

**Governance Review 2023/24 – Policy Advisory Committee
and Overview and Scrutiny Arrangements**

Final Decision-Maker	Council
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Lead Officer and Report Author	Angela Woodhouse, Director of Strategy, Insight and Governance
Classification	Public
Wards affected	

Executive Summary

In March 2023 the Democracy and General Purposes Committee agreed to add a review of the governance arrangements in readiness for the reduction in Councillors from 55 to 49 in May 2024, this will consist of reviewing the arrangements for Policy Advisory Committees, Overview and Scrutiny and any consequential changes to the constitution that may be needed. This report sets out options to be considered by the Committee and a pre-meeting workshop as part of the consideration of what changes may be needed.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. To review and agree any changes required to Policy Advisory Committee and Overview and Scrutiny Arrangements and next steps with the review.

Timetable

Meeting	Date
Democracy and General Purposes	20 November 2023

Governance Review 2023/24 – Policy Advisory Committee and Overview and Scrutiny Arrangements

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Any change to governance arrangements would need to ensure effective decision-making processes are in place to ensure the delivery of the strategic priorities.</p>	Director of Strategy, Insight and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Any change to governance arrangements would need to ensure effective decision-making processes are in place to ensure the delivery of the strategic priorities.</p>	Director of Strategy, Insight and Governance
Risk Management	Already covered in the risk section.	Director of Strategy, Insight and Governance
Financial	This review will be conducted without additional expenditure.	Director of Strategy, Insight and Governance
Staffing	The review will be conducted within current staffing levels	Director of Strategy,

		Insight and Governance
Legal	The Council changed its governance model from a Committee System to a Leader and Cabinet Model in 2022. The model introduced includes Policy Advisory Committees to advise the Cabinet prior to decisions being taken and one Overview and Scrutiny Committee. The council cannot change the governance model away from executive arrangements, however, the features of the governance arrangements can be reviewed and amended for example the creation and number of Policy Advisory Committees, the number of Members on Committees and the arrangements for Overview and Scrutiny. The Monitoring Officer will advise the Committee on any legal implications arising from the review.	Director of Strategy, Insight and Governance
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance Team
Equalities	The recommendations do not propose a change that will require an equalities impact assessment.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	Governance arrangements must include a Crime and Disorder Overview and Scrutiny Committee.	Director of Strategy, Insight and Governance
Procurement	No implications.	Director of Strategy, Insight and Governance

2. INTRODUCTION AND BACKGROUND

2.1 In September 2023, Democracy and General Purposes Committee agreed to carry out a further review of governance in readiness for a reduction in Councillors from 55 to 49. The Committee have set the following terms of reference to review:

- The size and type of overview and scrutiny arrangements within the model
- Arrangements for Policy Advisory Committees
- a new easier to use and apply version of the constitution – to assist new members following the all-out elections in 2024.

Any change to the model and constitution subsequently required will need to be recommended to Council for approval. The Committee agreed that the review would be conducted through Committee Meetings with a workshop open to all Councillors to fully consider if any change was required to current arrangements.

2.2 In accordance with the Committee's decision a workshop was arranged for 6pm on 20 November 2023 to which all Councillors were invited. This paper contains the information to be considered by Councillors at the workshop and by the Committee at its formal meeting later that same evening.

3. AVAILABLE OPTIONS

3.1 To aid discussion a number of options have been developed for consideration, this takes the same approach as we have for previous governance reviews. Councillors will be asked to consider each option and put forward any other alternatives in the Workshop preceding the meeting, the deliberations from the workshop will inform the debate of the committee in the formal meeting and hopefully enable a clear way forward. Included for each model is information on the number of meetings and decisions with estimates based on this and last year's information to allow models to be compared and contrasted. It is hoped this information will aid thinking on the likely burden and impact on Councillors with a focus on efficient, effective and transparent decision making. Councillors will be asked to consider the advantages and disadvantages of each model.

3.2 Councillors attending the workshop will be asked to consider the advantages and disadvantages of each model, identify any alternatives before indicating a preference. In addition they will be asked to identify any changes or parameters around the models suggested to improve them.

3.3 **A) Current Model – up to 4 Policy Advisory Committees (PACs) plus 1 Overview and Scrutiny Committee (OSC)**

The current model operates with up to four Policy Advisory Committees who advise the Cabinet prior to any decision being formally taken unless urgency rules have been applied or the topic is considered a minor/procedural matter. In practice every non-urgent Cabinet report has been through at least one PAC prior to determination. Decisions can be made collectively or individually by the Cabinet. There are 9 Members on each PAC and their terms of reference mirror cabinet portfolios. PACs are appointed at full council and subject to the rules of political balance, and their agendas are set by the Cabinet Member(s) to which they align.

There is one Overview and Scrutiny Committee made up of 13 Members, the committee undertakes select committee style reviews, call-ins and pre-decision scrutiny, the committee sets its own work programme, this committee also meets twice a year as the Crime and Disorder Overview and Scrutiny Committee and undertakes budget scrutiny.

The data at **Appendix A** shows that in 2022/23 36 PAC meetings were held, meeting length time is at just over an hour with a number of meetings circling around the 30-minute mark. Councillors may want to consider whether the number of PACs is appropriate looking at the number of items and length of meetings. In addition to increasing member engagement in decision making, one of the stated aims of the current model was to reduce call-ins. All Cabinet decisions (unless urgency is applicable) are subject to call-in and whilst in year 1 we saw only 1 call-in out of 77 decisions, so far this year we have had 3 call-ins out of 33 decisions.

3.4 **B) Cabinet plus Policy Advisory Scrutiny Committees**

The model would comprise of Cabinet plus Policy Advisory Scrutiny Committees (PASCs) so essentially the model we have now but with PACs undertaking scrutiny. There would be no separate Overview and Scrutiny Committee, with crime and disorder scrutiny taken on by one of the PASCs. Members may wish to consider whether PASCs would still see every decision prior to it being made or operate more flexibly, the Chairs of PASCs would need to take responsibility for their work programmes as it would include the scrutiny function which should remain separate to Cabinet. It is suggested that PASCs would be configured to mirror Cabinet Portfolios to better enable the advisory function of the committee. There would not be the duplication between Overview and Scrutiny and PASCs and pre-decision scrutiny and budget scrutiny would be fulfilled by the PASCs. PASCs would perform all the functions that PACs do currently with the added rights and powers of scrutiny.

In terms of the number of meetings, in 2022-23 this model would have seen a reduction of 15 meetings for 13 Councillors if we simply removed the OSC meetings, this is a fairly crude calculation as there may well be some meetings to carry out review work outside of scheduled PASC meetings in this model through task and finish or additional meetings of PASCs.

3.5 **C) Cabinet and multiple Overview and Scrutiny Committees (no PACs)**

This would be similar to the model we had prior to the move to the Committee system in 2015. Cabinet plus 3 Overview and Scrutiny Committees, OSC can carry out pre-decision scrutiny of any cabinet decision subject to urgency rules, conduct reviews and develop policy for consideration by Cabinet. In previous iterations there were 9 Members on each OSC. There would be no policy advisory committees.

Looking at the data for 2022/23 and with assumptions that as they would select their own work programme work would be scheduled to include a mix of pre-decision scrutiny and topic reviews if there were three OSCs we'd be looking at 30 meetings if they met monthly.

3.6 **D) Cabinet and an Overview and Scrutiny Committee**

This system would be the lightest option in terms of member involvement and would consist of a single Overview and Scrutiny Committee who could conduct reviews, pre-decision scrutiny, budget scrutiny, act as the crime and disorder scrutiny committee and consider any call-ins. It would be the lightest burden in terms of scheduled meetings, the workload if OSC decided to conduct pre-decision scrutiny of the majority of Cabinet decisions would be significant and could lead to a committee who has time to do little else.

This would equate to 10 meetings a year plus Cabinet meeting a significant difference in the number of meetings and resource requirement.

3.7 **E) Cabinet plus Cabinet Advisory Committees and an Overview and Scrutiny Committee**

This would be a model similar to Kent County Council's model. Cabinet Committees are advisory committees of the Cabinet. Cabinet Advisory Committees are not appointed by Council; their membership, terms of reference and number are determined by the Leader. Each Cabinet Committee is able to consider and make recommendations on the functions of the Council that are the responsibility of the Cabinet Member(s) for matters within the Committee's remit. They also consider and either endorse or make recommendations on statutory Key and significant decisions to be taken by the Cabinet Members either collectively or individually. At KCC they are not chaired by Cabinet Members.

This would probably be similar to the current level of meetings but would be dependent on the Leader who could create what they believed was needed.

3.8 **F) Alternative Model as put forward by Members**

Suggestions should be brought to the workshop for consideration and will be reported to the committee.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The committee is asked to agree a preferred option and any changes or additional work that may be required. Any change to model or changes to ways of working within the present governance model may well result in changes being required to the constitution.
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5. RISK

- 5.1 The Committee will need to consider the risks in relation to effective governance when conducting the review.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Committee should give consideration as to the best way of engaging others in any proposed changes to the governance arrangements.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Next steps will depend on the Committee's decision.
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8. REPORT APPENDICES

Appendix A: Meeting Data for Policy Advisory Committees, Cabinet and Overview and Scrutiny for 2022/23 and part of 2023/24, plus data from 2021/22

Appendix B: Meeting and Decision Data Comparison for Models

Appendix C: Member Attendance Data considered as part of the Boundary Review

9. BACKGROUND PAPERS

None.