CHANGES TO THE GOVERNANCE ARANGEMENTS OF THE COUNCIL
Council

1 Context

1.1 In June 2016 the Constitutional Review Group (CRG) was tasked by Council to explore whether the Council should retain its current "strong leader" Cabinet model of governance or consider adopting a Committee system model of governance. These options were provided by legislation contained within the Localism Act 2011 (the 2011 Act).

1.2 The CRG were tasked with preparing proposals based on the following design principles - a governance system which would be:

- **Open** and **Transparent** in its decision making;
- **Accountable** to the public, a principle which is central to our improvement and performance management approach;
- **Responsive,** providing timely decision making for the 21st century;
- **Inclusive:** Establishing dispersed leadership and engaging all councillors appropriately;
- **Clear** about how the public, service users and other stakeholders can influence plans, policies and decisions before they are made;
- **Flexible** to the needs of the public, voluntary and private sector partnership working;
- **Best for Plymouth:** in the interests of the city and its people.

1.3 During the review process, particularly after visits to councils who had implemented a committee system, the Cabinet Strong Leader model was recognised as the most efficient method in terms of decision making. It also became evident that feelings of disengagement from the democratic process experienced by some councillors had resulted from 'cultural' rather than 'procedural' issues that could equally be addressed from within either governance model.

1.4 The CRG concluded that further work is required to explore the ways in which this governance model could be developed, rather than to recommend the adoption of a Committee system form of governance. Furthermore, members were concerned that, should a Committee system be adopted and later be found to be not fit for purpose, legislation provided reversion to the strong leader model could not take place within five years (unless a referendum was held) under the 2011 Act.

1.5 During the review members and officers identified and recommended some measures intended to facilitate the 'cultural shift' required to better enable all councillors to make an active and informed contribution to the business of the Council.

1.6 This report summarises the review methodology; feedback and key messages from stakeholders; evidence gathered from visits to two councils operating committee systems of governance; evidence from desktop reviews of other councils also operating committee of hybrid systems of governance and makes recommendations in light of these.

2 Methodology

2.1 The review was broken down into two phases -

- Define Phase – Where, through wide consultation and research a set of requirements for

a new system could be established in line with the principles set out by Council.
- Design Phase - Using the requirements to develop proposals for the new system, to be consulted on widely and presented to council in March 2017.

2.2 The result of the Define Phase has precluded the requirement to move to the Design Phase.

The Define Phase comprised:

- Development of a project brief and statement of work
- Desk top research including national publications and advice
- Developing an "as-is" map of democratic decision making bodies
- SWOT Analysis
- Communication Plan (for design phase)
- Stakeholder focus groups with Members, officers and partners
- Visits to Local Authorities who had implemented a committee system of governance.

2.3 Desktop research, which included analysis of a number of case studies, provided a useful overview of the reasons and expectations held by those local authorities actively considering, or already administering a Committee system.

2.4 Largely, the reasons stated for such a change included the belief that the Committee system was inherently more open and democratic, that existing scrutiny arrangements were ineffective, and that it was more inclusive of a greater number of Members. The expectations, therefore, in deciding to change to the Committee system were that the perceived weaknesses identified as resulting from the Leader and Cabinet model would automatically be addressed by moving to the Committee system.

2.5 There was little quantitative or qualitative evidence to support this supposition. In 'Musical Chairs: Practical Issues for Local Authorities in moving to a committee system" the Centre for Public Scrutiny[1] suggested that, rather than one or other governance model being 'better' than the alternative, it was the culture and behaviours prevailing within local authorities that had the most impact.

3 Stakeholder Feedback

3.1 The constitutional review group arranged 6 focus groups during the define phase. These groups included stakeholders from across the city public and private sector and the voluntary and community sector, officers from across the local authority and councillors.

Key messages from Councillors

3.2 It was commented that –
- It was the quality of the outcome which was important and we argue too much about the process.
- Councillors should have the opportunity to influence all decisions and a wide range of stakeholders should understand how they can influence decisions.
- Access to good expert advice was important along with robust evidence
- "Very good system at the moment, as it is open and transparent, all published and all subject to call in, it makes for fast and efficient decision making and serves the city well."
- "You know the person responsible for a decision and you can always go and have a conversation about it"

[1] http://www.cfps.org.uk/musical-chairs/

- Scrutiny is good but can't always get members involved.
- It was difficult to instigate a decision and Councillors needed somebody to act as a guide through the maze of information. For example, how to get a traffic hump in a street etc.
- "People who are satisfied with the system are those who have been at the centre of it. Under the previous system, I knew a lot more about what was going on and I was able to tell my constituents. They find it unsatisfactory that I can't give them answers. I used to get answers."
- No-one is saying that the system is perfect, but it can be improved.

Key Messages from Officers

3.3 It was commented that, in so far as the proposals to introduce a committee based governance system-
- The requirement to make complex decisions at pace combined with the ability to keep commercially sensitive information in confidence could adversely impact the business of the council damaging the confidence of both commissioned providers and other commercial organisations when trading with the council.
- Current processes are robust and have been stress tested through a number of real life examples.
- Changes could have a detrimental effect upon delivering against growth targets agreed in the Plymouth Plan and financial targets set through transformation programme, if rapid and transparent decision making were required.
- References were made back to experience of the committee system operated by Plymouth City Council pre 2000 which was slow and clunky
- Overall decision planning could be improved and public and accountability enhanced through reintroduction of a published four-month forward plan.

Key messages from stakeholders

3.4 It was commented that –
- The current system provided clarity, everybody understands what they are making decisions on with a clear evidence base
- The current system enabled a strong vision to be expressed
- Scrutiny can be "pacey"
- Would be concerned that a committee system could be more resource intensive from an officer time perspective than the current Cabinet Strong Leader Model.
- A committee system could cause issues around a devolution bid (preventing a Leader from acting with authority in regional forums)
- Any system could work but the council would need to balance how resources were effectively engaged
- Some stakeholders expressed a desire to be more involved in decision making
- There would not be savings as a result of this change but it was likely to cost more

3.5 Members of the constitutional review group visited other local authorities. Two councils were identified as the most appropriate match to the essential criteria for a comparable authority to Plymouth City Council. Those being, they are both Unitary Authorities providing the same range of services to a similar size population and who had agreed to implement a committee system of governance.

Key messages from visits

3.6 • The driver for change to a committee system was cross party political support and was

hugely reliant on consensus politics across the council to make it work effectively.

- Delegated Decisions published through a "decision book" process in consultation with Lead Councillors.
- No scrutiny process as it is performed by the committees
- Policy Committee can make decisions on behalf of other committees
- No delegations to the Health and Wellbeing Board (standard duties)
- No improvement in public participation
- Minimum of a 2-week decision making process for property deals through committee
- Drivers for the change were political
- Politicians reticent about considering an executive model due to public opinion
- System works on consensus politics which requires significant senior management resources (briefings etc) to make work. Each committee meeting can have up to 7 pre-meets (approx 2 hours) to achieve consensus at committee
- Maintaining confidentiality is a problem.
- Health and Wellbeing Board has delegated powers
- There is a very active, politically aware population. The general public are social media "savvy", as such committee meetings are generally well attended.
- Significant officer resource is drawn from the senior management team to support the committee system.

3.7   On exploring the matter further Members agreed that although the Committee system was inherently more 'involving' of a larger number of councillors, it would also be possible to improve councillors' engagement by amending the operation of the strong Leader model.

4   Recommendations

4.1   That Council agrees -

1. to reaffirm the current model of governance (Cabinet strong leader model).

2. To direct the Constitutional Review Group to bring back to Council in November 2017 a programme of work which:

   - Explores new forms of community engagement which develop new relationships with citizens and communities;
   - Extends beyond service provision to the overall welfare of an area, and;
   - Enables local ward members to take a lead role in ensuring that all resources available in the community are used for the good of its area.
   - Develops changes to the current system to increase the engagement of all councillors and allay the perception of increased disenfranchisement arising from the current model of governance.

3. That forward planning arrangements be improved throughout the Council, to provide the Scrutiny function with the best and earliest opportunity possible to scrutinise the business to be considered by the Cabinet and Council and undertake effective pre-decision scrutiny.

Appendix One
SWOT – Cabinet and Leader Model

Strengths	Weaknesses
• Clear decision makers • Faster decision making process Responsive / timely input to outside bodies Empowers non-executive Members via Scrutiny (if used effectively) • Better co-ordination of cross cutting issues Scrutiny agenda set by Members, and should be in response to community concerns • Task and Finish Groups can achieve positive influence – and hear from relevant third parties	• Power is invested in a very few / everything of significance delegated to Cabinet • Lack of collaborative working Scheduling of Cabinet decisions can preclude prior Scrutiny • Reluctance of ruling party backbench Members to challenge Executive
Opportunities	Threats
• Proactive decision making when dealing with outside bodies • Could make more of constitutional powers as they exist now • Extended forward plan timescales would enable more effective scrutiny of decisions	• Too much delegation (to Cabinet Members / Officers) leads to loss of transparency Negativity from backbench / Opposition Members arising from sense of exclusion • Scrutiny Committees undervalued – "talking shops"

SWOT - Committee Model

Strengths	Weaknesses
• More Councillors are involved. • In depth discussion and debate	• Hard to identify decision makers (use of avoidance techniques, i.e. consistently referring 'difficult' matters back to Committee) • Although superficially transparent, decisions can be significantly influenced 'behind closed doors' • Policy / Resource Committee have veto – so Committees did not have absolute decision making powers
Opportunities	Threats
• Members become 'specialists' in their areas • Further learning opportunities for new Members	• Can lead to silo working • Decision making slowed by Committee timetable • Limited options for proactive decision making in relation to outside bodies Chairman could stifle debate