East Herts Council Report

Council

Date of meeting: Wednesday 14 May 2025

Report by: Member Constitution Review Group

Report title: Member Constitution Review Group's report on exploring a change to the Council's governance system

Ward(s) affected: (All Wards);

Summary – The Member Constitution Review Group were asked to explore different governance systems for the Council and this report presents their recommendations.

RECOMMENDATIONS FOR COUNCIL:

a) **That no formal change in the council's governance system be recommended.**

b) **That the following amendments within the Leader/Executive system be agreed:**

- **Consideration to setting up topic groups**
- **Extending public participation at committee meetings**
- **Greater use of task and finish groups**
- **Early consultation with ward members about future decisions that would be taken and that affect their ward.**
- **Member education programme in scrutiny and decision making**
- **Monthly updates from Executive Members via MIB to inform Members as to what policies are being developed and what the Executive are working on.**

c) That the Member Constitution Review Group continue to work on developing the proposals and propose any constitution amendments required to the Council meeting on 23 July 2025.

1.0 Proposal(s)

1.1   The Member Constitution Review Group was expanded in May 2024 to have nine members and their terms of reference was revised to allow them to explore different governance arrangements for the Council to meet the stated aims of the Joint Administration's Corporate Plan.

1.2   The group investigated different governance systems and have proposed a set of recommendations to improve the current Leader and Executive model of governance.

2.0 Background

2.1   The Member Constitution Review Group met five times to look at four different governance systems: the Leader and Cabinet system, the Mayoral system, the Committee system, and a hybrid model meaning operating legally as the Leader/Cabinet system but incorporating elements of the committee system within the structure.

2.2   The group heard from the Leader, who came the group's meeting on 9 October 2024, to explain the Executive's reasoning for setting up the review. Councillor Crystall said that there was a desire to ensure all councillors were involved in decision making and encourage their participation.

2.3   A key finding from the working group's research was that there was not a right or wrong answer as to what system of governance should be used but that it was what was best for the council and the members operating within it.

Mayoral system

2.4 The review group felt that the Mayoral system with an elected Mayor who has greater powers than the current Council Leader would not meet the Joint Administration's aims in its Corporate Plan as it would concentrate decision making on one post.

Committee system

2.5 At the group's meeting on 3 December 2024, they looked at examples of committee systems at St Albans City and District Council and Spelthorne Borough Council. Two councillors from Spelthorne Borough Council attended the meeting and answered questions from the group. Both councils moved to a committee system in 2021.

2.6 The Spelthorne councillors said that the committee system had meant that meeting attendance was now more important as decisions were being made at those meetings and it was vital that councillors read the papers fully before the meeting.

2.7 The councillors highlighted that as there were now more committees, it meant that more officer time was needed to attend and prepare reports for the committees which might have a financial implication attached.

2.8 The councillors felt the committee system had given more opportunities to members to engage in the issues they were interested in.

2.9 The review group asked the councillors about political leadership in a committee system. The councillors said that there was a Leader of the Council but the role was different to that of a Leader and Cabinet model. The Leader mainly represented the Council externally and key member roles were allocated through

the Chairs of the various Committees and were known as Lead Members.

2.10   The review group asked if the council had received any feedback following the change to the committee system about decision making being more open and transparent. The Spelthorne councillors said they did not think they had received anything official.

2.11   The Spelthorne councillors said that if the decision was to move to a committee system, then the whole Constitution of the Council would have to be rewritten and the design of the committee system would need to be thought about carefully.

2.12   The group asked the councillors if they were satisfied that they had made the right decision moving to a committee system. They felt it had been the right thing to do but it did require a full cohort of councillors who were engaged and enthused, but it was a fairer system and gave everyone more opportunity to be involved in decision making.

2.13   In the working group's discussions around a committee system, they were concerned about the financial implications of doing so. in the Spelthorne Council report, they had estimated the cost to be £150,000.

2.14   The group felt that transparency in decision making could be improved with or without a committee system and concerns about Members not being consulted in decision making currently could be changed with some recommendations about the current Leader and Cabinet model.

Hybrid system

2.15   The group looked at examples of hybrid governance systems at Mid Devon District Council and Bromsgrove District Council.

2.16   The hybrid governance system operates legally as a Leader and Cabinet model but for most systems, they had Policy Development groups that supported the work of the Cabinet Member and feed into the decision-making process.

2.17   There was concern about how these policy development groups would operate alongside the Overview and Scrutiny committee.

2.18   The group spoke about increasing the number of scrutiny committees to allow for increased member participation on committee and a chance to look at issues in depth in the committee were themed.

2.19   Again, there were resource implications about the additional workload with policy development group or additional scrutiny committees for Members and Officers. The group were not certain that this would necessarily increase participation and transparency.

Recommendations

2.20   During the group's review of governance systems, the government published its White Paper on Devolution in December 2024.

2.21   The group felt that it would not be a good use of council resources or justified to recommend a change to the governance system when the future of the district council was uncertain.

2.22   The group focussed on the council's current system and made recommendations on how to strengthen it and to ensure members could be more involved in decision-making.

2.23   Their recommendations are as follows:

- Consideration to setting up topic groups

- Extending public participation at committee meetings
- Greater use of task and finish groups
- Early consultation with ward members about future decisions that would be taken and that affect their ward.
- Member education programme in scrutiny and decision making
- Monthly updates from Executive Members via MIB to inform Members as to what policies are being developed and what the Executive are working on.

2.24 Some of the recommendations proposed may require amendments to the Council's Constitution. If they are approved by council, the Member Constitution Review Group will meet to consider the changes to the Constitution to bring forward to the next Council meeting.

2.25 The topic groups would be set up based on themes linked to the Executive Members remits. These groups would allow all Members to attend to discuss issues within the remit. The group hoped that this would encourage idea exchanges and a chance for the Executive Member to share any progress in this field. The topic groups may also spark suggestions for scrutiny.

2.26 The group felt that public participation was important to ensure decision-making remained transparent and would be beneficial to hear residents' concerns and comments early in the process. Currently members of the public may only speak at the Development Management Committee and Full Council. The group recommend that this be extended to the Overview and Scrutiny Committee and the Executive.

2.27 The group recommend that the Overview and Scrutiny Committee make greater use of task and finish groups to allow for greater scrutiny into issues. The group noted that

the last task and finish group was held in 2019 and these would be a good opportunity to make recommendations to the Executive on specific policy areas. The group noted that only members of Overview and Scrutiny could sit on the task and finish groups and suggested that all Members could be invited to attend the task and finish group if they had a specific area of interest or knowledge in what was being discussed.

2.28   The group felt that a lot of frustrations from Members came from not being involved or consulted about decisions that would have an effect in their ward. The group suggested that there should be early engagement with ward councillors on decisions that would be taken in their ward would improve the transparency of decision-making.

2.29   The group considered that current Members of the Council may not be fully aware of how decisions are made which could be contributing to a feeling of decisions being made outside of meetings or members not being involved. It has been suggested by the group that training is provided to all Members on decision making to allow them to fully understand where they can influence in the decision-making process. The group also felt that members outside of the Overview and Scrutiny Committee were not aware about how they could get an item on to the scrutiny agenda and suggested this might be something to publicise wider.

2.30   The group felt it would be useful for the individual Executive Members to communicate regularly with members about what they are working on in their portfolio. It was suggested that Executive Members could provide regular updates via the Member Information Bulletin on a monthly basis.

2.31   Should these recommendations be agreed, the Member Constitution Review Group will continue to meet to formalise

these recommendations in the Constitution and any protocols or procedures.

3.0   Reason(s)

3.1   The Joint Administration had put to 'explore replacing a "strong leader and cabinet" system with a committee system' in their Corporate Plan

3.2   The reasons for the group's recommendations are included in the main body of the report.

4.0 Options

4.1   To accept the group's recommendations to improve the current Leader and Cabinet system.

4.2   To not accept the recommendations and continue operating as is.

5.0 Risks

5.1   There is a risk that by not accepting the working group's recommendations, that Members may continue to feel that decision making is not transparent and that they are not involved in decisions that the Council makes.

6.0 Implications/Consultations

6.1   If the suggested amendments are approved by Council, then the working group would like to consult all Members of the Council on their views about how to make decision making more transparent and how to involve all Members.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No - the recommendations proposed in the report could be carried out within the current Democratic Services Team.

Health and Safety

No

Human Resources

No – the recommendations proposed in the report could be carried out within the current Democratic Services Team.

Human Rights

No

Legal

Yes

Some of the recommended changes may require amendments to the Constitution.

Specific Wards

No

7.0   Background papers, appendices and other relevant material

7.1

Contact Member

Councillor Calvin Horner, Chair of the Member Constitution Review Group

calvin.horner@eastherts.gov.uk

Contact Officer   James Ellis

Head of Legal and Democratic Services,

Contact Tel. No.

firstname.surname@eastherts.gov.uk

(must be at least a Head of Service)

Report Author   Katie Mogan, Democratic and Electoral Services Manager

katie.mogan@eastherts.gov.uk