

COMMITTEE STRUCTURE REVIEW

Final Decision-Maker	Democracy Committee
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Classification	Public
Wards affected	All

Executive Summary

This report outlines the research undertaken during the Committee Structure Review. The report recommends changes to the committee structure and improvements to the operation of the committee system to enhance decision making, while ensuring that the objectives and principles of the committee system are met.

This report makes the following recommendations to this Committee:

That the Committee Structure Review report (attached as Appendix 1 to this report) is agreed.

Timetable

Meeting	Date
Democracy Committee	30 January 2019
Democracy Committee	13 March 2019
Full Council	10 April 2019

COMMITTEE STRUCTURE REVIEW

1. INTRODUCTION AND BACKGROUND

- 1.1 Maidstone Borough Council (MBC) adopted the committee system of governance in May 2015. Having resolved to change from a cabinet to a committee system, the Council cannot change to an alternative structure of governance for 5 years except by approval at a referendum. While the earliest a new model of governance could realistically be introduced following a resolution of Council is May 2020, the Council may adjust the current committee system at any point.
- 1.2 At its meeting on 14 March 2018, the Democracy Committee resolved to undertake a review of the current committees and ways of working, excluding the regulatory committees. A report was then brought to the Committee on 2 July 2018, which set out the proposed scope and timetable for the review.
- 1.3 A working group was formed, consisting of members and substitute members of the Democracy Committee. This group assisted in the design of a survey and interview process, which supplemented desktop research. This research was designed to assess whether the original objectives and principles of the committee system had been met.

Objective

1. To achieve greater involvement and participation of all Members in decision making whilst avoiding a cumbersome bureaucratic structure that lacks direction and accountability.

Principles

1. To be cost neutral
2. To increase Member participation in decision making
3. To lead to more effective and efficient decision making

- 1.4 The research highlighted a number of key themes:
 - The speed and efficiency of decision making was perceived to be the key weakness of the committee model
 - Member participation had increased since moving to the committee system
 - Cost neutrality had been achieved
 - The effectiveness of decision making could be improved through alterations to the governance model, enhancements to aspects of the work in the committee report cycle and promoting consistency of practice within committee meetings
- 1.5 The Working Group met on three occasions to plan the review, discuss the findings and plan the final report to committee.

- 1.6 Following the completion of the evidence gathering exercise, the working group reconvened to interrogate the evidence base, assess potential modifications to the committee structure and finalise the recommendations.
 - 1.7 The Committee is asked to review the draft report attached at Appendix 1. Once the report has been agreed and finalised it will need to be agreed by Council.
 - 1.8 Once a structure has been agreed through approval of the report, detailed terms of reference for the new Committee structure will be required. A final working group meeting is planned to happen prior to Committee in March, so that Members have an opportunity to consider feedback from the Democracy Committee and define the role of each Committee further. This will be followed by detailed drafting of the proposed terms of reference of the Committees by officers. The Democracy Committee meeting in March will then be invited to agree recommendations for any amendments to the Constitution required to be presented to Full Council in April. The new structure will then be live in time for the new municipal year.
 - 1.9 Whilst the report attached at Appendix 1 gives recommendations regarding the principles around how to structure the Council's Committees in the new municipal year, the exact names of the Committees and their Terms of Reference will be considered at the next Democracy Committee meeting in March. There will be an opportunity for members to provide guidance on their preferred approach at the Working Group meeting planned in February.
 - 1.10 The findings of the evidence gathering exercise, a suggested committee structure model and recommendations for improving decision making are outlined in Appendix 1.
 - 1.11 At its meeting in April, Council will be asked to agree the Committee Structure Review report, along with the detailed changes to the Constitution required to implement the recommendations.
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2. AVAILABLE OPTIONS

Recommendations

- 2.1 The Working Group report outlines 19 recommendations in total. These recommendations have been drafted as a result of the findings of the Working Group made up of members and substitute members of the Democracy Committee, and will need to be agreed by Council. Recommendations 1-18 are wide ranging in their scope, and recommendation 19 specifically recommends changes to the Committee structure. The recommended options regarding recommendations 1-18 are outlined below, with the options regarding recommendation 19 set out in paragraph 2.6 onwards.
- 2.2 The Committee could approve the report and recommendations as proposed.

- 2.3 The Committee could amend the existing report and recommendations.
- 2.4 The Committee could redraft sections of the report and amend the recommendations.
- 2.5 The Committee could choose not to approve the report (do nothing).

Committee Structure – Option 1

- 2.6 Within Recommendation 19 there are a number of options for amending the Committee Structure. The Working Group's preferred option for service committees is 'Option 2' (adjustment of current Service Committees), while the preferred option for other committees is 'Option 6' (Policy and Resources Sub-Committees). This is combined to create 'Figure 6 – Final Suggested Governance Model' on page 60 of Appendix 1. This option provides the advantages of aligning Committees to Strategic Plan Priorities, but without increasing the overall number of Committees. It also combines Employment and Democracy Committees, which further reduces the number of Committees at the Council, improving the efficiency of the system. Finally moving the Employment and Performance Sub-Committees over to the Policy and Resources Committee gives a wider pool of members to sit on these Committees due to Policy and Resources Committee being constituted of 15 members, in comparison with 12 members of the Employment Committee. It is also likely that the most prominent members, with the most contact with the Chief Officers, will sit on these Sub-Committees which are responsible for the appointment of Chief Officers and their annual appraisals.
- 2.7 An important point to note for this proposed committee structure is that although the outcome statement within the Strategic Plan 'The Council leads master planning and invests in new places which are well designed' is assigned to the Growth and Infrastructure Committee, as this Committee is responsible for the priority of 'Embracing Growth and Enabling Infrastructure', there needs to be a separation of roles of the Council in this matter for circumstances where the Council has an investment or property interest. It is entirely appropriate for the Growth and Infrastructure Committee to take the lead on this action area when considering master planning from the perspective of the Council as Local Planning Authority i.e. when formulating spatial planning policy. However there are a number of regeneration and potential new development and settlement projects in specific areas of the borough where the Council may have a land or investment interest. These types of regeneration and development projects also require master planning from a commercial perspective and it is recommended that strategic decisions relating to master planning in this context should be the responsibility of Policy and Resources Committee. An example of a current project that falls into this category is the Maidstone East regeneration scheme where decision making has been undertaken by the Policy and Resources Committee. Secondly, these projects are often cross cutting requiring consideration of multiple priorities and outcomes outlined in the Strategic Plan, making it appropriate that they are considered by Policy and Resources Committee. This is in line with the provisions within the Constitution regarding the procedure for considering items that have cross cutting issues. This issue will be addressed fully

through carefully drafting the terms of reference of the Committees once the report has been approved.

- 2.8 This option is the recommended option, as outlined in the report attached as Appendix 1.

Committee Structure – Option 2

- 2.9 This option creates an additional Service Committee so that the Service Committees are aligned to Strategic Plan priorities. The main reason why this is not recommended is that it would be a more costly option, as the number of Service Committees would be expanded. This option is referred to as 'Option 3' in report attached as Appendix 1.

Committee Structure – Option 3

- 2.10 This option broadly retains the current committee structure and Terms of Reference, but creates a standalone Economic Development Committee. The reasons that this option is not recommended is that it would be a more costly option due to the increase in the number of Service Committees, and would result in a position where Committees have unbalanced workload. This option is referred to as 'Option 4' in report attached as Appendix 1.

Committee Structure – Option 4

- 2.11 An alternative considered in relation to the Appointment and Performance Sub Committee was retaining the Appointment and Performance Sub-Committees as Sub-Committees of the new 'Democracy and Employment Committee'. This was not recommended as the Democracy and Employment Committee only has a membership of 9. With the removal of the mandatory requirement for Political Group Leaders to sit on this Committee there is a risk that members represented on this Committee would not have as much direct contact with the Council's Chief Officers. This would be disadvantageous when making decisions regarding the appointment of, and assessment of performance for, relevant Officers.

Committee Structure – Alternative Options Considered and Rejected

- 2.12 There are a number of other options that were explored briefly in the report attached as Appendix 1 on page 31. The negative aspects outweighed the positive aspects on each of the suggested options so these options are not recommended. The options explored are:

- Aligning Committees to the roles of Heads of Service
- Aligning Committees to Key Services
- Aligning Committees to Common Skillsets
- Merging Economic Development and Housing Functions
- Merging Economic Development and Strategic Spatial Planning

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 The preferred option is outlined in paragraph 2.2 of this report and reflects a large amount of work by members and officers. The reasons for the preferred option in terms of its own merits and comparison with other options are set out above. Members' attention is drawn to the fact that if new arrangements are to be ready for implementation in the municipal year 2019/20 any amendments to the recommendations of the Working Group would need to be minor in scope.

3.2 The timetable of next steps is set out in section 6 below.

4. RISK

4.1 The risks in implementing recommendations 1-18 of the report will be considered by the appropriate decision maker when a response is formulated to the recommendations once the report has been agreed.

4.2 In terms of the recommendation 19, regarding amendments to the committee structure – the risks of all of the different approaches (including the do nothing option) have been considered and are within the Council's risk appetite.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 Consultation with Members and Officers has taken place through a survey and interview process. For full details please see the report attached at Appendix 1.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If the report is approved, this will be used to define the details of the recommended committee structure. The working group will meet in February to consider the impact of the recommendations in further detail and assist with drawing up the names and detailed terms of reference of each of the Committees.

6.2 Proposed changes to the Constitution, Committee Terms of Reference and responses to the package of recommendations will be considered by Democracy Committee at its meeting on 13 March 2019.

6.3 The Democracy Committee will be asked to recommend the changes to the Constitution and Terms of Reference for adoption to Full Council on 10 April 2019.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Accepting the recommendations will improve the Council's ability to achieve priorities and objectives described in the new Strategic Plan, as the governance structure will be tailored to align to these.	Democratic Services Officer
Risk Management	See Section 3.1.	Democratic Services Officer
Financial	The recommended option can be delivered within existing budgets.	Section 151 Officer
Staffing	The recommendations will be delivered with current staffing.	Democratic Services Officer
Legal	The Committee system of Governance is one of the permitted forms of governance, under Part 1A, section 9B of the Local Government Act 2000 (LGA 2000). Having resolved to adopt the committee system, the Council cannot change to a Cabinet form of governance within 5 years (Section 9KC(4) of the LGA 2000). However, it is appropriate during that time to make amendments to the way the committee system operates to ensure improvements in its operation and in the decision making process.	Principal Solicitor, Contentious and Corporate Governance
Privacy and Data Protection	Accepting the recommendations will not increase the volume of data held by the Council.	Democratic Services Officer
Equalities	No impact identified as a result of this report and recommendations.	Equalities and Corporate Policy Officer
Public Health	N/A	Democratic Services Officer

Crime and Disorder	N/A	Democratic Services Officer
Procurement	N/A	Democratic Services Officer

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Committee Structure Review Report
- Appendix 2: Financial Information
- Appendix 3: Committee Structure Review Survey Analysis
- Appendix 4: Interview Summary
- Appendix 5: Agenda Items for Noting by Committee

9. BACKGROUND PAPERS

- Background Document 1: Full Council Report – Movement to a Committee System
<https://meetings.maidstone.gov.uk/ieListDocuments.aspx?CIId=151&MIId=2144&Ver=4>
- Background Document 2: Democracy Committee Report – Decommissioning of the Democracy Committee
<https://meetings.maidstone.gov.uk/ieListDocuments.aspx?CIId=582&MIId=2876&Ver=4>
- Background Document 3: Democracy Committee Report – Economic Development Committee
<https://meetings.maidstone.gov.uk/ieListDocuments.aspx?CIId=582&MIId=2876&Ver=4>
- Background Document 4: Democracy Committee Report – Committee Structure Review Scoping Report
<https://meetings.maidstone.gov.uk/ieListDocuments.aspx?CIId=582&MIId=3067&Ver=4>