

<b>Meeting:</b>	<b>Audit and governance committee</b>
<b>Meeting date:</b>	<b>Tuesday 26 January 2021</b>
<b>Title of report:</b>	<b>Re-thinking governance working group - progress update</b>
<b>Report by:</b>	<b>Democratic Services Manager</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To update the committee on the progress of the re-thinking governance working group.

## **Recommendation(s)**

**That:**

- (a) The committee comment on the progress to date of the working group.**

## **Alternative options**

1. The committee could not receive a progress update at this time. This is not recommended as the committee is due to make recommendations on changes to the Constitution to implement a hybrid Cabinet model to Council at its meeting on 21 May 2021.

## **Key considerations**

2. On 11 October 2019, the council resolved to review its governance arrangements to investigate and explore options for the future. The following guiding principles were set by the council:

- To maximise member engagement and participation in decision-making.
- To ensure decision-making is informed, transparent and efficient.
- To welcome public engagement.
- To enable member and officers to perform effectively in clearly defined functions and roles.
- To assess any resource implications for any proposed changes.

3. The review was undertaken by a cross-party working group, the current membership of which is:

<b>Member</b>	<b>Substitute member</b>	<b>Political Group</b>	<b>Function</b>
Councillor Bolderson		Conservatives	Audit and Governance
Councillor Bartlett	Councillor Toynbee	Green	Scrutiny
Councillor Watson	Councillor Hardwick	Herefordshire Independents	Planning and Regulatory
Councillor Seldon	Councillor Harvey	It's Our County (Herefordshire)	Cabinet
Councillor James	Councillor Andrews	Liberal Democrats	Employment Panel
Councillor Matthews		True Independents	Scrutiny

4. The Centre for Public Scrutiny (now known as the Centre for Governance and Scrutiny) ("CfGS") was engaged to provide assistance to the working group, and to the wider membership of the council, as they considered their options. CfGS has carried out significant national research on governance change, and has provided direct support to around two dozen councils on the subject since powers became available in the Localism Act 2010 to effect such a change. CfGS has also provided assistance to a number of councils which have chosen to explore and implement hybrid models of governance. CfGS has no "preferred" model for governance and considers that there are no clear "pros and cons" of any one given system – culture, behaviour and attitudes tend to be more important than structure.
5. The working group also reviewed the governance change approaches taken by a number of other councils, in particular those councils which have chosen to adopt either the committee system or a hybrid model of governance. The working group found that while several formal governance "options" exist, governance approaches are a spectrum, from systems which concentrate decision-making power in a single individual at one end, to those where decision-making responsibility is far more distributed.
6. The working group recommended to audit and governance committee on 25 September 2020 that a hybrid model of governance, allowing for a greater degree of councillor involvement in policy development, decision-making and oversight without a break from

the legal structure of the Cabinet system should be recommended to Council at its meeting on 9 October 2020.

7. It was the view of the working group that an improved cabinet system can address all of the issues raised by members over the current cabinet system whilst taking into account members different interests and time commitments during their term in office.
8. On 9 October 2020, the Council resolved:  
  
“having regard to the work undertaken by the Re thinking Governance working group and the recommendation of audit and governance committee, a hybrid cabinet model of governance is approved with implementation from annual council in May 2021.”
9. Since 12 October 2020, the re-thinking governance working group have continued to meet to agree lines of enquiry and to develop a timeline of activity to be undertaken between October 2020 and April 2021 in order to make recommendations to audit and governance committee on 5 May 2021 and for audit and governance committee to make a final recommendation to Council on 21 May 2021. A copy of this timeline is attached as appendix A
10. The working group have held focus group meetings as follows:
  - Scrutiny Committees 8 December 2020
  - Planning and regulatory committee 22 December 2020
  - Group Leaders 5 January 2021
  - Audit & Governance 8 January 2021
11. Following the scrutiny committee focus group the chair and vice chairpersons of the three scrutiny committee have undertaken a ‘Good Practice’ self- assessment questionnaire. Each of the three committees completed their responses by 8 January. A short report of responses is being collated.
12. Following the planning and regulatory committee focus group, an all members survey was sent out to obtain the views of all councillors on the planning functions which ran until 10 January 2021. 34 number of responses were received.
13. The issues and / or questions raised through the scrutiny committee, planning and regulatory committee, audit and governance committee and group leaders are set out in a tracking document (Appendix B). This document sets out what the issue or question was, the recommendation of the working group and whether or not a Constitutional or process change is required.
14. A focus group meeting with Cabinet Members and Cabinet Support Members is due to take place on 14 January 2021.
15. Focus group meetings are also being scheduled for licensing, planning officers, employment panel and members.

## **Community impact**

16. Corporate governance is the term used to describe the systems, processes, culture and values Herefordshire Council has established to ensure we provide the right services, to the right people in a timely, open, and accountable way. Good corporate governance encourages better informed longer-term decision making using resources efficiently, and being open to scrutiny with a view to improving performance and managing risk. Periodic reviews of the models of governance adopted by the council and the established processes and culture are valuable ways in which we can demonstrate how we uphold the code of corporate governance.
17. The council is responsible, as a corporate parent, for providing the best possible care and safeguarding for children who are looked after by the council, and as part of this must consider the impact of decision making on looked after children and care leavers. Any review of models of governance and mechanisms for stakeholder engagement in decision-making must consider how this responsibility may best be discharged.

## **Environmental Impact**

18. The development of a revised governance model will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.

## **Equality duty**

19. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:  
  
A public authority must, in the exercise of its functions, have due regard to the need to -
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Any review of governance models and decision making processes must ensure this duty is demonstrably upheld and promoted.

## **Resource implications**

21. The review is being undertaken using existing resources.

## **Legal implications**

22. The council is required to have a constitution. The proposed 'hybrid' model will provide the basis for changes to the current constitution to be adopted and implemented at the next annual council meeting.

## **Risk management**

23. The working group will be responsible for ensuring that timescales are met and will provide updates to the audit and governance committee as part of their work programme. There is currently sufficient time to review the constitution, consult and make the necessary proposed changes.
24. There is also a risk that all members are not engaged in the process and their views are not made known to the working group. The establishment of a cross party working group was aimed to address this but given mixed attendance additional steps may be necessary to ensure all members are aware of the work being undertaken in the group

## **Consultees**

25. All political groups are represented in the working group. The non aligned member declined to participate in the working group
26. All members will be invited to a briefing to outline the progress of the working group and obtain their feedback on the changes being considered during March / April 2021

## **Appendices**

Appendix A High level timeline

Appendix B Tracking sheet of the issues being considered by the working group

## **Background papers**

None