SHEFFIELD CITY COUNCIL

Overview and Scrutiny Management Committee

Special meeting held 3 December 2019

PRESENT: Councillors Mick Rooney (Chair), Ian Auckland, Steve Ayris, Denise Fox, Julie Grocutt, Tim Huggan, Douglas Johnson, Mike Levery, Cate McDonald, Sioned-Mair Richards and Jim Steinke

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 In relation to Agenda Item 6 (Governance Review – Evidence Gathering Session 3) (Item 5 of these minutes), Councillor Denise Fox declared a personal interest as wife of Councillor Terry Fox (Cabinet Member for Finance, Resources and Governance).

4. PUBLIC QUESTIONS AND PETITIONS

4.1 Members of the public raised questions as follows:-

4.2 *Nigel Slack*

4.2.1 (a) In the interest of transparency from all Councillors and stakeholders, including members of the public, will the conference call with Reading Borough Council be recorded, or notes taken to be included in the final published evidence for the Committee?

(b) In the interest of transparency from all Councillors and stakeholders, including members of the public, will the Committee publish the draft report to be considered at the private meeting on 10th December 2019, as well as the final draft report to be discussed at the public meeting on 18th December 2019?

4.2.2 The Chair stated that, at the request of Reading Borough Council, the conference call will not be recorded, but notes will be taken of the call, and would be included in the final published evidence for the Committee. He added that the private meeting to be held on 10th December 2019, would provide an opportunity for the Committee to consider the contents of the final draft report to be discussed at the public meeting on 18th December 2019.

4.3   *Natasha Parry*

4.3.1   (a)   The Committee's job seems to be to produce design principles for a modern committee system. However, I note that in its visits to other councils, the Committee does not appear to have visited any councils currently operating a modern committee system. Why not? Having refused to get into any discussion last year (so giving itself an inadequate timeframe for the job that needs doing), is the Council still not taking the task seriously?

        (b)   I refer to Section 4 of the report on the visits - despite the Committee discussions taking place solely because of Sheffield communities, I note that community involvement in decision-making, and the importance of all elected Councillors playing a meaningful decision-making role are central issues that the Committee has not even named yet. I also note from the webcast that the Committee spent only five minutes on 691 responses to its short online consultation, and that every single witness last week appears to have highlighted the importance of mechanisms for community involvement in decision-making. Why has the Committee not yet named these core issues?

        (c)   From the webcasts available, there seems to be a disproportionate concentration on the question of something called 'pre-decision scrutiny'. This appears to reflect the particular interests of some individual scrutiny committee members. On the other hand, I have not yet seen the Committee discuss how it intends to amplify the voices and concerns of the public. How will it?

4.3.2   The Chair stated that the Committee had, or would be talking to, a range of councils, including Cheshire East and Reading, who either had moved to, or were in the process of moving to, a committee system. The Chair added that the Committee was taking its task, to develop a set of principles that should underpin any future governance structure, very seriously, and had spent considerable time considering the issues highlighted. The final report would set out the Committee's findings on these and other issues.

5.   GOVERNANCE REVIEW - EVIDENCE GATHERING SESSION 3

5.1   The Committee received a report of the Policy and Improvement Officer (Emily Standbrook-Shaw) setting out the schedule for the third evidence gathering session as part of the governance review.

        What Works Elsewhere? – Feedback from Site Visits

5.2   *Pre-Decision Scrutiny in Rotherham – Councillor Brian Steele, Chair, Overview and Scrutiny Management Board, Rotherham MBC*

5.2.1   Councillor Steele reported that Rotherham MBC's Overview and Scrutiny Management Board (OSMB) comprised 12 members, having a political balance, with three Select Committees sitting under the Board (Health, Lives and Places).

The Council's scrutiny and pre-decision scrutiny functions operated effectively as a result of the excellent cooperation and commitment of both Members and officers. As part of pre-decision scrutiny, the Chair of the OSMB, in consultation with the Deputy Chair, who was a member of the opposition party, would look at the Forward Plan and decide which issues should be referred to the Board. The decision as to which issues were referred for scrutiny was based on the potential beneficial effects on the public. Relevant Cabinet Members and officers would attend the scrutiny meetings to present the reports, and respond to questions. The Council's scrutiny function was currently well supported, with three officers in the Policy Team, and a Link Officer, from Assistant Director level upwards, from each Directorate assigned to work on scrutiny. Councillor Steele stressed that the scrutiny function was non-political, and that this was one of the main reasons as to why it worked so effectively.

5.2.2   Members of the Committee raised questions, and the following responses were provided:-

- All Councillors could get involved in scrutiny if they wished, through their respective Committees. All Councillors would be invited to meetings of the OSMB if it was deemed a major issue. The relevant Cabinet Member would be invited to attend a meeting of the Board, but only to provide any relevant information, and respond to questions, and would not have any influence over any decisions made. During the last three years, when pre-decision scrutiny was introduced, only around 4% of decisions taken by the Board had been overturned by Cabinet.

- Following the Council being placed in special measures, the scrutiny function was one of the first issues to be reviewed. The Overview and Scrutiny Management Board also considered the budget, to which all Directors and Cabinet Members were invited. All the reports submitted to the Board were the same as those submitted to the Labour Group, with no amendments being made.

- There had been a number of occasions where decisions had been amended by the Board, with the agreement of the Cabinet, with some amendments being proposed by opposition Councillors.

- The Board would receive the Forward Plan three months in advance of any decisions being made. There was a further opportunity for the Chair and Deputy Chair of the Board to discuss any issues in the Plan with the scrutiny Link Officers.

- The Chair and Deputy Chair of the Board would have to prioritise which policies it wanted to scrutinise.

- Special Cabinet meetings were arranged when specific decisions of a matter of urgency were required to be taken.

- The Council's decision-making processes were reviewed every 12 months, which included a check on delegated decisions to ensure that the system

was working transparently. It was Councillor Steele's belief that Rotherham had a very effective decision-making system, with opposition Members having the opportunity to receive all papers sent to the Cabinet, and being able to attend Cabinet meetings and ask questions.

- The Deputy Chair of the OSMB/Leader of the Opposition Party, was entitled to suggest any policy they wished to be considered through the pre-decision scrutiny process. One condition of this was that the policy had to affect at least two Council Wards and/or involve costs of £250,000 or more. If the Council Leader did not wish to accept any recommendations of the Board, a decision is made to this effect, and there was an option for the Leader to call reports back in if considered worthwhile. The opposition party had never called-in a decision on the basis that they had been given the opportunity to discuss it.

- All Councillors could sit on two Scrutiny Committees.

- It was the responsibility of the Health Select Commission in terms of how it worked with partner agencies. The Commission worked very closely with Voluntary Action Rotherham in connection with pre-decision scrutiny. Depending on what policy was being discussed, and when appropriate, officers from other agencies or organisations were invited to attend scrutiny meetings. There were also independent people co-opted on to the Select Committees.

- The standard process was for the OSMB to consider policies on the Forward Plan, but if there was sufficient time and resource, other policies could be programmed into the system.

- The commitment of Members on the Board was generally very good, and this was one of the reasons why the Council's scrutiny function worked so effectively.

- There had been very little change in terms of the operation of the full Council meetings, mainly as its proceedings were set by statutory legislation. The meetings allowed for public engagement, in terms of questions and petitions, with the public being able to submit written questions, comprising 50 words or less, and with the facility for them to ask a follow-up question if needed. Under Rotherham's Petitions Scheme, members of the public can submit petitions to Council meetings, and speak to them, with petitions having 600 or more signatures being considered by the OSMB, which could then make recommendations to the Cabinet, and petitions having 2,000 or more signatures would trigger a Council debate.

- The Chair of the OSMB was elected by the majority group, and the Deputy Chair was the leader of the main opposition group.

- All Councillors, including those who were not members of the Cabinet, were encouraged to get involved in terms of changing any policies. They were all entitled to contact officers, and were able to request further information if

needed.

- The leader of the opposition was allowed to attend Cabinet meetings and ask questions. In addition, all Councillors had access to the majority of policy documents, apart from reports submitted to the Licensing Committee, unless they were members of that Committee.

- The Select Commissions met every six weeks, with a number of working parties being held in between meetings. The OSMB met 24 times a year.

- The devolved Ward-based budget in Rotherham amounted to £13,000 per Ward during 2019/20, and it was hoped that, with the addition of further funding based on the number of Council houses in Wards, this amount would increase next year. The Ward Councillors decided amongst themselves how the funding should be allocated, and were required to report back on this at Council meetings.

- It was believed that, in Councillor's Steele's opinion, the cabinet model was the most effective decision-making structure.

- The public, in general, were not concerned with the Council's decision-making structures, but just concerned about the outcome regarding decisions.

5.3   *Feedback from Conversations with Cheshire East and Melton Borough Councils*

5.3.1   The Committee considered a report of the Head of Policy and Partnerships containing details of the feedback from conversations with other councils with regard to how their governance structures worked. The report set out details regarding the visits by Members of the Committee to Rotherham MBC on 13th November, 2019 and Melton Borough Council on 20th November, 2019, as well as a discussion held with Councillor James Nicholas, Cheshire East Council, on 22nd November, 2019. The report included information on the purpose of the visits and the discussion, and the key issues arising from the visits and the discussion. The report also attached, as an appendix, details of governance structures of Kent County Council, Reading Borough Council, Cambridgeshire County Council, Royal London Borough of Kingston Council and the London Borough of Barnet, which comprised a mixture of Committee, Leader/Cabinet and Mayoral systems, and details of which had been sourced from the Authorities' websites.

5.3.2   Arising from comments raised by Members of the Committee, the Policy and Improvement Officer stated that she would contact Melton Borough Council to seek further information with regard to their policy working groups. It would be difficult to compare Sheffield with Melton on the basis that it was a very small Borough Council, with a number of different political views.

5.3.3   With regard to Cheshire East Borough Council, Members of the Committee made the following comments:-

- It will be interesting to find out how the change from a call-in system to the

referral to the Corporate Committee works.

- The reasons given for changing their model appeared to be due to issues with the previous Leader.

- The reasons for moving to a new system was a wish for clarity in terms of who does what, which appeared to be confusing at present.

- The Council had established a cross-party Urgency Committee to deal with any urgent decisions.

5.4 ***Interim feedback from the Big City Conversation***

5.4.1 The Committee received a presentation from Laurie Brennan (Head of Policy and Partnerships) on the key messages, to date, following the Big City Conversation. Mr. Brennan reported on the approach undertaken, where the events had been held, the online survey, and the interim responses.

5.4.2 Members of the Committee raised questions, and the following responses were provided:-

- People were asked, as part of the event, whether they wished to leave their email addresses, so that the Council could keep in touch with them in terms of future events or initiatives.

- People were not asked about the webcasting of Committee and Council meetings, but this could influence conversations to be held after the election.

- It was hoped that conversations could be held in terms of how the Council's governance model engaged with its partners models, such as the police and health.

- There was a number of things the Council could do in terms of getting more people engaged in the Council's decision-making system. It was important to ensure that people received assurances that they could have some form of influence in decision-making.

- It was important that the Council used its evidence base to find out precisely who wanted to be actively involved.

- The next phase, following the information-gathering as part of the event, was to focus on community interest, as well as to work with the voluntary and community sector in order to ask further questions.

- A commitment was given to those members of the public who took part, that the Council would follow up on the results following the event.

5.4.3 The Chair stated that it was important that issues or concerns raised by the public

in connection with other organisations, such as the SYPTE, were raised with such organisations, and pressure placed on them to deal with the concerns or issues.

5.5   *FINDINGS AND CONCLUSIONS*

5.5.1   Further to the receipt of the evidence and information received at this meeting, Members of the Committee made the following comments:-

- A hybrid committee system could be an option to look at as the Council could potentially get the best out of all the different systems used.

- It was imperative that Members adopted and embraced a more effective system with regard to cross-party working, which would be for the benefit of the City as a whole.

- There needed to be clarity, under any preferred governance model, regarding the commitment of Members in terms of their constituents and attending meetings.

- Openness and transparency was key in terms of everything the Council does. It was also important that there was appropriate input from all Members of the Council and the public, and that all members of the public felt empowered.

- Any new governance model should not be prohibitive to those members of the public who wished to become Councillors.

- Culture, leadership, transparency and accountability were all key factors to consider.

- It was important that the decision-making processes were simple in order to make it easier for the public to participate.

- The current cabinet system worked effectively. Consideration should be given to maintaining the current system or having a committee system. It was considered that a hybrid system would not work.

- There was a need to review the Council's scrutiny function.

- No further delegations should be made to officers than at present, and Members should be making the majority of decisions.

- Whilst it would be suitable to delegate routine decisions to Members and officers, the current system regarding Individual Cabinet Member Decisions was not inclusive as there was no input from opposition Members.

- The most important decisions should be made at full Council meetings or at senior committee meetings.

- It was important to ensure that any Member of the Council could request a briefing from officers on any issue they wished.

- More emphasis needs to be placed on the Forward Plan as it was important that everyone was aware of its contents.

- Consideration should be given as to whether the Council could share its Forward Plan with external organisations.

- If Scrutiny Committees were able to hold the Cabinet to account, there would be no need for the call-in process.

- It was important that there was clarity with regard to public participation and decision-making.

- The Council needed to reflect on how it undertook its business, which included improved consultation with local communities.

6. DATE OF NEXT MEETING

6.1 It was noted that the next meeting of the Committee would be a special meeting, and would be held on Wednesday, 18th December, 2019, at 10.00 a.m. in the Town Hall.