

Public Forum

Committee Model Working Group

24th February 2023



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| Statements | |
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Questions – 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. 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. 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.

Questions - 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. 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. 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.



PS 01 – Joanna Booth

When we voted to get rid of the mayor and introduce a committee system it was so as to reduce the current concentration of power. To help this dispersal of power, we need scrutiny, accountability, and transparency.

These three principles are vital to a democracy. Strengthening them can be done in a few ways. I would like to point out a few suggestions:

The register of interests needs to be strengthened.

Currently, there is a legal obligation to keep a public register of interests on the council's website (Localism Act, s29, s5). The details that need to be kept, however, are vague and sometimes not public.

We need to know the influences on our decision makers; to who and for how much are they beholden?

Just as with MPs, we need to know how much people in power get paid for their additional jobs and ideally, what they are promising and delivering for their other employers.

Council leaders cannot have other jobs, just like the WECA mayor cannot hold a second job.

1. Decisions should not be made without sufficient information.

Scrutiny for committees – internal and external

Each committee member should have the power to request additional information or have a mechanism to review or extend the timings of a decision that looks like it's being made without best value in mind.

There needs to be a separate mechanism for scrutiny, which is external to the committees themselves. The separation of powers is an integral mechanism for limiting the capture of any part of our local government. The legislators (committee members) are already being mixed in with the executive (committee members). There needs to be a judiciary (external scrutiny) to be able to oversee what is decided and make a ruling to some extent.

Diaries

The diaries of those in power need to be updated to include relevant information. How much of their time is spent with which lobby groups?

The mayor of Chicago's diary, for example, includes the length of time an activity takes place, staff involved, and location.

10:30 AM - 11:00 AM

Podcast taping with Toronzo Cannon

Location: Mayor's office

Staff: Grace Cheung, Brooke Collins

Our current system means that we couldn't even know that the mayor spent three hours with a ghostwriter during his working day. This is unacceptable.

The information should be easy to retrieve and analyse. Adding an API of the members' time and activities would be useful. See LGA API as an example <https://developertools.esd.org.uk/api>.



PS 02 – Suzanne Audrey

I am sorry I am unable to attend the important meeting at which you will consider scrutiny arrangements for the new Committee Model of governance for Bristol.

I believe that lack of transparency over decision-making, and repeated instances of scrutiny being undermined through insufficient or delayed information being provided to members, has been a major flaw in Bristol's elected mayor system of governance. See, for example, ['The new year has not started well as far as scrutiny is concerned' \(bristol247.com\)](http://bristol247.com)

There is now an opportunity for the Committee Model Working Group to rectify some of the harm done to local democracy in our city.

I trust you are aware of the latest statistics from the Quality of Life Survey which show only 26% of respondents feel Bristol City Council provides value for money. Any reduction in scrutiny arrangements would not help to restore confidence in the Council's processes and decision-making.

Some of the most interesting, informative and important meetings I have observed have been those of scrutiny committees. It has been in those meetings that I have witnessed some of Bristol's most diligent and knowledgeable councillors attempting to ensure that decisions are made in the best interests of the residents of Bristol.

I urge you to establish formal scrutiny arrangements through committees aligned to the policy committees.

I would also urge you to ensure that all scrutiny committee meetings are recorded (with the option for exempt sessions only where absolutely necessary) so that Bristol residents are able to view the valuable work that is undertaken at scrutiny meetings when members are given access to the documents and information they require, and officers are willing and able to address issues raised.



PS03 – Clive Stevens

Many people backed a Committee System in the hope it might be more democratic. But what does “more democratic” mean? I think that is for you to decide but one facet would be better scrutiny and with that comes a need for more transparency i.e., access to information. Accountability, scrutiny and openness are requirements of Nolan’s seven principals of good governance of public life.

In general people don’t like to be subjected to scrutiny, having your work checked, but it is important in most situations in order to make better decisions and to improve. Your workings need to be visible too. It’s more than improving the quality of decisions, it encourages a learning culture seeking continuous improvement. This is why scrutiny must, please, be strong in your committee system.

Strong, effective Scrutiny

In the Committee System some scrutiny will be done within the committee’s deliberations. But that needs bolstering with:

- All committee members should have the same access to information as the Mayor and Cabinet Members get now.
- If some councillors on a committee, a minority say, feel that there is a need for more deliberation or facts, for example, they should be able to appeal to another body to raise a request for a deeper level of scrutiny.
- A Scrutiny Committee is required, independent of the other committees. It should have a number of roles in addition to considering minority reports. They should be able to delay a decision until further information, e.g., a structural report or business case or consultation or even exempt report comes through. The Scrutiny Committee should ensure that scrutiny in the committees is working, there is transparency in the decision making, not just a view of the decisions and that the public are given opportunity to participate in this better democracy.

In Bristol, since 2012, I have seen lots of local government but with what seems a reduced amount of local democracy. The balance needs to be redressed and the Committee System is the ideal opportunity.



PS04 – Anthony Negus**Improved Scrutiny through the new Committee system**

Scrutiny of evolving legislation, alongside supporting their wards and its residents, is a fundamental role of elected councillors. The following statement is founded on 12 years of councillor experience and constant endeavours to improve the scrutiny process under both the leader + cabinet and the mayoral systems.

Scrutiny relies on the engagement of committed councillors who have assimilated the agenda papers and have opinions. Howsoever the past success of this process is viewed, it was clear that even assiduous individuals could have only limited effect within the standing timetable rules that applied to the Cabinet system and none at all on decisions made by two people at the top of the steep pyramid that is the mayoral system. The embedded scrutiny process may thus appear as focusing on its being seen to be enacted, or signed off, rather than being expected to have its deliberations taken forward into improvements or mitigation of proposals. This change to a Committee system is for the better, but some general procedural improvements should be made, and specific provisions made to accommodate this very different model in order for its benefits to be realised.

Amongst these, but not exclusively, the following must be considered:

- The need for scrutiny to be grounded in opinions from the community e.g., neighbourhood partnerships (individual issues), citizens panel (agenda topics). It is unlikely to be feasible to have such feedback to be fully representative but some truly listening process, unlike the recent iteration of the 30 years of city-wide conversations, may provide some assurance.
- There should be acknowledgement of the cost of the increased democracy presented by the new system i.e., the price of better decisions that take longer and involve more people from within and outside the enhanced committees.
- This requires the recognition of the need to include councillors from all ages and backgrounds. This may require compensation to encourage and if necessary, pay for the additional workload for work time lost and/or childcare etc. (though this should be a consideration for all systems of local government). The new committees, instead of moving deckchairs, will be making serious decisions, endorsing or modifying legislation and so needing to get to grips with research, financial and cross-council implications. This will require more preparation and attendance time and likely will be seen to demand more remuneration.

My own assumption for the structure of the new system is that each committee chair will be responsible for taking through and delivering the items that come through that committee. It seems likely that these will revert to reflecting grouped areas of work as the present cabinet portfolios. This alone will require greater officer servicing akin to the older cabinet working. The expectation is that at each committee chair will then meet to co-ordinate efforts at a higher committee (like OSMB or the senior leadership team under the present system). While it is administratively likely that there will need for a coordinator or leader the new system should be true to the outcome of the mayoral referendum and maintain the present allocation of committee chairs on a party proportional basis, rather than setting up another disproportional command by the largest group. This surely is the greatest prize from the new model.

Scrutiny must be improved in three Linked respects: timeliness, clarity and transparency. Each of these is affected by national rules as interpreted by this Council. There have been instances, such as with the arms-length companies, where this regulation has been maximised and the opportunities for wider, and wiser, intervention by even senior councillors has been prevented to the detriment of democracy and scrutiny by critical friends. It is clear that such rules limit scrutiny and make it easier for the controlling powers, which includes officers, to regulate the process. Some of this may be explained by the desire to reduce time spent but it also shows a lack of trust, recently even with colleagues, in the political arena. Set against this should be the great value of introducing different opinions, experience and ideas into processes too often locked down by closed thinking of tight-knit, self-moderating teams.



In my long experience I have seen councillors from all sides at their best as they shed their party tabards at scrutiny committees. I also came to realise that most councillors had similar aspirations for our city, and sometimes even shared priorities. How issues were approached and shaped brought out more from manifestos and the tribal politics and it is this that can obstruct good reasoning and consensus. The new model, if carefully designed, should seek to encourage more coming together on basic values and aspirations.

Timeliness: As a general rule, scrutiny should engage with a process as early as possible. The present OSMB is the OVERVIEW and Scrutiny Management Board but even that senior committee is granted little opportunity to examine early stages of proposals or to observe how some issues relate to others, let alone suggest areas of new work. It is further restricted by the requirement to focus on the papers presented to it rather than taking the wider view that would come from earlier and broader dialogue.

It is pointless and time-wasteful to put information before a decision-making committee when any decision made there will be too late to change the outcome. This has been the system in recent years when all other views, except those from the top, were irrelevant. There is merit in scrutiny seeing proposals as they develop rather than at their final iteration. Committees should have a greater ability to call for a real-time examination of sensitive proposals in progress rather than waiting for a finished paper. It should also be understood that the strict timetable for the series of set decisions stages is present in a way that accentuates these problems and needs to be reviewed within this council but probably also nationally.

Clarity: Papers are drafted by panels of officers and are often repetitive, poorly edited and usually too long, running to hundreds of pages. I am convinced that as a result these were not given the attention needed. In the past this resource-driven fault was less consequential but now better editing, though time-consuming for one officer will save hours of reading by many other people. There is a case for an abbreviated synopsis, and this ran for a while under the first mayor, but issues are more often found in the detail. There is merit in a more visually navigable report with bold headlines, points made as bullets and simple graphics. This would also encourage greater interest and engagement outside the Council. Clarity also demands context, placing this issue amongst other related and broader items. There should no longer be an acceptance that the paper presented represents the only possible solution to an identified problem and reference should be made to similar work by other councils, at least from the U.K.

Transparency: There should be an assumption of transparency across the board except for a few, clearly defined and publicised exceptions. Many of these appear to be legal. A possible solution would be to bring such business to a small group of probably long-serving councillors, or even Aldermen and Alderwomen who might be specially trusted to act independently. The role of the Audit Committee (that is likely to be redefined under the new model) might be modified to take this on, or another committee might be needed. It is accepted that early conception stages of proposals need enhanced protection but even so should not be obscure. Certainly, there should be an awareness of alternative approaches and hopefully an end to seeing, every time, the word 'none' in final reports in answer to 'Other options considered'.

The scrutiny process should also include periodic reviews of how specific legislation has worked in practice and how embedded services are operating. This might suggest a model more akin to the Select Committees in Parliament with their ability to call for examination responsible councillors, officers and other people and to make legislation-changing recommendations. This has often proved to be game-changing on the few occasions this has been tried in a challenging way in this council. It is now so much easier, and less expensive, to summon an experienced group of witnesses, even from outside the country, using digital conferencing.



This is a short version of several papers I have presented to colleagues and democratic services officers over the years. The new model is potentially a fundamental ethos-changer if it is not hi-jacked by those wishing to maintain an adversarial party system. It is also prey to councillors and citizens not committing to it due to increased workload. There will need to be more hard-to-find funding to make all this work, and this risks its watering-down. Some will press for a restoration of someone in charge to make everything simpler to be, in turns, adored or reviled.

If this is worth doing it must be done well and it should have built-in flexibility and provision for regular re-examination.

I wish I was still in a position to help organise this great venture. I send all members of the exploratory committee my best wishes and hopes for a truly democratic, effective and sustainable new model that catches the imagination of more of our fellow citizens and generates greater participation in all aspects of the life of our city.



PS05 – Martin Fodor

I'd like to raise various issues and make some observations on Scrutiny in my statement.

The scrutiny function has two key roles and an additional more routine one:

- Prospective and existing policy review and development
- Scrutiny of decisions and outcomes; and on a routine basis
- Performance and risk management

I'd like to highlight the need for these to continue to be carried out and encourage debate on the best place for this to take place in future under a committee model.

Committees will be the primary place for decision making. They will be proportionate and have a set of service responsibilities. If most time in most meetings is rightly spent debating proposals and options for decisions to be made, then I'd argue that little time will be available for in depth investigation into policy development. This will be especially so in the case of themes where there isn't a current policy or strategy in place and such topics may have no initial 'home.' The response to the Climate Emergency is one obvious example.

I'd like to propose:

1. The establishment of a mechanism for members, with adequate resources, to undertake periodic reviews of policy areas and investigation of the case for new policy areas. This could be in parallel to the decision-making committees [DMCs] to be established but also needs scope for consideration of cross cutting themes and ones with no current policy locus.

This would benefit from a range of scrutiny tools such as task and finish groups, inquiry days, stakeholder panels, benchmarking with comparator authorities, and evidence gathering from experts, colleagues elsewhere, and the LGA and academia. Such activities would need to be led by cross party members and supported by policy advisers. Their outputs and reports could then be sent to the relevant committee(s) for a response. Their separate constitution would allow backbenchers and non-committee members the chance to have direct input to policy development. A channel will be needed for proposals to be generated and fed into future work programmes.

2. At the same time a critical assessment of past decisions and outcomes needs a home where critiques and investigations can be carried out before any recommendations reach DMCs. Initial, short reviews will be needed to develop or reject the case for choosing selected in-depth inquiries into service or performance failures. This needs to be separate from routine reviews of performance, and also differs from call ins of decisions that are related to procedure.
3. Finally routine performance and risk management need to be accommodated. This needs to be open to both backbenchers and councillors who take responsibility for service and function themes.

Now I turn to the Finance and Budget working group.

This currently has a large number of in-depth briefings and discussions led by finance officers. These have been welcomed by the members from Resources scrutiny who take part. Each year as the autumn budget review and development process takes place the topics are covered in depth in a number of meetings. There is then a later stage where the background topics are updated as government announcements are made, and numbers can be fed into projections for the coming year. The cross-party scrutiny is in parallel to that underway by the budget setting of the administration. It's not even shown on the current decision pathway. It has raised issues that help shape some of the documents and make them more transparent and consistent to clarify the financial assumptions, the likely situation we face, and how the options available are presented.



At this point the material has then been taken into the administration's hands.

It only returns to scrutiny

- for a detailed look when the administration's savings proposals are consulted; and later:
- at the last minute when the full budget emerges and when published for Cabinet.

In the coming year this schedule and the gaps will no longer be applicable since a cross party budget setting process needs to be set up - in time for the officers to brief members [e.g., on treasury matters, cash, reserves, capital available, council tax base estimates, provision for loans, etc] and respond on these matters to feed in to a new cross party members' committee.

This committee therefore *needs to be set up and a new range of council meetings scheduled for autumn through winter* prior to the publication of both initial consultation proposals [designed to ensure a balanced budget] and then completion of a proposed future budget ready to present to February 2024's Full Council.

The whole bundle of budget documents will need to be considered and agreed i.e., recommendations for the level of council tax, capital, revenue, DSG, HRA and so on.

The CMWG should also, in my view, comment on how carbon assessment of capital projects is to be progressed. It can also consider the need for a more open access to budget documents can be enabled, e.g., machine readable documents, cross referenced reports, and the opportunity to demystify budget reports with graphics and charts.

It also needs to consider how after the cross-party budget is published members and party groups can submit their own proposed amendments for a vote at the Budget Council.

Please would the CMWG respond to these matters and ideas.

