Committee Model Working Group
Agenda

Date: Friday, 31 March 2023
Time: 11.00 am
Venue: The Bordeaux Room, 1st Floor, City Hall, BS1 5TR

Distribution:

Councillors: Helen Holland, Jenny Bartle (Vice-Chair), Nicola Beech, Marley Bennett, Richard Eddy, Lorraine Francis, Geoff Gollop, Gary Hopkins, Tim Kent, Mohamed Makawi, Steve Pearce and Guy Poultney

Issued by: Democratic Services
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Date: 23 March 2023

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Agenda

1. **Welcome, Introductions, and Safety Information**

2. **Apologies for absence**

3. **Declarations of interest**

4. **Minutes from the previous meetings and decisions log**

5. **Public Forum**

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office **at the latest by 5pm on Monday 27th March 2023**.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12 Noon on Thursday 30th March 2023.**

Please note, your time allocated to speak may have to be strictly limited if there are a lot of submissions. This may be as short as one minute

6. **Committee Structure; to determine the number of Committees and their general responsibilities**

7. **Stakeholder engagement feedback**

8. Work Programme - for noting only

(Pages 31 - 33)

Committee Model Working Group

Minutes of the meeting on 27th January 2023

Attendees: Councillor Jenny Bartle (Chair), Councillor Marley Bennett, Councillor Nicola Beech, Councillor Richard Eddy, Councillor Lorraine Francis, Councillor Helen Holland, Councillor Gary Hopkins, Councillor Mohamed Makawi, Councillor Steve Pearce, Councillor Guy Poultney and Councillor Mark Weston (substituting for Councillor Geoff Gollop).

Apologies: Councillor Geoff Gollop

1. **Welcome, Introductions, and Safety Information**

The Chair welcomed those present and introductions were made.

2. **Apologies for Absence**

Apologies were received from Councillor Geoff Gollop with Councillor Mark Weston substituting.

3. **Annual Business**

The following matters were discussed:

- Members noted the Membership as set out in the Annual Business Report.
- The Working Group confirmed the dates for meetings, as detailed in the accompanying papers.
- Councillor Eddy moved that the Terms of Reference be approved, and this was seconded by Councillor Bartle.
- Councillor Eddy moved that Councillor Bartle be elected as Chair, and this was seconded by Councillor Beech. As there were no other nominations this was carried.
- Councillor Weston moved that Councillor Gollop be elected as Vice Chair and this was seconded by Councillor Pearce. As there were no other nominations this was carried.

RESOLVED:

- **That the Membership of the Group for 2022/23 be noted.**
- **That the meeting dates set out in the report be confirmed.**
- **That the Terms of Reference be approved.**
- **That Councillor Jenny Bartle be elected Chair of the Committee Model Working Group for the remainder of the 22/23 Municipal Year.**
- **That Councillor Geoff Gollop be elected Vice Chair of the Working Group for the remainder of the 22/23 Municipal Year.**

4. **Declarations of Interest**

There were no declarations of interest.

5. Public Forum

The following public forum business was received for the meeting.

No.	Name	Question
PQ01	Suzanne Audrey	As far as I am aware, four members of the working group voted against holding the governance referendum, two members wrote articles during the run-up to the referendum saying they opposed the committee model, and two members (including the Chair) currently serve in the Mayor's Cabinet, some members of which continue to make disparaging remarks about the committee system. What reassurance can you give to the public that those members of the working group who opposed the governance referendum and/or the committee model are now working positively to develop the new committee model of governance for the city? Answer: This is a question for individual Councillors and should be directed to them as appropriate, however anyone in attendance at the meeting may choose to respond.
PQ02	Suzanne Audrey	The Vice-chair of the governance working group appeared to suggest that only '12 nerds' across the city were interested in the early meetings of the committee model working group. I disagree, and the public engagement meeting I attended would suggest that there are plenty of people who are keen to understand and improve local democracy. However, it is not always easy for people to attend meetings or to get their voices heard. In what ways will the working group engage citizens in the development and understanding of the new committee model of governance? Answer: The Committee Model Working Group has prepared a Communications and Engagement Strategy which sets out Members' commitment to engaging with the public and the ways in which they will do this. In addition to the activities set out in the Strategy, meetings of the CMWG will now be held in public, which provides residents with the opportunity to submit statements and ask questions, even if they are not able to attend in person.
PQ03	Joanna Booth	How have they ensured that scrutiny will be done outside the committees themselves so that those performing executive functions do not also scrutinise their own actions? Answer: The Committee Model Working Group will be considering the approach to scrutiny at a future meeting.
PQ04	Joanna Booth	How is the committee ensuring that the system that will come into place in May 2024, will have sufficient resources (i.e., won't be affected by the Labour administration's cuts to Democratic Services) to perform its functions? Answer: Discussions about the resources required to support the committee system will take place when more details about the potential structure are available.
PQ05	Joanna Booth	At a recent public meeting, the chair, Cllr Helen Holland, implied the group was looking at how to create a 'strong leader' model. This is not what Bristol voted for. How is the committee planning to make sure we have a committee system, which the people voted for, and not a leader and cabinet system? Answer: The referendum on the Council's governance will result in a move to the Council being run by 'one or more Committees made up of elected Councillors.' Councillor Holland may wish to comment further on this question.

PQ01. Councillor Beech responded to advise that she was not aware that the Labour Group had criticised the decision to move to a Committee Model following the referendum and that Members were working together to deliver a system that reflected the needs of local residents.

Supplementary question from Suzanne Audrey: Do you agree that existing funding should be retained to support the Committee system?

Councillor Holland responded to confirm that she had effectively supported several governance structures during her time as an elected representative. She went on to state that once details of the Committee system were known the resources required to deliver it could then be identified.

Councillor Bartley and Councillor Eddy added that Members of the Group had been working together collaboratively and positively.

Supplementary question from Suzanne Audrey: Are there any plans to webcast meetings of the CMWG?

PQ02. The Head of Democratic Engagement stated that the Council was in the process of moving towards delivery of increased webcasting and hybrid meetings.

Following the formal public forum, the Chair allowed an additional contribution from a member of the public who was present at the meeting. Mary Page inquired about whether the Committee planned to engage with representatives of the groups that campaigned in relation to the outcome of the referendum. In response, Members advised that the Committee would shortly be finalising its Communications and Engagement Strategy, which would include liaison with a range of external partners.

6.   Work Programme

Members approved the work programme.

RESOLVED: That the Work Programme be approved.

7.   Decision-making under the current Mayor and Cabinet model of governance

The Director of Legal and Democratic Services provided a brief introduction to the report, following which the Head of the Executive Office provided a presentation and responded to questions from Members. The ensuing discussion was as follows:

- The current key decision pathway required the Council to publish forthcoming key decisions 28 days in advance. The threshold for a key decision was presently those resulting in expenditure or savings of £500k or over or being significant in terms of its effects on communities living or working in two or more wards in the city. Members confirmed that the principles of political oversight and long-term planning needed to remain in place, therefore it was agreed that Policy Committees would publish Forward Plans, ideally at least 2-months in advance with final details to be confirmed at a later date. It was also suggested that ward Members be kept fully informed about Key Decisions affecting their wards.

- Decisions that cost between £100k and £499k (i.e., below the key decision threshold) were Officer Executive Decisions (OEDs) taken by senior officers. OEDs were made in consultation with the relevant Cabinet Members and details of the decision were then published. Members advised that they would like to consider how this arrangement would work in the committee model, with a view to determining if any changes should be made to improve transparency.
- Members noted the approach to emergency decision making, details of which were covered in the Council's Access to Information rules (see APR15 and 16), agreeing that a similar mechanism would need to be in place, with details to be agreed in due course.
- The Group discussed the principle about democratic decision making and all agreed that the current levels of political oversight must be retained, which included that all decisions currently made by Members must continue to be so.
- Members were advised that the Council could choose to have a Leader and Deputy Leader in the Committee Model. The benefits included having named individuals who could speak on behalf of the Council, although some Members were concerned about the potential for the Leader and Deputy Leader to have too many 'powers.' After discussion, Members agreed that Leader and Deputy Leader positions would be created, with both positions appointed by Full Council. It was noted that a fuller discussion about the roles and responsibilities of the Leader and Deputy Leader would take place at a future meeting, to include job roles from other Local Authorities.
- Members inquired about the various external bodies e.g., Boards which had Cabinet Member involvement and it was agreed that details would be provided following the meeting.
- Regarding Call In, Members agreed that once the Group had determined the number of Committees and their responsibilities this would be given further consideration, but there was consensus that this process should be retained.
- Members considered the approach to briefings, confirming that the Chairs and Vice Chairs of each policy Committee would be invited to attend, in a similar way to how Cabinet Member briefings operated currently. Agenda setting meetings should operate how they do now for some meetings (e.g., Development Control) so that all Lead Members (one from each political party) be invited, and draft reports should be available. Members agreed to discuss this further at a later meeting.
- The Group discussed the approach to setting the Budget and Policy Framework, deciding that this would be subject to further consideration after agreement was reached regarding the number of Committees as well as roles and responsibilities of all Members. It was noted that the Council's Corporate Strategy was in place until 2027.
- Discussion moved to the arrangements for Member Forum and Public Forum. All Members agreed that both should be retained in the new model and some suggested that the Forums needed to be expanded, although noted that time constraints were an important consideration. The current principle of enabling Chairs to take a flexible approach to managing public forum should be maintained.
- Members noted that further discussion was required in relation to petitions, including the threshold for a debate and appropriate pathway for response.
- Consideration must be given by the Working Group to the approach to Scrutiny and there were several options for the Committee Model to consider at their meeting in March 23.

RESOLVED:

The following matters were agreed in relation to the Committee Model of governance:

- **That a Leader and Deputy Leader would be in place, appointed by Full Council. Roles and responsibilities to be confirmed at the 14th April 23 meeting.**
- **That Forward plan (s) would be in place, with more details to be considered.**
- **That Emergency Decision Making would be enabled with similar arrangements to those set out in APR 15 and 16.**
- **That the Chairs and Vice Chairs would be consulted on OEDs in advance, with other changes to the process to be considered in due course.**
- **That Member Forum/Public Forum, would be retained in the new model with full details to be confirmed.**
- **That agenda setting meetings take place before Policy Committees, with the Lead Members in attendance.**
- **That regular briefings be arranged for the Chairs and Vice Chairs of the Policy Committees.**
- **That the CMWG will take regular reports of recommendations for decision to Full Council, commencing in March 23.**

8. **Community Engagement Feedback**

This item was deferred to a later meeting.

Committee Model Working Group – Minutes

Friday 24ᵗʰ February 2023

Attendees: Councillor Jenny Bartle, Councillor Geoff Gollop, Councillor Nicole Beech, Councillor Marley Bennett, Councillor Mark Bradshaw (substituting for Councillor Holland), Councillor Richard Eddy, Councillor Tim Kent, Councillor Lorraine Francis, Councillor Steve Pearce, and Councillor Guy Poultney.

1. **Welcome, Introductions, and Safety Information**

The Chair welcomed those present and introductions were made.

2. **Apologies for absence**

Apologies were received from Councillor Helen Holland and Councillor Mohamed Makawi. Councillor Bradshaw substituted for Councillor Holland.

3. **Declarations of interest**

There were no declarations of interest.

4. **Minutes from the previous meeting – 27ᵗʰ January 2023**

Approval of the minutes was deferred until the next meeting so that the following amendments could be made to part 7:

- The following paragraph to be amended from 'The Group discussed the principle about democratic decision making and all agreed that the current levels of political oversight must be retained' to 'the Group discussed the principle about democratic decision making and all agreed that the current levels of political oversight must be retained, which included that all decisions currently made by Members must continue to be so.'
- That the following sentence be added to the resolution 'That the CMWG will take regular reports of recommendations for decision to Full Council, commencing in March 23.'

RESOLVED: That approval of the minutes from the meeting on 27ᵗʰ January 23 be deferred until the meeting on 31ˢᵗ March 23.

5. **Public Forum**

The following public forum business was received for the meeting.

Questions (and answers)

No.	Name	Question
PQ01	Clive Stevens	PQ01. Firstly, can the Working Group recommend the Council sets up an "Overview or Coordination" Committee (possibly consisting of the committee chairs, leader and others) to coordinate policy development and decision making of the committees? If so under what act or regulation would this operate under (if needed)? A1. The legislation that sets out the requirements in relation to the operation of a committee model of governance is the Localism Act 2011 and 2012 regulations, but they are not prescriptive about the structure of Committees so this would be

		permitted. However, the CMWG are yet to reach a decision on how policy development and decisions will be co-ordinated in the new model and will consider this as part of their ongoing discussions.
PQ02	Clive Stevens	PQ02. Secondly, in addition to 1 above, can the Working Group also recommend the setting up of a separate Scrutiny Committee operating, as the Monitoring Officer points out, according to The Local Authorities (Committee System) (England) Regulations 2012. This Scrutiny Committee would use the powers listed in regulations 4 to 10 and thus concentrate on ensuring that democracy and due process are followed: scrutiny, openness and transparency. A2. The Committee Model Working Group will be considering their recommendations about the arrangements for Scrutiny at their meeting on Friday 24th February, which will include whether to include the function in the new model.
PQ03	Clive Stevens	PQ03. Thirdly, can the Working Group recommend the setting up of an "appeal process" triggered by a minority membership of a committee (e.g. housing) to bring an issue to the Scrutiny Committee for further investigation? (Like Regulation 6 of Part 3 of the 2012 Regulations but open to councillors who are not members of the Scrutiny Committee)? This could be, for example, due to needing more information, deliberation, consultation? A3. The process that you describe sounds similar to the existing 'Call In' function where Members can request reconsideration of decisions on one or more of the grounds set out in Article 14 of the Council's Constitution. Call In is one of the matters included in the report for the meeting on 24th February, which Members will be considering.
PQ04	Joanna Booth	PQ04. In the community engagement appendix report, you wrote: "The Community Engagement team prepared lists of recommended attendees for the events with the intention of ensuring diverse and representative groups." Who makes up the community engagement team? In what way were the attendees 'diverse and representative'? Please list their characteristics on which the conclusion: " Each of the sessions were diverse and inclusive." A4. The Community Engagement Team is based in the Council's Communities and Public Health Directorate. The team have expertise in arranging diverse and inclusive community events and recommended attendees accordingly. Individual Councillors may wish to comment on the specific events they attended.
PQ05	Joanna Booth	PQ05. The area 'the centre' is described as being covered by the location at Trinity Community Arts Centre. That is two miles away from the actual centre. I am curious as to how areas and postcodes such as BS1, Hotwells and Harbourside and south Bristol were covered? Stockwood overwhelmingly voted to get rid of the mayoral system but no one there was paid £20 to tell you, their views. How were the views captured for these areas? A5. The Council held four events in different parts of the city, to which representatives from various neighbourhoods were invited. The areas were selected based on the Community Engagement Team's advice that these take place in the Central, East, North and South areas of the city.

PQ06	Joanna Booth	PQ06. As a research professional, I worry that paying people an incentive to engage in this type of information gathering might skew the responses and provide such unattributed comments as: "Bristol had a reputation as a 'global city' and it was important that this not be diminished in the Committee system." How many people were paid to provide an opinion for community engagement and how did you make sure that incentive, and the presence of cabinet members, didn't bias the engagement? A6. all attendees had the option to receive a voucher to compensate them for their time following advice from the Community Engagement Team. A range of Councillors were present at the events, not just Cabinet Members.

Statements

Number	Name
PS 01	Joanna Booth
PS 02	Suzanne Audrey
PS03	Clive Stevens
PS04	Anthony Negus
PS05	Martin Fodor

In response to supplementary questions, it was confirmed that:

- The Council was looking into ways to increase the number of formal meetings that were webcast.
- The community engagement events that took place in late 2022 had taken the form of focus groups. A comprehensive range of additional engagement activities would be arranged in due course, details of which would be agreed by the Committee Model Working Group in March 23.

RESOLVED: That the public forum be noted.

6. **Scrutiny**

The Director of Legal and Democratic Services provided a brief introduction to the report, following which four illustrative options of potential scrutiny structures were shown to Members. The Committee went on to consider the information provided and ask for additional details in a number of areas. The key points made were as follows:

- The various options for Scrutiny that had been put forward provided a useful starting point for discussion, but all had limitations. Members generally agreed that it wasn't necessary to include a standalone Scrutiny function in the new model as all functions could be undertaken in the Policy Committees, including the statutory aspects (i.e., crime and disorder, flood risk and health). It was noted that Health Scrutiny could entail significant workloads.

- Current governance arrangements included options for 'call in' either through the scrutiny function where the Mayor could be asked to reconsider a Cabinet decision, or when planning applications were referred to Committee. There was consensus that the option to challenge decisions made by Policy Committees via an 'escalation panel' established by Full Council should be included in the committee model, although with broader grounds for referral than the current Scrutiny call in function. The mechanism to refer decisions to the 'escalation panel' would be considered at a later date.
- If the scrutiny function was significantly reduced in the committee model, there needed to be clear arrangements for how policy development would be conducted, particularly at an early stage. Task and finish groups (including Inquiry Days) reporting to the Policy Committees would be one way to achieve this.
- Consideration should be given to the remit of the Audit Committee, including responsibility for monitoring risks and how it would operate in conjunction with the Policy Committees.
- Regarding access to information, the current entitlements for Members based on the principle of 'need to know' would be retained, whether there was a separate scrutiny function or not.
- Members sitting on Policy Committees must be properly briefed to enable them to make fully informed decisions. The process for this would be considered in due course.
- It was important to ensure there was clear accountability for decisions made within the Policy Committees.
- As previously discussed, the Group confirmed that Officer Executive Decisions should be published in advance with the option for Members to request them to be passed to a Policy Committee if required.
- In the new model the Policy Committees must be politically balanced as this was a statutory requirement.

RESOLVED:

Following the debate, Councillor Bartle moved the following resolution and was seconded by Councillor Beech. On being put to the vote, 10 Members were in favour and there was one abstention:

- That Full Council establish an Escalation Panel, which would consider matters escalated to it, in line with the principles of decision making set out in Article 14.02 of the Council's Constitution details as follows: proportionality; due consultation; taking of professional advice from others; respect for human rights; a presumption in favour of openness; clarity of aims and desired outcomes; due regard to public sector quality duty aims and; the highest standards of ethical conduct.
- That Full Council agrees that the scrutiny of decisions will take place in Policy Committees and/or sub-committees, including the statutory scrutiny functions of flood risk management, community safety partnerships and health.
- That the Policy Committees will be able to establish their own task and finish groups, working groups and inquiry days for matters that fall within their area of responsibility.

7. **Community Engagement Feedback**

The report was approved. Members noted that they would be considering further engagement activities at their meeting in April 23.

RESOLVED: That the report be approved.

Committee Model Working Group

Decisions Log

Topic	Decision	Date	Note
Leader/Deputy Leader	Leader and Deputy Leader to be in place, appointed by Full Council. Roles and responsibilities to be confirmed at the 14th April 23 meeting.	270123	Some concerns about the 'strong' leader model
Key decision threshold	Details TBC. £500k minimum.	270123	Current political oversight of decisions to be maintained or increased.
Forward Plan	Forward plan (s) to be in place – details TBC.	270123	
Emergency Decision Making	Assume APR 15 and 16 will be replicated but to be agreed once more details of how the arrangements operate have been provided.	270123	
Officer Delegated Decisions (OEDs)	Chairs/VCs to be consulted on OEDs in advance. May be a requirement to publish them before the decision and introduce the option for Call In.	270123

240223 | |
Local Decision Making	To be confirmed after the substantive discussion on 26th May 23.	270123	
Budget and Policy Framework	Deferred to a later meeting.	270123	Decision to be made after details of the policy committee structure is available.
Member Forum/Public Forum	To be retained in the new model and may be expanded e.g., more time.	270123	Members expressed the need to find the right balance between managing the business of the meeting and enabling additional engagement. Chairs' discretion to manage the meeting remains key.
Petition Debates	CMWG to review the threshold and agree pathway for debate and responses.	270123	
Agenda Settings	Leads to be invited to agenda setting meetings – draft reports to be available.	270123	
Briefings	Chairs/VCs to attend current Cabinet Member briefings.

Details for briefings for Policy Committee Members TBC | 270123

240223 | |
Scrutiny	All scrutiny functions to be incorporated into the Policy Committees, including task and finish/inquiry day activities.	240223	
Escalation Panel	To be included in the new model and established by Full Council. Its purpose will be to consider decisions made by Policy Committees based on the grounds set out in Article 14 of the Constitution. All other arrangements to be confirmed, including the mechanism to request escalation of a decision.	240223	
Policy Development	The process for policy development needs further consideration. Should include use of task and finish groups/inquiry days.	240223	

Audit Committee	Role and remit to be considered at a later date.	240223	

Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Public meetings

Public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

Members of the press and public who plan to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

COVID-19 Prevention Measures at City Hall (June 2022)

When attending a meeting at City Hall, the following COVID-19 prevention guidance is advised:
- promotion of good hand hygiene: washing and disinfecting hands frequently
- while face coverings are no longer mandatory, we will continue to recommend their use in venues and workplaces with limited ventilation or large groups of people.
- although legal restrictions have been removed, we should continue to be mindful of others as we navigate this next phase of the pandemic.

COVID-19 Safety Measures for Attendance at Council Meetings (June 2022)

We request that no one attends a Council Meeting if they:
- are required to self-isolate from another country
- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to committeesystem@bristol.gov.uk

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.

- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution
https://www.bristol.gov.uk/how-council-decisions-are-made/constitution

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's webcasting pages. The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notices-for-resource-services

Committee Model Working Group
31 March 2023

Report of: Director – Legal and Democratic Services

Title: Committee structure and responsibilities of committees

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

This report sets out a number of matters for the Committee Model Working Group to consider relating to the structure and responsibilities of committees.

1. **Summary**

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers how functions and responsibilities will be discharged under the Committee Model of governance, through Full Council and delegations to committees of the Council.

The Working Group will need to make recommendations about the matters raised in this report. All recommendations from the Working Group will be taken to Full Council in due course for decision.

2. **Responsibilities of Full Council**

Under the Committee Model, all functions are either reserved to Full Council or are delegated by Full Council to committees of the Council or to officers of the Council.

Legally, there are a number of functions which must be discharged by Full Council, and these are set out in in Regulation 3 of the Local Authorities (Committee System) (England) Regulations 2012.
  a. The approval or adoption of the following plans or strategies:
      i. Annual Library Plan
     ii. Crime and disorder reduction strategy
    iii. Development Plan documents
     iv. Licensing Authority Policy Statement
      v. Local Transport Plan
     vi. Plans and alterations that together comprise the Development Plan
    vii. Sustainable Community Strategy
   viii. Youth justice plan;
  b. Approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments, or capital expenditure, or for determining the authority's minimum revenue provision;

  c. Approval (where required) of the submission of any plan or strategy (whether in draft or not) referred to in (a) or (b) above to the Secretary of State or any Minister of the Crown for approval;

  d. Making, amending or revoking a Members' Allowances Scheme (to include basic, attendance and special responsibility allowances);

  e. Determination of any allowance to be paid to the Chair or Vice-Chair of the Council (allowances to the Lord Mayor/Deputy Lord Mayor);

  f. Determination of any basic, attendance or special responsibility allowances under an approved Members' Allowances Scheme;

g.   Making a request to the Local Government Boundary Commission for England for single-member electoral areas;

h.   Passing a resolution to change a scheme for elections (whole council, elections by halves or elections by thirds);

i.   Making an order giving effect to recommendations made in a community governance review;

j.   To permit co-opted members of an overview and scrutiny committee to vote at an overview and scrutiny committee.

There are also a number of other responsibilities that custom, and practice would indicate should also be discharged by Full Council. These responsibilities as currently set out in Part 3 of the Council's Constitution could include:

a.   Approval of the annual budget and setting the Council Tax;

b.   Approval of the Treasury Management Strategy;

c.   Approval of the Council's non-statutory plan for the delivery of the Council's policies and strategies (known as the "Corporate Plan");

d.   Approval of the Council's Constitution;

e.   Approval of the Council's Annual Pay Policy Statement;

f.   Establishment of and appointment to committees, including chairs of committees;

g.   Appointment of the Leader and Deputy Leader of the Council;

h.   Appointment of the Lord Mayor and Deputy Lord Mayor;

i.   Appointment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, Returning Officer and Electoral Registration Officer;

j.   Adoption of the scheme of delegation to officers.

It is assumed that any business that is currently dealt with by Full Council will continue to be dealt with by Full Council. However, there may be other matters that members determine should be reserved to Full Council.

3. Responsibilities of Policy Committees

Under the Committee Model of governance, the Council will delegate functions to one or more policy committees. The power to delegate functions to committees is found in s.101 of the Local Government Act 1972. Full Council can establish committees and sub-committees. A policy committee can also delegate responsibilities to a sub-committee or to an officer, unless prohibited from doing so by Full Council.

Consideration will need to be given to the number of policy committees that the Council wishes to establish and the delegation of functions to those committees. This report sets out 3 potential structures for the Working Group to consider: a structure that mirrors the current Cabinet member portfolios, a structure that reflects the themes in the Corporate Strategy and a structure that aligns with the operational Directorates within the Council. The 3 potential structures are indicative only and should be used to facilitate discussion by the Working Group. The Working Group may determine that a different structure should be proposed to Full Council.

Membership of policy committees is subject to the rules relating to political balance as set out in the Local Government (Committees and Political Groups) Regulations 1990. In each of the options presented below, an indication is given of the total number of seats that might be available on the policy committees based on a working assumption that there would be 9 seats on each committee, which is the equivalent to the number of seats currently on all of the regulatory committees, except the Licensing Committee which has 15 seats. There are currently 69 seats in total on the regulatory committees.

It should be noted that Members have indicated a preference for an agenda setting meeting to take place before each of the formal Committees.

A Committee structure that mirrors current Cabinet Member Portfolios

Under the Mayor and Cabinet Model of governance, the Mayor is able to reserve executive functions to themselves or delegate functions to Cabinet Members. There are currently nine portfolios of functions as follows:

1. Planning and City Design
2. City Economy, Finance, Governance and Performance
3. Children's Services, Education and Equalities
4. Public Health, Communities and Bristol One City
5. Adult Social Care and Integrated Care System
6. Strategic Planning, Resilience and Floods
7. Housing Delivery and Homes
8. Transport
9. Climate, Ecology, Waste and Energy

Under the Committee Model of governance, Full Council could delegate the same functions to an equivalent number of policy committees that mirrors the current Cabinet Member portfolios. Based on the working assumption that there would be 9 seats on each of these committees, under this model, there would be 81 seats on the policy committees. When the 69 seats on regulatory

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committees are taken into account, this would give an indicative total of 150 seats across all committees. An indicative structure based on the current Cabinet member portfolios is as follows:
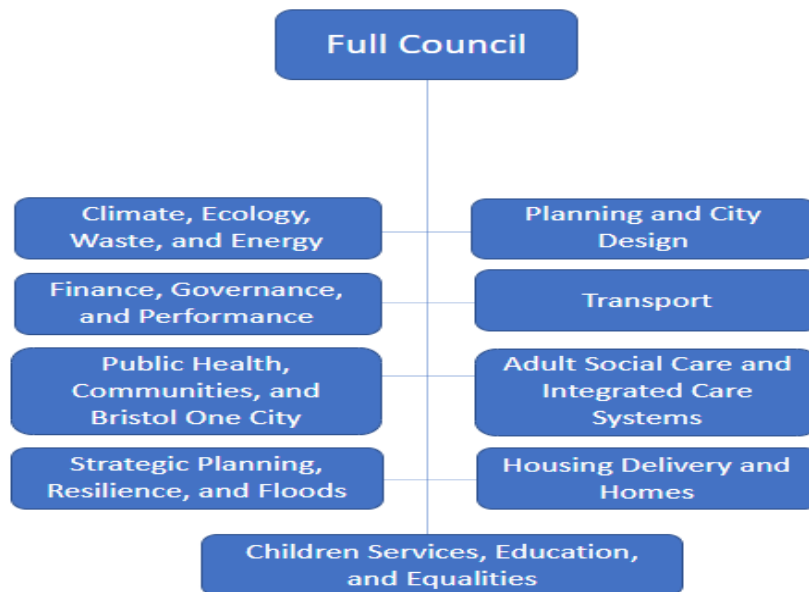
Appendix A lists further details of the functions that are contained within each of the current Cabinet Member portfolios and those are the functions that will need to be allocated to different policy committees depending on the responsibilities that each policy committee has.
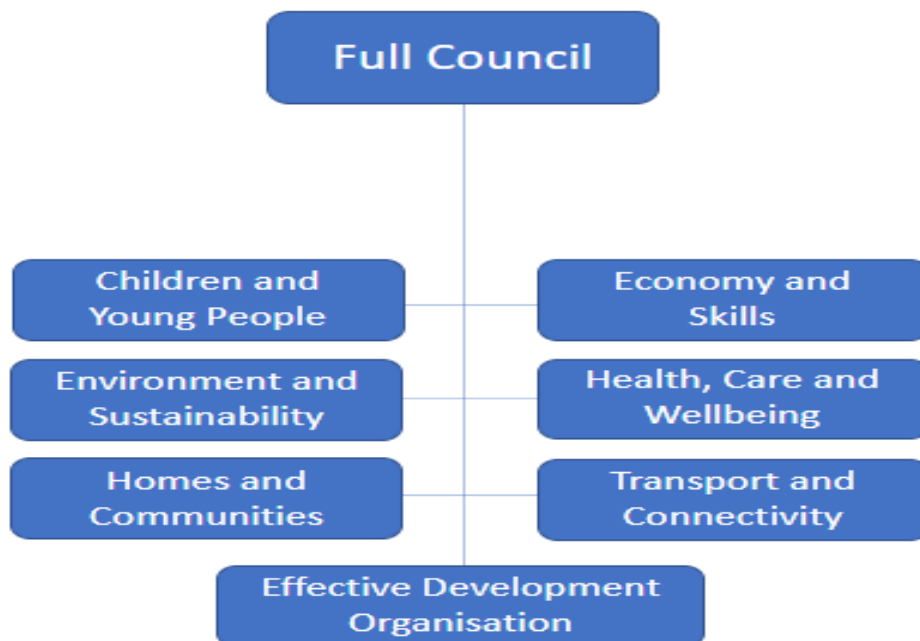
A Committee structure that reflects the themes in the Corporate Strategy

The Council's Corporate Strategy 2022-27 contains the following themes:

- Children and young people: A city where every child belongs and every child gets the best start in life, whatever circumstances they were born into.

- Economy and skills: Economic growth that builds inclusive and resilient communities, decarbonises the city and offers equity of opportunity.

- Environment and sustainability: Decarbonise the city, support the recovery of nature and lead a just transition to a low-carbon future.

- Health, care and wellbeing: Tackle health inequalities to help people stay healthier and happier throughout their lives.

- Homes and communities: Healthy, resilient, and inclusive neighbourhoods with fair access to decent, affordable homes.

- Transport and connectivity: A more efficient, sustainable, and inclusive connection of people to people, people to jobs and people to opportunity.

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- Effective development organisation: From city government to city governance: creating a focussed council that empowers individuals, communities, and partners to flourish and lead.

Under the Committee Model of governance, Full Council could delegate functions to policy committees that reflect the themes in the Corporate Strategy. Based on the working assumption that there would be 9 seats on each of these committees, under this model, there would be 63 seats on the policy committees. When the 69 seats on regulatory committees are taken into account, this would give an indicative total of 132 seats across all committees. An indicative structure based on the themes in the Corporate Strategy is as follows:

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                    ┌─────────────────┐
                    │  Full Council   │
                    └─────────────────┘

┌──────────────────┐            ┌──────────────────┐
│ Children and     │            │ Economy and      │
│ Young People     │            │ Skills           │
└──────────────────┘            └──────────────────┘

┌──────────────────┐            ┌──────────────────┐
│ Environment and  │            │ Health, Care and │
│ Sustainability   │            │ Wellbeing        │
└──────────────────┘            └──────────────────┘

┌──────────────────┐            ┌──────────────────┐
│ Homes and        │            │ Transport and    │
│ Communities      │            │ Connectivity     │
└──────────────────┘            └──────────────────┘

              ┌─────────────────────────┐
              │ Effective Development   │
              │ Organisation            │
              └─────────────────────────┘
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A Committee structure that aligns with operational Directorates within the Council

The operational management of the Council is carried out by officers and the management structure of the Council is divided into the following operational Directorates and Divisions:

- Growth and Regeneration Directorate
  - Housing and Landlord Services
  - Economy of Place
  - Development of Place
  - Property, Assets and Infrastructure
- People – Children and Education Directorate
  - Children and Families
  - Educational Improvement
- People – Adults and Communities Directorate
  - Adult Social Care
  - Communities and Public Health
- Resources Directorate
  - Finance

        o   HR, Workplace & Organisational Design
        o   Legal and Democratic Services
        o   Policy, Strategy and Digital

Under the Committee Model of governance, Full Council could delegate functions to policy committees that are aligned with the operational Directorates within the Council. Based on the working assumption that there would be 9 seats on each of these committees, under this model, there would be 36 seats on the policy committees. When the 69 seats on regulatory committees are taken into account, this would give an indicative total of 105 seats across all committees. An indicative structure that aligns with the operational Directorates within the Council is as follows:
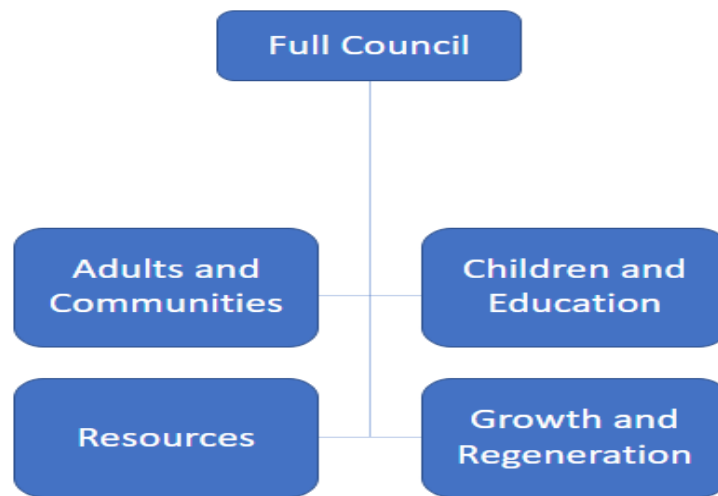
3. Policy and Resources Committee

Members have heard that in many other Councils operating a committee system of governance, a Policy and Resources Committee is in place which is responsible for considering matters of policy and financial management. In each of the models above, the Working Group will need to consider where the functions of a Policy and Resources Committee might be discharged including, for example, performance management, budget oversight, risk management and annual budget development.

4. Responsibilities of Regulatory Committees

The Council already has in place a number of regulatory committees, for example, development control, licensing, public safety and protection, audit, human resources, public rights of way and greens. Currently these functions are non-executive functions (i.e., they are not the responsibility of the Mayor and Cabinet). These committees are established by Full Council, and it is anticipated that similarly constituted committees will be established under the Committee Model of governance to discharge the same regulatory functions.

The current structure of the regulatory committees within the Council is as follows:

As with policy committees, membership of regulatory committees is subject to the rules relating to political balance and as noted above there are currently 69 seats allocated across the regulatory committees. Furthermore, these committees can establish sub-committees and also delegate functions to officers.

5. Responsibilities of other committees

The Council has also decided that it will establish an Escalation Panel which would consider matters escalated to it, in line with the principles of decision making set out in Article 14.02 of the Council's Constitution details as follows: proportionality; due consultation; taking of professional advice from others; respect for human rights; a presumption in favour of openness; clarity of aims and desired outcomes; due regard to public sector quality duty aims and; the highest standards of ethical conduct.

The Council also has in place arrangements for decision-making by CIL/Area Committees. Decision-making by those committees and other potential options for local decision-making will be the subject of a future report to the Working Group.

6. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

Under the Committee Model of governance, the Council will delegate functions to one or more policy committees. The power to delegate functions to committees is found in s.101 of the Local Government Act 1972. Full Council can establish committees and sub-committees. A policy committee can also delegate responsibilities to a sub-committee or to an officer, unless prohibited from doing so by Full Council.

Furthermore, under the Committee Model of governance, the Council will delegate regulatory functions to one or more regulatory committees and the legal basis for doing so is the same as for policy committees.

Membership of policy committees and regulatory committees is subject to the rules relating to political balance as set out in the Local Government (Committees and Political Groups) Regulations 1990 which will be used to determine the number of seats on committees and their allocation to political groups.

Part 3 of the Council's Constitution currently sets out the detail relating to the discharge of executive and non-executive functions. Once the structure of the committees has been agreed it will be necessary to rewrite this part of the Council's constitution to reflect the new structure.

7. Matters for the Working Group to consider

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

Responsibilities of Full Council

There are functions that must, by law, be discharged by Full Council. However, there are other matters that it is anticipated would also be discharged by Full Council and the Working Group should consider whether these other functions should be reserved to Full Council or delegated to a committee.

Responsibilities of Policy Committees

Full Council will need to determine the functions that will be delegated to policy committees, the structure of those committees and whether policy committees will be able to delegate to sub-committees and to officers.

In particular, Full Council needs to determine whether it should establish a Policy and Resources Committee and if so, which functions should be delegated to it.

This report sets out 3 different potential models for the Working Group to consider. These are not prescriptive, and the Working Group may wish to consider alternative models for the structure of the policy committees and the distribution of functions across those committees.

Furthermore, depending on the number of policy committees that will be established, it will be necessary to consider the frequency of committee meetings and agenda-setting meetings as well as the timings for other briefings for the Chair/Vice-chair of the policy committees.

Responsibilities of Regulatory Committees

Full Council will also need to determine the functions that will be delegated to regulatory committees and in doing so, consider whether there are any changes that should be made to the distribution of functions across regulatory committees.

To summarise, the Working Group may wish to frame the discussion of the above matters around the following questions:

   a. Noting that there are certain statutory functions that must be discharged by Full Council, are there other functions as set out in paragraph 2 of this report that should be discharged by Full

Council?

b. Will Full Council allow policy committees to delegate to sub-committees and to officers?

c. How many policy committees should the Council have?

d. What are the areas of responsibility for each policy committee?

e. Should there be a Policy and Resources Committee?

f. What functions should a Policy and Resources Committee have?

g. What is the indicative frequency of meetings of the Policy Committees?

h. Are there any changes that should be made to Regulatory Committees?

Appendices:
Appendix A – Current Cabinet Member Portfolios

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background Papers:
None

APPENDIX A

CURRENT CABINET MEMBER PORTFOLIOS

MAYOR'S CABINET PORTFOLIO: PLANNING AND CITY DESIGN
1. City Policy, Strategic Planning and Communications, Council Plan
2. External Relations
3. Major projects
4. Development management
5. The Harbour
6. Devolution
7. UN Sustainable Development Goals
8. Civil Contingency Planning - Planning and control
9. Air Quality and Clean Air Plan
10. Sport and leisure
11. City Office and Bristol One City Plan
12. City Funds
13. Regulatory and Licensing function
14. All other executive functions not otherwise listed within Cabinet portfolio terms of reference listed below
15. Any executive functions that the Mayor may wish from time to time to have reserved to himself or to be discharged in a different manner to the general delegation arrangements described below.

CABINET PORTFOLIO: CITY ECONOMY, FINANCE, GOVERNANCE & PERFORMANCE
1. Designated Deputy Mayor in accordance with Local Government Act 2000
2. Finance and Budgets
3. Legal and statutory services
4. Corporate services
5. Performance
6. Council owned Companies and Innovation
7. Capital Programme
8. City Economy
9. Culture
10. Council's assets and Property Board
11. Commercialisation
12. Bristol 2023

CABINET PORTFOLIO: CHILDREN'S SERVICES, EDUCATION & EQUALITIES
1. Deputy Mayor
2. Equalities
3. Designated Lead Member for Children's Services
4. Children's Social Care
5. Corporate Parenting, Fostering and Adoption
6. Children & families support services
7. Youth Services
8. Children's Centres & Pre-School
9. Safeguarding Children (including safeguarding boards)
10. Schools and Partnerships

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11. Further education
12. Apprenticeships, training and work experience
13. Domestic violence and abuse
14. Family & Child Friendly City
15. Educational Catch up plan - NEETs
16. Diversification of teaching work force
17. New schools and school places
18. School exclusions
19. School streets project
20. SEND
21. PHSE
22. Lifelong learning

CABINET PORTFOLIO: ADULT SOCIAL CARE & INTEGRATED CARE SYSTEM
1. Adult Social Care
2. Safeguarding Adults (including safeguarding boards)
3. Age Friendly City
4. Better Lives Programme
5. Family or Friend Carers
6. Ethical Care Council
7. Adaptable homes and Intergenerational housing
8. Integrated Care System
9. Women commission & Women Safe City

CABINET PORTFOLIO: CLIMATE, ECOLOGY, WASTE & ENERGY
1. Climate Emergency Strategy delivery
2. Ecological Emergency Strategy delivery
3. Waste and Recycling Strategy delivery
4. Clean Streets Campaign and street cleansing
5. Energy, Heat Networks and City Leap
6. Carbon neutrality & Green New Deal

CABINET PORTFOLIO: HOUSING DELIVERY AND HOMES
1. Housing delivery and Innovation
2. Major development schemes
3. Modern Methods of Construction
4. Social housing & support services
5. Landlord services
6. Homelessness
7. Home-choice
8. University Development & Student Accommodation
9. Self builds
10. Retro fit sustainability of homes - carbon and waste
11. Estate renewal
12. Private rented sector
13. Living Rent City
14. Housing Strategy & Project 1000
15. Land and property allocated for housing development

CABINET PORTFOLIO: TRANSPORT

1.Transport policy
2.Transport maintenance
3.Major Transport projects
4.Local Joint Transport Plan

CABINET PORTFOLIO: PUBLIC HEALTH, COMMUNITIES & BRISTOL ONE CITY

1.Public Health including Mental Health Services and Health Partnerships
2.Community Engagement and development
3.Democratic Engagement
4.Transferred community assets
5.VCS and Community initiatives
6.Libraries
7.Parks and Green Spaces
8.Events and Carnivals
9.Commissioning (Health)
10. Community Safety, Community Cohesion and Safer Bristol Partnership
11. Public protection and environmental health
12. Preventative Services

CABINET PORTFOLIO: STRATEGIC PLANNING, RESILIENCE & FLOODS

1.Development of regional planning Strategy (including SDS)
2.Cross border responsibility for joint spatial planning.
3.Delivery of renewed Local Plan
4.City resilience (ink; delivery of city resilience strategy) and contingency
5.Flooding and flood strategy

CMWG Work Programme 2023

Session Details	Date and time (all meetings are on Fridays)
Agenda setting 1. Annual Business Report 2. Work Programme 3. Decision-making under the current Mayor and Cabinet model of governance report 4. Community Engagement Feedback report	13th January 2023 11:00-13:00
Public Meeting 1. Annual Business Report 2. Work Programme 3. Decision-making under the current Mayor and Cabinet model of governance 4. Community Engagement Feedback	27th January 2023 11:00-13:00
Agenda setting 1. Scrutiny report(s)	10th February 2023 11:00-13:00
Public Meeting 1. Discuss options for a Scrutiny function	24th February 2023 11:00-13:00
Agenda setting 1. Chief Executive attending 2. Committee Structure report(s)	17th March 2023 11:00-13:00

3. Initial discussion on the proposals to the Independent Renumeration Panel 4. External Communications plans and launch	
Public Meeting 1. Committee Structure; to determine the number of Committees and their general responsibilities.	31st March 2023 11:00-13:00
Agenda setting 1. Councillor Roles and Responsibilities report (s)	14th April 2023 11:00-13:00
Public Meeting 1. Councillor Roles and Responsibilities	28th April 2023 11:00-13:00
Agenda setting 1. Constitution Session 1: Full Council and Committee Roles and Responsibilities 2. Constitution session 2: Review of Responsibilities and Functions 3. Local Decision Making report(s)	12th May 2023 11:00-13:00
Public Meeting 1. Local Decision Making	26th May 2023 11:00-13:00
Agenda setting 1. Constitution session 3: Code of Conduct and Protocols 2. Constitution session 4: Full Council and Committee Rules and Procedures - Budget and Policy Framework etc. 3. Corporate Policies and Processes report(s)	16th June 2023 11:00-13:00

Public Meeting 1. Corporate Policies and Processes	30th June 2023 11:00-13:00
Agenda Setting 1. Work Programme until May 2024 2. External Partnerships report(s) 3. One City report(s)	14th July 2023 11:00-13:00
Public Meeting 1. Update of Work Programme until May 2024 2. External Partnerships 3. One City	28th July 2023 11:00-13:00

To be scheduled;

- Draft recommendations from the IRP
- Member induction programme May 2024
- Constitution session 5: Officer Schemes of Delegation
- Constitution session 6: overview and sign off
- CMWG sign off the revised Constitution
- Follow up sessions in regards to matters covered between January – July 2023
- Audit and Risk