

Contact Officer: Leigh Webb

KIRKLEES COUNCIL

CORPORATE GOVERNANCE AND AUDIT COMMITTEE

Friday 2nd December 2022

Present: Councillor Yusra Hussain (Chair)
Councillor Ammar Anwar
Councillor Kath Pinnock
Councillor Harry McCarthy
Councillor Elizabeth Reynolds
Councillor Joshua Sheard
Councillor John Taylor

In attendance: Julie Muscroft – Service Director, Legal, Governance and Commissioning
Martin Dearnley- Head of Internal Audit
Samantha Lawton – Head of Governance
Chris Read – Corporate Customer Standards Officer
Councillor Paul Davies (Ex-Officio)
Councillor Jo Lawson (Ex-Officio)
Councillor Elizabeth Smaje (Ex-Officio)
Councillor Cathy Scott
Councillor Mohan Sokhal

1 Membership of the Committee

No apologies for absence were received.

2 Declarations of Interest

There were no declarations of interest from any members of the Committee.

3 Admission of the Public

All agenda items were to be considered in public.

4 Deputations/Petitions

There were no deputations or petitions.

5 Public Question Time

There were no questions from members of the public.

6 Corporate Customer Standards Annual Report 2021-22

The Committee received a report on Corporate Customer Standards 2021-22. The report updated the Committee on complaint issues and performance during the previous year.

The report was informed by the Local Government Ombudsman Annual Report which was published in July 2022. The report incorporated information about third

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stage complaint handling during 2021/22, and a summary of the Whistleblowing concerns that had been received. The report also contained reports on Children's Services, and Housing Services complaints which were handled through a different process.

The ultimate sanction that the Local Government Ombudsman could apply was to issue a formal report against a Council. Those were usually issued where a matter was very serious and had a number of process issues to consider and resolve. In 2021-22 there were no formal reports issued against Kirklees Council.

The Local Government Ombudsman published details of every complaint six weeks after they were formally made which enabled Kirklees to compare performance against other West Yorkshire Councils. Kirklees Council was approximately 20.3% of the West Yorkshire total which was around the number anticipated.

Learning from complaints was noted, the Committee was informed that the complaints process appeared robust given that 47% of the Kirklees cases formally investigated were upheld.

It was noted that in 2020/21 the Ombudsman was closed for new enquiries for approximately 3 months of the year, and the period 2021/22 featured "catch up" from the Ombudsman.

There was a total of 1045 third stage complaints passed through Corporate Customer Standards Section in 2022/23, compared to 857 cases in 2020/21. 2022/23 figures indicated that the Customer Standards Section could receive 10% fewer contacts this year.

During discussion the Committee asked how Kirklees compared with other Local Authorities regarding their Children's Services complaints. It was noted that children's complaints were dealt with via the children's complaints process and not the corporate complaints process.

RESOLVED – That the report be noted.

7 Proposed Change to Council Budget Meeting Date 2023

The Committee received a report which proposed a change to the date of the Council Budget Meeting 2023.

Council Procedure Rule 2 (1) advised that the dates of ordinary Council Meetings in each Municipal Year were determined by the Council following recommendations made by the Corporate Governance and Audit Committee.

The Corporate Governance and Audit Committee considered a report setting out dates for 2022-23 at its meeting on 11 March 2022 and recommended the proposed schedule of meetings be approved by council. The dates were subsequently approved by Council.

As a result of the economic circumstances this financial year, and the lateness of receiving the finance settlement, it was helpful for Officers and Members to have

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more time to consider the impact of the current challenging conditions to prepare and/or consider the draft budget. As a result of that and following discussions with Group Leaders it was proposed to change the date of the Council's Budget Meeting from 22 February to 8 March 2023.

RESOLVED- That the report be considered at the meeting of Council on 7 December 2022 with a recommendation to change the date of the Council's Budget Meeting from 22 February to 8 March 2023, along with the consequential changes in respect of the schedule of outstanding Council meetings, as set out in the report.

8 Committee System Proposal - Democracy Commission Report

The Committee received a report on the Committee System Proposal from the Democracy Commission.

On 24th September 2021, Council approved the appointment of the Local Government Advisor (LGA) Mark Edgell who advised and worked with Councillors on the governance review process. Council further approved that the Corporate Governance and Audit Committee be tasked with determining the next steps of the proposal for a committee system arrangement.

An information session was arranged on 13th October 2021 with Corporate Governance and Audit to receive further advice from the LGA and discuss the approach to the review of different governance models.

On 4th November 2021 an all-Councillor committee system session was held to discuss the issues together, in a balanced, neutral way and to capture the views of all members.

On 26th November 2021 Corporate Governance and Audit resolved that the Democracy Commission be convened to undertake this work. The Terms of Reference for the review were set and agreed by Corporate Governance and Audit on 21st January 2022 which were:

- 1) To review the advice, conclusions, and recommendations of the LGA Independent Advisor.
- 2) To consider evidence from other Local Authorities operating under alternative models of governance such as those who had changed from:
 - Leader and Cabinet model to a Committee System.
 - Committee System to Leader and Cabinet model.
 - Leader and Cabinet and changed to Committee system and back to a Leader and Cabinet model
- 3) To review the current model in light of evidence from other Councils/Models and consider whether more inclusive decision making could be achieved through:
 - Strengthening the impact of scrutiny – Increased member involvement and focus on pre-decision scrutiny
 - Increased understanding of evidence, openness, and transparency in relation to Cabinet Decision Making

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- Improved flow of information and processes in place
- 4) To submit a report to Corporate Governance and Audit Committee setting out findings and recommendations arising from the review.
- 5) The Commission to report back to Corporate Governance & Audit committee at every meeting.

During discussion the Committee suggested that the Democracy Commission undertake a review of the implementation of the recommendations and report back to the Corporate Governance and Audit Committee by March 2024. The Committee also noted the wording on point 4 of the recommendations and requested that Cabinet increased dialogue on key strategic issues with Members to increase transparency and develop both formal and informal engagement with Members.

RESOLVED- That the Committee recommends that:

1. The Council supports the retention of the current model of governance (Cabinet Strong Leader Model) with the suggested improvements set out below: -
2. The Council recognises the key role of the scrutiny function, including key strategy formation in engaging non cabinet members in the decision-making process, which can be further developed through the following suggested enhancements:
 - (i) Improvements to enhance and improve pre-decision scrutiny to include reviewing the current scrutiny panels
 - (ii) Clear guidance as far as reasonably practicable in defining pre-decision scrutiny and associated timelines
 - (iii) Annual training and work programme briefings provided to all Members of the Council's Scrutiny Panels.
 - (iv) Providing clear information to Members and officers on the benefits of pre decision scrutiny and to ensure there is an understanding of the requirements to engage in early pre-decision scrutiny to enhance good decision making
3. The Council recognises that good scrutiny and decision making relies on the provision of transparent, accessible information in a timely manner and supports the development of sharing information to raise awareness, increase understanding of and ensure clarity for Members and Officers around scrutiny, Access to Information Rules and the sharing of information.
4. That Cabinet be requested to increase dialogue on key strategic issues with Members to increase transparency and develop both formal and informal engagement with Members.
5. That consultation be undertaken with Group Business Managers and Members, to identify any potential barriers preventing some Members being appointed to Committees/Panels such as timing, frequency, location, format of meetings and any actions appropriately co-ordinated.

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6. That information be communicated to all Members (across different roles) in relation to engagement with the decision-making process, including access to information rules, scrutiny, raising a notice of concern, speaking and questioning rights at committees.
7. That work is considered to explore enhancing training and development for Councillors to help understand and carry out their roles.
8. To note and thank Mark Edgell and the Local Government Association for the advice, report and recommendations which has provided the panel with an independent starting point for the review by the Commission.
9. To note and thank the Local Authorities and stakeholders who gave their time and shared their experiences with the Commission.
10. That the Democracy Commission undertake a review of the implementation of the recommendations and report back to the Corporate Governance and Audit Committee by March 2024.