

MINUTE EXTRACT

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

THURSDAY, 26 SEPTEMBER 2019

14 GOVERNANCE REVIEW

At the Annual Meeting of the Council the Committee had been charged with carrying out a review of the Council's governance arrangements. Consequently, Councillor Tony Cox introduced a report by the Governance Review Working Group that had undertaken this work. The Working Group had met during the summer and, with the assistance of the Local Government Association (LGA), had conducted interviews and had hosted an all Member workshop. The findings of the Working Group, and its implications, were set out in the report.

The Governance Review Working Group had considered that the recommended move to a Streamlined Committee System form of governance best met its objectives for governance arrangements of:

- **Accountability** – responsibilities and accountability should be clear, within the Council and to residents;
- **Credibility** – governance should assist good decision making, which involved proper and early scrutiny;
- **Transparency** – the decision making process should be open and transparent to Members and to the public;
- **Collaboration** - decision making should be collaborative across parties and less combative;
- **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

Members noted that the recommendations, if adopted, set in train a number of pieces of work to be completed to allow for the change of form of governance within the desired timeframe.

The Committee was informed that varying alternative governance arrangements had been considered by the Working Group. This had included a particular emphasis on a more inclusive and open version of a Leader and Cabinet form of executive arrangements, as well as 'Hybrid' and other forms of governance arrangements.

However, these other governance options had been rejected as it was considered that they would not achieve the objectives to the same high degree or as conclusively as a Streamlined Committee System.

The Working Group had considered delaying the implementation date of the change of governance arrangements to the Annual Meeting of 2021 to allow for more time to

draw up a satisfactory working structure. However, it was satisfied that any advantages were more than outweighed by the view that such a delay would be counter-productive and that a workable revised Constitution could be produced in the given time period.

Appended to the report was:

- Appendix A – The Presentation slides for the Governance Review Workshop; and
- Appendix B – The Governance Review Working Group’s Chair’s Report.

Councillor Cox reported that accountability, credibility and transparency were paramount and it was important not just to keep governance arrangements the same but about improving them so that the electors could hold Members to account. Also, collaborative working was very important and the current form of governance did not actually endear people to work in collaboration. If the Council was to move forward with an improved form of governance there was now an opportunity to make a genuine change to how the Council was actually run and the oversight that Members had.

Councillor Cox also reported that it was important that information was made available because in the past Members had been told more or less to go and look for themselves. This should not be allowed to happen going forward. It needed to be eradicated and a more inclusive way of working found and if this meant a change in governance arrangements, then so be it.

The Director of Governance and Assurance informed that Appendix B, written by the Chair, was the most important part of the report. The Director had drafted the covering report and had included the practical implications of changing the Council’s governance arrangements.

Members then commented on the report and asked a number of questions. Issues raised included:

- The Working Group had been speedy and had completed a good consensual piece of work and there had been no major defence of the Cabinet System. No one had said staying with the current system of governance was the right option.
- The All Member Workshop had been well attended and although some Members did have concerns about change and how that would look, overwhelmingly those who had attended had declared that they were in favour of change and were not resistant to it. They had recognised that things moved on, times changed and the way the Council was constructed had to change. This had all been helpful.
- At the time the original Notice of Motion was debated there had been an overwhelming feeling that decision-making in the Council had not been of the top quality that it should have been and, in fact, even in the face of fairly strong public opposition, that decision-making had not been revisited. The current model of governance had been imposed on the Council by central government. It was thought that the Strong Leader model with the delegation of decision-making had led the Council down the wrong path. It was important to review the

Council's governance arrangements now and the starting point of the Working Group had not been to say how we implement a Committee System but had been to say how do we reverse the process that has been going on for some years.

- Members wanted meaningful involvement in decision-making that meant something to their constituents. They needed to serve the electorate better. The Council's powers currently were not what the public expected it to have and this needed to be put right. The public's perception currently was that decisions were made behind closed doors.
- The number of Freedom of Information requests had gone up considerably since the Cabinet System was implemented. Wirral Council had the highest number of these submitted to a local authority in the country.
- It would be a mistake to see this chance as a return to the old Committee System. It was not a return to any system that the Council had in place previously. It would be a much more streamlined system.
- There were still concerns to be addressed and one of these was the speed at which the change was taking place. However, if Members found the time constraints were too tight, the Council could decide at its meeting on 14 October 2019 that it did not want to implement new governance arrangements until May 2021. If that decision was made there could not be another vote, in the meantime, to reverse that decision.
- Some Members thought the timescale was too rushed to implement a change in governance arrangements within six months and informed that the representative from the Local Government Association who had attended the Members' Workshop had recommended a timescale of at least 18 months for such change to be implemented.
- If the Council agreed the recommendations set out in the report the Director of Governance and Assurance had confirmed that it would be possible to have a workable Council Constitution in place for May 2020. It would then be continually reviewed and evolve as appropriate.
- It was not anticipated that the new arrangements would lead to an increase in Members' Allowances. Instead it was expected that there would be a reduction as there would not be as many Special Responsibility Allowances included in the new Scheme of Members' Allowances. This should mean a cost saving.
- Cost from an officers' perspective would:
 - (1) include implementing the changes and the Constitution which would be a one off. However, there were issues identified with the current Constitution which meant it would need to be rewritten anyway if the Council did not move to new governance arrangements. Therefore, the cost of a new Constitution would be incurred whatever the Council decided to do regarding its future governance.
 - (2) depend on the number of meetings held, were they were held and how many Committees were established. Inevitably, other councils that had moved to a Committee System had ended up employing one or two more Democratic Services Officers. The change to committees also had taken up more of officers' time. The Committee Structure that was agreed would have direct consequences for the actual costs and could result in an 'invest to save' situation.
- The Committee should receive regular updates on the costs involved with the Council changing to a new governance arrangement.

- It was difficult to see how there could be any more meetings in the Council's Calendar of Meetings as a result of a change in governance than there was under the current model, as there were meetings scheduled on most evenings.
- Under the current system of governance decision-making had been quick but not necessarily effective.

Councillor Gill Wood proposed the following:

That the Committee is recommended:

- (1) to recommend to the Council that:
 - (a) the Council moves from Leader and Executive arrangements to a Committee System form of governance arrangements to take effect from the Annual Council meeting in 2021; and
 - (b) this Committee accordingly prepare a draft revised Constitution to propose to Council at its earliest opportunity in the new Municipal Year.
- (2) to task the Governance Review Working Group to:
 - (a) consider possible structures for a Committee System of governance;
 - (b) undertake due consultation but giving preference to a streamlined style of arrangements; and
 - (c) oversee the drafting of revised standing orders, delegations and procedures by the Director of Governance and Assurance, with a view to producing an operational Constitution for the 2021/2022 Municipal Year in draft form for consideration in the new Municipal Year.

The proposal was seconded by Councillor Paul Stuart.

However, some Members believed that progress should be made more quickly than proposed here and to do so Councillor Phil Gilchrist moved the following Amendment:

Having considered:

- (a) the materials presented to the Governance Review Working Group; and
- (b) the discussions held at the Working Group's meetings and subsequent Member sessions.

This Committee is of the view that Wirral's residents will now be better served by the introduction of a more accountable and transparent way of conducting the Council's business, policy formulation and decision-making.

It is the opinion of this Committee that the Council should now move to a Committee based structure to be designed, finalised and in place for the next Municipal Year.

The Committee notes that a range of costs have been put forward that apply to the revised arrangements. It is recognised however, that revisions to the existing Constitution have been under discussion for some time and that costs would have been incurred in that process.

The Committee considers that the operational costs of the new system of governance should be the subject of regular reports and that in practice these costs should be minimised.

The Committee:

- (1) recommends to the Council: That
 - (a) there be a move from Leader and Cabinet Executive arrangements to a Committee System form of governance arrangements to take effect from the Annual Council Meeting in 2020; and
 - (b) the Standards and Constitutional Oversight Committee accordingly prepare a draft revised Constitution to propose to the Council meeting of 16 March 2020.
- (2) the Governance Review Working Group be tasked with:
 - (a) considering possible structures for a Committee System of governance system of governance;
 - (b) undertaking due consultation but giving preference to a streamlined style of arrangements; and
 - (c) overseeing the drafting of revised standing orders, delegations and procedures by the Director of Governance and Assurance, with a view to producing an operational Constitution for the 2020/21 Municipal Year in draft form for consideration in February 2020.

This amendment was seconded by Councillor Moira McLaughlin and put to the vote and carried (5:0) with 3 abstentions.

The amendment then became the substantive Motion. It was put to the vote and it was

RESOLVED: (5:0) (Three abstentions)

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