

Chris Moister
Director of Governance
South Ribble Council

Dear Chris

Short Review of Constitution – CfGS consultancy support

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of South Ribble Council's changes to its Constitution. This letter provides feedback on our findings and offers suggestions on how the Council could develop and embed its changes or make further refinements.

As part of this feedback stage, we would like to facilitate a workshop with Members and Officers to reflect on this review and to discuss options for improvement.

Background

South Ribble Council completed a review of its constitution in 2020 which introduced a number of changes to the way the council operates and how Members and public engage in meetings.

The LGA Corporate Peer Review in 2021 also referenced progress being made towards historic governance issues and challenges but suggested that more needed to be done. As also referenced in the CPR *'The Council's governance challenges have been illustrated by their External Auditors issuing statutory recommendations for three consecutive years from 2017-2020, with a Section 24 report being issued in 2018'*

The council has implemented change since the review of its constitution and the effect of changes have started to embed. It is good practice to review their impact and benefits or identify potential need for further refinement or change.

The council engaged CfGS as an external and impartial organisation and to independently review these constitutional changes and provide an assessment of their impact and contribution to good governance.

This proposal provides a step-back review of the constitution changes and the effect they have had upon the way the council functions.

Review outline

This review is a short, 'step-back' exercise based on assessing the following

- **Impact of changes in constitution**

The review will examine the changes in the council's constitution since this was reviewed in 2020 and how this has affected how the council operates and the efficiency of meetings to deliver positive outcomes

- **Member roles and relationships**

The review will explore how well Members are able to exercise their role in relation to the framework and standing orders of the constitution. It will also consider any change in the culture of the organisation, especially in relationships and meetings

- **Executive decision-making, accountability and scrutiny**

The review will study the effect of changes to the constitution on executive decision-making and policy development. It will also look into how the executive is both supported and held to account and its relationship with scrutiny and appropriate, effective accountability.

The review will also specifically consider questions to the Executive Members at full council and the triggering of repeat debates (noting that SRBC has an open cabinet system and report on Cabinet Business to full council); and the role of Scrutiny at SRBC; whether its present role provides an appropriate level of scrutiny in an open and transparent way

- **Public involvement**

The review will look into public engagement since the changes and how this may have benefited the Council, Members and Public

The review involved conversations with Members and Officers, observation of meetings (recordings or live online), a review of key documents; agendas, minutes etc.

The review was conducted by:

- Ian Parry- Head of Consultancy, Centre for Governance and Scrutiny
- Lisa Smart, Senior Associate, Centre for Governance and Scrutiny

Summary of findings:

Our conversations with members and officers of South Ribble Borough Council focused on four key themes. We have addressed each of those four themes in turn and will also make recommendations for improvement in each of those areas.

1. Impact of changes in constitution

Overall, we heard that members and officers felt that there was more clarity around decision-making authority. The changes brought in by the 2020 Constitutional Review have been mostly welcomed by members and officers who reported that both clarity and transparency had been improved. Cabinet members being the key decision makers with officers being the implementors of those decisions was now better understood than had been the case previously.

The ability for Councillors to send a substitute to the committee if they were unable to attend, was a welcome change and appears to be working well. This change has enabled the political balance of a committee to be maintained, thereby ensuring that different political views were represented in cases of member absence.

Our discussions with Members revealed that the changes are not universally accepted. There is disagreement which appears to be based on political group relative positions. Since the current Administration came into office in 2019, subsequent changes were felt by some as being done “to” members, rather than “by” members. However, we saw evidence that changes followed the correct procedural route (i.e., via Governance Committee to Full Council), where appropriate Member involvement was included.

The Scheme of Delegation was mentioned as an area which potentially may need more work to bring further clarity to decisions delegated to officers. We suggest that this further clarity would be welcomed by Members.

During our review the Council’s licensing committee appointed a new chair when the incumbent was appointed to the cabinet following the sad death of the former chair. A question was raised regarding the committee’s authority to elect its own chair as the Council’s constitution states that the chair of a committee is appointed by full Council. The committee itself can elect a chair for a meeting, should the chair be absent, but the formal role of chairing the Committee is a decision for the full Council. The sequencing of the decision may have been affected by meeting cycles, but for the sake of clarity it is correct to note that Chair appointments are council decisions based on the recommendation of the Leader.

We recommend:

- Members should consider refreshing the Scheme of Delegation to ensure they are comfortable with the level of authority given to officers to implement the detail of member decisions.

2. Member roles and relationships

The LGA's Corporate Peer Review 2021 states "a significant deal of political energy and time is still expended addressing the history of SRBC, and that the opportunity exists now to move attention to more productive and forward-facing issues."

Our observations of Council meetings, Governance Committee meetings and Planning Committee meetings, we would agree that a disproportionate amount of time is spent discussing the past, rather than focusing on current, or more importantly, future issues.

We were told repeatedly that the tone of some interactions between members can be terse and can become hostile across the political groups. We heard that the behaviours and relationships can sometimes be described as hostile. This may still exist. However, during our meeting observations the tone and behaviours were not especially notable, and behaviour did not go beyond what might be considered the normal "push and shove" of political debate.

During our conversations we noted that Members value the opportunity to ask questions of the Leader and Cabinet Members in the Council meeting. This opportunity is used to drive debate and raise issues and we found no particular interest in changing this.

Some Members raised a concern about the role of committee chairs in ensuring any discussions stayed within the remit of that committee. To illustrate this point, specific reference was made regarding a discussion at a recent Governance Committee which was allowed to venture considerably outside the responsibilities of the committee. All Chairs have a responsibility to ensure that meetings stay focused and on-track, whilst allowing discussion flow within reasonable boundaries which maintain relevance and contribute to the overall debate.

We recommend:

- Committee chairs should be offered specialised training to empower them and provide further skills and capacity for effective meeting management.
- Members of all political groups should seek outside support in preparing for a future administration.
- Members of all political groups should continue to approach their relationships in a consensual and constructive way, building for the future rather than revisiting the past.

3. Executive decision making, accountability and scrutiny

Acknowledging that Cabinet Members are politically responsible for the strategy, policy, budget, corporate plans and key decisions within the council. There is a reasonable expectation that they are also democratically accountable for these matters. Whilst there may be questions and debate in Full Council, there is also a need for scrutiny committees to be the correct place for the detailed accountability to take place.

This accountability should not be adversarial or politically motivated but designed to be constructive and useful as well as challenging. The role of scrutiny to add greater insight as well as oversight is a crucial part of council governance. Scrutiny should aim to improve through bold challenge and quality recommendations.

We would suggest that scrutiny makes this aspect of its work a real priority. It will take effort on all sides to develop a culture of mature debate and exchange focused on improvement and based on consensus.

On the reverse of this, who chairs scrutiny is often an issue in councils. From our perspective there is no consistent practice and no specific guidance. There is wide variation across councils. There is also no consistent evidence that one model is better than another, ie that 'opposition' chairs are more effective than 'controlling or largest group' appointed chairs. The real test is both the ability of the Chair to offer impartial, robust and 'fearless' scrutiny, and the culture of the council that promotes the role and values the contribution of scrutiny that does provide constructive challenge and operates in a safe space with good collaboration and clear objectives.

We heard from some Members that scrutiny could be improved by the appointment of Opposition Member Chairs. However, evidence from elsewhere suggests that improvement is most likely to be gained from addressing cultural issues around behaviours, relationships, collaboration, focus and mission. Clearly having a Chair who can provide impartiality and inclusion as well as a set of skills that can help to drive the committee is also highly desirable.

We therefore have no recommendations to make in this area other than addressing the areas of culture and political co-operation.

We were struck by the evidence of recorded committee meetings by the apparent lack of shared understanding of the roles and remits of different committees. We noted this especially between the Governance and Scrutiny Committees where an overlap or duplication was evident. This situation could lead to duplication of effort and confusion and, as such, we recommend that the joint protocol for Governance and Scrutiny be refreshed to improve clarity and efficiency.

Agenda management appears to be an issue for some Members who cited the timeliness of reports for committee agendas as an issue, along with supplementary items being circulated after the publication of agendas. This they felt made their personal planning and preparation for the meeting more difficult and therefore their input to meetings potentially less effective. This issue is acknowledged by Officers as a few isolated issues rather than the norm and that the report production process and capacity causes were being addressed.

The council's call-in procedures are an area of potential disagreement and misinterpretation. It is not uncommon to in councils we review to find call-in procedures being used for reasons other than those set out in the council's constitution. In extreme cases they can be used as a political weapon or as a disruption mechanism. Neither of which is generally helpful to efficient decision-making and effective scrutiny.

We explored several 'urgent' decisions which had been exempted from call in, and we are grateful for the background information supplied to us by Council officers which aided our work in this area.

Firstly, we did not find an unusual number of decisions exempted from call in, which seemed comparable to other councils known to CfGS. However, we did notice that, in some cases, officers appeared to be waiting for all relevant information to be available on some items before preparing the decision for members. Members may wish to consider reviewing their scheme of delegation so that they are comfortable that members are taking decisions in principle, with officers empowered to implement the detail. This could enable formal decisions to be taken in line with the desired timelines of the Council's processes without holding up important projects.

We recommend:

- A clearer focus on democratic accountability - Scrutiny of Cabinet Members should form a key part of the work plan, and Cabinet Members regularly attending scrutiny to answer questions on items falling within their portfolio responsibilities is vital. Alongside this, we also recommend inviting the Leader also frequently attend scrutiny perhaps to present an integrated finance and performance report or an update on the delivery of corporate plans.
- The Joint Protocol between the Governance Committee and Scrutiny Committee should be refreshed to ensure a shared understanding between members of the roles and remits of the two committees.
- That the process of agenda management and reports be assessed and a clear acceptable process and timescales for publication and release of documents is commonly understood.

4. Public Involvement

We were asked to investigate whether the approach South Ribble Borough Council takes to engaging and involving members of the public. The Council's constitution permits members of the public to contribute at Council and committee meetings in a way that is more extensive than most other Councils.

Rule 15 of the Council's constitution starts by saying, "Public Participation Members of the Public may ask a question, or make a statement to address the meeting, on any matter of Council business or on anything which affects the borough or residents, provided it is relevant to the Council's functions or duties."

There was clear support from across the Council for the speaking rights members of the public have to contribute at Council and committee meetings. Indeed, members from all political groups talked of their "pride" in the way the Council involves the public.

There was no desire to change the existing rules or to limit the public's ability to question or challenge their elected members.

The only real concern we found was that public contributions on any item (aside from planning applications) usually came after the debate had taken place between elected members, thereby giving the public the last word, and not encouraging members to reflect or respond to those contributions. As such, the one recommendation we have in this area is for the Council to review the sequencing of contributions, to enable the views of the public to be fully considered by members before any formal decision is taken.

We recommend:

- Re-sequencing the order of contributions from members of the public in any Council or committee meetings should be reviewed. Consideration should also be given to bringing public contributions ahead of any debate between elected members. This would bring other committees in line with the discussion and debate that takes place at Planning Committee.

Review feedback and Member workshop

As part of this review CfGS would be pleased to attend a Member workshop to go through the findings of this report and to consider with Members areas that might be considered to improve scrutiny in the future.

Thank you and acknowledgements:

CfGS was commissioned by South Ribble Borough Council to provide advice and support upon a review of their constitution.

We would like to thank those members and officers who took part in interviews and observations for their time, insights, and honesty.

Yours sincerely,

Ian Parry,
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