

Rethinking Governance at Herefordshire Council

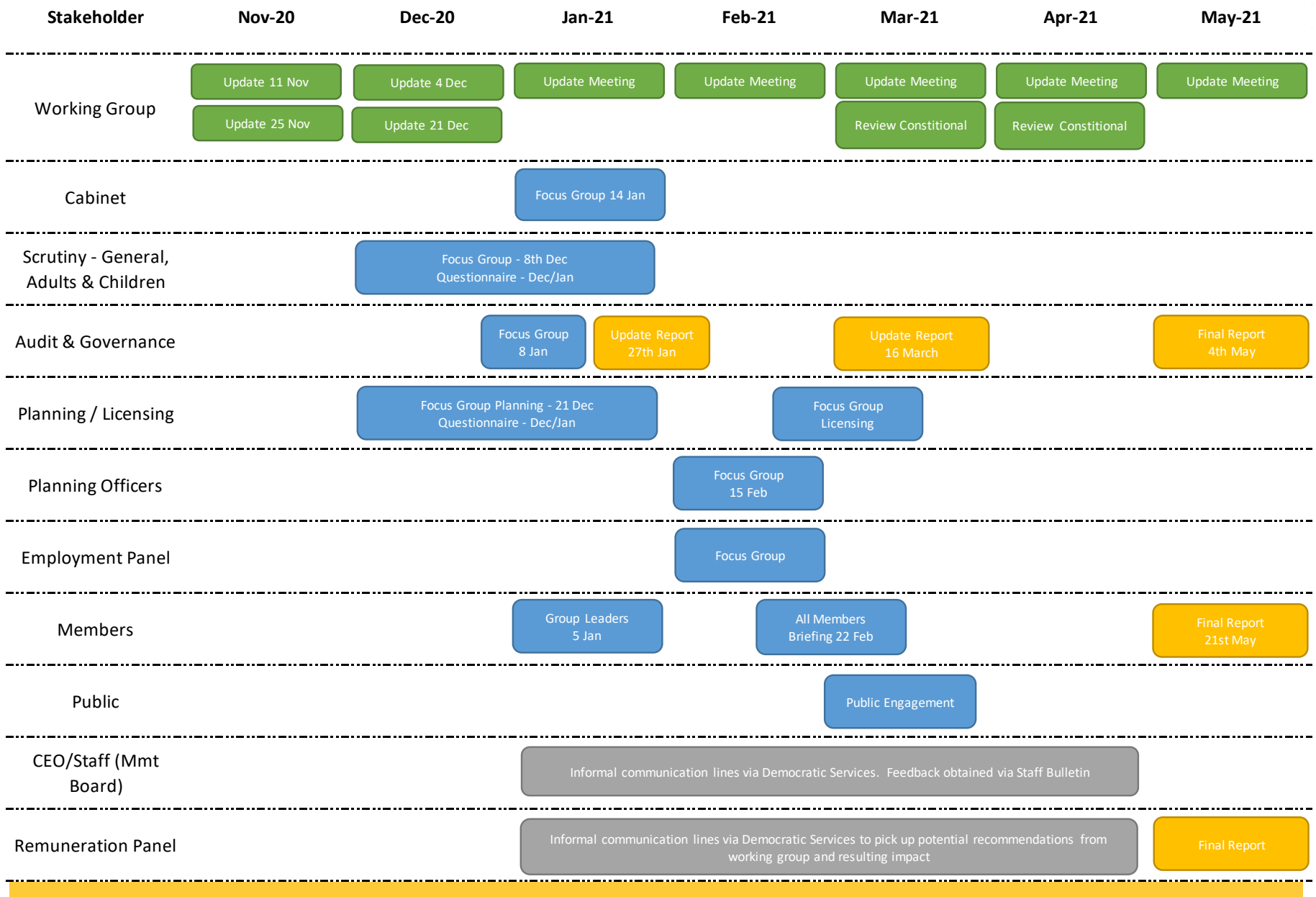
22 February 2021

Rethinking Governance Working Group

On 11 October 2019, the council resolved to review its governance arrangements to investigate and explore options for the future.

On 9 October 2020, the council approved a hybrid cabinet model of governance. 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.



Key themes addressed in today's briefing

Based on the guiding principles, three key themes were identified to be addressed by the working group

Enhanced Policy / Decision Making

- ✓ Review delegated decision process in line with Hybrid Cabinet Model decision - Cabinet, Cabinet Members, Delegated Officers
- ✓ Identify opportunities, regardless of proportionality, for councillors to be directly involved in influencing policy and decision, particularly on high profile/contentious matters
- ✓ Consider any changes in structure/process needed to encourage councillors to be engaged in the decision making process or improve cross party collaboration: sub-committees of cabinet, policy development panel/committees; forward plan improvements; political group consultation
- ✓ Improve forthcoming decision process and content to be more informative including the use of political group consultations
- ✓ Improve ability for the public to influence and to get involved

Improved & Strengthened Scrutiny

- ✓ Consider if more emphasis should be placed on policy influencing and development, performance and risk management, as well as holding Cabinet to account
- ✓ Political proportionality does not always make the best use of members skills & experience - Consider more co-option, use of expert witnesses, more task and finish groups
- ✓ Consider how the skills of unaligned members' can be best used given restrictions imposed due to political proportionality
- ✓ Strengthened use of evidence from a wider variety of sources
- ✓ Improve ability for the public to influence and to get involved

Key themes addressed in today's briefing

Based on the guiding principles, three key themes were identified to be addressed by the working group

Improved Communication & Culture

The following elements will be addressed by today's discussions

- ✓ Increase the awareness of activities relating to oversight, decision-making and policy development.
- ✓ Improve provision of information to councillors, through the Forward Plan and forthcoming decision process and through a better approach to member briefing
- ✓ More regular and systematic member briefings so members can be more informed
- ✓ Consider options to encourage a more collaborative culture amongst members, officers and the public
- ✓ Improve understanding on how and where delegated decisions are made and overseen

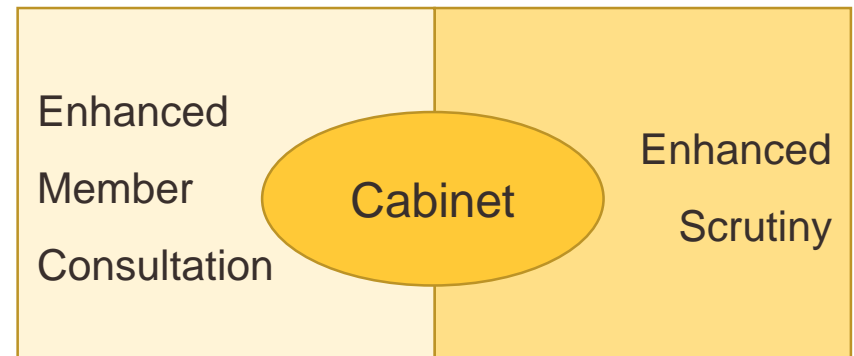
The following operational elements will be addressed over the upcoming weeks

- Improve communication with the public, engagement and promotion of current issues
- Improve layout, accessibility and understanding of the constitution and the processes and systems in it to support good decision-making
- Refresh member and officer training and development to reflect the cultural change required for working in a political environment

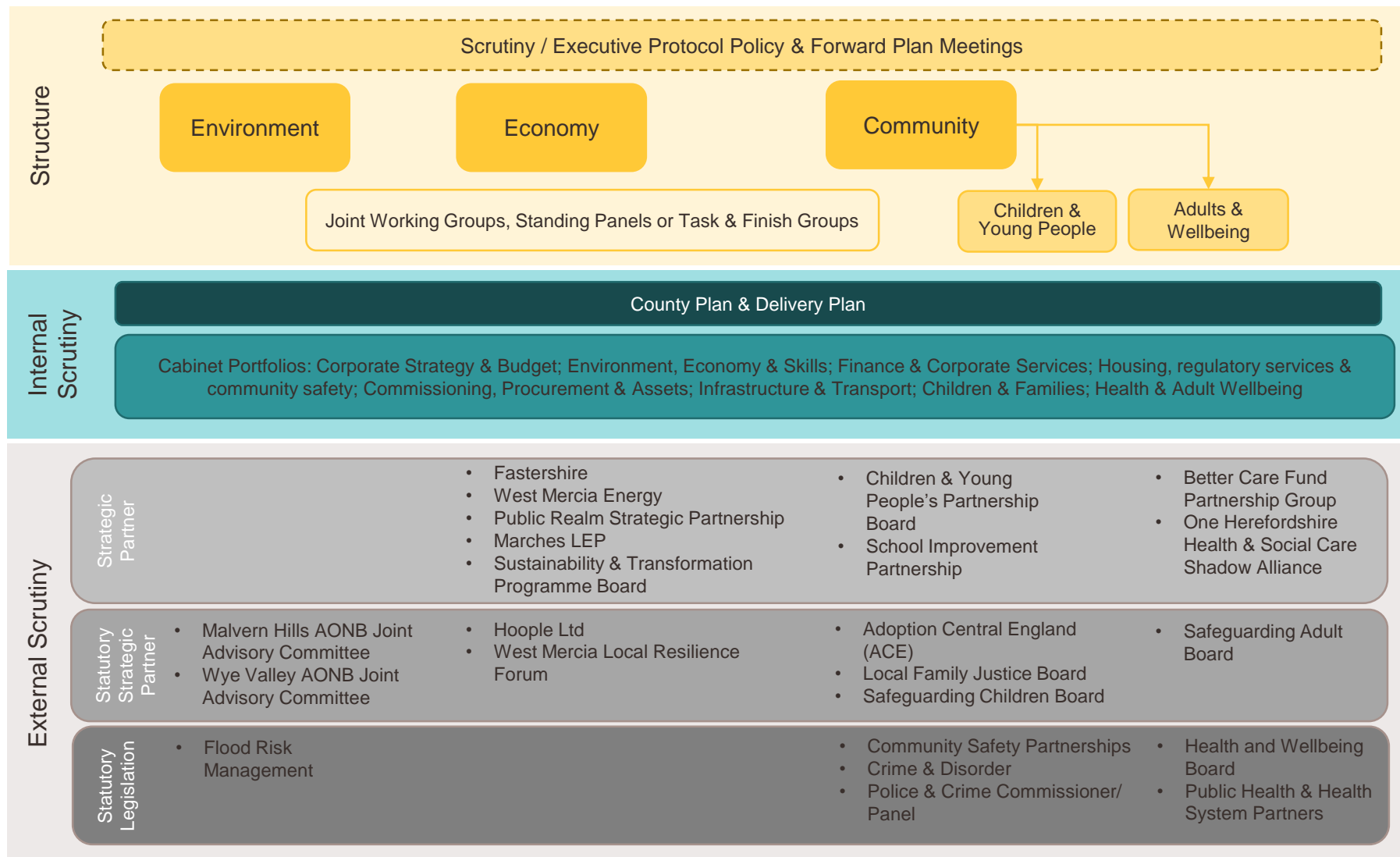
Recommended Structure

Maintain current structure, with enhanced scrutiny & member consultation

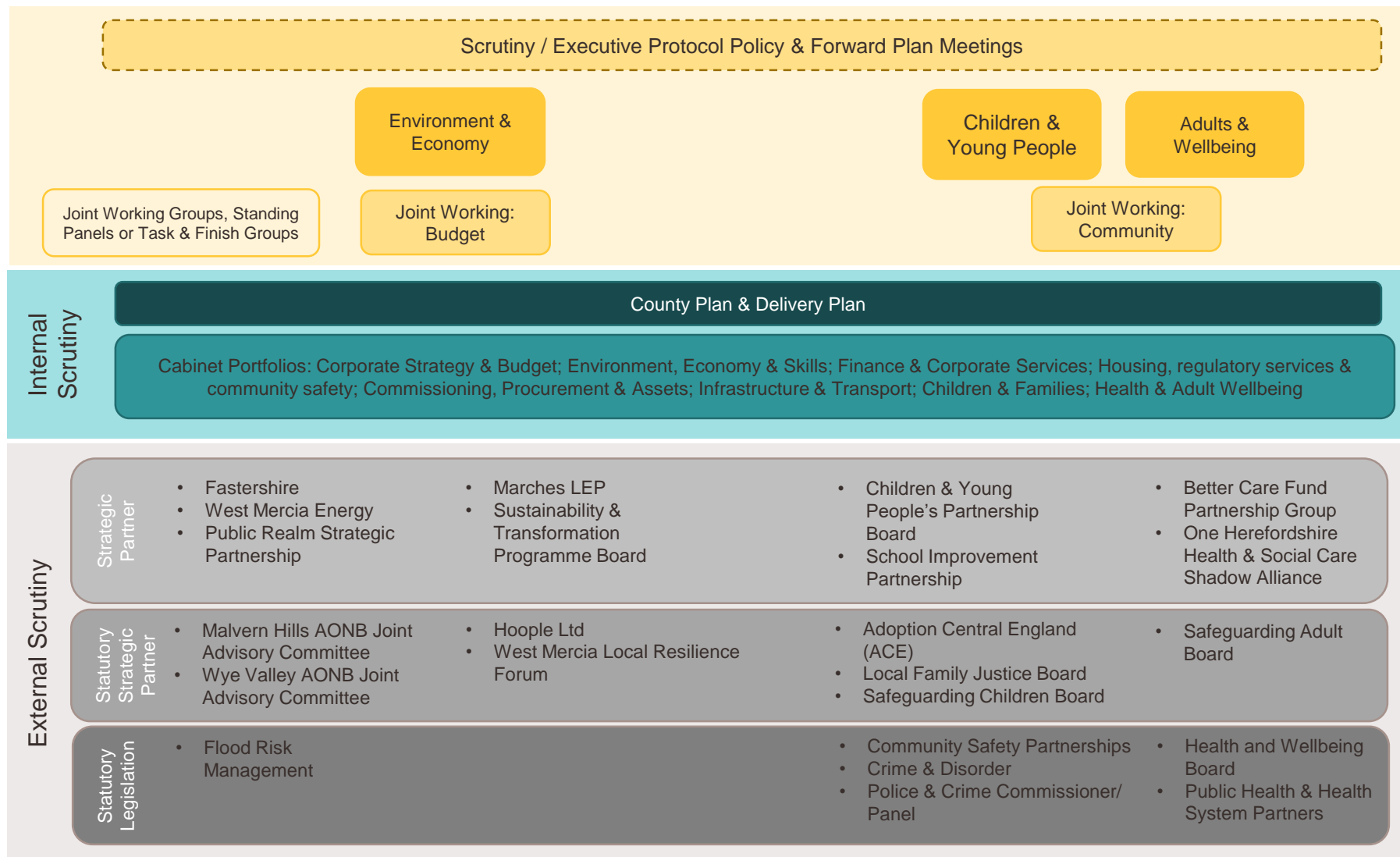
- **Enhanced Key Decisions Consultation Process:** Using an improved forward plan process, key decisions will be identified for appropriate member wide consultation – briefings, focus groups, surveys etc
- **Removal of Political Group Consultation process:** Group Leaders will still be able to collate and express political views at cabinet and full council;
- **Aligned Scrutiny Structure:** Scrutiny committees are aligned to corporate objectives with an enhanced executive protocol policy & forward plan process.
 - Clear mapping to both internal and external scrutiny obligations
 - Improved coordination of scrutiny work programs, and identification of joint scrutiny opportunities
 - Improved opportunities for pre-decision scrutiny



Recommended Scrutiny Structure 1



Recommended Scrutiny Structure 2



Recommended Scrutiny Structure

Executive Protocol Policy & Forward Plan Meetings

Quarterly Executive Protocol Group (EPG)

Chair: Chair nominated each year by meeting membership

Membership: Leader, Deputy Leader, Committee Chairs, Committee Vice-Chairs

In attendance: Executive, Head of Paid Services, Monitoring Officer, s.151 officer, Audit & Governance Chair / Vice Chair

Key Responsibilities:

- Consider items for scrutiny and types of scrutiny to apply
- Co-ordination of committee work programs
- Ensuring consistent timetabling with other council activities eg. performance challenge meetings
- Consideration of joint working opportunities, standing panels or task and finish groups

Monthly Forward Plan Meetings

Chair: Leader

Membership: Leader, Deputy Leader, Committee Chairs, Committee Vice-Chairs, Group Leaders

In attendance: Executive, Head of Paid Services, Monitoring Officer, s.151 officer

Key Responsibilities:

- Consider items for scrutiny and types of scrutiny to apply
- Consider items for key decision member consultation

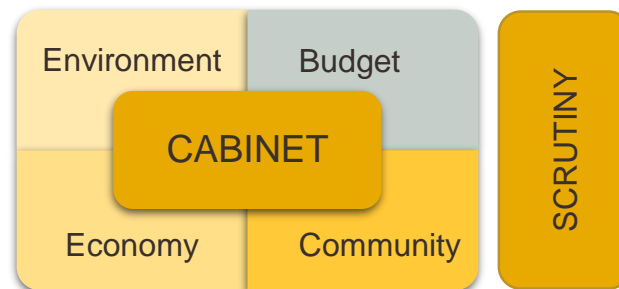
Member Breakout Sessions:

- Based on the balance of evidence, do you support the emerging recommendations?
 - What do you like?
 - What do you dislike?
- Other comments & questions?

Evidence to support
key findings

Sub Committees of Cabinet

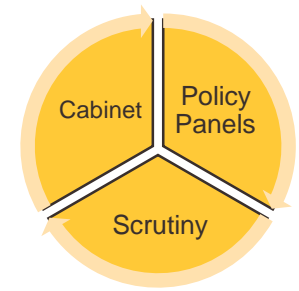
Balance of Evidence: **Not recommended**



Evidence For	Evidence Against
<ul style="list-style-type: none"> • Less decisions undertaken at Cabinet level • Limited constitutional changes required • Sub-committees can be formed as and when required 	<ul style="list-style-type: none"> • Cabinet members expressed wish to retain delegated authority • Clear delegated decision levels to be established – portfolio holder / sub committee / cabinet • Membership limited to Cabinet / Support Members • May increase level of bureaucracy and slow down decision making process • Not necessarily meeting guiding principals of increased member / public participation

Consultative Panels

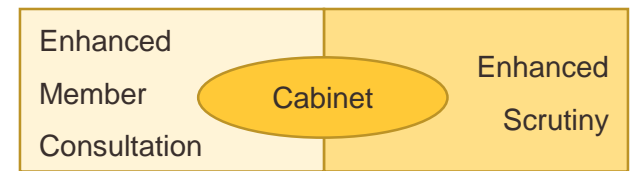
Balance of Evidence: Not recommended



Evidence For	Evidence Against
<ul style="list-style-type: none">• Ad hoc groups can be responsive to needs as they arise• As informal panels there is no constitutional impact• Potentially open to all interested members• Could have members of the public or experts• Could be public / private• Separates policy development from scrutiny function	<ul style="list-style-type: none">• Membership would need to be determined<ul style="list-style-type: none">• If not selective, potentially large turn-outs could make meetings less effective• If selective perceptions of bias or partial representation need to be addressed• Optimal size of panel to be determined• What is reviewed by Panel – could increase level of bureaucracy and slow down decision making process• No constitutional requirement for cabinet to respond to recommendations• Public meetings must comply with access to information rules• Private meetings may be perceived as not open and transparent• Resource considerations need to be considered• Limited members showed interest in policy development in initial survey by working group

Key Decision Consultation

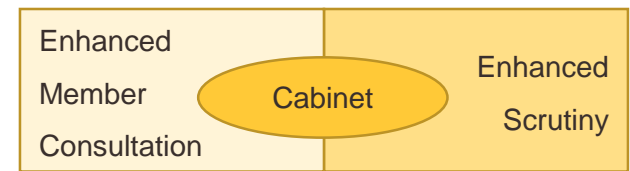
Balance of Evidence: **Recommended**



Evidence For	Evidence Against
<ul style="list-style-type: none">• Using an improved forward plan process, key decisions could be identified for member wide consultation – briefings, focus groups, surveys etc• Enables all members to participate• Reduces burden on political group leaders• Members can self select for focus groups• No constitutional impact• Separates policy influence from scrutiny	<ul style="list-style-type: none">• How are interests declared and managed• May duplicate other processes eg. political group consultation, scrutiny• Form of consultation may influence who chooses to get involved• Decision maker will have a greater number of responses to address• Budget considerations

Political Group Consultation

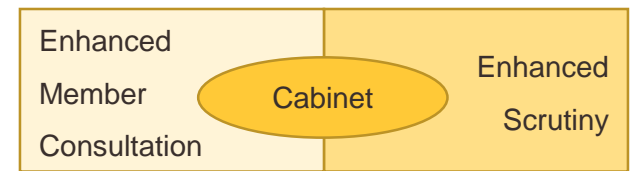
Balance of Evidence: Not recommended



Evidence For	Evidence Against
<ul style="list-style-type: none">• Enables all members to participate• No constitutional impact• Separates policy influence from scrutiny• Open and transparent as submitted views are included in decision report• Encourages consensus of views	<ul style="list-style-type: none">• Currently bureaucratic process• Group leaders (GL) must collate views• In coming to a consensus GL may not communicate all views expressed by members• Can be viewed as irrelevant to members of political groups forming part of the administration• Reliant on appropriate level of information being provided• May be sensitivities around wide circulation of information• May increase decision making timeline

Pre-Decision Scrutiny

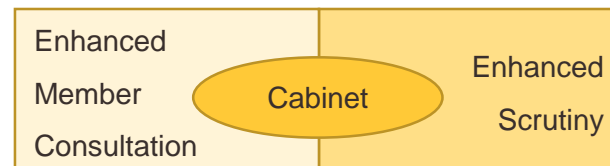
Balance of Evidence: **Recommended**



Evidence For	Evidence Against
<ul style="list-style-type: none">• Pre-decision scrutiny of decisions some time in the future enables all members to be involved in policy development• Members of public and subject experts can be involved• Maintains openness and transparency• Established process for managing declarations of interest• Can carry out wider engagement activity including calls for evidence and visits to other councils• Has established structure & officer support	<ul style="list-style-type: none">• Segregation of duties between policy development and scrutiny need to be considered• Members may need encouragement to take part• All meetings are not held in public

Aligned Scrutiny Structure

Balance of Evidence: **Recommended**



Evidence For	Evidence Against
<ul style="list-style-type: none">• Executive Protocol Group (EPG) allows for coordination of scrutiny work programs, joint scrutiny and reduces duplication of work• Splitting of General Scrutiny allows for greater focus on key issues• Structure aligns to corporate objectives• All scrutiny committees balance both strategic and operational roles within their remits	<ul style="list-style-type: none">• Increasing the number of sub committees could exacerbate difficulty around staff and member resourcing