TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

06 April 2023

Report of the Chief Executive

Part 1- Public

Delegated

1   SCOPING REPORT – REVIEW OF GOVERNANCE ARRANGEMENTS

To review the Councils governance arrangements and identify any opportunities to amend or improve existing procedures.

1.1   Background

1.1.1   Following recommendations from the LGA Peer Review, held in 2022, the Council adopted a new governance structure. The relevant sections from the Feedback Report are below:

'TMBC's hybrid governance structure may have served the authority well historically, but it is resource intensive, and impedes the council's ability to respond to the changing landscape as governance requires many decisions go through the advisory boards prior to being considered by cabinet, with sometimes up to five months wait between meetings. The peer team heard from a number of sources that there were "far too many boards, meetings and committees."

In addition:

"*The council's advisory boards also create a challenge around the scrutiny function which is devoid of having any real impact. The peer team observed that scrutiny is struggling to find a place and a role, and is disempowered by the advisory boards, evidenced by the lack of call ins over the last 20 years. There is no apparent scrutiny work programme where members can examine in greater depth a topic of interest or concern to the community bringing recommendations to the council and no pre-development work. As a result, scrutiny has become officer led who suggest what is discussed. Members do not see its value with very little debate or questions being asked. The peer team suggests increasing the status of scrutiny within the council and the role of the chair, to address this…*

If TMBC is to move forward and make change at the pace required, it is recommended that the council reviews the current governance structure".

1.1.2   Recommendation 10 of the report therefore advised that the Council should review its current governance structure, as follows:

'Review the council's governance arrangements, with particular attention to area planning committees and the impact of advisory boards on decision making and the role of overview and scrutiny'

1.1.3   To address these issues, the Leader undertook a review of the Council's executive governance arrangements with the following aims and objectives: -

- To increase the scope, role, and responsibility of the Overview & Scrutiny Committee so that it can effectively discharge its functions.

- To ensure that Cabinet members are empowered to take decisions within their portfolios.

- To ensure that Cabinet meetings are held at an appropriate frequency.

1.1.4   The new governance arrangements were reported to Council on 27 April 2022 and came into effect on 10 May 2022.

1.1.5   The key aspects of the governance changes were as follows: -

- 3 new Scrutiny Select Committees were created to replace the existing Advisory Boards, each Committee containing 15 Members and meeting 5 times per municipal year. The existing Overview and Scrutiny Committee was to remain and be chaired by the Leader of the largest opposition group.

- A new Executive/ Scrutiny Protocol was created to ensure a constructive relationship between the Executive and the Scrutiny Committees (attached as **Annex 1**).

- Cabinet Members were to be empowered to take non-key decisions within their portfolios, save for specified exceptions e.g., where the decision was outside the budget and policy framework or proposed a new or amended strategy.

- In respect of key decisions, the financial threshold was reduced from £250,000 to £100,000.

- Cabinet would be scheduled to meet at least 8 times per municipal year.

1.2   Suggested focus for the next stage of the review

1.2.1   The revised governance arrangements have been in place now for 11 months and a commitment has been made to review the arrangements. Members may wish to reflect on what has worked well and identify any areas for review or improvement.

1.2.2   Members may wish to note the feedback given by the LGA Peer Review Team during their progress review in November 2022.

"We noted that overall, there was a greater feeling of confidence and speed of decision making in the council. In part brought about by the council's decision to accept the peer team's recommendation to review the council's governance arrangements".

'The implementation of new governance arrangements has been implemented at pace, and led to much speedier decision making, something that has been universally welcomed by members and officers. This pace of change is commendable and shows bold leadership, but as acknowledged by the Leader has been at the expense of some political capital.

The peer team heard that the new committee arrangements need time to bed-in, as they are still working under the old advisory board culture, rather than scrutinising the work of Cabinet, with very few call-ins. Therefore, the full accountability benefits of the new model are not being realised. There is also evidence that further training and development is required to provide clarity around the roles and responsibilities of scrutiny members, along with the function of the committees…

It was also acknowledged that the relationship between Cabinet and Scrutiny is still a work in progress, with regular and more structured meetings needed to add further value to the new arrangements.'

1.2.3   As a starting point for the scoping of this review, it is suggested that Members consider whether the issues identified by the Peer Review team have been addressed through the changes introduced in May 2022. This could then allow for the scrutiny review to focus on those areas where further review or refinement may be required in order to address the issues identified by the peer review team. For example:-

- Has the increase in the number of scrutiny committees, and the scope of such committees created a stronger, member-led scrutiny function?

- Are the scrutiny committees able to effectively set their agendas and work programmes? Is the process for agreeing topics for future meetings effective e.g., who can request items for the agenda and how are such requests considered by the Committees?

- How do the 3 Scrutiny Select Committees impact upon the strategic role of the Overview and Scrutiny Committee? Are there issues of overlapping?

- Is the Executive/ Scrutiny protocol fit for purpose or are revisions required?

1.2.4   In addition to the views from Members, it may be helpful to hear from officers who produce reports for each of the Committees along with Democratic Services who provide administrative support.

1.3   Legal Implications

1.3.1   Any amendments or suggested changes to the existing governance arrangements will be assessed in full as part of the final review.

1.4   Financial and Value for Money Considerations

1.4.1   To be assessed in full as part of the final review.

1.5   Risk Assessment

1.5.1   N/A

1.6   Equality Impact Assessment

1.6.1   The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7   Policy Considerations

1.7.1   Business Continuity/Resilience

1.7.2   Communications

1.8   Recommendations

1.8.1   That Members **ENDORSE** the approach as suggested in 1.2 of the report, to undertake further evaluation of the issues raised.

Background papers: contact: Gill Fox

Nil

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Chief Executive