

# Report to Governance Committee

23 March 2021



## DECISION REQUIRED

### Review into Policy Development and Advisory Groups

#### Executive Summary

The report provides an overview of the consultations which were carried out with Officers and Councillors on Policy Development Advisory Groups (PDAGs.) The report also includes a subsequent range of suggestions for improvement. The Governance Committee are recommended to consider the suggested options in this report and discuss the next steps.

The options aim to improve PDAGs by ensuring they have a clear focus on policy development and hope to encourage a shift which enables an earlier involvement for PDAGs in the policy development process. This aims to increase their influence and the contribution they can have on council policy.

#### Recommendation

The Governance Committee is recommended to consider and discuss the following options as possible ways to improve Policy Development Advisory Groups:

- i) Remove the requirement for Contract Award Cabinet Reports to be taken to Policy Development Advisory Groups
- ii) Remove the requirement for Policy Development Advisory Group views to be included in Cabinet Reports
- iii) Encourage earlier involvement of Policy Development Advisory Groups in the policy development process
- iv) Split Policy Development Advisory Group agendas into policy development items and service update items.

If adopted, the first 3 options would require a change to the Constitution, in paragraph 4b.12 principally, but also in paragraph 4b.14. Please see the suggested changes to the constitution in section 8 of the report.

#### Reasons for Recommendations

- i) Feedback received during the consultation shows that the majority of those surveyed would like to see some form of change to how PDAGs operate.

- ii) The reasoning behind the proposed options is to maximise the value and influence PDAGs have within the council. This could be achieved by involving them earlier in the policy development process, focusing their agendas on issues they can directly influence and clarifying their function as development of policy.

## **Background Papers**

- LGA Peer Challenge 2019
- 19/20 Governance Statement
- Horsham District Council Constitution

**Wards affected:** ALL

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## Background Information

### 1 Introduction and Background

- 1.1 The Council introduced Policy Development Advisory Groups (PDAGs) in their current form as part of the 2016 Governance Review. A number of successful models in comparative local authorities were identified, such as Tunbridge Wells and Seven Oaks, and these were adapted for use at Horsham District Council.
- 1.2 The introduction of PDAGs solved issues associated with the previous Advisory Group model. They enable good councillor involvement, whilst ensuring councillors were informed and allowed recommendations on policy to be made to the relevant cabinet member.
- 1.3 The 2020 Annual Governance review tasked the Governance committee to review PDAGs in their current form following the 2019 LGA Peer Challenge.
- 1.4 The 2019 LGA Peer Challenge outlined the following potential issues with PDAGs:
  - PDAGs *“could undermine the role of Overview & Scrutiny”*
  - *“Added additional work”* for officers
  - *“There is some potential for duplication of work”*
- 1.5 The 19/20 Governance statement highlighted *“potential overlaps and conflicts between Policy Development Advisory Groups and Overview and Scrutiny Committee.”*
- 1.6 Both recommended a review be conducted to investigate these potential issues and consider options for improvement. The results would then be received and considered by the Governance Committee. The review has been subsequently carried out by officers under the guidance of the Director of Corporate Resources.
- 1.7 A questionnaire was made available to all councillors and key officers, with group discussions and individual interviews all taking place throughout November 2020.
- 1.8 These methods invited respondents to share their views on PDAGs, outline whether they would like to see changes to the system and explored the issues outlined above in paragraph 1.4 and 1.5.

### 2 Relevant Council policy

- 2.1 The Corporate Plan 19/23 includes point 5.3: *“The Council continues to provide quality, value for money services that people need throughout the 2020s.”* Exploring ways to potentially improve the Council’s policy development process will support the continuation of quality, value for money services in the Horsham district.

### 3 Outcome of Consultations

- 3.1a The results of this review are based on consultation with Councillors and Officers. All Councillors and Lead Officers were given the opportunity to respond to a questionnaire. In total 39 questionnaires were completed, from 23 Councillors and 16 officers - a full breakdown of respondents can be seen in Figure 1.

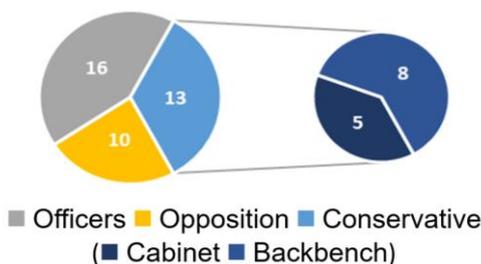


Figure 1 Questionnaire responses

- 3.1.b Alongside the questionnaires, 8 people were interviewed including: officers of SLT, cabinet members, members of overview and scrutiny and backbenchers from the ruling and opposition groups. There were also several group discussions including Managers Forum, Overview and Scrutiny and Governance Committee.

### 3.2 Summary of feedback

- 3.2a The survey responses showed that PDAGs are really valued at the council. They're valued by officers and councillors, for their updating ability and policy development role.

- 3.2b However, the majority of respondents wanted to see changes to the PDAG system. Respondents gave suggestions on how PDAGs could be altered in order to improve them, rather than calling for extensive change to the system.

- 3.2c Key feedback centred on clarifying the purpose of PDAGs and streamlining their focus on policy development. It was also suggested that earlier involvement in the development process would increase the influence and contribution PDAGs can have on developing council policy. There was also specific mention of contract award reports; members are unable to influence this legal process, therefore it was suggested that the requirement of these reports to be discussed by PDAGs could be removed.

- 3.2d A full breakdown of survey responses can be found in appendix 1.

- 3.2e A number of common themes were also discussed during interviews as part of the consultation, these included: the variation between PDAGs due to chairing style and portfolio, the relationship between Overview and Scrutiny and PDAGs, alternative models in comparator local authorities and the written materials produced for PDAGs.

- 3.3f As part of the consultation, preliminary results were taken to the Governance Committee. It was suggested that Overview and Scrutiny should also comment on the options for improvement. A summary of the responses received can be found in appendix 2.

## **4 Details of Proposal**

4.1a A number of options for improvement have been developed, drawing on the feedback received during the review period. This includes the survey responses, interviews, group discussions and written submissions.

4.1b The aim for these options are to achieve:

- A clear focus on policy development
- A route to enable and encourage earlier PDAG involvement and subsequently increase their influence

### **4.2 Removing the requirement for PDAG views to be included on all Cabinet Reports**

4.2a There is often a range of views rather than a consensus reached during PDAGs, therefore this range is difficult to portray in the cabinet report. As advisory groups PDAGs help the Cabinet member develop their thinking, but they do not need to reach a conclusion or consensus.

4.2b Removing this requirement would help avoid confusion that the PDAG is 'a call over' for policy decisions, this role is reserved for Overview and Scrutiny. This would require a change to paragraph 4.b 12.b of the Constitution.

### **4.3 Encourage Earlier PDAG Involvement on Policy Development**

4.3a Matters are often taken to PDAGs too late in the process for any likelihood that change may occur, and, in effect, have begun to take the form of 'policy approval' rather than 'policy development'. Paragraph 4b.12.b of the Constitution may have led to this, and therefore would require a change in order to encourage this shift.

4.3b Taking items to PDAGs earlier in the policy development process may involve additional training and communications to adapt the planning for PDAG agendas.

### **4.4 Removing the requirement for Contract Award Reports to go to PDAGs**

Councillors cannot alter the outcome of a Contract Award Report, as they are unable to influence the legal process. Presenting contract award reports to PDAGs may have contributed to some Councillors thinking they are unable to influence items which are brought to them. If agreed, this would require a change to paragraph 4.b 12 b of the Constitution.

### **4.5 Structure PDAG Agendas to show the distinction between Service Update & Policy Development**

4.5a PDAG agendas could be split into 'policy development' and 'service updates' to allow them to continue their role of influence and information.

4.5b Policy discussions could come first on a PDAG agenda to allow Councillors not as interested in updates and questions to leave.

4.5c This may reduce officer preparation time for PDAGs, as update items can be briefer and policy discussions more detailed.

## **5 Next Steps**

- 5.1 The Governance Committee will receive this report and discuss the options.
- 5.2 If the Governance Committee were minded to adopt any of the options, specifically those requiring changes to the constitution, the recommendation would be made to Full Council for approval.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 Throughout the consultation there were several other options suggested by Councillors and Officers. While they had support from more than one respondent, they were rejected due to other implications or conflicting responses. These options included:

### **6.2 The removal of PDAGs entirely**

This was supported by a very small minority of respondents. It was rejected for two reasons: firstly, the vast majority of respondents supported PDAGs in principle. The majority of those who wanted change indicated they should stay in an improved form. Secondly, PDAGs are relatively new as they were implemented 5 years ago, and therefore it would be premature to make extensive changes to the system.

### **6.3 Formal votes in PDAGs**

PDAGs are not formal committees and do not approve or reject policy. They help inform the Cabinet member on policy matters. Formal votes could confuse the function of a PDAG.

### **6.4 Formal reports being submitted in advance of PDAGs**

This would push PDAGs in the direction of being a formal committee. PDAGs are intended to be informal, and providing prior information where necessary should remain at the Cabinet Member and Officer's discretion.

### **6.5 The ability for backbench members to submit questions and agenda items**

The principal role of a PDAG is to advise the relevant cabinet member on their portfolio and therefore they retain control over the agenda. Backbench members are able to request the Cabinet Member or Lead Officer add items to the agenda, but it should remain at their discretion.

## **7 Resource Consequences**

- 7.1 None of the options presented will lead to an increase in costs, as any additional training can be contained within existing budgets.

## **8 Legal Considerations and Implications**

- 8.1 It is a legal requirement for the Council to comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decision to be taken efficiently and effectively.

8.2 As set out in the proposal, these options would require a change to the Council's Constitution, principally paragraph 4b.12 b but also potentially changes to section 4b. 14. Examples of potential changes are set out below:

### 8.3 **Suggested amendments to 4b. 12 b**

Reports on Key and Cabinet Member non-key decisions ~~will detail the views of the Policy Development Advisory Group that considered the matter and~~ will set out the details and outcome of any consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### 8.4 **Suggested amendments to 4b. 14**

a) The purpose of each Policy Development Advisory Group is to advise the relevant Cabinet Member on those functions (including ~~all~~ forthcoming key and non-key decisions) as described in part 3 of this constitution where warranted.

b) A timetable of six Policy Development Advisory Group meetings per Group per year will be agreed and published at Annual Council.

c) Policy Development Advisory Group meetings will be chaired by the relevant Cabinet Member. In the absence of the relevant Cabinet Member the Policy Development Advisory Group will be chaired by the Leader of the Council, or otherwise in accordance with Article 7.3b.

d) Meetings of the group will be subject to a quorum of three (including the Cabinet Member).

e) The agenda for the Policy Development Advisory Group will be at the discretion of the relevant Cabinet Member and/or Proper Officer. Members of the PDAG may request agenda points however their inclusion remains at the discretion of the relevant Cabinet Member and/or Proper Officer.

~~e) f)~~ f) The Proper Officer will publish an agenda and notes for each meeting of Policy Development Advisory Groups on the Council's website.

~~f) g)~~ g) Visiting Members may attend Policy Development Advisory Groups and may speak at the discretion of the Chairman.

~~g) h)~~ h) A record of the views of Policy Development Advisory Groups will be created, subject to Part 4b 12b of this constitution.

## 9 **Risk Assessment**

9.1. Clear guidelines and expectations will be needed going forward if changes were to be made based on any of the suggested options. Guidelines, training or practical changes would involve further consultation with Officers and Councillors to ensure it was effective and to avoid inconsistency, complication or additional workload.

## 10 **Procurement implications**

10.1 Removing the requirement for Contract Award reports to be taken to PDAGs will involve a change to the procurement process. This will not make any changes to the contracts awarded as PDAGs do not currently influence this. Early stage discussions about contracts can still go to PDAG where appropriate.