



Name of meeting: Council

Date: 8th September 2021

Title of report: Committee System Proposal

Purpose of report: Corporate Governance and Audit to determine next steps on the governance model proposed

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall – 31.8.21
Is it also signed off by the Service Director for Finance?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – 31.8.21
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? No GDPR implications

1. Summary

Council is asked to recommend Corporate Governance and Audit committee determine the next steps of the proposal for a committee system arrangement that Council has requested the authority undertake. The committee has a clearly defined and important role in ensuring the adequacy of the Corporate Governance arrangements and monitoring and reviewing the operation of the Council's constitution and so it is felt it is appropriate that it has oversight of the significant work required.

The report highlights some of the key issues the committee will need to address.

2. Information required to take a decision

A motion was received at Annual Council on 19th May 2021 which requested, Corporate Governance and Audit committee consider a report that would enable the council to make an "in principle" decision to move from the strong leader and cabinet system to a committee system. The motion is attached at **Appendix A**.

Exploring and considering different avenues of governance is an extremely large piece of work in a complex area and it was not possible to complete over the summer period. Officers have been doing work in the background to understand the planning and research that is required including consideration of the Local Government Association guidance, as well as considering the approach other local authorities have undertaken.

As such it was felt it was appropriate to bring this back to Council as there can only be an evaluation of the respective merits of differing models of governance arrangements, once there has been a thorough assessment of:

- the key attributes of an effective governance structure (which will inform the committee's final recommendations as to which governance model would best meet such key attributes); and
- the factors driving the proposal for change.

Once there is a full understanding of these matters a governance system be designed and evaluated. In addition, this approach can help identify areas that would not be addressed by a change of governance system and enable other action to be taken by the Council.

The Local Government Association guidance has helpfully set out key issues that will require further exploration when rethinking governance and these are set out below:

- **Planning:** what is the purpose of the work, how will you ensure the views of all interested parties are heard and how will you meet the democratic expectations of local residents?
- **Assessment:** how do you involve all members in policy development and integrate the public voice? What decisions are delegated to offices and how do you improve forward planning?
- **Design:** develop some principles for what an improved system might look like: member/officer relations, information sharing, councillors' role in performance/financial management.
- **Consider how you will get there.** What changes in culture and structure will be necessary? What are the structural options available?
- **Weigh up a formal change.** Is there a clear rationale for a governance change?

There will be a significant amount of work required when rethinking governance models. Members have a key and central role in leading this process and being actively involved and taking an agile approach in managing, exploring and examining the key issues set out above by the Local Government Association.

It is proposed Corporate, Governance and Audit committee (CGA) will have responsibility for overseeing this important and complex area of work in relation to the motion and setting out a timetable to progress the proposal at a future CGA meeting.

3. Implications for the Council

3.1 Working with People

The Council's capacity to work effectively and to deliver all aspects of its corporate outcomes is underpinned by ensuring that it takes informed and transparent decisions with openness and accountability. The Council's choice of governance arrangements is fundamental to this. The decision-making structure of the Council should provide a framework of transparent accountability to users, stakeholders, and the wider community.

3.2 Working with Partners

No implications

3.3 Place Based Working

No implications

3.4 Climate Change and Air Quality

No implications

3.5 Improving outcomes for children

No implications

3.6 Other (e.g. Legal/Financial or Human Resources) Consultees and their opinions

There are likely to be resource implications to the review due to the scope of reviewing governance models, complexity and timeframe involved. It may be necessary to instruct external support such as an expert advisor or additional legal support. The committee may recommend actions that have a financial implication, including an impact on the Members' Allowances Scheme, and these should be contained within the committee's findings.

A review of governance arrangements will need to ensure that the recommendations are in accordance with the Localism Act 2011 and other relevant legislation, particularly the Local Government Acts and the timeframes included therein.

Next steps and timelines

Subject to approval the Corporate, Governance and Audit Committee will have responsibility to decide next steps and set out the timetable for the work required.

4. Officer recommendations and reasons

That Corporate Governance and Audit committee determine the next steps in accordance with the Local Governance Association's key issues as set out at paragraph 2.

5. Cabinet Portfolio Holder's recommendations

Not applicable

6. Contact officer

Samantha Lawton, Head of Governance

7. Background Papers and History of Decisions

Not applicable

8. Service Director responsible

Julie Muscroft, Legal, Governance and Commissioning

Joint Party Motion to Annual Council – 19 May 2021

Under Council Procedure rules 15 and 14(3) we ask the Corporate Governance and Audit Committee to consider a report that would enable the council to make a decision on whether to move from the strong leader and cabinet system to a committee system.

The report needs to contain sufficient detail and be completed within appropriate timescales to meet the requirements in Local Government Act 2000, so that the Council can make the decision to return to a Committee System from the Council's AGM in May 2022. It should contain options for what a new committee system should look like and the risks and benefits of each model as well as the timescale and steps for making such a change.

In any event the report should be completed so that it can be debated at the Council meeting on the 8th September 2021.

The intent of the request to return to a committee system is to: increase councillor participation in council decisions; increase the transparency of decision making and improve the quality of decisions made in Kirklees.