

Title of report: Re-thinking governance working group

Meeting: Audit and Governance Committee

Meeting date: 4 May 2021

Report by: Monitoring officer

Classification

Open

Decision type

This is not an executive decision.

Wards affected

County-wide

Purpose

To request a deferral of the recommendations from the re-thinking governance working group on changes to the constitution until later in the year.

Recommendation(s)

That:

- a) The recommendations from the re-thinking governance working group in connection with changes to the Council's constitution be deferred until later in the municipal year 2021/22.**

Alternative options

1. Recommendations to date from the re-thinking governance could be considered by the committee. This is not recommended as it would be more effective and efficient for the committee to see the totality of the recommendations from the working group. This would mean that Council at its meeting could approve all changes to the Constitution at one meeting rather than in several meetings.

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

Member	Substitute member	Political Group	Function
Councillor Bolderson		Conservatives	Audit and Governance
Councillor Bartlett	Councillor Toyne	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	Councillor Mike Jones	True Independents	Scrutiny

3. On 9 October 2020, the Council resolved upon recommendation from this committee:
- “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.”
4. The working group have met on a fortnightly basis and at a working group meeting held on 19 April 2021, it was agreed that a request for deferral with regard to making recommendations to the committee at its meeting on 4 May 2021 be sought. The purpose for the request was that further consideration of the enhanced scrutiny arrangements was required. The group had nearly completed their work but wanted to consult again with all members on a proposed structure and will also use the time to consider the impacts of the recent high court children case.
5. The working group will be consulting all members on the preferred option at a briefing to be held on 11 May 2021. The outcome of this consultation will inform the final recommendations of the working group.

6. As part of the work already undertaken, a number of operational changes are planned to take place over the next couple of weeks. These arrangements include the forward plan being more transparent accessible to councillors and members of the public, improved scrutiny pages on the council's website and key decision consultations taking place in a virtual meeting.
7. It is anticipated that these operational changes will maximise member engagement and assist in ensure that decision making is informed, transparent and efficient. The impact of these changes will be monitored to ensure that they are achieving the anticipated effect.
8. The working group have final recommendations in connection with the planning and regulatory and audit and governance committees but consider it to be important that Council consider all the recommendations in one meeting rather than at various meetings.
9. A report on progress will be provided to the July meeting.

Community impact

9. 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.
10. This work forms part of a formal corporate delivery plan, 2020 to 2022, commitment to: Complete the review of governance arrangements and implement new arrangements and constitution. This report brings the audit and governance committee up to date with progress toward that objective.
11. 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

12. 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

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.
16. 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

17. The review is being undertaken using existing resources.

Legal implications

18. 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

19. The working group are responsible for ensuring that timescales are met and are aware that the deadline will be missed. However, updating the Constitution and the council's governance model should be done as one as otherwise there is a risk that elements will be missed and the required improvements will not implement. It is also important that all members are consulted on the new scrutiny arrangements as they will be key in driving member engagement.
20. 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 it is still important that additional steps are taken to ensure all members are aware of the work being undertaken in the group.

Consultees

21. All political groups are represented in the working group. The non aligned member declined to participate in the working group

Appendices

None

Background papers

None.