Public Document Pack

PETERBOROUGH
CITY COUNCIL

RECONVENED CONSTITUTION AND ETHICS COMMITTEE FROM 4 JULY 2022

MONDAY 15 AUGUST 2022
6.00 PM

Bourges/Viersen Room - Town Hall

AGENDA

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Committee Members:

Councillors: Allen, W Fitzgerald, M Jamil (Vice Chairman), Jones, Sainsbury, N Sandford (Chair) and Simons

Substitutes: Councillors: Haseeb and A Shaheed

Further information about this meeting can be obtained from on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk

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CONSTITUTION AND ETHICS COMMITTEE – RECONEVEND	AGENDA ITEM No. 2
15 AUGUST 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Fitzgerald, Leader of the Council	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer	Tel. 452409

PETERBOROUGH CITY COUNCIL GOVERNANCE REVIEW

RECOMMENDATIONS	
FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	**Deadline date:** N/A

It is recommended that the Constitution and Ethics Committee:

1. Discusses the options set out at paragraph 4.6 for taking forward a review of the Council's governance arrangements, as outlined in the Council's Improvement Plan agreed by Full Council in December 2021.
2. Agrees which option is preferred:

Option 1 Maintain the status quo, keeping the current Leader and Cabinet model of governance and decision making and would follow the standard Leader and Cabinet model; or

Option 2 Light-touch review of recommendations of the governance review carried out in 2015/16, which recommended a hybrid model of decision making with greater involvement of pre-decision scrutiny; or

Option 3 Carry out a full-scale governance review in line with LGA/CfGS guidance which would examine all the available options.

1. If **Option 2** is preferred, to ask officers to bring a report back to the next committee outlining proposals for revisiting the previous review findings, including the option of setting up a new member working group to carry out a review of the previous work and proposals and bring and updated proposal back to the Committee for consideration before recommending to Full Council.
2. If **Option 3** is preferred, to ask officers to bring a report back to the Committee with further details and draft terms of reference in order to inform a recommendation to Full Council to commence a full governance review. This report should be based on guidance from the LGA and the Centre for Governance and Scrutiny and outline an indication of the likely costs of such a review.

1.   ORIGIN OF REPORT

1.1   This report is submitted to the Constitution and Ethics Committee following the recommendation in the Council's Improvement Plan to carry out a review of the Council's governance arrangements. The Committee first received this report at its meeting on 9 March when it was

agreed for committee members to carry out further discussions with their respective political groups and bring the report back to the next meeting following the elections.

2. PURPOSE AND REASON FOR REPORT

2.1   The purpose of this report is to outline to the Constitution and Ethics Committee the timelines and possible governance arrangements that are available to the Council. The report will allow any initial feedback from the committee to go forward.

2.2   This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1

Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	**NO**	If yes, date for Cabinet meeting	

4. BACKGROUND AND KEY ISSUES

4.1   At Full Council on 16 December 2021 an Improvement Plan was agreed by Council. This included a commitment to **"review existing governance structures to see if improvement can be made"**. This work should have commenced before the end of March 2022 and a report was previously brough to the March committee meeting.

The Committee may wish to consider if any review of governance structures should consider not just existing structures or models but also other aspects of governance, such as the best mechanism for delivering the council's priorities, decision making processes, culture and risk management.

4.2   When reviewing governance in this context it refers to how the Council makes decisions. The decision-making framework is set out in legislation and the Council must make sure that its decision-making framework is legally compliant.

However, the Centre for Governance and Scrutiny (CfGS) emphasise that governance operates differently in every council and "*what is most important is culture – the behaviours, values and attitudes that govern how individuals work together*", with officers and members needing to work together to consider their options and decide on the right approach. This is because: "*Changing structural models in the hope that people will start to behave differently won't work. If the plan is to bring about wider cultural change, with a change in structure being part of the way to deliver that change, then it may be worthwhile. But structural change, on its own, won't do this*."

Its guidance also states: "*Having more people involved in the legal act of decision-making does not automatically make a system more democratic. This is because the important thing is for members to be able to influence the content of decisions. This will often mean involvement in policy development well before an issue comes for decision, and robust review of the implementation of that decision to check it has achieved its objectives*".

4.3   There are different types of governance arrangements that local authorities can follow which include:

Leader and Cabinet model

This is the current governance model adopted by Peterborough City Council (PCC). In some councils, individual members of the cabinet have decision-making powers; in others, decisions have to be made by the whole cabinet. Cabinet is led by a leader, who is elected by full council for a term determined by the council itself or on a four yearly basis (and will usually be the leader of the largest party on the council). These councils must have at least one overview and scrutiny committee.

It is possible, under this system to involve a wider range of members in decision-making by way of a "pre-scrutiny" system or by way of working groups that support cabinet members.

Mayoral system

This involves a directly-elected executive mayor with wide decision-making powers. The mayor appoints a cabinet made up of other councillors, who may also have decision-making powers. There must be at least one overview and scrutiny committee.

Committee system model

In this model decision-making lies primarily in committees, which are made up of a mix of councillors from all political parties. Councils operating a committee system may have one or more overview and scrutiny committees but are not required to. Under a committee system, there is no scope for individual councillors being given responsibility for decision-making – decisions by councillors need to be made collectively through a committee or sub-committee.

Hybrid Model

A hybrid model is one that combines the features of more than one governance model. For example, some councils operate under a leader/cabinet model where scrutiny committees carry out detailed debate and discussion on forthcoming Cabinet decisions, and where Cabinet essentially rubber stamps what they decide. Others operate under a committee system which operate "de facto" cabinets made up of committee chairs. Such structures are often variation of a council's existing model and are therefore usually seen legally as not requiring a formal change under the Act.

One example of the hybrid model cited by the Centre for Governance and Public Scrutiny (CFGS) is from the London Borough of Wandsworth, which operates a system of pre-decision scrutiny committees which are then submitted to Cabinet for endorsement/signing off. The benefits of this model are that the size and number of committees means that all councillors are in some way involved in the decision-making process. Further details of this model, and other examples of where councils have changed or are changing their governance models, can be found in the CFGS document at this link:
https://www.cfgs.org.uk/?publication=rethinking-governance-for-the-20s-appendix

Customised approach

Councils also have the option of suggesting an approach of their own to the Secretary of State. No detailed criteria have been set out for how the Secretary of State will come to a decision about whether or not to approve any option suggested under this part of the Act.

4.4   There are advantages and disadvantages with all the models suggested above. In 2015/16 the Council undertook to review its governance arrangements and a working group was set up to carry out this review. Proposals outlined below were presented to Full Council on 27 January 2016 and agreed to be presented to Annual Council on 23 May. However, the proposals were not agreed at that meeting and the current decision-making processes remained in place. The proposals were as follows:

(1) That in accordance with paragraph 9KC of Schedule 2 of the Localism Act 2011,

(a) the Council resolves to make changes to its constitutional arrangements to a hybrid model of executive decision making with a greater involvement of pre-scrutiny recommendations as set out in the report of the Design and Implementation Working Group (Appendix 1) to take effect from the Annual Meeting of the Council in May 2016.

(b) That copies of the Design and Implementation Working Group's report setting out the provisions of the arrangements should be made available at the Town Hall, and details of the proposals be published in one or more newspapers circulating in the area.

(2) That Council approves the following changes to the Constitution to take effect from the Annual meeting of the Council in May 2016:

(a) Overview and Scrutiny Article 7 (Part 2:Section 7)
(b) Overview and Scrutiny Functions (Part 3:Section 4)
(c) Scrutiny Committee Procedure Rules (Part 4: Section 8)

(3) That the Council notes that the proposed changes to the Cabinet Procedure Rules will be reported to a future meeting of Cabinet for approval and Council for adoption.

(4) That the following further consequential changes to the Constitution will be brought to the Council meeting in March:

(a) Cabinet Procedure Rules (Part 4: Section 7)
(b) Budget & Policy Framework Procedure Rules (Part4: Section 6)

(5) That a review should be undertaken prior to the Annual Meeting in May 2017 to ensure the proposed scrutiny structure is effective.

4.5   Some of the high-level principles and options recommended by the Design and Implementation Group are highlighted below. There is further, more detailed, commentary in the report presented to Council in 2016, which is included as an appendix to this report:

Principles:

(a) An efficient, effective and timely decision-making structure, which is open, transparent, accountable, and inclusive.

(b) A system where:

i) The executive would value constructive and sensible input from Scrutiny Committees to improve decisions taken.
ii) Non-executive members feel that they are involved and can influence executive decisions before they are made and there is a mechanism to identify which decisions they wish to influence.
iii) Scrutiny acts as a "critical friend".
iv) Scrutiny Committee Chairmen and Cabinet Members work in partnership.

(c) Scrutiny Committees should make recommendations to Cabinet/Cabinet Members having regard to officer recommendations. If the Scrutiny Committee did not agree with the officer recommendations, they provide reasons.

(d) Cabinet should take decisions on the advice of scrutiny. The executive would be expected to agree with scrutiny's recommendations, but they should still be able to take an alternative decision. In such circumstances there would have to be strong reasons for doing so and the relevant Scrutiny Committee would be informed of those reasons.

(e) There would need to be a process to deal with urgent decisions.

Executive decisions:

With regards to Executive decisions, the following ideas were recommended:

(a) The relevant Chairman of a Scrutiny Committee in consultation with a Cabinet Member should decide which decisions should be subject to pre-scrutiny at a meeting at which Officers can provide advice and guidance.

(b) All planned executive decisions should be included in the forward plan for 28 days, where possible.

Cabinet Member Decisions, Minority Reporting, and other safeguards

(a) Cabinet Member Decisions (CMDN): The Working Group considered that CMDNs were beneficial to ensure efficient decision making. However, they would like to see certain safeguards. If the Cabinet Member were inclined to take a decision that went against the recommendation of the Scrutiny Committee, then the CMDN should automatically be referred to Cabinet and be taken in the public arena.

(b) Cabinet Decisions: It was recognised that reports from Officers were based on professional judgement. If the Scrutiny Committee did not agree with officer recommendations, then they needed to give reasons for that decision. If Cabinet did not agree with Scrutiny Committee recommendations, then Members of the Council had the ability to call in decisions under the existing call-in arrangements.

(c) Minority Reports: Where a Scrutiny Committee makes recommendations which other members do not agree, opposing members on the committee should have an opportunity to submit a minority report to Cabinet. The Working Group recommended that the minority report including the alternative recommendations would be submitted to Cabinet at the same time as they receive the Scrutiny Committee's recommendation.

(d) For individual Member Decisions, the Cabinet Member would refer the recommendation and minority report to Cabinet, rather than take the decision themselves.

(e) The Group considered the above proposals would ensure there was public debate at Cabinet before the decision was made.

(f) Amendments to Call in: the Working Group noted that under the existing call-in arrangements set out in Part 4 Section 8 of the Scrutiny Procedure Rules, the relevant Scrutiny Committee discusses any requests for call-in and may refer it back to the decision-making body for reconsideration.

(g) The Working Party discussed whether it was appropriate for a scrutiny committee to consider a call in where it had been involved in the original decision and had made recommendations to the Cabinet. They recommended that the Scrutiny Procedure Rules should be amended to state that any request to call-in a decision cannot be considered by the Scrutiny Committee that made the original recommendations to Cabinet. The call in must be considered by another Scrutiny Committee to provide independence.

(h) Urgency: Current standing orders provide for urgent decisions. The Working Group considered whether any processes should be put in place where there was no time to go through the "pre-scrutiny decision" process. They considered an informal process was more appropriate and recommended that the Cabinet Member and Chairman of the Scrutiny Committee should agree informally to exemptions to pre-scrutiny of decisions for reasons of urgency as part of their review of the forward plan or where a decision becomes urgent as it goes through the process.

(i) They also recommended that where an individual cabinet member decision (CMDN) had been identified for pre-scrutiny but could not be scheduled for a Scrutiny Committee, the Cabinet Member could take the decision in consultation with the Chairman. The decision would be subject to the existing call-in procedure.

4.6   The options that the committee could now consider recommending going forward are:

Option 1 - Maintain the status quo
This would keep the current model of governance and decision making and would follow the standard Leader and Cabinet model with individual members of Cabinet having decision making powers, a model which was designed to be fast and flexible.

Option 2 – Light-touch review of the recommendations of the governance review carried out in 2015/16.
These proposals recommended a hybrid model of decision making with greater involvement of pre-decision scrutiny. As extensive work had previously been carried out on this review by the Council, it would be possible to revisit all the information presented and put this, or an amended version of the proposals, forward to Full Council as option.

Option 3 - Carry out a full-scale governance review in line with the LGA/CfGS guidance.
This would potentially involve further involvement and support from the LGA or CfGS at a cost to the Council and financial implications would need to be investigated first. As an indication of costs, in 2016 the Centre for Public Scrutiny delivered two days of workshops and some preparatory works which cost a total on £3744. In addition, a consultant was appointed to work alongside the Design and Implementation Working Group.

Outlined below are the suggested plans and approaches if a full-scale review is agreed. This guidance and approach is suggested in the LGA/CfGS publication and is linked below and attached at Appendix A.

4.7   **Reviewing the current governance model**

The Local Government Association and the Centre for Governance and Scrutiny have published helpful guidance on approaching a review of governance arrangements. This identifies five stages to a review.

In summary, these are:

Step 1: plan your approach and assess your current position.

- This stage includes, firstly, establishing the purpose of the work: why does the Council want and need to change its governance arrangements? What are the strengths and weaknesses of current arrangements?
- The second element is to establish the scope of the work. Is it just about internal decision-making or are there wider issues involving engagement with other organisations and local residents and businesses.
- How will the review be carried out?

Step 2: consider some design principles

This is about identifying what the Council wants to achieve from the review. Rather than deciding straight away on an alternative model, members should identify the principles that are important to them and be guided by these in developing proposals. The LGA/CfGS give examples of possible design principles, but it will be for PCC to decide what is important for Peterborough. The examples given include:

- Involving all councillors in the development of key policies
- Focusing member involvement on strategic decision-making and officer involvement on operational decisions.
- Providing a key role for councillors in performance management and in-year financial monitoring.

Step 3: think of ways to establish a system that meets the requirements of these principles and put a plan in place

It may be that the objectives and design principles identified at steps 1 and 2 can be met without a formal change in governance, e.g., through bolstering the role that councillors play through the overview and scrutiny process. If change is needed, the LGA/CfGS identify the following non-exhaustive list of options:

- A leader-cabinet system with individual cabinet member decision-making.
- A mayor, with various approaches to cabinet autonomy. Different mayors take different approaches to the appointment of their cabinets, and the amount of powers those cabinets have.
- A traditional committee system with service committees aligned fairly closely with council departments and possibly a coordinating policy and resources committee to knit together work programmes.
- A streamlined committee system consisting of two or three service committees, which may be supplemented by one or more overview and scrutiny committees.
- A hybrid system whereby a cabinet ratifies decisions made by a number of cabinet committees.
- A leader-cabinet system with collective cabinet decision-making

Step 4: making the change

If the Council decides to change the governance model, the changes can only be implemented from an Annual General Meeting of the Council. It cannot then change its governance arrangements for five years, unless changes are approved by a referendum.

A change in formal governance arrangements must occur at a specified "change time", which is at the council's Annual General Meeting (AGM). Prior to the change time, the council needs to have resolved formally to make a governance change. There is no minimum period of time between the resolution and the change time, but there does need to have been enough time for the council to formally publish the proposal and consult on it.

Step 5: return to the issue and review how things have gone

It is important to evaluate how things have gone after a year or so, in order to see whether the changes in governance have made the difference you hoped. However, it is important for members to note that a formal change of governance structure is binding on the council for 5 years.

4.8   **Potential timeline for full review:**

June 2022	If Constitution and Ethics Committee wish to pursue Option 3, it needs to agree draft terms of reference for a governance review and likely cost implications. If agreed, to recommend to Full Council that it approves the commencement of a full governance review.
July 2022	Full Council agrees to set up a formal full review of the governance arrangements and the appropriate forum for this. (Working Group etc). Briefing for all Councillors on potential options.
August – November 2022	Working group meetings identifying the objectives to be achieved from new/different

	model, pros and cons, what works what doesn't work currently
November/December 2022	Present findings and recommendations to the Constitution and Ethics Committee. Committee considers and makes recommendations to Full Council.
December 2022	Council considers recommendations of Constitution and Ethics Committee and if approved, resolves to change its governance arrangements, to come into effect in May 2021, and to commence consultation on the proposed new framework for decision-making.
January 2023	Constitution and Ethics Committee reviews consultation responses and recommends new final model to Full Council.
Feb/March 2023	Full Council agrees new framework for decision-making to come into force in May 2023.

5.   CONSULTATION

5.1   Consultation on any proposals would need to be brought to the Constitution and Ethics Committee before being recommended to Full Council

6.   ANTICIPATED OUTCOMES OR IMPACT

6.1   It is anticipated that the process to begin a full review of the governance arrangements would commence following the local elections in May.

7.   REASON FOR THE RECOMMENDATION

7.1   To outline possible next steps and processes for the governance review and to follow the recommendations as set out in the Council's Improvement Plan.

8.   ALTERNATIVE OPTIONS CONSIDERED

8.1   Alternative governance arrangements for the Council would likely follow the review once it has completed.

9.   IMPLICATIONS

Financial Implications

9.1   If any changes are made to the way the Council's decision-making process this will require a re-writing of the constitution, which may incur costs if additional resource is needed.

Legal Implications

9.2   Any changes to the decision-making process at the Council will need to ensure it is legally compliant.

The Local Government Act 2000 made available four governance options for councils – leader/cabinet, executive mayor, mayor and council manager and a 'streamlined' committee

system for shire districts with populations of less than 85,000. Subsequently, the mayor and council manager option was removed, leaving most councils in England with only two main governance options.

Equalities Implications

9.3   There are none.

10.   BACKGROUND DOCUMENTS
Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1   Peterborough City Council Improvement Plan agreed at Full Council 16 December 2021
Full Council report on alternative governance arrangements January 2016
Report of the Design and Implementation Working Group January 2016

11.   APPENDICES

11.1   Appendix A – Centre for Governance and Scrutiny, Rethinking Council Governance
Appendix B – Full Council report January 2016
Appendix C – Report of the Design and Implementation Working Group January 2016

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Rethinking council governance for the 20s

Learning from councils changing their formal governance option

Contents

1. Introduction

This paper is designed to assist councils considering making formal changes to their governance arrangements, using the powers set out in Chapter 4 of the Local Government Act 2000.

Two previous papers have been produced by CfGS to support councils to consider their options on governance change.

- "Musical chairs" (CfGS, 2012);

- "Rethinking governance" (CfGS / LGA, 2014)

Both documents contain useful and important context. This document is intended to update and expand on that context, while restating fundamental principles – based on the direct experiences of councils going through the process since 2011/12. An appendix to this document has been published, which can be accessed at www.cfgs.org.uk/governance-change. The appendix sets out as comprehensive as possible a list of councils which have considered, and/or made, a change in governance in recent years, as well as those councils contemplating change, with links to relevant documents. We intend to keep this document under review, publishing an updated version at least once a year.

This document is designed to be read by councillors, by council officers, and by those involved in campaigns on local governance issues.

2. Background and context

In 2011, much was made of new powers in the Localism Act for councils to be able to "return to" the committee system. For many, councils' forced transition from the committee system between 1999 and 2001 cast a long shadow, and there was an enthusiasm to re-adopt the committee model of working.

When the powers were brought in, however, they initially seemed a bit of a damp squib. A handful of councils announced their intention to move – experiences which we recounted in our 2013 publication "Musical chairs". Even a year later in 2014, when we and the LGA produced our "thinking toolkit" entitled "Rethinking governance", only a handful more councils had decided to make the move.

More recently, however, a larger number of councils have decided to go down this road. There could be a number of reasons for this. The local government landscape in the second half of the last decade was politically febrile, with more councils under no overall control and more being regularly contestable (ie, changing hands between parties regularly). Under these circumstances it seems to be the case that leader-cabinet councils look less attractive to some, and the promises made of the more "consensual" committee system model appear a better fit.

We don't believe, however, that any one governance model is intrinsically better than any other. Any of the prevailing models – Mayoral, committee, leader/cabinet or a hybrid form – can be made to work. Structures are important, and can influence and inform behaviour. But culture – how people are predisposed to behave and think, depending on their roles – is arguably more critical. Without the right attitudes, values and behaviours being in place, a system which looks exceptional on paper could be found wanting in practice. Equally, a governance system which might be robust and effective in one council could be inadequate if transposed wholesale into another authority.

There are no hard and fast rules for where these strengths and weaknesses may arise – they depend largely on local context. For that reason, this paper aims to:

- Provide a brief reminder of the legal issues and requirements relating to a change in governance;

- Restate and refine the fundamental steps that we recommended in "Rethinking governance" that councils considering governance change take;

- Set out the practical experiences of a number of councils which have taken the decision to change governance option in recent years, and reflect on their experiences.

We should stress that commentary on councils and their experiences is ours alone, and reflects our own summary and analysis.

2.1 Pros and cons, and the importance of culture

There are no real pros or cons to any governance model.

Governance operates differently in every council. What is most important is culture – the behaviours, values and attitudes that govern how individuals work together. Particularly important here is the need for officers and members to work together to consider their options and decide on the right approach.

Changing structural model in the hope that people will start to behave differently won't work. If the plan is to bring about wider cultural change, with a change in structure being part of the way to deliver that change, then it may be worthwhile. But structural change, on its own, won't do this.

Trying to transpose arrangements which suit another council is likely not to work, because every council is different. You are likely to come across generalised research on different models – either produced internally, or by external bodies (like ourselves). Always view this research in the context of the local situation in which you find yourself.

Having more people involved in the legal act of decision-making does not automatically make a system more democratic. This is because the important thing is for members to be able to influence the content of decisions. This will often mean involvement in policy development well before an issue comes for decision, and robust review of the implementation of that decision to check it has achieved its objectives. At the legal point the decision is made the only real options that exist are to approve or reject that decision – opportunities for alteration and amendment tend to be very limited.

3. The legal fundamentals

The powers to change governance option can be found in Chapter 4 of the Local Government Act 2000, as amended by the Localism Act 2011. Chapter 1 of the 2000 Act sets out that a council can opt to operate one of three governance options[1]:

"Executive arrangements" (details in Chapter 2 of the 2000 Act)	Either ■ A directly elected executive Mayor and Cabinet, where the Cabinet is appointed by the Mayor and which holds advisory power, executive authority being vested in the Mayor, or; ■ A Leader and Cabinet, where the Leader and Cabinet share executive authority.
Committee system (details in Chapter 3 of the 2000 Act)	A system of governance involving politically balanced "service" committees of elected councillors making decisions collectively.
Prescribed arrangements (details in section 9BA of the 2000 Act)	A different system of governance, approved by the Secretary of State following an application from a local authority.

It should be noted that in Labour authorities, Cabinet positions are usually filled by elections within the Labour Group, which lessens the executive authority of the Mayor/Leader.

Another option also exists – a **"hybrid"** governance arrangement.

A hybrid model is one that combines the features of more than one governance model. So there are some councils operating under the leader/cabinet model where scrutiny committees carry out detailed debate and discussion on forthcoming Cabinet decisions, and where Cabinet essentially rubber stamps what they decide. And there are some councils operating under the committee system which operate "de facto" cabinets made up of committee chairs.

We explain hybrids in more detail in a section below.

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[1] Previously, councils could select one of four options. The first two were "executive arrangements" – the Leader and Cabinet, and Mayoral, models which continue to exist. The third model was the "Mayor and council manager" model, only adopted by one council which later abandoned it. The committee system was the final option, but it was only available in a "streamlined" form for district councils with populations 85,000 or less. The term of art used for these councils was "fourth option" – this is not a term that should be used today as an analogue for the committee system as it does not reflect the change in law, or the breadth of possibilities relating to the contemporary committee system model.

3.1 The options as a spectrum

In reality, there are more than four "off the shelf" options. It is best to look at the various systems as points on a spectrum – from systems which involve all members in the legal act of decision-making to those that may involve only one person.

Fig 1: governance model options on a spectrum
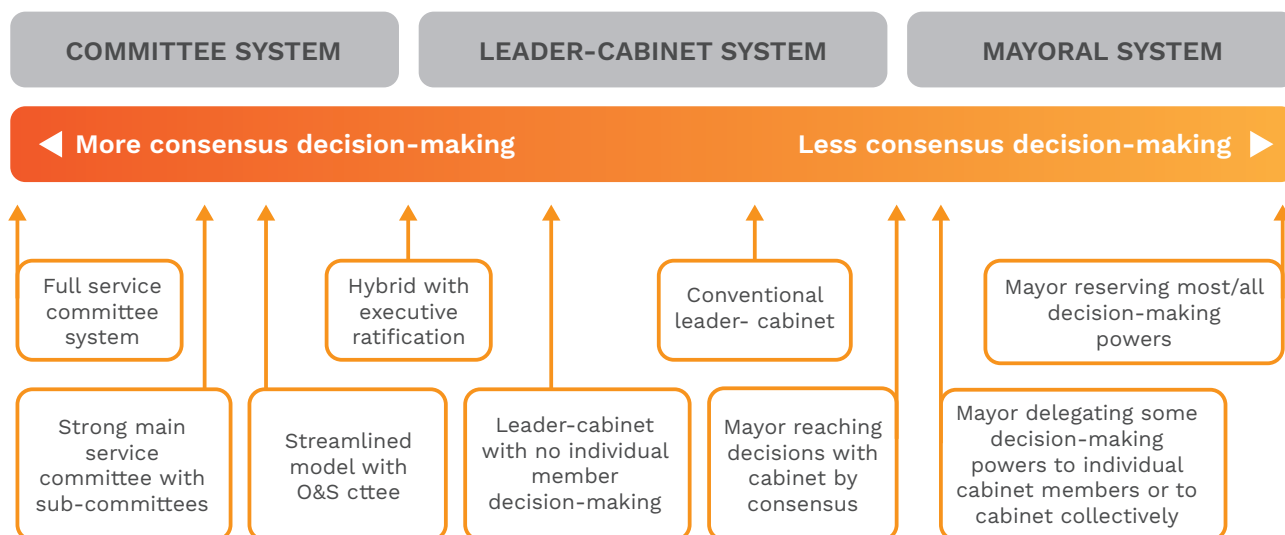
To explain the options in this diagram:

- Full service committee system. This is a model in which individual service committees have the freedom to make decisions in the way that they like. Decisions which cut across more than one area will need to go to multiple committees for signoff.

- Service committees but with strong P&R. It is common for committee system authorities to have a "policy and resources" or "strategy and resources" committee – a committee that has an overarching role in setting corporate policy. This committee may have the chairs of other committees sitting on it, and it may also set the agendas for those other committees. It will usually deal with major cross-cutting issues itself;

- Streamlined "fourth option" style approach. Councils operating the committee system used to be obliged to operate what was termed a "streamlined" model – with only a couple of service committees, a strategy and resources committee and a separate scrutiny committee.

- Hybrid, with executive ratification. This is a hybrid model, legally the leader-cabinet system but with features of the committee system. There are two basic forms:

    - A model where committees – which, legally, are scrutiny committees - actually act as de facto decision-making committees;

    - A model where politically-balanced Cabinet advisory committees or other such bodies exist as sub-committees of Cabinet, with overview and scrutiny remaining a distinct function.

- Leader-cabinet with no individual decision-making. In this model, while all decisions are made by Cabinet, Cabinet decides everything collectively, in formal meetings;

- "Conventional" leader-cabinet. Under this model, there is a mix of all-Cabinet decision making, and individual cabinet member decision making by holders of distinct portfolios.

- Executive Mayor, with delegation to Cabinet or individual Cabinet members. In the Mayoral system formal powers rest with the Mayor, but here the Mayor may delegate a significant proportion of that power to Cabinet;

- Executive Mayor reserving most powers. In this model, the Mayor makes most or all decisions themselves, with Cabinet having a mainly advisory role.

These are not, of course, the only possible models. Other forms of hybrid, for example, exist. An appendix to this document sets out a full range of examples.

How these systems operate will rest on two technical issues:

- the Council's formal scheme of delegation. This will also impact on the extent to which officers are delegated to make decisions; the scope and scale of officer decision-making being an important adjunct to the member systems described above;

- the Council's decisions on "local choice" functions. Councils operating under executive options may decide which of certain functions sit with Cabinet, and which sit with full Council[2].

How these systems operate will also rest on the council's wider approach to community participation and engagement. An increasing number of councils are experimenting with deliberative systems like "citizens' assemblies"[3], with hyper-local systems of local governance (like neighbourhood forums with powers and budgets) and with systems for co-production of decisions. The presence of these decisions will naturally influence the scope and nature of member decision-making. An understanding of the available models needs to rest on the presence of these mechanisms.

3.2 The legal change process

Change can be made either by a **resolution of full Council** or by a **referendum**. A referendum can be called by the Council directly or can be precipitated by a valid petition (or by powers held by the Secretary of State to require a specified council to hold a referendum on the Mayor and Cabinet system). Some of the unique circumstances around referendums are set out later in this section.

A **resolution** may be laid at any point, by any councillor, and requires a simple majority to be passed. It only needs to set out the main features of a new governance system.

When a resolution is passed, the Council is required to publicise the forthcoming change – by making documents available at its offices for inspection and setting out plans for the change in a newspaper. There is no formal requirement to publish information online although the need to do this can probably be taken as a given.

This is a requirement for publicity rather than consultation, but councils will probably want to think about the need to ensure the final design of a new system reflects any public input.

Change can only happen on one specific day in the municipal calendar. This is the day of the Council's next Annual General Meeting. If change involves moving to, or from, the Mayoral system, the "relevant change time" is a day three days after the date when the next Mayoral election takes place or would otherwise be due to take place if the Mayoral system is being abolished. When Torbay held its referendum on moving away from the Mayoral system in 2016, the governance change itself could not take place until 2019, the date of what would otherwise have been the next Mayoral election.

Otherwise, the change happens in the course of the next AGM. This is the case whenever the resolution is laid.

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[2] Which can be found in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000: https7://www.legislation.gov.uk/uksi/2000/2853/contents/made
[3] London Borough of Newham being the first English council to establish a standing citizen's assembly as part of its governance arrangements.

In our assessment a resolution of Council should precede Council AGM by about six months. This provides enough time for officers and members to work together on the detailed design of a new system. We discuss the issues that will need to be decided in section 4.

A referendum may occur as a result of a Council resolution, or may be precipitated by a referendum. The same arrangements apply as above. Where a referendum is held, and the result is for a change in governance, a resolution must be passed by full Council within 28 days. This would mean that a referendum would result in a change in governance the following year. The exception to this is where the council is moving to a directly-elected mayor, either by resolution or referendum. Here, Regulations set out specific detail on when the first election of that Mayor should be held on the third Thursday of October of the same year. More information can be found in the Local Authorities (Elected Mayors)(Elections, Terms of Office and Casual Vacancies)(England) Regulations 2012.

The wording used in a referendum question is set out in legislation. Councils have no discretion over what wording is used.

Fig 2: illustrative timescales, excluding councils moving to a directly-elected Mayor

	Change by resolution alone	Change by resolution and referendum
October 2021	Council resolves to change governance arrangements. The five year time limit is counted from this date.	Council resolves to hold a referendum on governance change
May 2022	The relevant change time is at Council AGM.	A referendum is held. The public vote for a change in governance.
June 2022		Within 28 days, a resolution to change governance arrangements is passed. The ten year time limit is counted from the date of this resolution.
May 2023		The relevant change time is at Council AGM.

How do we change our mind?

If change happens by way of a resolution, the council is effectively "locked in" to the new governance arrangement for a period of five years, starting from the date the resolution is passed.

The Council can make a change sooner than this five year timescale, but this subsequent change must be by way of a referendum. Any change of governance by way of referendum locks the Council in to its new governance arrangement for a period of ten years. Furthermore, any subsequent change must also be by way of a referendum.

A Council may decide that it has changed its mind on governance change between the date a resolution is passed and the "relevant change time". This may happen if there is a change in political control between the two events. Whether the resolution can be "reversed" in these circumstances is untested. The wording of the Act suggests not but this is not made explicit.

3.3 Hybrid arrangements

The adoption of a hybrid model is seen as one way as developing more consensual models of decision-making without having to undergo formal changes. It is an approach taken by a range of councils which formally operate under leader-cabinet. The extent to which governance is hybridised varies from council to council – there are a range of examples below.

The path for decision-making, and the roles of councillors, will differ significantly from council to council. Often, the degree of the distinctions can be lost by the fact that hybrid working rests more on culture and accepted ways of working than other systems – on which we comment more below. As such, structures can look quite similar, leading to confusion for the casual researcher.

Identifying hybrid authorities

It is difficult to easily identify hybrid authorities. Some councils contest the use of the word; others would describe their approach as leader/cabinet but with more member consultation, or a modern version of the committee system. As councils must go through no formal process to "hybridise" their governance, and because most councils in this position do not formally describe themselves as "hybrid" authorities, there is no accurate list or set number of councils which it can be agreed operate these systems. It has been estimated that there may be 30 or 40 councils operating such systems but this is no more than an educated guess. Even many otherwise standard Leader-cabinet councils have something of a hybrid flavour to some of their operations.

Common features of hybrid systems

There are two general models:

- A model where committees which, in the governance framework, are legally overview and scrutiny committees actually act as de facto decision-making committees. Legally, scrutiny committees cannot make decisions, so while political agreement is reached at committee the "decision" must be legally made, or ratified, elsewhere;

- A model where Cabinet advisory committees or other such bodies exist, with overview and scrutiny remaining a distinct function.

Functional operation is "hidden" behind the terms of the constitution, which tends to reflect the legal position of the authority as operating under executive arrangements. While legal decision making is highlighted as happening in Cabinet meeting (and at full Council), in a practical sense the decision path through committees can be more difficult to discern. In many cases, functional distinctions between overview and scrutiny committees and "advisory" committees are loose; scrutiny committees tend to be places for general member briefings and updates, although some make use of them as a space for policy development on complex and cross-cutting policy issues, over and above the opportunities made available in cabinet, or advisory, scrutiny committees.

To the extent that there are common features of hybrids they are:

- A Cabinet which "ratifies" decisions made in committee, usually with no delegated decision-making to individual cabinet members;

- A Cabinet which may be cross-party, or at least cross-party chairing of cabinet committees;

- A number of Cabinet Advisory Committees or Policy Development Committees. These may be cross-party, sub-committees of Cabinet, or they may be (legally) scrutiny committees. They will be the place where debate and discussion over policy happens;

- A scrutiny function that focuses on external matters, or on performance issues, because other committees take on a policy development function. Usually there will only be a single scrutiny committee in this format;

- Cross-party chairs of the above bodies. If the bodies are overview and scrutiny committees then the chairs cannot also sit on the cabinet, so two separate groups of lead member might be identified.

Often, the operation of delegation and financial procedures in hybrid arrangements may also reflect an approach that gives members more oversight and control. In conventional leader/cabinet councils these may give wide power to cabinet members to oversee officer delegations; in a hybrid system these powers may rest with different people.

Frequently, "informal" mechanisms for executive control and leadership can be found in hybrid systems – so, informal Cabinet meetings may manage the progress of issues through committee, in a way that cannot always be discerned by reviewing constitutional material. In councils with large majorities, significant discussion of forthcoming decisions can also take place in Group, in ways that can be opaque both for members of the public, officers and other councillors.

Making the change

Moving to a hybrid form of governance does not engage any of the formal governance change rules found in legislation. However, discussion of the change (and some amendments to the constitution) are still likely to be necessary.

4. The steps to making a change

In "Rethinking governance" (2014), we and the LGA suggested a set of steps for councils to take in deciding whether to change governance option, and acting on that decision. These continue to represent the best way to manage a conversation, and agreement, about governance change. We have however amended and updated some of the detail to ensure that it reflects the experiences of councils undergoing this work. We have also suggested how the steps can be practically carried out by a small councillor working group.

Before starting: initiating the work

Step 1 Plan your approach, and assess your current position

This involves:

- Assessing where you are now
- Establishing what change you need to deliver – what the purpose of governance change is likely to be

Step 2 Agree design principles

This involves taking from an initial assessment a sense of the council's current governance strengths and weaknesses, and using them alongside the terms of reference of the review in order to develop some "design principles".

These principles should be tangible aims that you can use for two purposes:

- To reach a judgement on possible new governance models – seeing whether proposed structures and ways of working are likely to live up to your objectives;
- To return to in future to help you to come to a judgment on whether your new systems are working or not.

Step 3 Think of ways to meet these objectives and put a plan in place

This involves:

- Exploring different ways of working
- Deciding on your overall structural needs (the point in the process where the question of which formal governance option arises);
- Planning for the change, and where necessary laying a motion for a resolution to that effect at full Council.

Step 4 Make the change

This is about taking the necessary legal steps – altering the constitution, deciding on the terms of reference of new formal bodies – constructing a new structure which is directly informed by the previous steps.

Step 5 Return to the issue after a year and review how things have gone

Steps 1 to 3 are ones that can be carried out by way of a cross-party councillor working group. In order to carry out these steps our experience suggests that a working group will need to meet three or four times.

It is important for councillor working groups to remain focused. Governance change can be a complex and wide-ranging issue. It will be extremely tempting for councillors and officers alike to jump ahead to consider the detailed structural design of a new system. But without addressing the fundamentals sitting behind that system, much time and effort will be spent designing something new which does not, in fact, deliver meaningful change.

For this reason, we suggest that while working group meetings should be chaired by a councillor they should receive active technical advice, and some direct facilitation, by either:

- an experienced council officer able to command the confidence of councillors and able to navigate the political context within which the debate will happen, or
- an independent person or organisation with similar credibility.

Taking a different approach

Of course, other methods do also exist. Governance change can be considered by a more wide-ranging democracy review – as happened in Newham in early 2020. This can provide a mechanism for drawing the public in to a larger local conversation about how the council works with local people. Other councils to have conducted such reviews in recent years include Croydon in 2019, Lewisham in 2018, Kirklees in 2017 and Cornwall in 2016.

Smaller-scale consultation exercises can also be built into the process of considering governance change. Public meetings (as happened in Guildford and Canterbury) can contribute.

In some cases, local campaign groups will exist, with the objective of bringing governance change about. We talk about these groups, and engagement with them, in the section on petitions and referendums below.

Finally, in some places an entirely different approach has been taken. In Uttlesford, a "shadow committee" was established to mirror the Council's existing decision-making processes. It is a cross-party committee convened in private, and is being used to experiment with how decision-making might operate differently under the committee system. More detail is provided in the appendix.

What follows is a possible process based on the assumption that most councils will seek to resolve these issues by way of a small, time-limited member working group, which may or may not meet in public. By and large this has been the most common approach used.

Before starting: initiating the work

Following earlier informal discussion, or following a manifesto commitment, a formal committee of the council will usually resolve to investigate governance in more detail.

Sometimes, this will be an open process – the council may not have decided that it wants to bring about a formal, legal change. Sometimes, the decision will already have been made (for example, that the council will be adopting the committee system) and a working group is being established to work through what this system should look like. The process described below is relevant to both of these situations.

A councillor working group will be established. This involves members from all parties. This may meet publicly but is more often an informal grouping of members.

The terms of reference of this working group are extremely important. CfGS recommends that, on being commissioned, terms of reference from the commissioning body be set generally. For example, they might be that a group explore issues relating to governance change and to report back.

Setting terms of reference broadly at this stage means that the smaller group of members can carry out initial reflection before refining their approach. Otherwise, terms of reference might be set before the issues, and potential solutions, are properly understood – inadvertently placing barriers in the way of councillors' work.

Step 1: Plan your approach

Overall, this process is one led by the working group, supported by officers. It involves quick thinking about the baseline position before terms of reference can be formally set.

This involves:

- Assessing where you are now

- Establishing what change you need to deliver – what the purpose of governance change is likely to be

Both of these steps can be carried out in a single meeting of a member working group.

Assessment

What are the current strengths and weaknesses of the Council's governance framework?

There will be local drivers for governance change. Understanding these drivers will aid understanding of where strengths and weaknesses might lie.

This is not about mapping the existing committee structure or creating diagrams to describe the legal process of decision-making. It is about considering the less obvious matters that might make arrangements unsatisfactory – things like:

- Strengths and weaknesses in the member/officer relationship. This might look like, for example, a commitment to involve all members in the policy development and decision making process, through scrutiny, area committees, partnership boards and cabinet decision-making as appropriate, or conversely an officer-led process where only cabinet members are seen to have any stake in decision-making and non-executives are relegated to the position of passive spectators;

- Strengths and weaknesses in the way that forward planning/work programming occurs. This might look like, for example, clarity and consistency in the way that officers approach policy development and decision-making, with plans being kept to and important, strategic decisions identified, or conversely a muddled plan composed of a mixture of operational and strategic decisions which reveals little about the priorities of decisionmakers, or the way in which they formulate decisions.

- Strengths and weaknesses in the way that information about decisions (including background papers) are published and used. This might look like, for example, proactive efforts to publish background papers as they are produced, and attempts made to respond positively when the assumptions in those background papers are challenged by others, or conversely an opaque system whereby attempts are not made to justify decisions and engagement is tightly controlled through consultation processes that are wholly divorced from the formal decision-making cycle.

- Strengths and weaknesses in the way that the council involves the public in major decisions. This might look like, for example, a commitment on major policy changes to engage those most affected by those changes, or conversely a more defensive attitude that sees members or senior

officers exerting control over the agenda for fear that the public will derail necessary decisions. These strengths and weaknesses, and others like them, are not strengths and weaknesses in the various governance options per se. They are strengths and weaknesses in the way that your existing governance arrangements work in your council.

These, and other, issues may form part of the political catalyst for change. It is important that they be articulated, so that they can properly be addressed. Otherwise there is a risk that they are forgotten in what might quickly become a technical conversation.

Setting terms of reference

On the basis of the above it will be possible to set more detailed terms of reference for the working group. These will need to address:

- How the working group can ensure that this work – from the consideration of options, to the implementation and review of new arrangements – will be led by elected members?

- Whether the working group will seek views from beyond the authority - how can we ensure that the broad democratic expectations of local residents are built in to this study?

- The breadth of the review - is this a review just of internal council decision-making, or are there knock-on impacts on partners, who may need to be involved?

Generally speaking, reviews which have reached a firm conclusion have focused on issues like:

- Councillors' expectations on policy development, and decision-making.

  - Do councillors expect to play a part in the planning of major decisions well before those decisions come to committee, and if so how should this be managed?

  - How is the split between members' and officers' roles currently expressed, both in the scheme of delegation and elsewhere? Does this need to be rebalanced?

  - How do councillors expect to play a role in the formal act of decision-making?

- Councillors' expectations on performance review, and review of the budget and major risks.

  - How hands on do councillors expect to be on oversight of operational matters?

  - What approach might provide a balance between member control and proportionality?

  - How active do councillors need to be in setting the authority's appetite and tolerance for risk?

  - How should councillors be involved in the development of the budget, review of the budget's implementation, and formal audit functions?

- Councillors' roles in the local community.

  - What local arrangements are there – ward forums, area committees and local parishes and community councils – whose roles may be impacted by any change?

  - Will, and should, any change have an effect on councillors' roles as local representatives, and as problem-solvers for local people?

- What information do councillors need to carry out their roles under a new system?

The tools of appreciative inquiry can provide a good way to approach these connected issues. Having this general discussion at the outset will set some broad parameters for the work, and it will also help to manage expectations of what can, and cannot, be achieved through governance change.

On the basis of this opening conversations, councillors can begin to translate some terms of reference into some design principles against which a menu of different governance options can be judged. This is the focus of the next stage.

Step 2: Setting design principles

If you have undertaken an initial assessment you will have identified some strengths (practice and ways of working that you want to keep) and some weaknesses (ways of working that you want to stop or change substantially). These strengths and weaknesses might reflect the attitudes and behaviours of council decision-makers (both members and officers), partners, the public and others, as well as reflecting structural issues.

You can use this, along with your terms of reference, to develop some design principles. These should not be vague, general aspirations such as making the council operate more democratically or enhancing transparency. They should be tangible aims that you can use for two purposes:

- To reach a judgement on possible new governance models – seeing whether proposed structures and ways of working are likely to live up to your objectives;

- To return to in future to help you to come to a judgment on whether your new systems are working or not.

For example, you could state that any new governance system should:

- involve councillors more in the development of key policies;

- involve the more regular sharing of information about policy and performance with councillors to inform both decision-making and scrutiny;

- seek to engage more fundamentally with local people and their needs;

- focus councillors' work on strategic decision-making – or focus councillors' work on strategic and operational decisions which are of a particularly high public profile locally;

These are just examples to demonstrate the clarity you need in your objectives; there may well be others that are particularly important for your council.

Step 3: Think of ways to meet these objectives and put a plan in place

Exploring different ways of working

The design principles are the product of the work in the earlier steps which will have given you a strong sense of what you are trying to achieve and how you will judge the success of a new system. The next step is to consider the new ways of working that could allow you to make those improvements.

These are likely to include changes both to the culture of the organisation and to its systems and processes – such as:

- More consistent principles underpinning when matters are placed in the Forward Plan / schedule of key decisions, how those decisions are described and the background papers for those decisions;

- Similar principles underpinning how such decisions might benefit from wider public involvement;

- Systems to support early member involvement, where needed, in major policy and operational matters. This may be an augmentation of informal briefings for members, possibly supported with the early provision of options and business case information – taking account of the need for confidentiality;

- Changes to the scheme of delegation to clarify members' involvement;

- Changes to the way that procurement and contract management is overseen and directed by councillors;

- Changes to the way that performance matters in general are reported – their frequency and the scale and nature of information provided to councillors to support this.

You may find that your objectives and design principles can be met without a formal change in governance. You may, for example, be able to meet them by bolstering the role that councillors play through the overview and scrutiny process. As part of this process, you may find it useful to consider the risks in taking either formal or informal action to change governance arrangements, and to establish how you will seek to mitigate those risks.

Deciding on your overall structural needs

Only at this point will you be ready to consider whether the change you want to bring about will require.

The kinds of changes described above could, for example, be made within your existing governance arrangements. A strengthening of scrutiny arrangements, improvements to the members' access to information protocol, and other constitutional amendments, could be sufficient.

Alternatively, councillors (and officers) could consider that formal governance change is required to embed these, and other, changes.

For example, governance change can:

- be a means of embedding a new culture of decision-making, where the protection afforded by the law and the constitution are seen as a backstop.

- be seen as a necessary component in a wider approach to improving the way decisions are made; for example, more effective partnership decision-making or the devolution of decision-making responsibilities to a ward or divisional level.

- may provide a means of signaling within the authority, and to those outside it, of a break with past practice and a commitment to do things better; however it will not achieve these improvements on its own.

The fundamental judgement – why make this change? – is something that will be different for every authority. The political and organisational context within which your council sits will affect the changes you make. For example some changes that, in another council, might be seen as requiring formally moving from one governance option to another to be fully embedded, in your instance may not be seen as demanding such a change. It is important to be self-critical at this point in the process. This is the final stage before you start to undertake work to implement the change itself and an opportunity to challenge assumptions and to set out the fundamental reasoning behind your decision.

Planning for the change: the resolution in Council

It will not be necessary to describe the structural detail of a formal change in the resolution being put to Council – the number of committees, their precise terms of reference and so on. You may think that this is wise in order to allow councillors to make an informed decision.

There is no specific form of words that the resolution must take. Once it is passed (only a simple majority of councillors is required) a change will automatically take effect concurrently with your

next Council AGM, unless the council proposes to make the change in the following year, for example. Alternatively, the Council may choose to hold a referendum. The earlier section 3.2 sets out more detail on this.

Step 4: Make the change

Making the change is a project which should be managed using conventional project management systems. The previous steps will provide the outline and parameters of that project, and its overall objectives. While specialist project management support will probably not be necessary, the amount of work needed to put the arrangements in place for a change should not be underestimated. Skills and resources, on both the officer side and the member side, need to be in place for a change in governance to be successful.

The following are the various different council processes and systems that may need to be looked at when you are amending your decision-making arrangements, and any relevant legal issues should also be considered. You will need to think about the way you design these changes, and the way that members make decisions on their implementation (which will usually be at full council):

- financial procedures, including the operation of audit

- access to, and publication of, performance scorecards and quarterly financial monitoring information

- the forward plan and corporate work programme

- changes to committee structures (which can happen at a time other than at Council AGM, but usually will coincide with that meeting)

Making these changes requires time, skills and capacity, both from officers and members.

Where a formal governance change is happening the six months that we suggested is taken between that resolution and Council AGM should be enough.

It is important that the way in which these changes are made itself reflects the design principles which you have established for your new governance system. This will include the way that the change is publicised. By law, a governance change has to be publicised. You might want to incorporate ways for the public to actively feed back on the change, particularly those elements which are public-facing. Ideally, this will constitute the continuation of a process of public involvement which began earlier in the process, as we described above.

You might also want to consider a risk plan so that you can be aware of issues or situations that could negatively affect your proposed arrangements.

In the section above we highlighted what might happen if a Council changes its mind on governance change before the "relevant change time".

Costs

As far as we know one governance option does not cost more than another (indeed many councils making the change have stipulated that a key criterion in evaluating whether or not to do so has been whether it is cost neutral in the long term).

One particular place where costs can be difficult might be in the level of Special Responsibility Allowances; these may differ between a Mayor, the Leader of a Council operating executive arrangements, the Leader of a Council operating the committee system, and so on. These will be matters for the IRP to determine, and may be difficult to predict in advance.

Of course, the act of making the change itself does cost money. The Government's impact assessment suggested that costs would range from £70,000 to £250,000 but this seems very high (although costs will be increased where councils hold referendums). In practice we suggest that costs will be in the tens of thousands, if that, and for a move to hybrid arrangements we have reason to believe that costs will be significantly lower, which could make these kinds of change more attractive. Costs are likely to focus on:

■ Legal costs, in making changes to the council's constitution and wider governance framework;

■ Other costs, relating to:

- Convening member meetings to oversee the change – with resource implications for members and officers;

- Redesigning financial systems and procedures to accommodate the change;

- Liaison with partners, to discuss and agree how business with outside bodies will be transacted – particularly important where the council may be part of a joint venture or a constituent authority of a Combined Authority.

Step 5 Return to the issue after a year and review how things have gone

It is important to evaluate how things have gone after a year or so, in order to see whether the resources you have expended in making the change in governance have made the difference you hoped. This need not be a complicated bureaucratic exercise – just a short assessment of the position, informed by insight from councillors and any other interested parties.

Tying this process to the preparation of the Council's Annual Governance Statement presents a neat way to review the issue.

If the changes have not resulted in the outcome you were trying to achieve, there are ways and means of addressing that. The detailed work carried out the previous year to plan and deliver the new governance arrangements will help with this. It may have been that your plan was too ambitious, or there may have been factors – internal or external – that were not taken into account, or that were difficult to predict (political issues, for example). If you developed a risk plan it will be much easier to identify and act on any failings. You can review the likely reasons for the failure and take action to address them, as long as you do not consider that they will require a further formal governance change.

COUNCIL	AGENDA ITEM. 13(a)
27 JANUARY 2016	**PUBLIC REPORT**

ALTERNATIVE GOVERNANCE ARRANGEMENTS

R E C O M M E N D A T I O N S

FROM : Chairman of the Design and Implementation Working Group

(1) That in accordance with paragraph 9KC of Schedule 2 of the Localism Act 2011,

   (a) the Council resolves to make changes to its constitutional arrangements to a hybrid model of executive decision making with a greater involvement of pre-scrutiny recommendations as set out in the report of the Design and Implementation Working Group (Appendix 1) to take effect from the Annual Meeting of the Council in May 2016.

   (b) That copies of the Design and Implementation Working Group's report setting out the provisions of the arrangements should be made available at the Town Hall, and details of the proposals be published in one or more newspapers circulating in the area.

(2) That Council approves the following changes to the Constitution to take effect from the Annual meeting of the Council in May 2016:
   (a) Overview and Scrutiny Article 7 (Part 2:Section 7)
   (b) Overview and Scrutiny Functions (Part 3:Section 4)
   (c) Scrutiny Committee Procedure Rules (Part 4: Section 8)

(3) That the Council notes that the proposed changes to the Cabinet Procedure Rules will be reported to a future meeting of Cabinet for approval and Council for adoption.

(4) That the following further consequential changes to the Constitution will be brought to the Council meeting in March:
   (a) Cabinet Procedure Rules (Part 4: Section 7)
   (b) Budget & Policy Framework Procedure Rules (Part4: Section 6)

(5) That a review should be undertaken prior to the Annual Meeting in May 2017 to ensure the proposed scrutiny structure is effective.

1. PURPOSE AND REASON FOR REPORT

1.1 On 15 July 2015 the Council agreed to adopt an alternative form of governance to take effect from the Annual Council meeting in 2016. It noted that the preferred model was a hybrid model of executive decision making with a greater involvement of pre-scrutiny review (a Peterborough model). A 'hybrid' model of governance is where the executive (Cabinet and Leader) is retained but the scrutiny function alters its focus to become an advisory body to the executive in addition to providing its post scrutiny functions. It

also agreed to set up a Design and Implementation Working Group to report their detailed constitutional proposals to Council.

1.2   This report sets out the Working Group's proposals for implementing the hybrid model and on a proposed structure for scrutiny committees (Appendix 1). It also includes proposed changes to the Council's Constitution to implement the proposals.

1.3   In accordance with paragraph 9KC of Schedule 2 of the Localism Act 2011, the Council must advertise any changes to its governance arrangements and details must be available for public inspection.

2.   BACKGROUND

2.1   Peterborough City Council has operated executive arrangements since 2001 under a Leader and Cabinet model with delegated decision making resting with the Cabinet or individual Cabinet members according to their portfolios. Traditionally Peterborough has operated a member-led decision making model with limited delegation to officers for non-key executive decisions. The Council retains some principal functions and has responsibility for the budget and the major policy framework of the Council. It also retains some regulatory decision making powers, the majority of which it has delegated to individual committees, (e.g. Planning & Environmental Protection Committee, Employment Committee and Licensing Committee etc.).

2.2   The Localism Act 2011 allowed Councils to exercise discretion regarding their governance arrangements and Councils could continue their existing executive arrangements, return to a committee system or adopt other governance arrangements.

3.   THE PREFERRED MODEL OF GOVERNANCE

3.1   On 15 July 2015 the Council agreed to adopt an alternative form of governance to take effect from the Annual Council meeting in 2016. It noted that the preferred model was a hybrid model of executive decision making with a greater involvement of pre-scrutiny review "a Peterborough model".

3.2   Under a hybrid model, the executive system of decision making is retained but reports are, where specified, referred to scrutiny committees in advance of the decision being considered by the executive. Scrutiny committees make recommendations on those reports which the executive take into account before making their decision.

3.3   The Leader and Cabinet are therefore retained, providing the leadership and focal point for the Council. With the new role played by scrutiny, this model also allows for backbench and opposition members to take part in the formulation of policy and decision making and so provides more inclusivity for Members; the primary benefit of a new model.

4.   DESIGN AND IMPLEMENTATION WORKING GROUP

4.1   The Council at the same meeting agreed the formation and terms of reference of a working group to design and implement "a Peterborough model" and requested a report on their detailed constitutional proposals to Council.

4.2   Since July, the Design and Implementation Working Group has met monthly to consider:

(a)   the principles for designing a hybrid model,
(b)   the key elements of the Wandsworth model and how it could be adapted to suit Peterborough,
(c)   a number of approaches for designing suitable proposals for Peterborough; including deciding those decisions which should go through the pre decision scrutiny process, whether there should be a reference up procedure and the form it should take in addition to the current call in arrangements,
(d)   options for consulting on the budget under a hybrid model, and
(e)   the constitutional, process and timetabling implications of the new arrangements.

4.3   It recognised the current scrutiny structure would not work under a hybrid model for a number of reasons; any future structures needed to be aligned with cabinet and officer portfolios to ensure the correct matters were referred to scrutiny committees. Decision making needed to be timely and avoid Cabinet members and officers attending numerous scrutiny meetings immediately prior to Cabinet.

5.   SCRUTINY WORKSHOPS

5.1   The Design and Implementation Working Group also arranged to hold two workshops for all scrutiny members:

(a) the first workshop in October was to seek scrutiny members' views on key elements of the hybrid model, the current scrutiny arrangements and the improvements they would like to see. The workshop fed back their views on the future role of scrutiny and the design principles for a future scrutiny structure.

(b) the second workshop was held on 7 December and focused on a revised structure under the hybrid model and to review their approach to work programming under the new arrangements.

5.2   Both workshops were guided by a representative of the Centre for Public Scrutiny. The feedback from the workshops were taken into account when the working group finalised its proposals in January.

6.   THE PROPOSED PETERBOROUGH MODEL

6.1   The Design and Implementation Working Group met on 5 January to receive feedback from the scrutiny workshop and to finalise its proposals for a hybrid model for Peterborough. Its final proposals are set out in their attached report. (**Appendix 1**). In summary, the proposals are as follows:

(a) the Chairman of Scrutiny Committees in consultation with the relevant Cabinet Member will call forward any executive decisions that should be taken to a scrutiny committee before the executive decision is made.

(b) Should a Cabinet Member (CMDNs) disagree with a scrutiny committee's recommendations, the matter will be referred up to Cabinet.

(c) Provision will be made for minority reports where a minority of members on a scrutiny committee disagrees with the majority on the committee. If the matter is an individual Cabinet Member decision, the matter will be referred up to Cabinet.

(d) There should be three scrutiny committees which are aligned to cabinet member portfolios and the officer structure. The scrutiny committees should consist of 10 Members and should meet eight times a year immediately before Cabinet in order to make timely recommendations.

6.2   The Council are asked to agree the report and recommendations in Appendix 1.

7.   CONSTITUTIONAL CHANGES

7.1   In order to implement the changes from the annual meeting, the constitution will need to be amended to take account of the proposed changes. This report outlines the first amendments to the Constitution. Any further amendments will either be made by the Monitoring Officer under her delegated powers or be brought to a future meeting of Council. The opportunity has been taken to update the Constitution to take account of changes in legislation. The Council is asked to approve the following:

 (a) Article 7 - Overview and Scrutiny - **Appendix 2**
 (b) Overview and Scrutiny Functions (Part 3:Section 4) - **Appendix 3**
 (c) Scrutiny Committee Procedure Rules (Part 4: Section 8) - **Appendix 4**

7.2   If the Council approves the recommendations of the Design and Implementation Group, the Executive Procedure Rules (Part 4 - Section 7) proposed by the Group will be reported to Cabinet for approval. Subject to Cabinet approval, these will be adopted into the Constitution at the Council meeting in March.

7.3   The report of the Design and Implementation Group comprises an indicative budget process set out in Appendix 1 (b). If these indicative proposals are agreed, the Budget and Policy Framework Procedure Rules (Part4: Section 6) will also be reported back to Council for approval in March.

8.   COMMUNICATIONS STRATEGY

8.1   As the proposed changes do not change the principle model; the leader cabinet model, there is no requirement to consult. In addition, the proposed changes are largely internal. The proposals will be communicated as follows:

Advertising the Proposed Changes

8.2   The Localism Act 2011 requires the Council to pass a resolution to make changes to its governance arrangements. It must set out the details of the arrangements in a public document and these must be available at the Town Hall for inspection by the public. Notice of the changes must also be advertised in one or more newspapers circulating in its area. The objective is to inform the public of the changes and the date of their commencement.

Partners

8.3   Partners will be advised of the proposed changes as part of the budget consultation process.

Members and Officers

8.4   Following approval of the Peterborough model, officers will attend an All Party Policy meeting to model examples of how the new processes will work. The revised arrangements will be communicated to officers and a similar modelling exercise will be undertaken with them.

8.5   Following the May election, training will be undertaken as part of the member development programme and the scrutiny work planning.

9.   IMPLICATIONS

9.1   Financial implications: It is proposed to include £50,000 in the budget for 2016/17 for additional staffing resources within Democratic Services to support this model. Resource implications across the rest of the Council will depend on how the new arrangements are implemented in practice and the volume of work arising. This will be kept under review

9.2   Legal implications: The Council can alter its governance arrangements by a resolution at Council as set out in the recommendations.

9.3   There are no further implications arising from this report.

10.   BACKGROUND DOCUMENTS

        Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985.

        Reports of the Design and Implementation Working Group.

        Appendixes

        Appendix 1   Final report of the Design of the Implementation Group
        Appendix 2   Article 7 – Overview & Scrutiny
        Appendix 3   Section 4 – Overview & Scrutiny Functions & Terms of Reference
        Appendix 4   Section 8 – Scrutiny Committee Procedure Rules

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FINAL REPORT OF THE DESIGN AND IMPLEMENTATION GROUP

ALTERNATIVE GOVERNANCE ARRANGEMENTS: HYBRID MODEL

1.   Purpose

1.1   This report sets out the recommendations of the Design and Implementation Working Group on the design proposals for a hybrid model of governance arrangements suitable for Peterborough. It details their proposals for pre-scrutiny of executive decisions and for a proposed revised scrutiny structure suitable for a hybrid model.

2.   Background

2.1   In July 2015 the Council agreed to adopt an alternative form of governance to take effect from the Annual Council meeting in 2016. The preferred model was a hybrid model of executive decision making with a greater involvement of pre-scrutiny review (a Peterborough model).[1] It set up a cross party working group to design the model, known as the Design and Implementation Working Group. Its terms of reference is attached (Appendix 1(a)).

2.2   The membership of the working group was as follows:

Cllr Thulbourn (Labour) - Chairman
Cllr Hiller (Conservative)
Cllr Lane (Independent/Werrington First)
Cllr North (Conservative)
Cllr Aitken (Conservative)
Cllr Sandford (Liberal Democrats)
Cllr Faustino (Conservative)
Cllr Whitby (UKIP)
Cllr Holdich (Conservative)
Cllr Sharp (Independent/Peterborough Independent Forum)

2.3   Since July, the Working Group has met monthly to consider:

(a)   The principles for designing a hybrid model.

(b)   The key elements of the Wandsworth model and how it could be adapted to provide a personalised set of governance arrangements to suit Peterborough City Council.

(c)   A number of approaches for designing suitable proposals for Peterborough; including deciding which decisions should go through the pre decision scrutiny process, whether there should be a reference up process (in addition to call in) and the form it should take.

(d)   Options for consulting on the budget under a hybrid model, and

(e)   The constitutional, process and timetabling implications of the new arrangements.

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[1] A 'hybrid' model of governance is where the executive (Cabinet and Leader) is retained but the scrutiny function alters its focus to become an advisory body to the executive in addition to providing its post scrutiny functions.

2.4   The Working Group also arranged to hold two workshops for all scrutiny members guided by a representative of the Centre for Public Scrutiny:

(a)   The first workshop in October was to seek scrutiny member's views on key elements of the hybrid model, the current scrutiny arrangements and the improvements they would like to see. The workshop fed back their views on the future role of scrutiny and the design principles for a new scrutiny structure.

(b)   The second workshop was held on 7 December to consult on a proposed structure and to begin to discuss how members might programme their work to focus on pre-scrutiny and adding value.

Recommendations

3.   Principles

3.1   The Working Group's first task was to discuss and agree principles to inform the design of a new system suitable for Peterborough. They agreed the following principles:

(a)   An efficient, effective and timely decision making structure, which is open, transparent, accountable, and inclusive.

(b)   A system where
        1) The executive would value constructive and sensible input from Scrutiny Committees to improve decisions taken.
        2) Non-executive members feel that they are involved and can influence executive decisions before they are made and there is a mechanism to identify which decisions they wish to influence.
        3) Scrutiny acts as a "critical friend".
        4) Scrutiny Committee Chairmen and Cabinet Members work in partnership.

(c)   Scrutiny Committees should make recommendations to Cabinet/Cabinet Members having regard to officer recommendations. If the Scrutiny Committee did not agree with the officer recommendations, they provide reasons.

(d)   Cabinet should take decisions on the advice of scrutiny. The executive would be expected to agree with scrutiny's recommendations but they should still be able to take an alternative decision. In such circumstances there would have to be strong reasons for doing so and the relevant Scrutiny Committee would be informed of those reasons.

(e)   There would need to be a process to deal with urgent decisions.

4.   Role of Scrutiny in Peterborough

4.1   The Working Group also consulted all scrutiny members at two scrutiny workshops on the future role of scrutiny and their views on the principles for designing new scrutiny arrangements.

4.2   Feedback from the scrutiny workshops indicated there was too much emphasis on "review and scrutiny". Scrutiny members wanted to be engaged early in the process before

decisions were made so that they could make a positive contribution. They considered that meaningful scrutiny should emerge from the following principles:

(a)   Councillors should be able to engage early in decision making and provide a strong, objective, and distinct voice.

(b)   There should be open and transparent decision-making between scrutiny and the executive, together with improved communication between them.

(c)   Scrutiny should focus on adding value: it ought to decide key areas to consider rather than being a means to review all matters.

(d)   The hybrid model should provide a mechanism to identify key issues for pre-decision scrutiny both at the policy development stage and prior to executive decision making and include a process for resolving differences.

(e)   Any Scrutiny arrangements should enable members to build sufficient knowledge and expertise in related functions and involve multiple members in the scrutiny process.

4.3   The above principles were used to design the proposed hybrid model and scrutiny arrangements. Therefore, in addition to its review and scrutiny function, the Working Group proposed the following definition be added to the role of scrutiny.

DIG 1 Recommendation

The following definition be added to the role of scrutiny:

In addition to its role in holding the executive and partners to account, the role of scrutiny is to provide a positive input into decision-making at an early stage; both at the policy development stage and prior to decision making. It has a strong, objective and distinct voice and is a mechanism for bringing a wide range of voices, views, ideas and expertise. As members of an elected body, it will ensure it adds value and transparency at all times.

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5.   Executive Decisions subject to Pre-decision Scrutiny

5.1   The Working Group considered whether all executive decisions should be scrutinised before executive decisions were made as in Wandsworth. The Working Group agreed that this model would not work for Peterborough; if all executive decisions were pre-scrutinised, Scrutiny Committees would be overloaded, would involve them in unnecessary detail and result in delays in executive decision making. Unlike Wandsworth, they would prefer not to see further delegation of executive decisions or increased use of urgency powers by officers. Instead, Members would like to be more selective about the decisions that come to scrutiny before the decision is made. They recommend that the relevant Chairman of a scrutiny committee in consultation with the Cabinet Member should decide which decisions should be subject to pre-scrutiny.

5.2   At the time of publication of the forward plan (twice a month), the Chairman and Cabinet Member would review the plan to identify which decisions should come under scrutiny before the executive decision is made, those that do not require pre-scrutiny or to identify

particularly contentious or difficult decisions which need early scrutiny. It would be for the Chairman to decide how they involved other members of the committee.

5.3   Members also favoured the use of informal networks such as the Group Leaders' meetings to resolve issues. There was no proposed changes to the Group Representative meetings under the Member/Officer Protocols in Part 5, Section 3 of the Constitution. They recommended that the Group Representative meetings should still continue to meet at various points in the year to enable the Scrutiny Chairman to consult with the Committee or Group Representatives as set out in the Member/Officer Protocol.

DIG 2 Recommendation

(a)   The relevant Chairman of a Scrutiny Committee in consultation with a Cabinet Member should decide which decisions should be subject to pre-scrutiny at a meeting at which Officers can provide advice and guidance.

(b)   All planned executive decisions should be included in the forward plan for 28 days, where possible.

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6.   Implications for Scrutiny Work Programme

6.1   The Working Group noted the scrutiny workshop's views that Members wanted to manage their work programme differently. They wanted to provide a positive input into decision-making at an early stage; both at the policy development stage and prior to decision making. In order to undertake pre decision scrutiny and to develop ideas and generate policy, this work would need to take priority over post decision scrutiny which they saw as lacking influence and negative. The workshop agreed they would use prioritisation to manage their workload:

(a)   Any matters relating to pre-decision scrutiny would need to take priority.

(b)   Being selective in choosing items for scrutiny for example, choosing two or three themes a year to inform their work programming rather than considering a wide range of issues.

(c)   The agenda and programme should be member led.

(d)   Once the work programme is set, they should avoid adding other items throughout the year unless absolutely necessary.

(e)   Rather than monitoring a myriad of performance indicators for every function, scrutiny should receive performance indicators on key areas of importance and follow a dashboard/ traffic light system; green for on target; red for target not achieved etc.

(f)   Eliminating from the agenda "items for information" which should be circulated outside of the committee.

6.2   The Working Group noted that the Scrutiny Workshop had requested more assistance in deciding their work programme, in identifying priorities and their information needs and resources so that they were equipped to add value in a much more focused way. This would be progressed as part of the member induction programme after the elections and as part of the scrutiny work planning at their first meetings after the Annual Meeting. It would be a key role of the Chairman to lead this work.

7.   Scrutiny Structure and Size

Structure

7.1   Having consulted Scrutiny Members, the Working Group agreed the current scrutiny structure was not fit for purpose.

7.2   It recognised the current scrutiny structure would not work under a hybrid model for a number of reasons; any future structures needed to be aligned with Cabinet and Director portfolios to ensure the correct matters were referred to scrutiny committees. Decision making needed to be timely and avoid Cabinet Members and Directors attending numerous scrutiny meetings prior to Cabinet. It specifically needed to be designed to fit with a hybrid model.

7.3   The Design and Implementation Group proposed the establishment of the following three committees:

(a)   Children and Education Scrutiny Committee
(b)   Adults, Communities and Health Scrutiny Committee
(c)   Growth, Environment & Resources Scrutiny Committee

7.4   The proposed structure addressed the following:

1) The terms of reference of each committee was evenly balanced in terms of its size and area of responsibilities.

2) The structure is aligned to Cabinet Member roles, to Directors' portfolios to build the officer support role for scrutiny and to the Council's work which falls into two main categories: the family, and the wider environment (including economic development and resources). In other words people and place. This would assist with ensuring the correct matters were added to the scrutiny agendas.

3) As now, there needed to be one committee with overall responsibility for the budget. This would be the Growth, Environment and Resources Scrutiny Committee. There are separate arrangements for the budget process set out in a flowchart at Appendix 1(b) to the report.

4) Specific statutory responsibilities of scrutiny have been taken into account:

    (a) The Adults, Health & Community Scrutiny would undertake scrutiny:

        1)   the Council's statutory functions under section 19 of the Police and Justice Act 2006 relating to the scrutiny of crime and disorder matters;

2) the Council's statutory functions under section 244 of the National Health Service Act 2006 to review and scrutinise matters relating to the Health Service within the Council's area and to make reports and recommendations to local NHS bodies or providers.

These committees should continue to undertake their statutory responsibilities as they do at present.

(b) The Growth, Environment and Resources Scrutiny Committee would undertake the Council's statutory duty to review and scrutinise flood risk management functions which may affect the local authority's area under section 21F of the Local Government Act 2000 (as amended by the Flood and Water Management Act 2010).

(c) The Children & Education Scrutiny Committee would include the statutory requirement to have church and parent governor representatives on the Scrutiny Committee considering matters related to education.

5) There is no separate rural committee. Councillors from rural areas were represented on all committees so rural as well as urban matters were represented. If the interests of rural areas were particularly important this could be dealt with by other means, such as having a heading in the report template entitled "Rural Implications", or using Parish Council Liaison Committees to consult on rural issues etc. Scrutiny Members on committees could be designated specialist roles, such as rural spokesperson.

6) The overriding priority was to enhance the ability to add value at the appropriate stage in decision making. Cabinet meets 10 times a year and under the current structure, four of the five Scrutiny Committees would need to meet the week before Cabinet. This would substantially increase the number of meetings and levels of bureaucracy which does not align with the principles for the new model. Under a hybrid model, the Design and Implementation Group decided Cabinet Members and Directors should not be shadowing more than one committee, although, some overlap could not be avoided. It should also avoid having to attend numerous scrutiny meetings leading up to Cabinet meetings. This suggested that a maximum of three committees was the optimum number.

7) Fewer committees did not mean less involvement of a wider range of councillors as the committees could be quite large; where necessary committees could make use of task and finish groups to consider matters in more detail when feeding into policy development, as now. Where it was proposed that informal discussions take place, it would be important that the nature and products of those discussions were fed back through a formal, public forum in the interests of transparency.

8) Cross cutting issues should be dealt with by making provision in reports to highlight these, or where necessary the committees might set up cross cutting task and finish groups, or meet jointly to provide a single set of recommendations.

7.5 The second scrutiny workshop was concerned that three committees might be insufficient in view of the workload of the current committees and discussed splitting the Adults and Health, or Growth and Resources Committees. It was emphasised that workload could be managed through work programming and prioritisation. In accepting the proposal for three

Scrutiny Committees, the workshop requested that the structure be reviewed a year after implementation.

Size of Scrutiny Committees

7.6   The Working Group also considered the future size of Scrutiny Committees. The existing committees were between 7 and 10 members (total 38 members). CfPS research demonstrated that committee size, in itself, had no direct bearing on the effectiveness of scrutiny work.

7.7   The Group recognised that a balance needed to be struck between having sufficient Members for a broad range of views but not too large for effective debate and efficient decision making. The Design and Implementation Group recommended that each committee had 10 members. They considered that a committee of larger than 10 would be too large, taking into account co-opted members.

7.8   As now, there would be statutory education co-opted members on the Children and Education Scrutiny Committee with voting and call-in rights on education matters only. In addition, committees may co-opt up to four non-voting members or partners on to their committees.

7.9   The Working Group also noted that the current constitution provided for a non-voting representative of other faiths without voting rights to sit on any scrutiny committee considering educational issues. This position had never been filled despite attempts to do so. It also provided for any committee acting as the Crime and Disorder Committee to include a representative of Cambridgeshire and a Peterborough Fire Authority with full voting rights. However, the Fire Authority had never taken up the position. As these positions had not been filled and there was provision to appoint four non-voting co-opted members under the new arrangements, they recommended these positions be removed.

DIG 3 Recommendation

(a) That three Scrutiny Committees be stablished.

    (i)   Children and Education Scrutiny Committee
    (ii)   Adults, Communities and Health Scrutiny Committee
    (iii)   Growth, Environment & Resources Scrutiny Committee

(b) Each committee consists of 10 members together with any co-opted members.

(c) That a review be undertaken prior to May 2017 to ensure that the proposed structure is effective.

(d) For the reasons set out in 7.9, and as all scrutiny committees may co-op up to four voting members, the following co-opted member positions be removed from the constitution:

    (i)   A representative of Cambridgeshire and a Peterborough Fire Authority on any Scrutiny Committee acting as the Crime and Disorder Committee with full voting rights on these matters only.
    (ii)   A representative of other faiths without voting rights on any committee considering educational issues.

8.   Chairman of Scrutiny Committees

Charter on Role of Chairman:

8.1   The Working Group recognised that the Chairman would have a much stronger role in managing the agenda, particularly in working with the relevant Cabinet Member on agreeing items for pre-decision scrutiny and ensuring that the Committee had a manageable work programme. They recommended that there should be a Chairman's charter outlining their rights and responsibilities under the new hybrid model.   From previous discussions, Members saw the role as:

(a)   Providing leadership to the Committee and managing the business through setting its agenda and work programmes

(b)   Managing the agenda in consultation with committee members to ensure the work of the Committee is member led, and is in accordance with member priorities

(c)   Ensuring that its work primarily focused on pre-decision scrutiny, and adding value

(d)   Leading on the development of the work programme to ensure it is focused

(e)   Working with the relevant Cabinet Members to review the forward plan to identify key issues for pre-decision scrutiny both at the policy development stage or prior to decision making liaising with members of the committee and taking the views of Group Representatives as necessary

(f)   When making recommendations to the executive, ensure there is consensus that members take account of officer advice and where the Committee do not agree with the officer or Cabinet Member recommendations, clear reasons are given

(g)   Ensuring the Committees' input to executive decision making is efficient and effective

(h)   To represent the Committee at Cabinet meetings

(i)   To foster relationships founded on mutual respect and open communications between Directors, the Executive and Scrutiny members.

Appointment of Chairman of a Scrutiny Committee

8.2.   There had been discussion at the Scrutiny Workshop about whether the Chairman should come from an opposition group. The Design and Implementation Working Group also discussed whether the Council should appoint the Chairman of a scrutiny committee, whether it should be the Committee itself following the Annual meeting and whether the constitution should state that the Chairman should come from an opposition group.

Members were split and no firm decision was agreed. The various views were:

(a)   Some Members felt that a further separation between the majority group and scrutiny was necessary to ensure scrutiny was seen as strong. They noted that perception

was important, and having a chairman who was a member of the majority group might lead to questions about the strength of scrutiny.

(b)   Others argued that there should not be a presumption that the Chairman should come from any particular group, but rather the best person should be chosen for the job and this could be undertaken by the Committee, rather than by nominations from political groups at the Council meeting. A committee would not want to be put in the position of appointing a member with no experience of chairing or who had just been appointed to the Council just because that person was from a minority group. The Chairman might be a member of the Administration but that did not mean opposition groups would not have their view heard.

DIG 4 Recommendation

i.   That the Chairman of Scrutiny Committees should have a charter to set out the rights and responsibilities of the Chairman

ii.   Having considered the arguments for and against, the Working Group made no recommendations regarding the appointment of the Chairman of Scrutiny Committees.

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9.   Process, Timetable and Frequency of Meetings

9.1   Whilst not all decisions would be pre-scrutinised, in order to carry out the form of pre-decision scrutiny that members prefer, scrutiny committee meetings would need to be aligned to Cabinet to ensure there was no delay in decision making.

9.2   Under the Wandsworth model, five scrutiny committees met 4 times a year, and Cabinet met (8 meetings) in between scrutiny meetings to ratify recommendations of scrutiny. Special meetings were arranged as necessary.   In Wandsworth it was the delegation and urgency elements which made the system logistically workable. As stated above, unlike Wandsworth, the Working Group would prefer not to see further delegation or increased use of urgency powers.

9.3   Currently, Cabinet had 10 meetings a year, including two in February which tended to be budget focused, and each of the five Scrutiny Committees met six times a year (30 scrutiny meetings a year.)   In future, each Scrutiny Committee would need to meet prior to Cabinet, which would increase the number of times the Committees should meet (30 meetings a year i.e. the same number as at present.)

9.4   The Working Group proposed that each committee met eight times a year to shadow Cabinet[2] with a caveat that meetings may be cancelled if there were no matters to discuss. Any identified individual cabinet member decisions would need to be scheduled in around the scrutiny calendar. The agenda would require careful forward planning, and the early identification of those decisions identified as "key" where scrutiny's input would be of value.

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[2] On average two of the ten meetings discuss the budget for which there will be a separate process

9.5 In order to undertake pre decision scrutiny and to ensure timely decision making, the Group agreed that the most efficient option would be to have one report with officer recommendations which would go jointly to scrutiny and to Cabinet. Therefore the Cabinet agenda could be printed in 2 parts, those reports that are subject to pre decision scrutiny will be published at the same time as the agenda for scrutiny meetings (approximately 9-12 clear working days before the Cabinet meeting instead of 5 clear working days before the meeting).

9.6 In order to undertake pre decision scrutiny and to ensure timely decision making, meetings would need to be aligned to Cabinet meetings. For example, if Cabinet meets on a Monday, Scrutiny Committees would meet the week before i.e. Monday to Wednesday before the Monday Cabinet meeting. Following each meeting of scrutiny, a schedule would be published stating whether the Committee agreed with the officer recommendation and details of any specific amendments (the Wandsworth model). These would be published as a supplementary item to the Cabinet report. The timetable below is for illustrative purposes only

Timetable (illustrative only)

Week No	Mon	Tues	**Wed**	**Thurs**	**Friday**
1			Forward Plan Published (At least 28 clear days of the Cabinet meeting or Cabinet Member Decisions		
2		Chairman of Scrutiny & relevant Cabinet Members meet to discuss items for pre-scrutiny with officers present			
3			Forward Plan		
4					Cabinet agenda (part 1) & CMDNs published & included on the agenda of relevant Scrutiny Committee
5					Statutory deadline for publication of Cabinet agenda (part 2)
6	Scrutiny Committee meeting	Scrutiny Committee meeting	Scrutiny Committee meeting		
7	Cabinet				

DIG 5 Recommendation

That each Scrutiny Committee meets eight times a year prior to shadow Cabinet with a caveat that meetings may be cancelled if there were no matters to discuss

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10.   Cabinet Member Decisions, Minority Reporting, and other safeguards

10.1   The Group discussed having safeguard mechanisms in certain circumstances:

10.2   **Cabinet Member Decisions (CMDN):** The Working Group considered that CMDNs were beneficial to ensure efficient decisions making. However, they would like to see certain safeguards. If the Cabinet Member were inclined to take a decision that went against the recommendation of the Scrutiny Committee, then the CMDN should automatically be referred to Cabinet and be taken in the public arena. The Leader of the Council who had responsibility for executive decisions, confirmed he had no objection to this proposal.

10.3   **Cabinet Decisions:** It was recognised that reports from Officers were based on professional judgement.   If the Scrutiny Committee did not agree with officer recommendations, then they needed to give reasons for that decision. If Cabinet did not agree with Scrutiny Committee recommendations, then Members of the Council had the ability to call in decisions under the existing call in arrangements

10.4   **Minority Reports:** Where a Scrutiny Committee makes recommendations which other members do not agree, opposing members on the committee should have an opportunity to submit a minority report to Cabinet. The Working Group recommended that the minority report including the alternative recommendations would be submitted to Cabinet at the same time as they receive the Scrutiny Committee's recommendation.

10.5   For individual Member Decisions, the Cabinet Member would refer the recommendation and minority report to Cabinet, rather than take the decision themselves.

10.6   The Group considered the above proposals would ensure there was public debate at Cabinet before the decision was made and was preferable to the Wandsworth model where Members may refer the recommendations to Council should an alternative recommendation be deemed more appropriate. The Wandsworth model could considerably delay decision making and it did not give the opportunity for Cabinet to consider the Scrutiny Committee's recommendations and any minority report before it made its decision. In addition, the Council met infrequently and the matter would have to be reported back to Cabinet after the Council meeting as Council cannot overturn executive decisions. Under the proposed model, Cabinet would consider both sets of recommendations, and make their decision. If members were not satisfied after that, they could call in the decision. Disputes could also be discussed informally at Group Leaders meetings.

10.7   **Speaking rights at Cabinet meetings:** The Working Group was concerned that scrutiny members, particularly the Chair, would need specific rights to speak at Cabinet. The Leader agreed to review the Executive Procedure Rules to accommodate this.

10.8   **Amendments to Call in:** The Working Group noted that under the existing call in arrangements set out in Part 4 Section 8 of the Scrutiny Procedure Rules, the relevant

Scrutiny Committee discusses any requests for call-in and may refer it back to the decision making body for reconsideration.

10.9   The Working Party discussed whether it was appropriate for a scrutiny committee to consider a call in where it had been involved in the original decision and had made recommendations to the Cabinet. They recommended that the Scrutiny Procedure Rules should be amended to state that any request to call-in a decision cannot be considered by the Scrutiny Committee that made the original recommendations to Cabinet. The call in must be considered by another Scrutiny Committee to provide independence.

10.10   **Urgency:** Current standing orders provide for urgent decisions. The Working Group considered whether any processes should be put in place where there was no time to go through the "pre-scrutiny decision" process. They considered an informal process was more appropriate, and recommended that the Cabinet Member and Chairman of the Scrutiny Committee should agree informally to exemptions to pre-scrutiny of decisions for reasons of urgency as part of their review of the forward plan or where a decision becomes urgent as it goes through the process.

10.11   They also recommended that where an individual cabinet member decision (CMDN) had been identified for pre-scrutiny but could not be scheduled for a Scrutiny Committee, the Cabinet Member could take the decision in consultation with the Chairman. The decision would be subject to the existing call in procedure.

DIG 6 Recommendation

That the Constitution, Executive and Scrutiny Procedure Rules be amended to include the safeguards in paragraph 10.1. to 10.11 above.

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11.   Budget Process

11.1   The Working Group considered options for the budget process under a hybrid model. A summary of the proposed arrangements is set out in Appendix 1 b. The Budget & Policy Framework rules in the Constitution would need to be amended and would be reported to a future Council meeting as part of the necessary constitutional changes that are required, once Council had agreed the proposed hybrid model.

ALTERNATIVE GOVERNANCE: DESIGN & IMPLEMENTATION GROUP
TERMS OF REFERENCE

Objective

A cross party working group of members to design and implement the structure of the proposed governance of the Council. The working group will report to Council in December 2015 with detailed proposals for implementation of the new proposals for the civic year 2016/17.

The objective of the working group is to provide a personalised set of governance arrangements for Peterborough City Council based upon a hybrid model of executive decision making with a greater involvement of pre-scrutiny decision making.

Purpose

To design and plan the implementation the new governance arrangements to include:
- The role of Cabinet
- Individual Cabinet Member decision making
- Executive decisions by officers
- Forward Plan and the corporate work programme
- Budget process
- Urgent decisions
- The new role of Scrutiny Committees
- The call-in process
- Senior officer engagement and the role of CMT
- Consultation processes
- Changes to the constitution
- Alteration of the civic calendar
- Resourcing the changes

Consultation and communication

To undertake consultations with senior officers, partner organisations, businesses and other stakeholders on the proposed future governance arrangements

To report into Group Leaders meetings and CMT on a monthly basis regarding proposals being considered

To report back to Council by December 2015 outlining the detailed proposals for the new governance system

Constitution & powers

The working group shall comprise up to ten members. The working group shall be a cross party working group.

Group Leaders will attend/nominate to the Working Group. Substitution arrangements will apply.

Working Group meetings will be held monthly commencing in July. Meetings may be held more frequently as the Group sees fit.

The Working Group is an informal meeting of members to which the Access to Information rules shall not apply

The Working Group shall appoint a Chairman and Vice-Chairman at its first meeting

The quorum of the Working Group shall be 3 members

Meetings of the Working Group will be supported and administered by a senior officer within the Governance team and at least one other senior officer to represent the service delivery function, a research officer and administrative support. Briefing papers will be issued in advance of the meeting.

ALTERNATIVE GOVERNANCE: DESIGN & IMPLEMENTATION GROUP
BUDGET PROCESS

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1.   Introduction and background

As part of the review of political management arrangements, it is necessary to consider how the budget setting process within the council will operate. The Design and Implementation Group meeting on 26th October considered an outline of the process that operates within Wandsworth.

The emerging view from that discussion was that the Wandsworth model was not suitable for Peterborough, but rather that elements of that process could be combined with the elements of the current PCC process to develop a new Peterborough model.

Options were presented and discussed at the Design and Implementation Group meeting on 25th November.
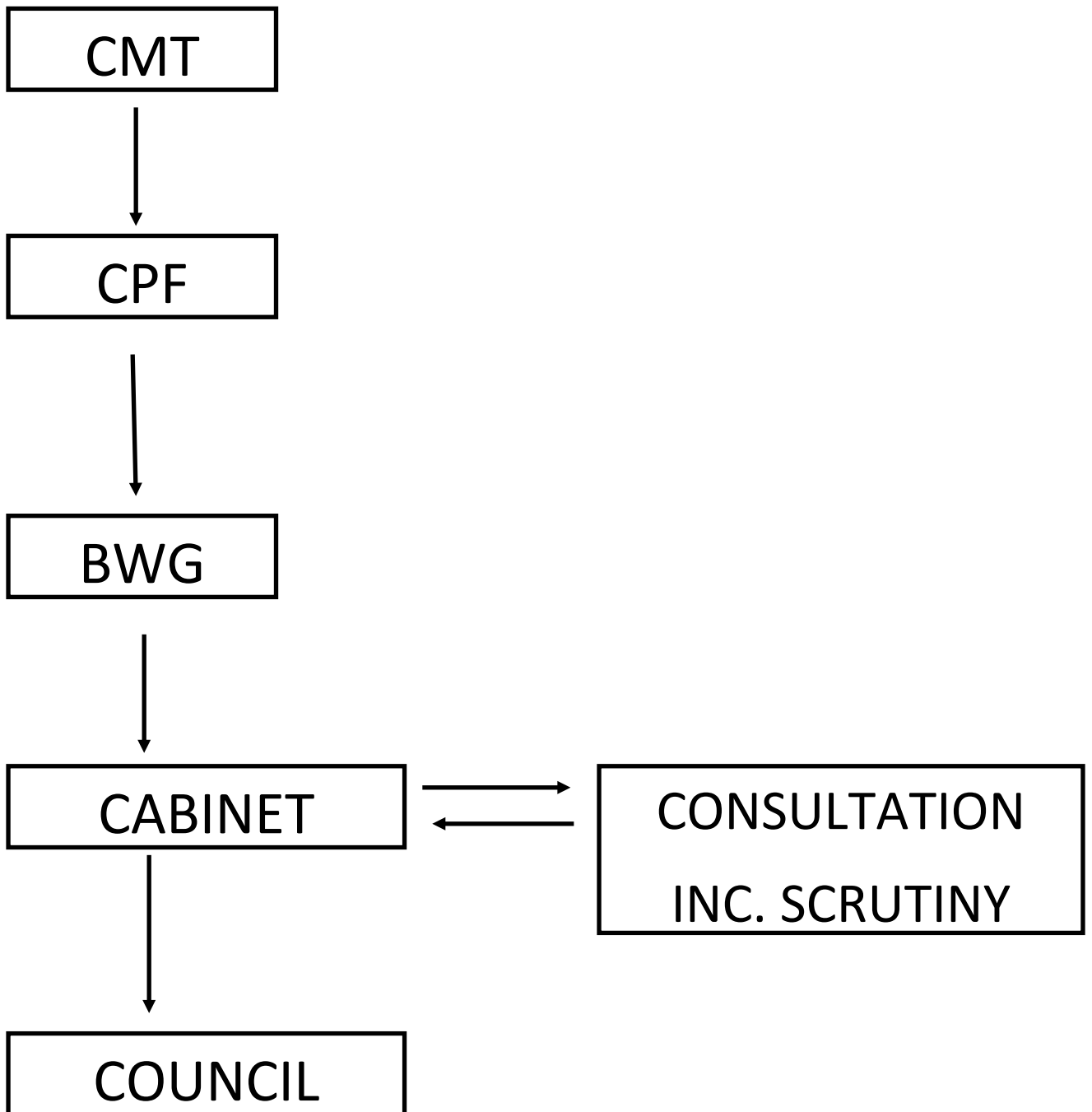
2.   Proposed PCC process

Following the discussion and feedback from Design and Implementation Group on 25th November, a proposed process was agreed. A flowchart of the proposed process can be seen in the appendix.

Essentially the process is similar to the process that has been followed in recent years, but has a number of key features:

- Formalises the two phase budget process, enabling scrutiny review of savings proposals earlier than if a single phase process after the financial settlement was followed

- The Group felt that the Budget Working Group has a helpful role and should be retained

- Scrutiny Committees would be consulted on Cabinet budget proposals at each phase

- Alongside this, the Committees have the ability to develop their own proposals as part of themes they are reviewing

- One Scrutiny Committee (Growth, Environment & Resources Scrutiny Committee) will have overall oversight of the Budget and finance issues (and corporate issues such as Council Tax and the Treasury Management Strategy); The Scrutiny Committee with responsibility for Budget did not need to sit 'above' all other Scrutiny Committees

- However following this approach may mean proposals scrutinised on an individual basis, when a collective approach may more appropriate. A joint budget scrutiny meeting could be called for if it was felt necessary. This could be a decision left to the Chairman of each Committee;

APPENDIX – PROPOSED BUDGET PROCESS

Note – will be repeated for each of the two phases

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CONSTITUTION AND ETHICS - RECONVENED	AGENDA ITEM No. 5
15 AUGUST 2022	PUBLIC REPORT

Report of:	Fiona McMillan, Corporate Director of Governance	
Cabinet Member(s) responsible:	Councillor Cereste, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Philippa Turvey, Democratic and Constitutional Services Manager	01733 296334
	Daniel Kalley – Senior Democratic Services Officer	

CODE OF CONDUCT COMPLAINTS

R E C O M M E N D A T I O N S	
From: Monitoring Officer	**Deadline date:** *N/A*

It is recommended that the Constitution and Ethics Committee:

1. Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 9th March 2022.

1. **ORIGIN OF REPORT**

1.1 This Report is submitted to the Constitution and Ethics Committee by the Council's Monitoring Officer.

2. **PURPOSE AND REASON FOR REPORT**

2.1 The Constitution and Ethics Committee has the responsibility for promoting and maintaining high standards of conduct amongst members and co-opted members of the council including 'monitoring the operation of the Code of Conduct'. This also includes parish councillors.

To assist in the fulfilment of the above objective it has been agreed that a standing item is placed on the agenda for the committee notifying and updating it on complaints that have been made, how they are being handled and whether they have been resolved. The committee decided that these should be reported in an anonymous way until such time as a breach of the code of conduct is found as part of the complaints process.

This Report fulfils the requirements set out above.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2.

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members including:

- promoting and maintaining high standards of conduct by members and co-opted members;
- Assisting the members and co-opted members to observe the Code of Conduct;

- Advising the council on the adoption or revision of the Members Code of Conduct;
- Monitoring the operation of the Code of Conduct;
- Advising, training or arranging to train members and co-opted members on matters relating to the Code of Conduct.

3.   TIMESCALES

Is this a Major Policy Item/Statutory Plan?	**NO**	If yes, date for Cabinet meeting	

4.   BACKGROUND AND KEY ISSUES

4.1   NEW COMPLAINTS

City Councillors

Since the Committee's last report on 9th March 2022 there have been 5 new complaints received in relation to city councillors:

- CONDCOMP/PCC/25. This complaint was received on 8th March 2022 and concerned a private neighbourhood dispute. Consequently and following a discussion with the Independent Person, the Deputy Monitoring Officer confirmed to the complainant that the Code of Conduct was not engaged and that no further action could therefore be taken.

- CONDCOMP/PCC/27. This complaint was received on 22nd March 2022 and concerned the content of a Whatsapp message relating to the impact of the Boundary Commission's review which the complainant considered was misleading and designed to extort an adverse public response. The subject member denied the factual inaccuracy/alleged motivation for the message and the matter was therefore referred for initial assessment. The Independent Person and Deputy Monitoring Officer concluded, having regard to the subject member's convention rights, that whilst the Code was engaged, it had not been breached and that no further action would therefore be taken. The outcome has been communicated to the Complainant and Subject Member as a result of which the Deputy Monitoring Officer has been requested to provide further information which she is in the process of compiling.

- CONDCOMP/PCC/28. This complaint was received on 25th March 2022 and concerned allegations about the subject member's social media activity in relation to a particular community centre. The subject member denied that they had breached the Code of Conduct and instead asserted that they were merely expressing what they considered to be a factually accurate view. The complaint was referred for initial assessment and the Independent Person and Deputy Monitoring Officer concluded, having regard to the subject member's convention rights, that whilst the Code was engaged, it had not been breached and that no further action would therefore be taken.

- CONDCOMP/PCC/29. This complaint was received on 4th May 2022 and concerns allegations that the subject member has brought the Council into disrepute as a result of their comments on social media about officers and their conduct of specific matters. The subject member denies any wrongdoing and contends that they have acted in accordance with their convention rights. The complainant does not consider that this response satisfactorily resolves the concerns raised and an initial assessment will therefore be arranged.

- CONDCOMP/PCC/30. This complaint was received on 3rd June 2022 and is a continuation of CONCOMP/PCC/29. This complaint concerns allegations about the subject member's actions and express views being in direct contrast to that of the Council's thereby creating a conflict of interest and further issues of disrepute. The Deputy Monitoring Officer has acknowledged the complaint and forwarded it to the Subject Member for comment.

Parish Councillors

Since the Committee's last report on 9th March 2022 there has been 1 new complaint received in relation to Parish Councillors:

- CONDCOMP/PCC/26. This complaint was received on 8th March 2022 and concerned allegations about the subject member's conduct at a Parish meeting and on social media. The complaint was submitted via the Parish Clerk and the Deputy Monitoring Officer therefore wrote to the Complainant to request further information in accordance with the approved procedure. No response was forthcoming from the Complainant and the complaint was therefore discontinued.

4.2 **ONGOING COMPLAINTS**

The following complaints remain active since the last meeting:

City Councillors

There are currently no additional ongoing complaints relating to city councillors other than those described within the New Complaints section of this Report.

Parish Councillors

There are currently no additional ongoing complaints relating to parish councillors other than those described within the New Complaints section of this Report.

4.3 **CONCLUDED COMPLAINTS**

- CONDCOMPS/PCC 8, 9, 10 and 11 and 13 were received between 16th September and 4th November 2020 and all concerned alleged breaches of the Code of Conduct by 3 councillors from the same Parish. Following an initial assessment of the complaints and the subject members' responses, an initial assessment was undertaken with the Independent Person who, in agreement with the Deputy Monitoring Officer, referred the concerns for external investigation on 30th March 2021. The investigation concluded in October 2021 and draft reports were produced. The Investigating Officer concluded that there had been no actionable breaches of the Code of Conduct in relation to CONDCOMPS 8, 9 and 10. However, the Investigating Officer identified that there had been actionable breaches in relation to CONDCOMPS/PCC 11 and 13 but recommended that these were managed by way of alternative resolution. Following further discussion with the Independent Person, the Deputy Monitoring Officer sought the view of the complainants and subject member as to the suggested course of action which centred around a bespoke training package for all Parish Councillors in relation to procedural and constitutional compliance and conflict resolution. The Subject Member indicated their willingness to accept the alternative resolution but the complainants favoured a more formal approach with a request that their complaints proceed to a hearing before the Constitution and Ethics Sub-Committee. The Deputy Monitoring Officer commenced the necessary preparations to facilitate the Sub-Committee hearing however, in the intervening period, the subject member resigned from office. The Deputy Monitoring Officer discussed this with the Independent Person and both agreed that in the particular circumstances, it would not be in the public interest to progress matters further.

- CONDCOMP/PCC/24 This complaint was received on 6th December 2021 from a member of the public relating to a social media post. Following an initial assessment, the subject member has offered an apology which has been accepted as an informal resolution to the concerns raised.

5. **CONSULTATION**

5.1   The process for dealing with conduct complaints requires the Monitoring Officer to consult the Independent Person following an initial assessment and before any decisions are taken as to what if any further action is considered appropriate for example, the appointment of an investigator and, following receipt of the investigator's report, whether to refer the matter for a hearing.

6.   ANTICIPATED OUTCOMES OR IMPACT

6.1   By reporting the complaints that have been made the Committee can more effectively monitor the operation of the Code of Conduct.

7.   REASON FOR THE RECOMMENDATION

7.1   Regular reporting of both quantities and substance of complaints will help the Committee gain a better understanding of the effectiveness of current procedures and how well the Code is being observed across both the council and parish councils in its area. This will inform future decisions about what training may be necessary to ensure the requirements of the code are being met.

8.   ALTERNATIVE OPTIONS CONSIDERED

8.1   None

9.   IMPLICATIONS

Financial Implications

9.1   None

Legal Implications

9.2   Under the Localism Act 2011 the council may set its own procedures in relation to the handling of complaints.

Equalities Implications

9.3   None

10.   BACKGROUND DOCUMENTS
Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1   The Localism Act 2011.

11.   APPENDICES

11.1   None

CONSTITUTION AND ETHICS COMMITTEE - RECONVENED	AGENDA ITEM No. 6
15 AUGUST 2022	PUBLIC REPORT

Report of:		Fiona McMillan, Director Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:		Councillor Wayne Fitzgerald, Leader of the Council	
Contact Officer(s):	Dan Kalley, Senior Democratic Services Officer		Tel. 296334

WORK PROGRAMME, FUTURE DATES AND MEMBER ISSUES

R E C O M M E N D A T I O N S	
FROM: Fiona McMillan, Director of Law and Governance and Monitoring Officer	**Deadline date:** *N/A*
It is recommended that the Constitution and Ethics Committee 1. Notes and agrees the Work Programme with any additional items or suggestions to be included	

1.   ORIGIN OF REPORT

1.1   This is a standard report to the Constitution and Ethics Committee which forms part of its agreed work programme. This report provides details of the Draft Work Programme for the following municipal year as it stands.

2.   PURPOSE AND REASON FOR REPORT

2.1   The programme can be refreshed throughout the year in consultation with the senior officer and the Committee membership to ensure that it remains relevant and up to date. In addition, any delays in reporting issues are recorded so that they do not drop off the committee agenda.

2.2   This is also an opportunity for Members of the Committee to raise any issues of concern under the Committee's terms of reference for discussion or addition to the work programme.

3.   TIMESCALES

Is this a Major Policy Item/Statutory Plan?	**NO**	If yes, date for Cabinet meeting	**N/A**

4.   IMPLICATIONS

Financial Implications

4.1   There are none.

Legal Implications

4.2   There are none.

Equalities Implications

4.3   There are none.

5.   APPENDICES

5.1   Appendix A - Work Programme 2022/23.

APPENDIX A

DATE: 4 JULY 2022

		Section / Lead	Description
	Civic Protocol – Honours Panel	Executive and Member Services	To include membership make up of the Honours Panel and reporting process.
	Governance Review updates	Fiona McMillan Legal	To receive a report on options for reviewing governance arrangements for the Council
	Budgetary Control Policy Framework	Cecilie Booth/Emma Riding Finance	To review and amend the Budgetary Control Framework Policy and the terms of reference for the Financial Sustainability Working Group
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2022 / 2023	Democratic Services Dan Kalley	

DATE: 6 OCTOBER 2022

		Section / Lead	Description
	Further Governance Review updates if applicable	Fiona McMillan Legal	To receive any further updates on the Governance Review and progress
	Standing Orders – Annual Council	Pippa Turvey Democratic Services	To review the standing orders for Annual Council and motions without notice
	Delegations to the Monitoring Officer	Fiona McMillan Legal	To review the delegations of the Monitoring Officer from Council
	Council Champions	Pippa Turvey/Fiona McMillan	To review the inclusion of Council Champions
	Appointments to Outside Bodies	Pippa Turvey Democratic Services	To review the approach to appointments to Outside Bodies
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Training attendance	Fiona McMillan/Democratic Services	To review training attendance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2022 / 2023	Democratic Services Dan Kalley	

DATE: 21 NOVEMBER 2022

		Section / Lead	Description
	Motions submitted to Council and motions with significant implications	Pippa Turvey Democratic Services	To review the process of submitting motions to Council and the those with significant implications.
	Council Questions	Pippa Turvey Democratic Services	To review the questions and running order of the Council agenda
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance
	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2022 / 2023	Democratic Services Dan Kalley	

DATES: 6 FEBRUARY 2023			
		Section / Lead	Description
	INFORMATION AND OTHER ITEMS		
	Dispensations Issues	Fiona McMillan Legal	To receive an update on the use of dispensations.
	Update on National Issues	Fiona McMillan Legal	To receive a report on any issues of national importance

	Report on Code of Conduct Issues	Fiona McMillan	To receive an update as to any code of conduct cases
	Work Programme 2023 / 2024	Democratic Services Dan Kalley	