

**BRIDGNORTH TOWN COUNCIL
TOWN COUNCIL MEETING
15th February 2022**

LJ/2022

10th February 2020

REPORT TO TOWN COUNCILLORS

AGENDA ITEM 15 – COMMITTEES

AIM

1. To discuss potential future structure for council and committee meetings.

BACKGROUND

2. (Town Council Minute 0282/2122 dated 18th January 2022 refers.) At the Town Council meeting on 18th January 2022 Members were asked to consider giving thought to the structure of Council and Committee Meetings for the civic year 2022/2023. Members agreed that the matter be included on the next Town Council agenda for 15th February 2022 for extensive debate. The Town Clerk asked that members forward him their thoughts on any revisions to the current draft structure ahead of the next meeting to form a basis of discussion.
3. A number of members have provided comment to the Town Clerk and/ or copied the Town Clerk into emails between councillors following the Town Council meeting on 1 Feb 22 . Extracts of those emails are enclosed.
4. The Town Council is required as a minimum to hold an Annual Council Meeting (held in May of each year) and then at least 3 Full Council meetings. Meetings over and above that are essentially at the whim of the Town Council.
5. Meetings, generally, can be held at any time of the day.
6. Standing Order 5 requires the Town Council at its Annual meeting and in respect of Council meetings and Committee meetings the following:
 - v Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi Review of the terms of reference for committees;
 - vii Appointment of members to existing committees;
 - vii Appointment of any new committees in accordance with standing order 4;
 - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

7. The Town Council currently has 3 committees:

- a. Planning – Which has delegated its responsibilities in the main to officers under approved delegated powers. This year it has met once formally to review delegations and, on an ad-hoc basis to either review decisions made under delegate powers and review compliance with those delegated powers and where a planning application has been ‘called-in’ by a member of the planning committee.
- b. Personnel – Which has significant and well documented delegated powers and which in turn has delegated some responsibilities to officers (again well documented). Much of the work undertaken by the committee is technical in nature and subject to significant legal compliance. The Committee have refined the TORS within the current year. Throughout the current year it has met mostly on an ad-hoc basis to respond to demand.
- c. Events & Christmas – Which has relatively comprehensive terms of reference that include some generic delegated functions (some of the delegate responsibilities necessarily have some poetic licence implied).
- d. A summary table of meeting dates for the current civic year is enclosed for reference.

DISCUSSION/ COMMENT

8. A review of meetings and committees (TORs and dates) ahead of the May meeting with the anticipation that they will be confirmed at the Annual Town Meeting in May is likely to be considered helpful in co-ordinating diaries, timetabling activity and informing the public.
9. Chairs of the council and committees are generally permitted to call an extraordinary meeting at their leisure. Other members can also call meetings subject to the requirements of Standing Order 6.
10. In noting the comments received to date from members in the past week it would appear that the topic is centred around the formation of a Finance Committee. I would suggest that when considering new or when considering disbanding committees and setting meeting dates that it is favourable to do that as a whole rather than piecemeal.
11. It is my observation that the delegation of much responsibility to officers by the Planning Committee, while it has decreased the need for regularly monthly planning meetings and requirement to attend evening meetings has led to an increase in the administrative effort required by staff. It is also my view though that the process currently used means that we are generally working up more considered and valid planning considerations that are making real impact on planning decisions.
12. It should be noted that there are a number of working groups in operation that have not been considered here, in part because they have no decision-making powers.
13. I would suggest that providing some context and officers thoughts would be helpful before making any firm recommendations regarding structure; along with knowing what we do

know, what that might be and how it came about (real or perceived). While much of it might be obvious to many or even all I believe it helpful to document the thought processes for clarity of purpose. So, I have asked myself a few questions to prompt discussion and provided my own thoughts and responses:

- a. Why does the Council have meetings?
 - i. Because it is legally required to do so (a minimum of 4 per year).
 - ii. Because it needs to transact business and debate issues of relevance to the Towns Folk.
 - iii. To discuss and agree policy.
 - iv. To provide oversight of delegated responsibilities.

- b. Why are they held in public and in person?
 - i. Legislation requires formal decisions of the Council to be done in such a fashion. The public are entitled to observe; having a public question element is discretionary.

- c. What might dictate the number of meetings and whether having committees is advantageous?
 - i. The scale of the Town Council responsibilities (e.g. the complexity and the number of services that it provides. Small council with little or no services is likely to transact business with very few meetings).
 - ii. The timetables set by either the Council or legislation to undertake activity.
 - iii. Committees might be advantageous to keep meetings focussed around a core topic area or within the confines of related budget headings and allow a small number of councillors with particular interests or skills to make decisions.
 - iv. The amount of resource available to the Council (e.g. staff levels and meeting room availability).

- d. Do all decisions of the Council require a meeting of the Council?
 - i. No, the only routine decisions that cannot be delegated to a Town (or parish) Council are the election of the Mayor and the setting of the precept (there are some others but these are very non-routine). All other decisions of the Council can be delegated to officers or a committee (they cannot be delegated to an individual councillor).

- e. Should the Council delegate decisions to officers or committees?
 - i. Probably yes, provided there are agreed policies, procedures and /or terms of reference in place that provide appropriate accountability and where it does not (in normal circumstances) intend to duplicate the decision-making process by referring the decision back to Town Council.

- ii. The Town Council should review delegations regularly to provide confidence that the Committee or officers are not going beyond their intended or perceived remit. Should this occur, all that might be necessary is tweaking the terms of reference to get things back on track.
- f. How might the Council decide what decisions (or responsibilities) to delegate to Committees or officers?
- i. Where: decisions are relatively procedural or: their impact can be relatively easily reversed: or: an element of judgement is required and of low long-term detrimental consequence or; there are well documented policies and procedures agreed by the (Town Council) in place and/or it helps speed up delivery then delegation is likely to be practicable and efficient e.g:
 1. An agreement to paint a building might not require a debate by the Council where, it is being painted as part of routine maintenance and where there is sufficient budgeted funding agreed by the Town Council. Officers might be considered able to: purchase the paint; decide the colour: where to purchase the paint from, decide how many tins are required; appreciate that painting also requires paint brushes, what staff to allocate; when to do it using best value purchasing practices laid down in Standing Orders and Financial Regulations and an acknowledgement that it will be not be done with lead paint and that the activity will have due regard for health and safety of the workforce and the public.
 2. What days of the week to cut the grass.
 3. When staff might have holiday.
 4. Where to send the tractor for servicing.
 5. What PPE to purchase.
 6. Who should be considered a regular user of a hall and attract a discount rate.
 7. When to put up the hanging baskets.
 8. Who to meet or discuss matters to transact the agreed business of the Town Council.
 - ii. Where the Town Council considers that it has employed staff with relevant skills to undertake the activity on its behalf.

- iii. Conversely, where there is a matter that is new or novel, or where the impact is of huge significance then the decision probably best sits with the Council e.g: agreeing to take on public toilets from the Unitary Authority.
 - 1. An agreement to take on a new activity that will likely have some enduring quality and a commitment of future revenue funding should in the first instance be done so by the Council. Once up and running, the ticking over of the service might fall to officers, subject to a periodic review e.g. taking over public toilets from the unitary authority.
 - 2. A fundamental change to custom and practice.
 - 3. A response to a public consultation from another body such as Shropshire Council or National Government that seeks to provide the townfolks views.
 - iv. It should be noted that Standing Orders and Financial Regulations contain numerous delegations or powers and responsibilities to staff.
- g. What might some of the benefits of having committees be?
- i. Individual members can focus their efforts on matters that they are passionate about and / or have some particular expertise in which in turn can lead to more informed and quicker decisions.
 - ii. Focussed and informed debate (around related issues).
 - iii. Councillors who have less time (e.g.work/ family commitments) than others can manage their involvement in Council activity to remain engaged and able to contribute.
 - iv. Those who have little interest in discussing a particular item (because they acknowledge that their colleagues are well placed or better informed or because all reasonable outcomes are palatable to them) can dedicate time to another area of Council business without being overwhelmed by number and length of meetings they are required to attend.
- h. What might be the likely pitfalls with having committees?
- i. In focussing on one area, they might not fully appreciate the competing demands of other committees' activity or the Council as a whole.
 - ii. Tasking officers to deliver more than one thing at the same time.
 - iii. Delegating to officers tasks that the Council had intended for the Committee to action/drive.
 - iv. Not having sufficient delegated authority to come to speedy (but informed) decisions and therefore having to return a heavily debated issue to Full Council and have the debate again.

- v. A small group of councillors might evolve (intentionally or not) into a very specialist group that does not inform council of progress and items become less understood, and delivery of projects relies solely in the heads of one or 2, and their departure from the Council might lead to uncertainty in the future.
 - vi. Excessive committee work can overwhelm staff and councillors, the work of councillors and staff might focus around having and delivering meetings and leaves less time to actioning outcomes.
 - vii. They can be used by the Town Council to abdicate responsibility for uncomfortable decisions.
- i. Is it better to have committees (and/or significant delegated powers to officers) or not?
- i. There is not a correct answer. The Council will need to appreciate the work it has to undertake, the work it wishes to undertake, and the resources it has available (councillors/staff). There is little point in creating lots of committees if there are not enough councillors willing to sit on the committees.
 - ii. Councillors will need to appreciate and consider what has to be done by Town Council (at a formal public meeting), what is best done by Town Council, what can easily be delegated to committees (because it is more efficient to do so) and what might be delegated to officers (because it is efficient to do so).
- j. Observations regarding comments received from councillors. (The relatively small number of comments received does not provide me with an overwhelming documented view of all aspects of committee structure.) Notwithstanding that:
- i. There appears to be some desire to have a separate finance committee – Could that not be combined with the personnel committee, would the role of the Finance Committee include the current monthly reports to Town Council?
 - j. There are comments about keeping 2 Full Council meetings a month – We do not have 2 council meetings a month albeit on many months we do.
 - k. The Town Council budget is forwarded to at least one Council meeting a month, normally the Full Council meeting held on the 3rd Tuesday of the month (the 2nd one when there are 2).
 - l. A large number of councillors are new councillors and with exposure to a full civic cycle some of the matters that appear complicated on first encounter become better understood having been round the buoy once.
 - m. Our current schedule has 29 meetings in the calendar year, another 12 (one more each month for a finance committee) will need much effort to squeeze in with current resources).

- n. If a new finance committee is to be introduced it would operate best by doing much work under a delegated function and reducing work of the Town Council and not merely reporting to Town Council, where it is likely that the same discussions will arise.
- o. Some of the financial decisions that might appear to be being made hastily might be the Councillors not appreciating their main role in the process. As an example, the purpose of the recent building tender awarding agenda item (1 Feb meeting) was not for the Council to review each tender it was more for councillors to confirm that an approved process was followed e.g. a tender was produced with a specification through open competition, that each tender was opened in the presence of 2 councillors (to ensure integrity/ non-collusion), the tenders were checked against the specification and were deemed to be valid (or not) and the contract was awarded to the lowest bidder that passed all the other tests. The process was governed by Financial Regulations, and we have an internal auditor who reports to you all aspects of the Council twice a year and reports any anomalies.

SUMMARY

- 14. The relationship between Town Council Meetings, Committees and Officer delegated powers is the basic framework in which the Council functions. Understanding how they can dovetail to produce the best results against high standards of governance needs careful consideration.
- 15. The Council will need to agree a draft timetable of Council meetings before the May meeting. Something similar to the timetable enclosed (i.e. something that can be voted on). If it wishes to create or refine committees TORs it will need to do that as a whole to ensure that all required activity is covered by someone or something that has the resource to do so.

Lee Jakeman
Town Clerk

Enclosure:

- 1. Extracts of emails/ correspondence from councillors to the Town Clerk and/or between councillors relating to council and committee meeting structure.

EXTRACTS OF CORRESPONDENCE RECEIVED FROM AND BETWEEN COUNCILLORS REGARDING COMMITTEE STRUCTURES

Councillor N Cooper 6 Feb 2022

Town Council Meetings and Committees

Current practice

In the civic year to May 2022

- The Town Council will have met 17 times.
- The Personnel Committee has met 5 (or possibly 6) times.
- The Events Committee will have met 4 times (but there have also been ad hoc planning meetings for events).
- The Planning Committee met 3 times (including once as an extraordinary Town Council meeting). Much of this committee's work is done via email.

These meetings are formally clerked by the town clerk and most, if not all, have been evening meetings.

Both the Personnel and Planning Committees have significant delegated powers; the Events Committee less so which has led to some duplicated debate at Council meetings.

In addition, there are a variety of working groups. The clue is in the name – they are groups of councillors and sometimes members of the public that work up proposals for decision at Town Council. They are not clerked by the officers and individual councillors take the lead in driving their agendas forward.

What might change

I think that the current Committee structure works reasonably well because the Committees have delegated authority. As we have learnt to work together, we have become more comfortable at letting the Committees get on with their jobs.

I don't think we have got it quite right on financial/strategic planning and routine financial decision making. Our Council agendas are cluttered with routine financial data which we do not really look at in a meaningful way. Procurement decisions (albeit that many of them are straightforward) are sometimes taken in haste because of time constraints at Council meetings.

I would prefer us to

- Reduce the Town Council meetings to once a month.
- Set up a Finance and Asset Management Committee to meet every other month.
- Explore whether further delegated powers could be given to officers on routine financial matters. This will require a review of Financial Regulations.

The Council could then focus its meetings on strategic direction, service delivery, community engagement and advocacy and become more outward focussed.

The Finance and Asset Management Committee would need to have delegated powers. It would need, initially, to do much of its work via task and finish groups. Good example terms of reference, which could be easily adapted to suit the way we work, can be found at Much Wenlock TC and Macclesfield TC.

Councillor I Wellings 6 Feb 2022

Dear Nicky

Your Proposals make a lot of sense to me, and get my support.

It is worrying that some Financial decisions are being somewhat rushed through due to time constraints in meetings, that cannot be the correct way.

Councillor C Aked 8 Feb 2022

Hi everyone

Nicky makes a number of good points in her notes, not least of which is a/ establishing a finance committee and b/ delegating more powers to individual committees.

The only real point of disagreement is reducing the full council meetings to once a month. Even with doing the above I feel we won't have enough time to discuss issues . For the time being at least, I'd prefer to keep it to two meetings and, if the new structure work effectively, move towards a one meeting model in due course.

Councillor I Wellings 8 Feb 2022

Hi All

I agree with Chris and Nicky regarding a Finance Committee.

I agree with Chris regarding maintaining the 2 meetings as currently , IMO once a month is insufficient to cover all topics and keep upto date with developments.

Councillor J Buckley 8 Feb 2022

Hi all,

I am very much in favour of a Finance committee, as proposed by Nicky, with delegated powers, but most of all so it can work through the forward plan month by month and present proposals in plenty of time rather than the current process where it often feels quite late in the day.

I also favour keeping Full Council meetings fortnightly – the last few meetings have had such full agendas we had to defer items and still suspended standing orders to run over time. We could always provisionally start fortnightly and see how it goes – if business reduces down to manageable levels then we can respond later.

I hope that having more finance detail worked through in the committee, will mean more focused debates and swifter decisions in Full Council.

My feeling is that the new Council has built up a lot of trust and the current committees are working really well.

Councillor R Ireland 8 Feb 2022

Dear All

I also agree with more delegation but 2 meetings a month for the foreseeable future as I also think there is a lot to do.

Councillor L Neal 8 Feb 2022

I am also happy with this.

The finance committee is key as we came to budget setting far too late in the day. Ultimately, I would like to see us projecting forward three years rather than just one, this will help us set our strategic agenda and deliver the larger scale impacts we may want to develop over time.