

Governance Arrangements Working Group

Thursday 22 July 2021 – Held via MS Teams

1.30 – 3.20 p.m.

NOTES

Present: <u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose		<u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt
Item	Minute	
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).	
2. Approve the approach to developing the new model, including member engagement, as set out in the discussion paper (Section 1)	<u>Member engagement</u> Chairman confirmed he had already met with Councillor Munford (Leader of the Independent Group). Group agreed that he would be invited to future meetings of the group in an observer role. This would ensure representation of all political groups. The working group would be the main source of member engagement through its members feeding back to their political groups. Further member engagement would be as follows: <ul style="list-style-type: none">• The Leaders of the Conservative and Liberal Democratic Groups would be spoken to by their members on this group• Councillor Munford would attend meetings to represent the independent Group• Councillor Harper to be invited to the next meeting to offer their views on the model proposed.• A Survey would be sent to all Members; and• An all-Member briefing would be held between 31 August 2021 and 7 September 2021, to allow for Members' views on the proposed model to be heard and collated prior to the model's consideration by the Democracy & General Purposes Committee.	

3. Develop and agree the principles for the new structure (Section 2)

Councillor English suggested that the notes distributed to members following his discussions with the Chairman were the basis forward.

Chairman suggested that key concepts be discussed nevertheless, and these were discussed in detail.

A. Member Involvement in Decision Making

It was felt that Members should be involved in the decision-making process as much as possible to prevent disenfranchisement with the new model. This would include easily accessible agenda papers for the Cabinet/Policy Advisory Committee Meetings for all Members.

Additionally, other tools would include: -

- Ability to pose questions in any forum
- Full council motions et cetera (Issues around program formulation were not really discussed)
- Member agenda item requests should be facilitated without difficulty. Policy committees would be able to request reports for themselves or to be sent directly to the Executive. Possible mechanism for multiple members to refer serious service failures or nuisances directly to Executive.
- Overview & Scrutiny mechanisms e.g. call-ins and 'Councillor Calls for Action'

B. Flexibility - determining cabinet portfolios and numbers?

No decisions were made on the number of portfolio holders, as it was noted that this was the Leader's prerogative in an executive model of governance and this inherent flexibility needed to be considered when designing accompanying features.

A number of issues & permutations concerning the Executive were discussed, however. These included the limitations of an Executive with a small number of members, potential for lop-sided portfolios where too many were created (e.g. 'Strategic Planning' versus 'Community'), inclusion of non-portfolio holders in the 'cabinet', or a limited number of portfolios similar to current service committee briefs but with the Executive including both the Lead-Member & Deputy Lead Member for each.

C. Accountability and Transparency

Transparency would be achieved through a number of mechanisms: -

- Members' rights (as above)
- Public participation (as below)
- The interaction between, and the procedures of, the Policy Committees and the Executive.

There would be a number of Policy Committees. There was some discussion as to how these would be constituted: -

- Preference for being constituted as advisory committees (per TMBC) as opposed to O&S committees (per TWBC).
- Preference for Lead Member to chair & be part of the Advisory Committee to ensure relevance, communication & more collegiate working than a 'distant' cabinet would afford.
- The (relevant) Cabinet Member would Chair these meetings, increasing their engagement with Members and to provide further pre-decision scrutiny.
- The Executive would then be expected to follow the resolutions of the Committee when decisions were taken or to have a good reason for departing from these.
- The Chairman explained the importance of "minimum exposure time" for reports & issues to facilitate public engagement in controversial issues e.g. a report requiring a decision would go to the Policy Committee first and then the Executive in the same month, this would result in a 3-week minimum (compared to 1-week now).
- The policy committees could soak-up the bulk of the reports "for noting".

Chairman suggested that if portfolios closely matched the existing service committee briefs, there would be four (4) such policy committees: one each in place of CHE, ERL/HCL, & SPI/SPSS and one for Finance & Corporate Services.

In discussing whether it was appropriate for the (relevant) Cabinet Member to Chair the Committee, an example of having a Junior or Deputy Cabinet Member in attendance instead was raised [per Swale BC]

An increase in the level of pre-decision scrutiny would likely reduce the use of Call-In procedures from the

Overview and Scrutiny, allowing agreed decisions to be implemented with ease.

There was a firm consensus that all decisions be taken in public, rather than just publishing the decision, to increase accountability and transparency.

The link to the Local Government Boundary Review was highlighted.

D. Delegation to individual members

The difference between individual and collective decision making was discussed at some length. The former would likely to allow for greater speed but would be more prone to the individual member being "nobbled". Consideration of the types of decisions that could be made by individual decision makers was briefly mentioned.

No definitive decision was not made. Instead, the consensus was that the Group has no preference on individual v collective decisions, but the key requirements were the making of decisions in public and members' access & inclusion in the decision-making process.

E. Overview and Scrutiny

There would be one Overview and Scrutiny (O&S) Committee (as the minimum legal requirement), to be Chaired by a member not from the administrative group. This could be a Constitutional requirement.

It was felt that only one O&S Committee was needed, due to the increased level of pre-decision scrutiny built into the model, as outlined above.

As the Council had engaged well with the Scrutiny process in previous years, the O&S rules and procedures implemented might be revisited to assess its applicability and desirability in the new model.

The importance of co-option in relation to an individual's position and/or their experience was highlighted – particularly when considering the review work that O&S Committees often undertake. This would be carried into the new model.

F. Public Participation

It was felt that, compared to other Kent Councils, MBC currently facilitated a good level of public engagement through questions, public speaking and petitions and that this should continue under the new model.

Public questions could occur at Full Council, Cabinet Meetings, Policy Meetings and at regulatory Committees

	<p>(where applicable, e.g. Licensing). The existing conditions which public questions and public speaking had to meet would largely be retained but with greater emphasis on preventing the same and/or similar questions from being asked repeatedly.</p> <p>There was support expressed for recording the answers to the questions in the minutes, to prevent the public from having to search the webcast recording. Consideration was given as to whether this would be enforced for the original question only, due to the provision of an officer response for Chairmen. It was noted that they were not always used.</p> <p>Support was expressed for continuing public participation through virtual means and webcasting all types of meeting. This was linked to the transparency of the Council's actions and the decisions being taken.</p> <p>The Legal Team would be consulted on a petitions scheme.</p> <p><u>G. Resourcing a new Model</u></p> <p>Given the preferences expressed which included the number of Committees, the monthly meeting cycle and the administrative tasks such as the Forward Plan and the issuing of decisions, it was possible that an additional Democratic Services Officer may be needed. This was in part due to the small size of the current team in place and could be considered later on, if and when necessary.</p> <p>Some concern was expressed over how the scrutiny work might be resourced to ensure its effectiveness.</p> <p><u>Outstanding Issues</u></p> <p>Outstanding concepts (from the notes distributed by the Chairman & Cllr English prior to the meeting) include: -</p> <ul style="list-style-type: none"> • An Administration's Programme v the role of the 'Forward Plan' • Whether an individual Policy Committee should be designated 'finance committee' or whether this should remain shared between committees.
<p>4.Consider the questions within the discussion paper that will inform the new</p>	<p>This was considered throughout the discussion.</p>

model's development.	
5. Agree the next steps and Actions	<p>Actions: That</p> <ol style="list-style-type: none"> 1. Councillor Harper be invited to the next meeting of the group; 2. Councillor Munford attend all working group meetings to ensure the independent group were represented 3. Councillors on the group to approach their Group Leaders for their views 4. An all Member briefing be arranged prior to the Democracy and General Purposes Committee meeting in September. 5. Survey questions be presented to the group at its next meeting for consideration; and 6. A diagram outlining the preferred model be developed by officers and presented to the group at its next meeting.
6. Closure	The meeting closed at 3:20pm and the members expressed their thanks to the officers present.

Governance Arrangements Working Group

Thursday 29 July 2021 – Held via MS Teams

3.00 – 4.50 p.m.

NOTES

Present: <u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose <u>Group Leaders</u> Councillor Munford Councillor Harper		<u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt
Item	Minute	
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).	
2. Executive Model (including the presentation of a flow diagram)	<p><u>DIAGRAM OF THE PROPOSED EXECUTIVE MODEL'S STRUCTURE</u></p> <p>The diagram of the proposed executive model's structure had been sent to the group members ahead of the meeting, alongside a diagram created by the Chairman.</p> <p>The Council's regulatory (and other) Committees had been left out of the diagram as these could be considered in the future.</p> <p>The questions arising from the Officer model were discussed as follows:</p> <p><u>Will the terms of reference (ToR) for the Policy Advisory Committees (PACs) mirror those of the existing Service Committees?</u></p> <p>The Chairman emphasised that the Leader of the Council would be responsible for the number and ToR of the Cabinet Member portfolios. The PACs would mirror these portfolios. This then aligned well with the PACs being Chaired by the relevant Cabinet Member.</p> <p>There would not be more than four PACs. The wording of the Constitution would need to allow for flexibility so that the PACs could adapt to any changes in a portfolio's ToR.</p>	

The Council's Policy and Resources Committee functions would likely be split amongst a Finance/Corporate Services Committee and the Cabinet. However, this would be decided by the Leader of the Council and no decisions had yet been made.

The preferred Membership of the PACs was 9 Members, as a larger membership could be difficult to Chair.

Will Corporate Services be solely responsible for finance or will this be shared?

No definitive decision was made. As outlined above, the Corporate Services Committee would reflect the responsibilities of the relevant Cabinet Members/Cabinet once this has been decided.

The division of powers between full Council and the Executive were noted, as the former would assume overall responsibility for certain issues, such as policy and budgetary considerations.

Will every decision, or just Key Decisions, pass through the PACs?

The Group supported that all decisions except those agreed by full Council through an Administration Programme (akin to a manifesto) would be subject to pre-decision scrutiny through the relevant PAC. Once the PAC was able to make a recommendation and/or provide advice to the relevant Cabinet Member, the matter would be referred to the Cabinet Member/Cabinet for a decision.

Another exception would be where a Cabinet Member had referred a decision to the Cabinet as a whole.

Will there be individual Cabinet Member Decision Making? Will this include Key and/or Non-Key Decisions?

Individual Cabinet Member Decision Making would be likely and was included within the Chairman's diagram. The parameters of these decisions would depend on the respective portfolio ToR and the administration programme if agreed by the Council.

DECISION-MAKING DIAGRAM

The Head of Policy, Communications and Governance introduced the flow diagram and noted that the Forward Plan was a legislative requirement. The stages within the

	<p>diagrams and timescales of the decision-making process with and without the use of Call-In were outlined. The Overview and Scrutiny (O&S) Committee would be able to conduct policy reviews.</p> <p>The Working Group felt that the system being proposed was flexible, expressing support for the decision-making process as shown within the diagram.</p> <p>In response to questions from the visiting Group Leaders, the Chairman confirmed that the pre-decision scrutiny undertaken by the PACs would reduce the number of call-ins whilst allowing the O&S committee to conduct in depth review work as required. The importance of co-opted members, due to both experience and position was reiterated. The resourcing pressures arising out of the proposed model had been considered at the group's previous meeting.</p> <p>Visiting Members would be permitted at PAC and Cabinet Meetings, with the assurance of Members accessibility being a key function of the proposed model.</p>
<p>3. Outstanding Issues from the previous meeting:</p> <p>a. Administration's programme v. Forward plan</p> <p>b. consideration of whether a designated Finance Committee is required.</p>	<p>3a. As the legislative requirement for a Forward Plan was noted above, the Chairman provided greater detail on the proposed Administrative Programme.</p> <p>The Programme would outline the actions that the Council wished to achieve across the next Municipal Year/a specific time frame. The decisions associated with the actions would then be implemented by the Cabinet and/or a Cabinet Member.</p> <p>There was some discussion on the types of issue that would be included within the Programme, as there was a difference between agreeing on an outcome versus the actions required to achieve the outcome. To mitigate these concerns, it was noted that any Member could move a motion on the programme's contents or that if any additional funding (outside of the capital programme or budget) was required by the decision maker, then full Council would examine the issue as required.</p> <p>The Head of Policy, Communications and Governance highlighted that any Administrative Programme would need to be considered alongside the Council's Strategic Plan.</p> <hr/> <p>This was briefly discussed by the Group, as it was felt that only certain Members had the required in-depth experience and/or knowledge in finance to be able to properly consider the Council's financial positions. The example of the importance of the issues considered by the Audit, Governance and Standards Committee was given as an example.</p>

<p>c. Any other design features or principles Members have in mind.</p>	<p>However, it was raised that the PACs may need to consider the quarterly monitoring reports currently provided to the Council's Service Committees in considering their recommendations to the appropriate Cabinet Member.</p> <p>It was felt that the issue would be further considered once the portfolio's ToR had been drafted, with the relevant PACs ToR to be adapted as required to enable proper pre-decision scrutiny.</p> <hr/> <p>The Group agreed that the Key principles of the proposed model had been captured within the structure and decision-making diagrams as shown.</p> <p>In writing the report for the D&GP Committee meeting on 8 September 2021, further consideration would be given to ensuring that all Councillors were aware of:</p> <ul style="list-style-type: none"> • The Councillor 'Call for Action' Process; • The functions of the Crime and Disorder Committee; and • The general training opportunities open to all Councillors.
<p>4.Thoughts from Leaders of Smaller Political Groups – including views on the hybrid-executive model being developed:</p>	<p>The Leaders of the Labour and Independent Groups were invited to make their comments on the proposed model.</p> <p><u>Leader of the Labour Group – Councillor Paul Harper</u></p> <p>Councillor Harper stated that the executive model proposed ensured a good number of checks and balances. This was namely through the emphasis given to motions to full council, the call-in process, Member questions and Member agenda item requests.</p> <p>It was stated that whilst the number and portfolio ToR for Cabinet Members was at the discretion of the Leader of the Council, only minimal changes to these should occur throughout the Municipal Year. This would avoid confusion on the ToR for the PACs and the types of issues that should be considered by each PAC. This was linked to the experience and expertise of Members in certain areas, which would be maximised through their membership to a PAC that examined the same issues. A consistently changing ToR could instead lead to generalised knowledge.</p> <p>Councillor Harper stated that the use of an Administration Programme needed to be carefully considered.</p>

	<p>In considering a period of no-overall political control, the Labour Group would expect to have some of the executive posts. The campaign issues addressed would need to be considered in forming a coalition so that some of these could be achieved. If necessary, a larger Membership of 11 Councillors to a PAC would be suitable.</p> <p><u>Leader of the Independent Group – Councillor Steve Munford</u></p> <p>Councillor Munford expressed support for the proposed model. A question was raised on whether the PACs power should the Cabinet Member decide to act in opposition to the former’s recommendations.</p> <p>The Independent Group were unlikely to enter into a coalition if there was a period of no-overall control following an election. In such a situation, the importance of synergy between the PACs and Cabinet Members was emphasised.</p> <p>Given the difficulties associated with Chairing large committees, it was felt that a membership of 9 Members to the PACs was appropriate.</p> <p>The Group emphasised the importance of Member-led decision making in all scenarios.</p>
<p>5. Taking stock – What further work/issues do we need to consider</p>	<p>It was felt that further consideration on the protocols for the discussion forums (as shown within the Chairman’s diagram) was required.</p> <p>It was suggested that these meetings become more formal in nature and would be discussed at a future meeting of the group.</p>
<p>6. Member survey Questions</p>	<p>The topics covered by the Survey questions were agreed in principle.</p> <p>There were some changes required to reflect the discussion and decisions made during the meeting. For example, the explanation to Section 1 (the PAC Committees) needed to be amended to reflect their ToR rather than being based on the Council’s current Service Committee remit.</p> <p>As it was imperative that the Survey was sent out as soon as possible, members would make their amendments and send them to the Chairman. These would then be passed to Officers to implement the changes.</p>
<p>7. Summary of Agreed Actions</p>	<p>Actions: That</p> <ol style="list-style-type: none"> 1. Any comments on the survey questions would be sent to the Chairman and then officers in order that

	<p>the survey could start during the week commencing 2 August 2021;</p> <ol style="list-style-type: none"> 2. The next meeting on the 19 August 2021 would focus on how the Member Briefing would be structured; and 3. The structure and headings for the report to be presented to the Democracy and General Purposes Committee on the 8 September 2021 be discussed at the next meeting of the Working Group.
8. Duration of Meeting	<p>3.00 p.m. to 4.50 p.m.</p> <p>All attendees were thanked for their contributions.</p>

Governance Arrangements Working Group

Thursday 19 August 2021 – Held via MS Teams

3.00 – 4.00 p.m.

NOTES (draft)

Present: <u>Members</u> Councillor Purle (Chairman) Councillor Perry Councillor English Councillor M Rose Councillor Munford		<u>Officers</u> Jayne Bolas Angela Woodhouse Oliviya Parfitt
Item	Minute	
1. Apologies	Apologies were received from Councillor Blackmore and Patricia Narebor (Monitoring Officer).	
2. Short Update on the Member Survey	<p>The Head of Policy, Communications and Governance provided an update on the status of the Survey which would close at midnight on Thursday 19 August 2021.</p> <p>22 Councillors had completed the survey so far, with the working group's Members asked to remind their respective political groups to complete the survey.</p> <p>It was noted that the feedback received was largely positive, with the following figures outlined:</p> <ul style="list-style-type: none">• 86% of respondents felt that four Policy Advisory Committees (PACs) was suitable, with 91% agreeing that having terms of reference similar to the existing service committees was suitable. 64% felt positive about the PAC being chaired by the relevant cabinet member.• A membership of nine for the PACs was currently the most popular suggestion, with some requests received for a membership of 15.• Six respondents had stated that there should be nine cabinet members, four had stated that there should be six cabinet members and five had stated that there should be four cabinet members.• 88% of respondents were in favour of having deputy cabinet members, with 76% in favour of individual decision making.• 65% of respondents thought that all decisions should be made in public.• 76% of respondents thought one Overview and Scrutiny (O&S) committee was suitable. 82% of respondent were	

	<p>in favour of the O&S committee being chaired by a Councillor not of the administration.</p> <ul style="list-style-type: none"> • A membership of nine for the O&S committee was the most popular suggestion. Suggestions of a membership of 15 had been received. • 86% respondents were in favour of retaining the current public engagement arrangements. Whilst there were positive responses for questions to the Leader and Cabinet Members from the public, only 43% of respondents supported public speaking at cabinet meetings. It was noted that public speaking could be explored further with Councillors, to ascertain whether there was a reason for that level of support, such as greater pre-decision scrutiny through the PACs being the appropriate place for public speaking. • 63% of respondents agreed with the model proposed and felt that it would enable effective decision-making. 64% agreed with the model in principle. <p>In response to questions from the Chairman, Councillors English and M Rose confirmed that they had been contacted by their group members to provide further clarity on the survey questions and topics covered.</p> <p>The group confirmed that the governance arrangements for the Cobtree Manor Estate Charity and Queen’s Own Royal West Kent Regiment Museum Trust Committees would remain under the new governance system.</p> <p>The full results report from the Member Survey would be sent to the group once available.</p>
<p>3. Structure and Headings for the report to be presented to the Democracy and General Purposes Committee 8 September 2021.</p>	<p>In response to questions from the Head of Policy, Communications and Governance, the group confirmed that the report to the Democracy and General Purposes (D&GP) Committee should focus on the principles behind the proposed model and the work undertaken by the group, including providing copies of the minutes, structure and decision-making diagrams.</p> <p>The positive feedback received on the hybrid-executive model created would be highlighted.</p> <p>The report would propose that full council be recommended to agree the proposed model, or that a new model be proposed.</p>
<p>4. Structure of the Member Briefing</p>	<p>In considering how the Member Briefing would be delivered, the Chairman stated that he had considered giving the presentation alongside Councillor English.</p> <p>This was supported by the group as it would highlight the importance of the Member-led discussions and decisions that</p>

	<p>had been made in creating the proposed model, alongside the cross-party support that it had received.</p> <p>The Head of Policy, Communications and Governance and the Democratic Services Officer would draft a presentation and send this to the Chairman by 26 August 2021, for final approval by the 31 August 2021. This would allow enough time for any necessary changes before the briefing was held on the 2 September 2021.</p> <p>The presentation would be shared with the working group once it had been finalised.</p>
<p>5. Further consideration of the protocols for discussion forums (as per Chairman's previous diagram)</p>	<p>The group considered the importance of having greater structure to decision forums through the access to the associated documents and minutes resulting from these meetings.</p> <p>It was agreed in principle that further structure was needed, but that this would be considered at a later stage in the process of changing governance arrangements.</p>
<p>6. Any Other Business</p>	<p>The Head of Policy, Communications and Governance stated that legal services had advised that the sub-committees associated with the Council's Policy and Resources Committee (focusing on employment and senior staff appraisals) could not sit within the remit of the Corporate Services Policy Advisory Committee. This was due to these functions falling within the remit of full Council.</p> <p>It was suggested that these sub-committees fall within the remit of the Democracy and General Purposes Committee once the new governance arrangements were implemented.</p> <p>It was agreed that the Group would meet on Monday 23 August to discuss the final results of the Member Survey. Any concerns would then be able to be addressed during the Member Briefing being held on the 2 September 2021.</p>
<p>7. Summary of Agreed Actions</p>	<p>Actions: That</p> <ol style="list-style-type: none"> 4. The report on the proposed governance arrangements for the 8 September 2021 meeting of the Democracy and General Purposes Committee meeting be written by the Head of Policy, Communications and Governance and the Democratic Services Officer; 5. The Head of Policy, Communications and Governance and the Democratic Services Officer would draft a presentation for the Member Briefing to be provided to the Chairman by 26 August 2021;

	6. A further meeting of the working group would be held on Monday 23 August 2021, between 12-1 p.m. to focus on the results of the Member Survey.
8. Duration of Meeting	3.00 p.m. to 4.00 p.m. All attendees were thanked for their contributions.