

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	19 JANUARY 2017	4
GOVERNANCE REVIEW			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Council changed governance systems in May 2015, following a public referendum in 2014, from a leader and cabinet to a committee system. Throughout the transition process discussions were held with a cross party Governance Working Group that had been established to frame the new governance system, and at each stage, the outcome of the Governance Working Group's work was put before Council. The cross party Governance Working Group recommended that the new governance arrangements are reviewed after the first year of operation.

The review was started early in 2016 after three cycles of meetings with views and feedback from councillors and officers regarding the operation of the current arrangements.

During May 2016, a Peer Review Challenge which was undertaken at Fylde by a team of local government professionals, both members and officers, on behalf of the Local Government Association. The new governance arrangements were examined as part of the Peer Challenge and it was recommended that the governance review should draw upon best practice from other local authorities who have made similar governance changes.

It was proposed that the council could engage the Institute of Local Government Studies at Birmingham University, the leading experts in governance. John Cade from the University had been involved in working with a number of Councils (including Great Yarmouth, Norfolk, Cambridgeshire and Peterborough) that have changed to committee governance arrangements. The Audit and Standards Committee in July 2016 recommended that Mr Cade was engaged to review the new arrangements through interviews with officers and members, to gauge opinion, draw on best practice elsewhere and present a short report for consideration. The work was carried out in September 2016 and the report is included as Appendix 2.

A schedule is contained in this report, which outlines recommendations on constitutional changes based on the findings from the review and other matters that seek direction from members.

Members are reminded, it is the remit of this committee to review constitutional arrangements, and to make any recommendations to Full Council which is responsible for authorising any changes to the constitution.

RECOMMENDATIONS

1. That any recommendations agreed by the committee with respect to amendments to the governance system be presented to Full Council for consideration.

SUMMARY OF PREVIOUS DECISIONS

The Council's governance system changed in May 2015. The new constitution, to reflect these changes was approved by Council in April 2015.

Feedback and initial recommendations from the cross party Governance Working Group was approved by Council in December 2014.

In July 2016, the Audit and Standards Committee resolved to invite John Cade from the Institute of Local Government Studies, University of Birmingham, to engage further with members and officers regarding the new governance arrangements and present a summary of his findings and any recommendations to this Committee for consideration. At this time, it was agreed that suggested changes from the council's own internal review would be considered in parallel with the report from the University of Birmingham.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. In accordance with an undertaking to review the new governance arrangements recommended by the cross party Governance Working Group, a survey was sent to councillors and a request for feedback and comments was sent out to officers in January 2016. A period of several weeks was allowed for comments and feedback with a paper version of the survey circulated at the Full Council meeting as well as links to the online version. Members and senior officers also had the opportunity to provide open comment and feedback on any aspect of the governance arrangements. The online consultation was available at www.fylde.gov.uk to allow comment from any stakeholders.
2. The feedback has generated a number of practical suggestions which are attached in a summary document as Appendix 1 to this report. Whilst the governance review feedback was being analysed, the Local Government Association, through the Peer Review Challenge in May 2016, suggested that the review would benefit from national best practice and the experience of other local authorities that have made a similar change of governance. The proposal provided the opportunity for an external professional perspective on the arrangements in place at Fylde as well as allowing comparison with other authorities that had made the same transition from cabinet to committee arrangements.
3. The council subsequently engaged John Cade from the Institute of Local Government Studies at Birmingham University ("INLOGOV") which is the leading UK centre for the study of local public service management, policy and governance, and has worked within local government and the public sector for over 40 years. The objective of INLOGOV is to increase the democratic

governance of local communities, working with politicians, managers, communities and partner organisations to enhance practice through academic insight¹.

4. John Cade, is an honorary lecturer in public sector governance at INLOGOV with extensive experience as a local government officer. He has worked with a number of Councils (including Great Yarmouth, Norfolk, Cambridgeshire and Peterborough) to support the same transition from cabinet to committee governance arrangements and delivers seminars on governance best practice. Mr Cade visited the council at the beginning of September 2016 engaging with 21 councillors and interviewing the management team.
5. Mr Cade focused on considering governance arrangements that are both best practice but also appropriate to the culture and appetite of the local authority, firmly understanding that any recommendations must be appropriate to the current ambition of the council. The report is included as Appendix 2, together with recommendations on four matters in particular that members should consider whether or not to recommend to Full Council for approval.

Finance	No direct implications
Legal	The Council can make adjustments governance arrangements but it must retain a committee system until at least 2025. In implementing a committee system, it is within the gift of the Council to establish arrangements as it considers appropriate.
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability and Environmental Impact	No direct implications
Health & Safety and Risk Management	Increasing the number of committees and/or the number of meetings would present a risk to the Council in having the appropriate resources to facilitate such a change in governance.

Tracy Morrison	01253 658521	5 January 2017	

Name of document	Date	Where available for inspection
Document name		Council office or web address

Attached documents

- Appendix 1: Comments with commentary from the Monitoring Officer
 Appendix 2: Governance review report from John Cade

¹ INLOGOV website at www.birmingham.ac.uk/schools/government-society/departments/local-government-studies/about/index.aspx

Appendix 1

Comment/suggestion(s)	Breakdown of comments	Comment from Monitoring Officer	Recommendation
Constitution is silent on which committee is responsible for land charges and building control, suggest that it should be added to Operational Management committee's remit.	The constitution needs to be clear which committee has responsibility for this council function.	Add the following wording to the constitution under the remit of the Operational Management Committee; "Considering reports, reviewing and formulating where necessary policies relating to building control and land charges".	Recommend that this is proposed to Council for approval
There should not be a need for a drawdown report where funds for a specific project are already in the Council's approved capital programme.	There is currently a requirement for a drawdown report to be taken to the relevant committee prior to a project starting despite the project being in the Council's approved capital programme.	The current practice can cause delays to the start of projects as officers are required to wait for committee approval.	To avoid delays, the removal of the requirement for a drawdown report to be taken to committee prior to spending. This would apply only for previously approved capital schemes up to the value of £100k. A subsequent report setting out how the money was spent would be reported to the relevant committee. Drawdown reports for more complex and costly schemes, over £100k in value, would still require the sign-off of elected members through the appropriate committee prior to the scheme commencing.
There were a number of respondents who offered comments regarding public speaking seeking review of public speaking, commenting on confusion regarding pre-registering, the need to tighten the	To draw all public speaking rules together in one place in the Constitution. To make the rules/guidelines clearer for the public. To tighten the scope	The public speaking rules would benefit from a redraft and consistency across all committees. The issues of whether or not pre-registration should be applied; the	The Audit and Standards Committee should review public speaking arrangements at meetings of the council and the committees making

scope for public platform, and the need to draw all public speaking together in the constitution.	of public platform to just items on the agenda.	number of speakers; the time allowed per speaker; and whether speakers can only address items on the current agenda, should be considered.	recommendations to Full Council on any changes they feel would benefit the democratic process and reduce confusion.
The INLOGOV report identified that one of the council's committees could fulfil a more corporate and pivotal role, and in essence the Finance & Democracy committee is doing so.	Members have previously had reservations about a committee that could be viewed as an executive, in line with best practice it is important to give consideration to have a committee that provides overall direction on policy and resource issues, this can prevent a 'silo' approach developing between committees with none responsible for the wider corporate picture. The Finance and Democracy Committee currently deals with a number of corporate policy matters including the budget, with its terms of reference amended it could be a corporate policy committee. Best practice would have the Chairs of the respective Programme Committees on this committee, which could require a re-calculation to retain the required political balance.	Members are requested to consider the feedback and recommend a course of action on this matter.	That the views of members are sought on recommending to the council that the membership of the Finance and Democracy Committee be expanded to allow a wider membership and its terms of reference be amended to reflect that it holds responsibility for considering and scrutinising reports relating to overall service performance and revenue and capital budget monitoring as opposed to the other programme committees.
The INLOGOV report noted that planning is an extremely sensitive and important area.	Whilst appreciating the workload of the Finance and Democracy	The view has been that the Development Management Committee have a full	To seek the views of members on this matter and if any changes are proposed

	Committee would increase, issues related to the planning policy framework and local plans should be a part of the remit of a committee with a corporate remit	understanding of planning issues and are best placed to develop policy, this results in the Committee being dual purpose, in having a regulatory remit in determining local planning matters, and also fulfilling a programme committee remit in reviewing and developing policy which can lead to confusion.	that they are applied after the approval of the current Local Plan.
The INLOGOV report recommended that the name of the Development Management Committee be changed to the Planning Committee.	This would more adequately reflect the mix of agenda items the DM Committee considers.	To support this suggestion	To change the name of Development Management Committee to Planning Committee
The INLOGOV report recommended that there should be provision for urgent decisions to be taken	It is best practice in committee arrangements for there to be provision within the Constitution for an officer(s) to take urgent decisions in consultation with the Chairman of a Committee or any other named member. The decision would then be reported the next meeting of the relevant committee for information.	Whilst decisions of this matter rarely arise, there is a need to be fleet of foot in such matters. To organise a special meeting causes undue delays where a matter is urgent and it is sensible to have this in-built flexibility in the Constitution to call upon if required. Under a committee system, delegations of this nature must be given to a named officer(s) as members do not have the ability to make individual decisions. However, this would normally be a decision taken in consultation with the leading member/members.	To give the Chief Executive, and Directors in his absence, the power to make urgent decisions in consultation with the relevant committee chairman, with the circumstances to be reported to the next available meeting of the relevant committee.