

Meeting:	Audit and governance committee
Meeting date:	Tuesday 16 June 2020
Title of report:	Re-thinking Governance Working Group - Progress update
Report by:	Solicitor to the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To update the committee on the work 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 the governance model for the council at the meeting of full Council in October 2020.

Key considerations

2. At its meeting on 11 October 2019 Council resolved that:
 - a) the Audit and Governance Committee oversee a review of governance models for a recommendation to Council no later than October 2020;
 - b) the review be undertaken by a cross-party working group, reporting to the Audit and Governance Committee, to contain representation from each political group, from the executive, scrutiny and other functions. The Monitoring Officer be authorised to determine membership following consultation with political group leaders;
 - c) the review should follow guidance from the Local Government Association and from the Centre for Public Scrutiny guidance; 'Rethinking Governance: Practical steps for councils considering changes to their governance arrangement'; and
 - d) the review be undertaken having regard to the following guiding principles;
 - i. To maximise member engagement and participation in decision making
 - ii. Ensure decision making is informed, transparent and efficient
 - iii. Welcome public engagement
 - iv. Enable member and officers to perform effectively in clearly defined functions and roles
 - v. To assess any resource implications for any proposed changes.
3. At the audit and governance meeting on 28 November 2019, the committee agreed:
 - (a) the timetable and arrangements for the review of the council's models of governance, as set out at appendix 2, are approved;
 - (b) the scope of the review incorporates the effectiveness of our partnerships governance arrangements in meeting the guiding principles and the impacts of any recommendations on partners;
 - (c) the planned biennial review of the constitution is not progressed pending the outcome of the review of models of governance; and
 - (d) the committee receive a report in January 2020 setting out the proposed amendments to the process for public and member questions at scrutiny set out in paragraph 12, option 2, of the report and, as necessary, recommends that changes to Council; and
 - (e) the committee receive a progress report from the review of governance models working group in March 2020.
4. Since the November meeting, the working group membership of the working group has slightly changed.
5. The current membership of the working group is:

Member	Substitute member	Political Group	Function
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 Hunt	Councillor Matthews	True Independents	Scrutiny

6. The timetable presented to this committee in November has been updated to reflect current progress and is attached as appendix 1. The working group met on 27 January and 7 February. Both meetings were facilitated by the Centre for Public Scrutiny (CfPS).
7. At the meeting on 27 January, the working group discussed:
- the needs and expectations of the council, together with considering
 - What councillors' expectations are on how they want to be involved in decision-making, policy development, etc.
 - Setting out the basics on governance change and what the remainder of the process would entail.

At the meeting on 7 February, the working group discussed:

- Developing design principles.
 - Using the outcomes from Workshop 1 to put together a set of principles that will be used to evaluate and decide on new structural models or changes to existing structure. Gap analysis and discussion on suitable design options
 - Agreeing more detailed expectations around policy development, decision-making, and how the functions of scrutiny and review of performance might be carried out. Also exploring how this will intersect with the way the council, and councillors, engage with local people.
 - Design options and experiences of other councils
 - Implications for change
 - Shaping change and building consensus
8. The working group agreed to invite all councillors to a workshop on 18 March 2020 in order to obtain views to assist the working group in its considerations. Regrettably these workshops were postponed due to the Covid 19 pandemic and replaced by a webinar hosted by CPfS. All members were invited and 37 were able to attend remotely to hear the presentation.

9. A questionnaire to all councillors has been devised by the group, and sent to all councillors on 4 June, to gather views so that the assessment of the current situation can be completed before the group considers any solutions and recommendations. The questionnaire also asks councillors if in light of the pandemic the review should be paused.
10. The next report will be to committee in September once the working group has undertaken a review of areas where changing structures, culture and/or practice could provide solutions and assessed the potential pros and cons (including risks) of the cultural and structural solutions to identify a preferred option (including looking at how effectively these operate in other comparator councils).

Community impact

11. 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.
12. 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.

Equality duty

13. 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.
14. 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

15. The review is being undertaken using existing resources. As agreed by committee external support from CfPS has been sought and payment is within the approved £6,000 budget.

Legal implications

16. The council is required to have a constitution. This review will provide the basis for any proposed changes to the current constitution

Risk management

17. There is a real risk of not meeting the date of October 2020 as directed by council. 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. The work is currently a little delayed due to the Covid 19 pandemic, but until the outcome of the assessment is undertaken by the end of July, it is not known if the October 2020 deadline will be met.
18. 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

19. None.

Appendices

Appendix 1 Revised timetable for the Re-thinking Governance Working Group

Background papers

None identified.