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ARUN DISTRICT COUNCIL

REPORT TO THE GOVERNANCE WORKING PARTY ON 3 DECEMBER 2019

SUBJECT: Alternative Governance Arrangements – Hybrid Option

REPORT AUTHOR: Nigel Lynn, Chief Executive
DATE: November 2019
EXTN: 01903 737610

EXECUTIVE SUMMARY:

As agreed by the Working Party at its last meeting on 12 November 2019, this report explores how a hybrid option of Cabinet Advisory Boards works at Tunbridge Wells Borough Council. It sets out the pros and cons of this approach for the Working Party's consideration.

RECOMMENDATIONS:

The Working Party is asked to consider:

- (1) If this hybrid option should be put forward for consideration by the Audit & Governance Committee on 19 December 2019 as one option for an alternative governance arrangement; and
- (2) Any other work that they wish the officer team to take forward on this element of their review.

1.0 BACKGROUND

1.1 As part of its review of governance arrangements, the Working Party requested further explorations be undertaken into the hybrid model adopted by Tunbridge Wells. This report sets out the outcomes of a discussion that the Chief Executive had with the Chief Executive of Tunbridge Wells Borough Council. It also identifies a similar model at another council.

2.0 TUNBRIDGE WELLS HYBRID MODEL

2.1 How does it work?

- There are a number (3) of Advisory Boards (very similar to our own Working Groups and Regeneration Committees) who each act similarly to our Overview Select Committee.
- All reports for key decisions go through the Advisory Board first. Then the Board's decision (accept/reject/amend) is discussed in a private Cabinet meeting (with a published agenda) before a public Cabinet decision.

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- Advisory Boards do not have decision making powers, but their views are taken very seriously as they represent about one third of the Council's Members.
- Each of the three Boards is directly linked to particular Cabinet Members, who work closely with the Boards as the reports go through the process.
- Membership is at least eight non executive members and the relevant Cabinet Member(s) – proportionality applies to non executive members. Chairmanship is currently with a Cabinet Member. However, their rules are written that this is not a requirement. Advisory Board members do not generally sit on the Overview Select Committee to maintain independent scrutiny.
- The Advisory Boards meet in public.
- The report presented to their Council meeting on 25 April 2012 setting out their proposals is attached as Appendix A.
- A snapshot of the role of their Overview and Scrutiny Committee is attached as Appendix B. The focus is on scrutiny of external partnerships and organisations.

2.2 Why did they make change?

The change was made in April 2012. It stemmed from the Leader of the Council being concerned that the current Cabinet structure:

- Provided for a disconnect between Cabinet Members and the wider membership of the Council
- Led to a reduction in open discussion of key decisions and reduced transparency
- Led to an over emphasis on post decision scrutiny
- Increased distrust with the public and the local media
- Created a confusing system of member working groups that were not transparent and open

2.3 What were their aims?

- Greater involvement of non-executive members in the development of Cabinet decisions
- Basic principle that all key decisions will be discussed and developed by the relevant Advisory Board prior to a decision by Cabinet
- Provide for greater participation and greater ownership of Council decisions
- Reduce the number of call-ins

2.4 Pros of this model?

- They leverage in backbencher expertise
- Create a strong decision making process
- Very little extra cost – Tunbridge Wells have no costs for Special Responsibility Allowances (SRA) to the Chairmen of the Advisory Boards as these positions are currently held by Cabinet Members and their councillors allowances scheme does not allow payment of more than one SRA. They did have costs for additional staff equating to 0.5 FTE
- This option would not be a governance change, therefore it could be implemented outside of the statutory requirements therefore:
 - not needing to be implemented at an Annual Council meeting;

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- not falling within the criteria that does not allow further change for a five year period; and
- it could be subject to further review within its first or second year of operation

2.5 Cons of this model?

- Time consuming as reports need to go to the Advisory Board first
- Any 'painful' reports (ie. car park charges), even if supported by the Advisory Board, are aired over a longer period with three opportunities for the public to complain (Board, Cabinet, Full Council).
- Relies on a robust Forward Plan that does not just include key decisions

3.0 ANY OTHER MODELS

3.1 We have identified one other council operating a similar model, this is Tonbridge & Malling Borough Council. They:

- a. introduced Advisory Boards in 2002;
- b. currently operate five Advisory Boards; and
- c. the main difference to Tunbridge Wells is that the Board's membership and chairmanship does not include Cabinet Members.

3.2 A snapshot of their structure is provided as Appendix C.

3.3 There looks to be higher costs with this model in terms of:

- i. councillors allowances as the Tonbridge & Malling scheme sets the SRA for the Chair of an Advisory Board at £1,600 per annum - there is no SRA payable to the Vice-Chair; and
- ii. staff costs to support eight Boards, rather than the three in operation at Tunbridge Wells.

4.0 OPTIONS:

1. To support the recommendation as presented.
2. To propose alternative recommendations for taking forward the review.

5.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> • Deputy Leader and Cabinet Member for Corporate Support • Leader of the Conservative Group 	✓	
6.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial	✓	
Legal	✓	

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Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

7.0 IMPLICATIONS:

Financial costs of this model are believed to be less than a committee structure. Likely growth from the Tunbridge Wells Borough Council model is set out in paragraph 2.4.

8.0 REASON FOR THE DECISION:

To implement the decision of Full Council on 18 September 2019.

9.0 BACKGROUND PAPERS:

Localism Act 2011, Schedule 2

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/2/enacted>

Report to Full Council – 18 September 2019

Review of Governance Arrangements

<https://democracy.arun.gov.uk/mglIssueHistoryHome.aspx?IId=2259>

Local Government Association and Centre for Public Scrutiny guidance

Rethinking governance – practical steps for councils considering changes to their governance arrangements

<https://www.cfps.org.uk/wp-content/uploads/Rethinking-Governance.pdf>