

AUDIT AND GOVERNANCE COMMITTEE – 20 September 2023

Future Council Governance Group

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. The Committee is **RECOMMENDED** to note progress with the Council Governance Review and the next steps set out at the end of this report (paragraphs 19 to 21).

Council motion – 1 November 2022

2. The Council debated and agreed the following motion proposed by Cllr Charlie Hicks and seconded by Cllr Judy Roberts on 1 November 2022:

This Council has considered a change of Governance in the past from Leader and Cabinet to having a more inclusive Committee structure. The Oxfordshire Fair Deal Alliance wishes to review the decision-making structures of the County Council, with the aim of operating in a much more inclusive way that can involve all the talents of the Council.

The Council now requests the Director of Law and Governance to institute a Full Governance Review of the County Council as soon as practicable, with any recommended changes to the Council's Executive and Governance structure to be decided by Full Council and fully implemented by May 2024.

3. In response to the motion, the Director of Law and Governance prepared a report for the Council meeting on 13 December 2022 setting out the process for undertaking a governance review. At that meeting, it was agreed that a Future Council Governance Group would be established that reports to the Audit and Governance Committee which will make any recommendations to Council.
4. Following the meeting, the members nominated to the group were:

Liberal Democrat Green Alliance (4)	Cllrs Robin Bennett, Andrew Gant, Judy Roberts and Roz Smith
Conservative Independent Alliance (3)	Cllrs Yvonne Constance, Ted Fenton and Eddie Reeves (Cllr Kieron Mallon has replaced Cllr Ted Fenton)
Labour and Cooperative Party Group (2)	Cllrs Brad Baines and Charlie Hicks

Non-aligned Independent (1)

Cllr Stefan Gawrysiak

5. At the same meeting on 13 December 2022, the following motion proposed by Cllr Michael Waine and seconded by Cllr Eddie Reeves was supported:

This Council welcomes the changes to its scrutiny function generally and the creation of dedicated People, Place and Performance & Corporate Services committees offering more targeted scrutiny of specific workstreams.

Notwithstanding the successes of the People Scrutiny Committee in providing effective scrutiny of the very significant challenges facing Adult Social Care and Children's Services, Education and Schools issues have, at times, appeared to be marginalised.

Accordingly, Council resolves to ask the Audit and Governance Committee to consider the question of whether the Education Scrutiny Committee should be re-established as part of its review of the Council's scrutiny function in any governance review so as to ensure that Education policy issues can be more fully addressed by members on a deliberative and cross-party basis.

6. At the Council meeting on 28 March 2023, Cllr Charlie Hicks proposed and Cllr Robin Bennett seconded a motion on 'Future Generations' which included the following request:

That the Future Council Governance Group, as part of its remit, develop recommendations on how to structure political decision-making in the council in a way which best considers the impact of decisions on future generations, including exploring the role of deliberative and participatory processes (including citizens' assemblies) as part of routine council governance and decision making.

Future Council Governance Group

7. At its first meeting the Future Council Governance Group (the Group), members elected Cllr Stefan Gawrysiak as the chair. Four meetings of the Group have been held so far: 12 May, 30 May, 29 June and 7 July 2023.
8. The parent committee for the Group is the Audit and Governance Committee. The committee is therefore receiving this report on progress of the governance review and will receive any recommendations and be asked to consider whether any recommendations should be presented to full Council in December 2023.
9. The Centre for Governance and Scrutiny (CfGS) has been engaged to work with the Group as they have particular expertise in undertaking local authority governance reviews. Their work has focused on the following areas:
- Current governance framework, including strengths and weaknesses

- Purpose and drivers for changes and improvements to the governance framework.
- Design principles to inform any possible change
- Alternative ways of working and different structural solutions

Changing Governance

10. The Council has operated the leader and cabinet model of executive arrangements since 2002 in line with the requirements of the Local Government Act 2000.
11. Local authorities must operate one of three governance models:
 - a) Executive arrangements including leader and cabinet or directly elected mayor and cabinet.
 - b) Committee system broadly similar to the governance arrangements operated by councils prior to the Local Government Act 2000.
 - c) Submit a different form of governance for consideration by the Secretary of State. It is understood that none have been submitted to date.
12. There are two ways for local authorities to change their governance arrangements -
 - a) Through a Council resolution and the new arrangements become effective at the following Council Annual Meeting. After which the Council is locked into new governance arrangements for five years.
 - b) Through a referendum. After which the Council is locked into new governance arrangements for 10 years and can only be changed again via another referendum.

Design principles

13. The Group discussed the principles that could be used to determine which features of a governance system were most important. The following areas were highlighted:
 - a) Clear relationships between members and officers – it is important to people that there be clarity about member and officer roles, as part of a culture of strong member leadership.
 - b) Cost neutrality - members felt that the costs of a new system should be the same or lower than the costs of the existing system, recognising that there is inevitably a cost associated with any transition itself.
 - c) Transparency and access to information - members wanted to have the confidence that they would obtain the right information, presented in the right way, at the right time, in order to support them to carry out their roles.
 - d) Provision for better public engagement and more effective area working
 - e) Sufficient flexibility to account for no overall control

14. It was recognised that meaningful involvement from a large number of members in policy development is a challenge in any governance system. Some key questions were worked through:
- a) What kind of briefing do members need and expect on forthcoming decisions?
 - b) Is there a need for more active involvement in decision-making alongside briefings?
 - c) What might your expectations be around involvement in policy-making?
 - d) What do you think some of the limits or constraints might be?

Participatory process and deliberative democracy

15. The Group received a presentation via MS Teams by Claudia Chwalisz, Founder and CEO of Democracy Next. She highlighted the key aspects relating to participation, representation and deliberation.
16. It was stated that the approach worked best when it looks at particular issues where there is not a clear way forward. Urban planning is a good example where it was unlikely that one approach would be supported by everyone. A citizens' panel provided an opportunity to consider priorities and acceptable trade-offs.

Futures and foresights policy-making

17. The Group received a presentation via MS Teams by Darja Vrščaj from the School of International Futures. She explained that the main principle of the approach was considering the well-being of both future and living generations.
18. Cllr Charlie Hicks had been appointed as the Champion for Future Generations. His role was to make sure that young people's voices were heard, including those not yet born. He would be joining the Future Pioneer's Network which was an international special interest group around future generations.

Next steps

19. The Group recognises the value of an integrated forward plan that brings together the business of the Cabinet and Cabinet Members with full Council and Scrutiny.
20. The next meeting will be held on 21 September 2023 when the Council motion on Education scrutiny will be considered. There will also be an opportunity to start developing the Group's recommendations.
21. Key questions for the Group:
- a) Is there a case for changing the current governance arrangements and what those might be?
 - i) What benefits would a modern committee system provide for members and the wider Council?

- ii) If members believe that the cabinet and leader model should be retained, are there any adjustments required around the current arrangements?
- b) Role of scrutiny including task and finish groups – are four committee meetings each year sufficient?
- c) How can Education Scrutiny be incorporated within the existing or new arrangements?
- d) Is there a role for cabinet advisory panels in supporting policy development?
- e) Potential role for Deputy Cabinet Members?
- f) How can participatory ‘process and deliberative democracy’ and ‘futures and foresight planning’ be incorporated within current Council working practices?
- g) Culture change – how can officers engage more effectively with members in developing policies and keeping them informed of local issues?
- h) Should changes be made to locality working?

Corporate policies and priorities

22. The Council has a stated priority to ensure a vibrant participatory democracy

Financial implications

23. In the event that a change of governance is agreed by Council, the cost of implementation, plus any on-going costs from 2024-25, would need to be considered as part of the budget agreed by Council in February 2024.
Comments checked by - Kathy Wilcox, Head of Financial Strategy (Deputy S151 Officer)

Legal implications

24. Governance arrangements are included in the Local Government Act 2000 (LGA 2000), as amended by the Localism Act 2011. Section 9B of Part 1A of the LGA 2000 sets out the three governance models: executive arrangements, committee system or prescribed arrangements. Section 9BA sets out the power of the Secretary of State to prescribe additional permitted governance arrangements.
Comments checked by – Anita Bradley, Director of Law & Governance and Monitoring Officer

Staff implications

25. The review will require significant support from the Democratic Services Team and this may have an impact on other activities of the team. In the event there is a change of governance, the constitution will need re-writing.

Equality and inclusion implications

26. Any proposal to change the Council’s governance arrangements will need to be accompanied by an equality impact assessment which will identify how the changes affect protected groups.

Sustainability implications

27. To avoid travelling, virtual meetings will be held where possible

Risk management

28. This paper considers a review of governance arrangements. Undertaking a review does not place the Council under any additional risk, except a financial one in respect of funding such work. Risks and opportunities arising from the review will be considered in due course.

Consultation

29. The Group is considering the best approach to engaging with residents and local businesses on future governance arrangements.

Anita Bradley
Director of Law & Governance and Monitoring Officer

Background papers: Centre for Governance and Scrutiny
Rethinking Council Governance

Contact officer: Simon Harper
Head of Governance
Email simon.harper@oxfordshire.gov.uk

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