

TRANSITION TO A COMMITTEE SYSTEM INQUIRY - November 2021 Governance Committee Agenda item 8

Written Submission / Response from Nigel Slack, Active Citizen

In commenting on this initial report into the transition framework I am commenting only on the matters in regard to the main questions which Members will need to address under each of the facets of the governance framework, paragraphs 4 to 16.

Text in black is the original text

Text in Blue are my comments & suggestions

The comments are brief and intended to indicate place holders for further discussion later in the design process.

4.0 ISSUES AND OPTIONS – THE GOVERNANCE FRAMEWORK

4.1 At this starting point in the enquiry, a series of key design questions are presented against each facet of the governance framework, rather than explicit options or proposals, although in some cases the questions proposed amount to a series of options.

I shall aim to address my preference for how these questions are handled as well as, potentially, some solutions.

5.0 LEADERSHIP - FULL COUNCIL

5.1 Key design questions:

- Do we need a mechanism for calling issues in to Full Council (taking them out of the hands of a committee) in extremis? - Yes but this should be a rare occurrence, a drive for co-operative decision-making should prevail in the vast majority of decisions.
- If so, what criteria must be fulfilled?
 - o Number of councillors agreeing? - 33-50% of members of the committee?
 - o Checklist in constitution eg not vexatious, repetitious, irrelevant etc – The decision on this 'good cause' criteria should be a role of an independent member, taking into account previous evidence of this issue being dealt with previously.
- If the agenda of full Council might be going to get busier (as per testimony from other committee-led authorities), should the meeting be more frequent or just more efficient? - Preferably more efficient but may well have to rely on early experience working out the congestion issues?
 - o What aspects of the meeting could be changed/curtailed/redirected elsewhere in order to use members' time as effectively as possible? - Consider the benefit of retaining same number of meetings, AGM, and then half and half Business meetings -vs- Debate meetings (place for motions, petitions requiring debate, etc.)

6.0 LEADERSHIP - LEADER'S ROLE

6.1 Key Design Questions:

- What should be written into the newly defined role of the Leader? - Retain the roles as described but in representative or delegated external roles should be guided by the

'overarching/strategy committee'. Might also usefully report back to Full Council on meetings and decisions to which they have contributed.

□ Does anything need to change about the role of the Lord Mayor? - Retain Civic & Charity duties. However Leader might be better as the Chair of Full Council meetings, allowing Lord Mayor to continue as a Ward Cllr in addition to ceremonial duties. Public however may be more inclined to support an independent chair for Full Council meetings, following examples of party bias in the past.

□ Should the council encourage or facilitate the sharing of roles such as 'Leader' or 'Lord Mayor' between more than one Councillor? - Sharing the role of Lord Mayor is only 1 year so no need to share that role.

o If so, how? - Deputy for the Leader could be appropriate where Leader is on external business, ensuring Council business continues. Deputy drawn from a different Party, rotated annually?

7.0 LEADERSHIP – ROLE OF POLICY COMMITTEE CHAIRS

7.1 Key design questions:

□ What should be written into the newly defined role of Policy Committee Chair? - Similar expectations to current committee chairs but proportionate to the Committee functions. Advocacy, policy priorities, workflow planning, conflict resolution, etc.

□ Should there be any constitutional requirements constraining who Full Council can elect as Chairs or Vice Chairs of policy committees? - Chairs appointed proportionally to seats held, vice chairs from a different party, proportional appointing where possible.

o Eg with regard to whether they are in the administration, opposition, or some other Group?

□ Should the council encourage or facilitate the sharing of roles such as 'committee chair' between more than one Councillor?

o If so, how? - Appropriate for long term illness, maternity/paternity leave or other job-sharing requirements. Following similar protocols to above.

8.0 COMMITTEES - POLICY COMMITTEES

NOTE – All committees should include co-opted members as needed for issue specific expertise/experience or as general 'critical friend' members.

8.1 As the creation of themed committees is the definitive aspect of change in the new governance system for the Council to effectively and efficiently manage the decision-making, it is considered prudent to begin consideration of real options soonest with regard to this facet of the governance framework

This is prudent but should retain flexibility for future review.

8.2 Appendix 4 contains a series of hypothetical models showing a very similar structure of committees to the current model but with various amounts of Policy Committees replacing the Co-Operative Executive and all Overview and Scrutiny Committees. - An assumption that committees are all the same size and meet with a similar frequency. Is this the best use of resources or might we best look at the functions to be met by committees designed to reflect their workload in a 'form follows function' approach. Different size committees may be more appropriate but this may only come to light with experience. Could basis of the committees be changed

mid-year?

8.3 Appendix 5 contains certain statistics which it is important to view alongside these models:

- Analysis of the workload on members of various numbers of committees (the number of members on each committee has been proportionally reduced for the models with more committees) – Option 2A is initially the most attractive option for me but depends on decisions of functional requirements and decision-making remit.
- Analysis of the frequency with which any of those Policy Committees could meet within the bounds of broadly the amount of democratic and member support officers we have in place (ie less frequently, if there are more separate committees) – Aim for a minimum of bi-monthly meetings with a couple of spare meetings for high concentration or complexity issues.

8.4 Mini Case Study: Wirral Metropolitan Borough Council

No current comment on this paragraph, needs to be viewed through the lens of and similarities to Wirral MBC -v- resources comparison. One thought however. Key Decisions can be identified and prioritised according to clear criteria and therefore not be slowed by more general policy issues.

9.0 COMMITTEES - OVERARCHING COMMITTEE

No overarching committee, no matter it's title, should be so powerful as to negate the reason for the transition in the first place. (becoming a Cabinet by another name). It's strategic (& possibly budgetary) function should not restrict the operation of the functional committees to look beyond any remit it is delegated to pursue but Council priorities must be respected. Although will set functional committee workloads, work programmes should be at the discretion of the functional committees.

9.1 Key design questions:

- Will there be a committee with a strategic/cross-cutting/coordinating role? - Yes but should work towards consensus in strategy development and retain proportionality in it's membership.
- If so what will its functions be?
 - o Financial? - Lead on budget development each financial year and working across all decision by Full Council committees to deliver a feasible budget overall and for each functional committee, for .
 - o Coordinating Policy? - Work with all committees to consolidate an overall strategy to be presented to Full Council.
 - o Determining which committee will lead on cross-cutting issues? - No, this should be determined by Chairs & Vice Chairs of functional committees that include elements of this issue within their standard remit. Alternatively, an ad-hoc committee could be established with a fixed and restricted terms to address the issue.
 - o Strategic Issues? - Yes for agreement by Full Council
 - o Urgent decisions? - depends on legal restrictions but technology should enable functional committees to meet (at least quorate & with more than one party represented) on an urgent basis.
 - o Determining whether to 'call-in' an issue to Council? - For call-ins requested by public through a petition function or where an agreed proportion of Full Council request it. Other

call-ins to be determined by functional committees

o Corporate Communications? - To some extent, but functional committees should have some autonomy in Comms, provided they can pass the test of press and advertising standards.

o Holding other policy committees to account on delivery of their plans? - Yes – to an extent. Functional committees should provide regular updates to Full Council on progress of strategies delegated at the beginning of the year and Overarching Committee can comment on that progress and by exception, identify failures in their view and recommend to Full Council any steps to be taken to address the issues.

If so, will its membership include the Chairs of the other

committees? Vice Chairs? - No, separate committee, retaining proportionality.

If so, how will proportionality be maintained?

10.0 COMMITTEES - LOCAL AREA COMMITTEES

10.1 Key Design Questions:

[Noting that the timetable for devolution of decision-making authority to LACs is outside the scope of this project]

How do LACs escalate issues for strategic consideration? - Where 50% of a LACs cllrs agree a matter can be escalated to a committee of their choice. Where a petition of x-number of residents is presented to the LAC a matter must be escalated to the overarching committee for allocation to a functional committee or to an ad-hoc committee.

What types of issues or question are appropriate for the strategic parts of the organisation to ask LACs to raise at their local

meetings? - No restrictions on subject matter but must be relevant to that area or a ward within that area. Must include a request to consult with residents.

11.0 COMMITTEES - STATUTORY SCRUTINY

11.1 Key Design Questions:

Which committees should cover the statutory responsibility to scrutinise the Health Service, flooding, and crime and disorder?

o The relevant policy cttee? - Yes – if determined as a subset of the functional committee, should be drawn from more than one party and proportional if possible

o One or more other pre-existing committees in the structure? - Only if it does not 'fit' with a functional committees remits.

Are any additional checks and balances on decision-makers required?

o Opposition Groups within the decision-making committee itself – If possible all decision-making should be taken by proportional groups – if not possible, at least 2 parties should be represented.

o Audit Committee – Audit & Standards needs extensive review within the proposed Constitutional review.

o Finance/resources committee – Part of the Audit & Standards committee?

o Openness and transparency / elections

o Mechanism for calling issues in to Full Council in extremis? - As with functional committees.

12.0 COMMITTEES - OTHER COMMITTEES

12.1 Key design questions:

- Will there be a need for a separate Governance Committee? - Almost certainly for a period of time, could be constituted as an ad-hoc committee to start with and an initial time limited remit.
- o To review the model in due course and continue to make recommendations for improvement. - Yes and regularly initially, potentially reducing over time.
- Will there be a separate 'urgency' committee? - Only if technology cannot address this issue.
- How will the role of the current Joint Commissioning Committee be incorporated in the model? - Within a relevant functional committee or as part of the overarching committee if the functionality would be better.
- Will anything need to change about Joint Committees and Partnership Boards in the new framework? - That is best answered by those working these areas but should be explained and justified if yes.
- Can we streamline some of the other existing committees/subcommittees?
 - o There must be two Licencing committees for technical legal reasons, one dealing with statutory licensing and one with other licensing functions, but the membership can be the same for both and they can meet with the same frequency between them (as now) so not much must operationally change about how this currently works – No change needed unless functional issues come to light.
- Which Committee should oversee the development and maintenance of a member development strategy and plan which are fit for purpose to support the transition to committees?
 - o Full Council?
 - o Governance Committee? - Should draw up the strategy taking advice from officers as to the relevant functional committee to deliver.
 - o Audit & Standards Committee? - Needs to work on constitutional issues around Cllr roles & responsibilities, as well as Nolan Principles being incorporated into a standards policy with real teeth.
- Who should replace the current Co-op Executive nominees on the Health and Wellbeing Board? - The delegated chair & Vice chair from the relevant functional committee, plus 2 others to allow party balance where possible.

13.0 PUBLIC ENGAGEMENT & COMMUNICATIONS

13.1 Key Design Questions:

- How will policy committees approve/conduct comms & engagement?
 - o Can the Chair of each policy committee commission comms or is this a role for an overarching committee? - Yes, provided it meets press and advertising standards
- What is the role of Group Spokespersons? - To reflect the view of the whole committee.
- What communication channels should committees routinely use to communicate with the public and what format should this take? - Whatever is most appropriate and can be afforded within budgets.
- What will the model be for public participation in committee meetings?
 - o in person, remotely, both? - Yes

- o Continue with open time for public questions, or some other mechanism for ensuring residents are speaking in the most impactful setting (and keeping Full Council focused on strategic matters)? - Will depend on final structure and role of Full Council etc.
- o Should public questions be written and submitted in advance? - This should be preferred but sometimes issues arise after question deadlines and should be allowed if the chair is willing.
- o Should public questions at committee be verbal or written only? - Verbal where people are able to do that. Remote access should be available to those who find it impossible to attend in person, disability, covid shielding etc.

14.0 ROLES & RESPONSIBILITIES - SCHEMES OF DELEGATION

14.1 Key design questions:

- Do the current decision-making limits and delegations for Officers need to change? - Probably, the public have expressed a profound concern over the power officers have wielded in the past.
- If so, how should a threshold be defined? - Partly by all three criteria below
 - o Based on member capacity?
 - o Based on a definition of what is strategic?
 - o Based on efficiency/bureaucracy/pace?
- How do we ensure there is appropriate member oversight and opportunities to hold decision-makers to account? - Reporting of decisions made through delegated authority should be published clearly and referred to the relevant functional committees for comment or review.

15.0 ROLES & RESPONSIBILITIES - STATUTORY RESPONSIBILITIES FOR MEMBERS

15.1 Key Design Questions:

- What responsibilities and extra duties including various Boards should be considered necessarily associated with the Lead Member for Children's Services? - That requires a functional analysis of the role.
- Are these achievable alongside a (chairmanship) Chairing role? - As above

16.0 MISC - STAFFING, RELATIONSHIPS, CASEWORK ETC

16.1 Key design questions:

- What degree of officer support will be needed by each committee and their Chairs and Vice Chairs?
 - o Primarily these are operational decisions relating to the officer establishment and service offer - What does service offer mean?
- What are the ambitions for digitally-enabled ways of working? - Use as needed so long as it does not exclude anybody from engagement.
 - o Online agendas/papers?
 - o Hybrid meeting technology and protocols?
 - o Online engagement?
- Who will define what 'Special Responsibility Allowances' need to be paid, and at what level, under the new arrangements?

o An 'Independent Remuneration Panel' is being convened as usual. - This body should recommend on this issue but for approval by Full Council.

Should we continue to operate a public forward plan of decisions, and the concept of 'key decisions'? - Yes provided this ensures transparency and openness for all decisions.

Submission Ends

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