necessary changes to the constitution to implement recommendations 3,4,5,7,8,9,10,12,14 and 15 and proposed changes to the operation of Full Council Meetings.

Discussion took place around a mechanism to enable members to ask questions to the Leader of the Council which may relate to wider issues than those encompassed by their role as the Chair of the Strategy and Resources Policy Committee.

The committee also discussed motions to Full Council and the suggestion of word limits to enable these to be managed more practically. It was highlighted that items and decisions should be debated properly and that there was sufficient flexibility within the framework to permit this.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

4. Determine whether Full Council should change meeting frequency from the current approach of 6 ordinary meetings, plus Annual General Meeting plus Budget Council; or reduce the number to 4 ordinary meetings, plus Annual General Meeting plus Budget Council.

RESOLVED UNANIMOUSLY: That the Governance Committee agreed to submit the recommendation to Full Council as part of the final report.

7. DATE OF NEXT MEETING

- 7.1 It was noted that the date of the next meeting of the Committee had yet to be confirmed.

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