

Council Report

Ward(s) affected: all

Report of Director of Finance

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Executive Advisory Boards – Proposed Review of Structure and Remit

Executive Summary

The remit of each Executive Advisory Board (EAB) is aligned to themes in the Council's Corporate Plan and set out in their Terms of Reference. As reported at the Selection meeting of Council held on 15 May 2018, it was necessary to review the remits of the EABs to reflect the three themes of Place-Making, Community and Innovation, which form the newly adopted Corporate Plan 2018-2023 and differ from those in the previous Corporate Plan. Accordingly, on 24 July 2018, the Council considered a report which suggested changes to the names and remits of the EABs. As a result the Council agreed that the Borough, Economy and Infrastructure EAB be renamed the Place-making and Innovation EAB and the Society, Environment and Council Development EAB be renamed the Community EAB. The Terms of Reference of the EABs were amended to reflect the changes.

The report also advised that officers would be drawing together options, including the merits of a single EAB going forward, for consideration by the Council at this meeting in the light of feedback from the Local Government Association (LGA) corporate peer review in December 2017 and the Council's governance reviews in recent years.

The proposals in this report were considered by the Corporate Governance and Standards Committee at its meeting on 20 September 2018. The Committee was broadly in agreement with the recommendation below.

Recommendation to Council:

That, with immediate effect, the Council agrees:

- (1) to disband the two existing Executive Advisory Boards;
- (2) to establish a single Executive Advisory Board (to be named "Executive Advisory Board"), comprising 15 councillors, with up to seven substitute members per

political group;

- (3) to elect a chairman and vice-chairman of the Executive Advisory Group for the remainder of the 2018-19 municipal year;
- (4) to approve the Terms of Reference of the Executive Advisory Board, as set out in Appendix 1 to this report; and
- (5) to adopt the timetable of meetings of the Executive Advisory Board for the remainder of the 2018-19 municipal year, and the 2019-20 municipal year, as shown in Appendix 2 to this report.

Reason for Recommendation:

To introduce a more efficient and effective EAB configuration.

1. Purpose of Report

- 1.1 The purpose of this report is to invite the Council to consider future options for the configuration of EABs in response to the feedback from the LGA corporate peer challenge review of December 2017 and to follow on from the Council's governance reviews of recent years.

2. Background

- 2.1 Following a review of governance arrangements, on 7 October 2015 the Council agreed a new hybrid approach featuring the addition of two EABs to advise and make recommendations to the Leader and Executive. This system was implemented with effect from 1 January 2016 with the recommendation that the arrangements would be reviewed after a twelve-month period of operation. This twelve-month review took place in the form of a seminar on 1 March 2017 to which all Councillors were invited. Having concluded that the new arrangements were at an early stage and were beginning to embed, the review reinforced the role of the EABs in advising the Executive at an early stage in respect of the formulation and development of policies and projects that would assist with the delivery of Corporate Plan priorities.
- 2.2 From 4 to 6 December 2017, the LGA undertook a corporate peer challenge review of the Council and submitted its final feedback report on 5 February 2018. Although the report contained no specific recommendations relating to organisational governance, there was feedback in this area regarding the Overview and Scrutiny function and the operation of the EABs. The relevant extract from the feedback report concerning the EABs is as follows:

'The recent introduction of Executive Advisory Boards (EABs) is clearly work in progress and perhaps needs more time to settle down into a more effective grouping. The aim of allowing early stage involvement on backbench councillors in the development of decisions aligned to corporate plan themes pre-Executive is laudable. However, we found some confusion among councillors and officers about the role of EABs. It will be important for the Council to review ways to make their work more effective. This is important as the areas covered by the EABs such as innovation and housing are vitally important for the future of the Borough. Given

councillor appetite for smaller task and finish groups, perhaps topic based Advisory Boards may be a way forward.'

- 2.3 A key recommendation of the challenge review was to review the Council's Corporate Plan and identify a deliverable number of priorities. This has now taken place and a revised Corporate Plan 2018-2023 was adopted by the Council on 15 May 2018 when Councillors acknowledged that it would be necessary to review the remits of the EABs to reflect the three fundamental themes of Place-Making, Community and Innovation which underpinned the newly adopted Corporate Plan and differed from those in the previous iteration of the Plan. On 24 July 2018, the Council agreed revised names and remits for the EABs and established the Place-Making and Innovation EAB, in place of the Borough, Economy, and Infrastructure EAB, and the Community EAB, in place of the Society, Environment, and Council Development EAB, following the most logical approach to aligning the remit of the two EABs with the three new fundamental themes in the revised Corporate Plan. The Terms of Reference of the EABs was changed to reflect the amended names and remits.
- 2.4 Further to the peer challenge review feedback that it was important for the Council to review ways to make the work of EABs more effective, consideration has been given to achieving this. This has taken account of issues including difficulties with work programming, confusion around the remit of the EABs which can be blurred and overlapping, cancellation of meetings due to insufficient business and reluctance to discuss some matters at an early stage of development in a public forum.

3. Proposal

- 3.1 Resulting from this review to identify ways to make the work of EABs more effective, options for future EAB configurations have been identified and are set out below for consideration:

Options:

1. To disband the existing EABs and establish one overarching EAB making greater use of existing powers to establish task groups to look at specific issues and projects relating to the delivery of the nine strategic Corporate Plan priorities.
 2. To disband the existing EABs and establish topic based advisory boards to be commissioned directly by the Executive as and when required.
 3. To make no change to the current arrangements.
- 3.2 Option 1 is recommended as it gives the greatest flexibility by offering a formal Board meeting setting, with the capability of establishing informal task groups, which may meet in private, meeting councillor appetite for smaller, discrete, working groups. A single EAB would solve the issues of insufficient business for two EABs and confusion as to which one to report to. This approach would also streamline the work programming system. Reference to key or significant Executive decisions as set out in the Forward Plan, except those that are urgent, would continue to inform work programming. However, it is also suggested that a key element of the EAB work programme should include discussion of selected capital projects between provisional budget approval by

full Council and submission of reports to the Executive with a business case for final approval to transfer schemes to the approved capital programme.

- 3.3 The Director of Finance has amended the bid for funding form to include possible referral of schemes to the EAB before final consideration by the Executive as one of the key milestones to securing scheme approval. This should ensure that backbench councillors have a greater say in respect of major project sign-off.
- 3.4 Should Option 1 be supported, consideration will need to be given to the single EAB's Terms of Reference, membership, and frequency and scheduling of meetings. Suggested Terms of Reference are set out at **Appendix 1**, which state that the EAB should have a membership of 15 non-executive councillors and meet on up to 10 occasions per annum.
- 3.5 Details of the proposed calculation of the numerical allocation of seats to political groups on the EAB will be dealt with in a separate report to full Council on 9 October 2018. The nominations for appointment of members (and substitute members) to the EAB in accordance with the wishes of the relevant political groups, in respect of the remainder of the 2018-19 municipal year, will be shown on a schedule to be submitted to the Council for approval on 9 October 2018. The Council will also be invited to elect a Chairman and Vice-Chairman of the EAB for the remainder of the 2018-19 Municipal Year.
- 3.6 A proposed timetable of meetings for the EAB for the remainder of 2018-19 and the whole of 2019-20 is set out in **Appendix 2** to this report.

4. Corporate Governance and Standards Committee – 20 September 2018

- 4.1 The proposals in this report were considered by the Corporate Governance and Standards Committee at its meeting on 20 September 2018. The Committee was broadly in agreement with the recommendation in this report.

5. Legal implications

- 5.1 There are no significant legal implications arising from this proposal.

6. Financial implications

- 6.1 Reducing the number of EABs from two to one will lead to a corresponding reduction in the number of chairmen resulting in a Tier 4 Special Responsibility Allowance (SRA) saving. This SRA is currently £3,432 per annum.
- 6.2 There are no significant financial implications arising from this report.

7. Human Resource implications

- 7.1 The changes envisaged under these proposals can be accommodated within existing staff resources.

8. Risk Management Implications

- 8.1 There are no significant risk management implications arising from this report.

9. Summary of Options

- 9.1 The Council could decide to leave the current EAB configuration unchanged or opt for an alternative Option. It is recommended, however, that Option 1 be adopted.

10. Conclusion

- 10.1 Pursuing Option 1 to disband the two existing EABs and establish one overarching EAB, making greater use of task groups to assist in the delivery of Corporate Plan priorities will address concerns previously raised as to the efficiency and effectiveness of the operation of the EABs.

11. Background Papers

- LGA Corporate Peer Challenge of Guildford Borough Council dated 5 February 2018
- Guildford Borough Corporate Plan 2018-2023
- Review of Governance Arrangements: 12 Month Review – Council report and minutes of 25 July 2017
- Review of Governance Arrangements – Council report and minutes of 7 October 2015
- Review of Governance Arrangements – Council report and minutes of 28 July 2015

12. Appendices

Appendix 1: Proposed terms of Reference of the single EAB.

Appendix 2: Timetable of EAB meetings for the remainder of the 2018-19 municipal year and the 2019-20 municipal year.

EXECUTIVE ADVISORY BOARD**TERMS OF REFERENCE**

The Executive Advisory Board will consider reports on matters relating to the functions of the Executive. The remit of the Executive Advisory Board shall be aligned to the fundamental themes in the Corporate Plan 2018-2023. These terms of reference will be reviewed and approved at the Council's Selection meeting each year. The Executive Advisory Board will meet in public, be webcast, and be subject to Part C of the Council Procedure Rules, Public Speaking Procedure Rules and Access to Information Procedure Rules in Part 4 of the Constitution.

Membership:

- (a) The Executive Advisory Board shall comprise 15 non-executive councillors, one of whom shall be appointed by the Council as chairman, with normal voting rights.
- (b) The Council shall appoint a vice-chairman for the Executive Advisory Board.
- (c) Political proportionality rules will apply.
- (d) Substitutes will be allowed in respect of the Executive Advisory Board in accordance with the relevant provisions of Council Procedure Rules, and the Council may appoint up to seven substitute members for each political group.

Meetings:

- (a) The Executive Advisory Board shall normally meet up to ten times annually.
- (b) Relevant Executive members will be expected to attend Executive Advisory Board meetings and should normally present matters (with officer support) for discussion at meetings and engage actively in a dialogue with the Executive Advisory Board regarding those matters.
- (c) The quorum of the Executive Advisory Board will be five.

Responsibilities:

The Executive Advisory Board will have the following general responsibilities within its remit:

- (a) To advise the Executive at an early stage, including undertaking research, in respect of the formulation and development of policies and projects that will help to deliver Corporate Plan Priorities.
- (b) To consider and (where necessary) make recommendations to the Executive on the following:
 - (i) selected Key (or other significant) Decisions, and
 - (ii) selected major capital schemes at the point between provisional budget approval by full Council and submission of reports to the Executive with a business case for final approval to transfer schemes to the approved capital programme.
- (c) To assist and advise the Executive in the development of Policy Framework issues.
- (d) To assist and advise the Executive as regards budget preparation.
- (e) To develop and maintain a work programme ensuring that there is efficient use of its time.

Powers:

The Executive Advisory Board will have the power:

- (a) To require the Leader and/or lead councillors and officers to attend before it to answer questions.
- (b) To question and gather evidence from any person (with their consent).
- (c) To co-opt expert individuals on a non-voting basis to assist their work.
- (d) To set up panels, task groups or breakout groups to look at specific issues relating to the delivery of the Corporate Plan (or other significant priorities) in order to inform decision making by the Executive. For the avoidance of doubt, the membership of such panels and groups shall be open to all councillors.

Protocol for the operation of the Executive Advisory Board:

- (1) The Executive Advisory Board is advisory in nature and does not have any substantive decision-making powers delegated to it. The Executive Advisory Board is to act as a source of advice to the Executive.
- (2) The Executive Advisory Board will enable greater involvement and engagement of councillors and the public in significant Executive decisions.
- (3) The Executive Advisory Board will advise the Executive at an early stage about the formulation and development of policies and projects that will help deliver Corporate Plan priorities. The Executive Advisory Board is intended to enable backbench councillors to be more closely involved with issues of greatest importance to the Council.
- (4) The chairman and vice-chairman of the Executive Advisory Board will meet regularly to identify priorities and prepare a draft work programme for consideration and approval by the Executive Advisory Board and, as part of this process, will take into account the forthcoming key or significant Executive decisions set out in the Forward Plan, Corporate Plan priorities and major capital projects. Subject to paragraph (5) below, those matters identified in the agreed work programme will be considered by the Executive Advisory Board in detail.
- (5) When considering an Executive decision, the Executive Advisory Board will aim to do so at a time when it is still open to influence, that is to say, when there is an expectation that a recommendation or suggestion for improvement could realistically lead to change.
- (6) The Executive Advisory Board will determine their final recommendations to the Executive by consensus if at all possible.
- (7) The advice of the Executive Advisory Board to the Executive, including explanation for any recommendations, will be contained within a report considered by the Executive. The justification for not accepting advice from the Executive Advisory Board is to be made clear in the options considered by the Executive.
- (8) Membership of both the Executive Advisory Board and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly; yet, the Executive Advisory Board is advisory and it remains the responsibility of the Executive to formally take and implement the decision.

**TIMETABLE OF MEETINGS OF THE EXECUTIVE ADVISORY BOARD FOR
THE REMAINDER OF THE 2018-19 MUNICIPAL YEAR**

MEETING	PROPOSED DAY AND TIME	2018								2019				
		M A Y	J U N	J U L	A U G	S E P	O C T	N O V	D E C	J A N	F E B	M A R	A P R	M A Y
Executive Advisory Board	Monday 7:00 p.m.						15	19		14	18	18	15	

**TIMETABLE OF MEETINGS OF THE EXECUTIVE ADVISORY BOARD FOR
THE 2019-20 MUNICIPAL YEAR**

MEETING	PROPOSED DAY AND TIME	2019								2020				
		M A Y	J U N	J U L	A U G	S E P	O C T	N O V	D E C	J A N	F E B	M A R	A P R	M A Y
Executive Advisory Board	Monday 7:00 p.m.	20	17	8		9	21	18		13	17	16	20	