

This Report will be made public on 2 February 2022



Report Number **A/21/22**

To: Council
Date: 10 February 2022
Status: Non - executive decision
Responsible Officer: Susan Priest, Chief Executive

SUBJECT: CHANGE IN GOVERNANCE ARRANGEMENTS –
PROGRESS OF THE GOVERNANCE WORKING GROUP

SUMMARY: This report summarises the work of the group to date and sets out the various governance models available.

RECOMMENDATIONS:

1. To receive and note report A/21/22.
2. To note the work of the Governance Working Group.
3. To note the next steps, set out in paragraph 2.1 of the report.

1. INTRODUCTION

1.1 On 25 September 2019, Full Council resolved:

“RESOLVED:

That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council.” Council 25 September 2019 (minute 43.2).

1.2 Following on from the decision, a Governance Working Group was created, and have met four times. As a result, various changes have been made to the council’s governance arrangements.

1.3 At their meeting on 27 February 2020, the Working Group agreed a set of Goals for Change in Governance. The goals were based on a series of conversations with Group Leaders, and discussion points made at the Working Group meetings. The update below sets out the goals agreed by members, and describes progress made against each of them (shown in italics).

1. Inclusiveness – more Councillors should be involved in making decisions. Currently (at the time of writing in January 2020), 7 out of the 30 Councillors make decisions in Cabinet. The aim should be to increase the percentage of Councillors who have a role in making policy and service decisions.

***Progress** – On 1 February 2020, both the Green and Lib Dem Group Leaders joined the Cabinet and the number of Members on the executive increased to 9. The Labour Group Leader was also invited to join at this time, but declined to accept the offer making the Labour group the only party not holding an executive position.*

Since February 2020, the Executive has consisted of 5 Conservative, 1 Lib Dem, 1 Green, 1 Independent group leader and 1 independent member.

Four of nine portfolio holders are not members of the largest political group. The 4 portfolios held are:

- *District Economy – Independent group*
- *Environment – Green group*
- *Revenues, Benefits, Anti-Fraud and Corruption – Lib Dem group*
- *Transport and Digital Transformation – Independent group*

Since the start of this broader more inclusive executive, there have been 20 meetings held (as at 31 January 2022).

In addition, the creation of a number of theme-based Working Groups has also resulted in many more members being included directly in contributing to policy and service decisions at an early stage. To date, a total of 38

Working Group meetings have been held (up to 31 January 2022) involving at least 30 members.

Name of Working Group	Start date / end date	Current Membership	Number of meetings
<i>Corporate Plan</i>	<i>6 November 2019 - 1 July 2020</i>	<i>Councillors Monk (Chair), Mrs Hollingsbee, McConville, Meyers, Prater and Whybrow</i>	<i>3</i>
<i>Otterpool Park</i>	<i>7 October 2019 – 23 July 2020</i>	<i>Councillors Monk (Chair), Fuller, Keutenius, J Martin, Mullard and Wimble.</i>	<i>8</i>
<i>Folkestone Town Centre</i>	<i>30 October 2019 – ongoing</i>	<i>Councillors Brook (Chair), Davison, Monk, Prater, Wade and Wimble.</i>	<i>10</i>
<i>Climate and Ecological Emergency</i>	<i>18 October 2019 – ongoing</i>	<i>Councillors Whybrow (Chair), Fuller, Hills, McConville, Meyers, Wimble</i>	<i>13</i>
<i>Governance working group</i>	<i>5 November 2019 - ongoing</i>	<i>Councillors McConville, Meyers, Monk, Prater, Whybrow and Wimble (Chaired by LGA/CfGS).</i>	<i>4</i>

In addition, since September 2019, members have been invited to attend a total of 14 Member briefings (as at 31 January 22), on various topics of interest to the council including Otterpool Park, the Folkestone Place Plan, the Climate Emergency, and a demo of MyAccount. All councillors are invited to attend these briefings.

- 2. Representation** – currently, some communities in Folkestone and Hythe, represented by the Green, Labour and Liberal Democrat parties, have no representation in the main decision making processes of the Council. Change should ensure that more communities feel represented in the way decisions are made, and ensure effective engagement with the public.

Progress – As per point 1, the executive now has broad representation from various wards, and political groups. In addition, the changes to Overview and Scrutiny have resulted in stronger pre-decision scrutiny through a clear well planned and articulated work plan which helps deliver

greater inclusiveness and representation (also see point 4 below). Furthermore, members of our communities were surveyed as part of the Corporate Plan preparatory work, and many more surveys and consultations have taken place to secure the views of residents and other interested parties in subsequent policy development and decision-making.

- 3. Accountability** – the current system of portfolio holders gives clear accountability and responsibility for the decisions that are made. Any change should ensure that clear accountability remains.

***Progress** – The current executive system with portfolio holders has not changed, but since the changes to broaden cabinet membership there are now 4 portfolio holders who are not Conservative members (see above, representing a 55% 45% split). In addition, the expectation now is that portfolio holders present reports to the Overview and Scrutiny Committee which clearly identify this broader member accountability for reporting, for policy development, for decision-making, and for subsequent service improvements.*

In addition, a published annual forward plan for scrutiny and for decision-making makes this aspect of accountability more transparent.

- 4. Effective Scrutiny** – strong scrutiny is to be encouraged. In particular, there should be more emphasis on pre-decision scrutiny to ensure that proposals are explored in detail before decisions are made. In a Committee system this can be achieved through ensuring that each Committee has a clear role in ensuring effective scrutiny. In a Cabinet system, the Overview and Scrutiny Committee can have a stronger and more influential role in decision making (eg the Kirklees model) and not just scrutinising decisions once they are made. A process for call in will remain necessary.

***Progress** – A lot of work has been undertaken in making the Scrutiny function more effective, with the support of the Centre for Governance and Scrutiny (CfGS). Previously, the OSC would see Cabinet reports the night prior to Cabinet, which gave them little opportunity to have any meaningful considered impact. One of the main changes made was that OSC would have an opportunity to scrutinise topics at an earlier stage in development. On 6 October 2020, the Scrutiny Committee adopted an Overview and Scrutiny and Cabinet Members protocol. In addition, the structure of the work plan was revised to allow an average of two topics per meeting (12 topics in total, 3 of which held as ‘reserves’), enabling the Committee an opportunity for more in-depth exploration and scrutiny on each topic. In addition, on 6 October 2020, the Committee agreed to create a dedicated Finance and Performance Scrutiny Sub-Committee to receive detailed finance and performance quarterly monitoring reports. The Sub-Committee is chaired by the Leader of the Opposition and has met 6 times thus far. These changes are still at a relatively early stage but offer a dedicated opportunity to discuss in detail the performance and budget matters of council.*

- 5. Efficiency** – the current model is reasonably streamlined. Any change should not increase the overall number of meetings that are held in any year and should be mindful of the capacity of Members and officers alike to attend or service meetings. Any change should not lead to any significant increase in the costs of the Council's decision making.

***Progress** – The changes made to the Scrutiny function have focused the work of the Committee, allowing more time within each meeting to explore in depth the specific topics on the Scrutiny work plan of importance to members. Overall, many more meetings have been held (see above for a review of Working Groups and all member briefings) and in the current resource base there is no capacity to increase this further.*

- 6. Transparency** – the forward programme of decisions and the reasons for decisions, once made, should be communicated clearly to all Councillors and to residents and businesses in the District. The number of meetings held in private or confidential papers should be minimal.

***Progress** – The forward plan of cabinet decisions has been adapted to show forthcoming decisions for a three month rolling period, whereas previously only key decisions were published, as per the statutory duty of the council. This wider forward look has improved transparency in forthcoming decision-making.*

The number of confidential papers has been significantly reduced, and for the municipal year 2020/21, only 4 Cabinet reports out of a total 71 were considered in private, three related to contractual matters regarding the waste contract, and one related to the Otterpool Park Business Plan - financial plan. Where possible, reports now tend to have a 'confidential annex', allowing for debate to take place in public based on the available information with restricted information kept to the minimum on 'pink' papers. In addition, where appropriate, redaction of sensitive information is used to allow for items to be considered in public wherever possible.

In addition, the Folkestone Parks and Pleasure Grounds Charity Trustee meetings are now a meeting held in public with papers being treated in a similar way to those for council meetings.

Transparency remains a key element of focus in the current Corporate Plan and will continue to be an important issue embraced through the culture of the council.

2. NEXT STEPS

- 2.1 At the meeting of the Governance Working Group, held on 11 October 2021, it was agreed that a report prepared by the Centre for Governance and Scrutiny (CfGS), setting out the work to date and factors for consideration in changing governance models, be considered at Full Council in January/February. The report would be for noting, and a decision would then be put to Full Council at the Annual meeting in May 2022, and subject to that decision, any changes to existing governance arrangements would take effect from May 2023.

2.2 The report prepared by the CfGS is therefore set out at appendix 1 to this report.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal Officer's Comments (AK)

Any legal issues are covered in the main body of the report.

3.2 Finance Officer's Comments (LW)

There are no financial implications arising directly from this report

3.3 Diversities and Equalities Implications (GE)

There are no equality or diversity issues arising as a result of the report.

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Jemma West

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APPENDIX 1 – CfGS report

The following background documents have been relied upon in the preparation of this report:

Minutes of the Governance Working Group meetings