

CONSTITUTION WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 6.00pm on 2 OCTOBER 2014

Present: Councillor J Menell (Chairman)
Councillors J Davey, I Evans, J Menell, D Morson and L Wells.

Also present: Councillor E Godwin.

Officers present: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive - Legal) and M Cox (Democratic Services Officer).

CWG9 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors A Ketteridge, J Rich, D Watson and S Howell.

CWG10 MINUTES

The Minutes of the meeting held on 16 September 2014 were approved and signed by the Chairman as a correct record, subject to recording that Councillor Evan's had sent apologies for this meeting.

CWG11 OVERVIEW AND SCRUTINY CAN UNDER AN EXECUTIVE SYSTEM OF GOVERNANCE

Councillor Godwin, Chairman of the Scrutiny Committee had been invited to the meeting to discuss how overview and scrutiny could work more effectively under the cabinet system.

The Chief Executive set out the background to this meeting. The working group had previously considered the operation of the cabinet system and the extent that it worked within UDC. It was recognised that it was for the new Administration to decide its governance system but for now the cabinet system would continue and the working group would report to Full Council on ways in which the opposition and backbench members could be more involved, particularly through overview and scrutiny.

Councillor Godwin gave her views on the council's current arrangements for scrutiny. She felt that the scrutiny function was hampered by the Administration's large majority. It was often difficult for majority group members on the scrutiny committee to be objective and they tended to defend rather than challenge the party line. This was why the Scrutiny Committee had tended to move away from internal matters to focus more on non – political external issues, around the provision of services which were important to the residents of Uttlesford.

She said that items were very rarely called in, as there was a perception that it was pointless to do so. Also, the reports from the scrutiny sub-groups were

not taken seriously or acted upon. The approach she would like to see was for Scrutiny Committee members to sit down with cabinet members some time before the Cabinet meeting and discuss the issues and decisions coming forward.

Councillor Wells said she had been a member of a scrutiny committee under the previous committee system. This had discussed a lot of issues but had been largely ineffective. She asked about the current system and how the committee decided what to include on the agenda. Councillor Godwin said items came forward, triggered by events or perception of need and were proposed by the Chairman and Vice Chairman in consultation with the officers. Councillor Wells questioned whether the committee had any influence in relation these subject areas. She said it was clear that scrutiny should have more of a role under the cabinet system and suggested that the Scrutiny Committee should be looking at major council decisions coming forward.

Councillor Morson said the Scrutiny Committee had looked at internal issues, but these discussions should not be in isolation but fed into future discussion at the Cabinet meeting. He questioned the current approach to managing the committee's meetings. At the beginning of the year the committee set its work schedule and he felt it was too anxious to book up reviews/presentations in advance, which allowed no room to include additional items that might arise during the year.

Although the committee still had a role in questioning outside organisations, he felt the focus should be more on the council's internal policies and decisions and understanding why these matters had come forward. He suggested that the Scrutiny Committee should have access to the Cabinet reports at least two weeks before the meeting and have the opportunity to question cabinet members.

He then mentioned the rules for call – in and said it was difficult for these arrangements not to be political. The two call-ins that had occurred had both been by opposition members. He would like to see all back bench members of the council having an opportunity to call in a cabinet decision.

The Assistant Chief Executive – Legal explained that the legislation had been drawn to ensure that call-in was not abused and disrupted the business of the council. Uttlesford was quite lenient with its drafting as many other authorities had a limit on the number of call-ins permitted. Thought might need to be given to imposing a restriction if call-in was extended to all members of the council.

Councillor Evans said she found the Cabinet meetings very formulaic and business appeared to be done and dusted beforehand. The authority gave lip service to pre scrutiny but this was not effective. For example the budget papers were given to the scrutiny committee a week before the Cabinet meeting. The information provided was extensive and detailed but the committee had no part in the preparation or any understanding of how the decisions had been arrived at.

She said the committee had received some really good scrutiny training but Uttlesford did not work to that model. It had no power to influence anything but instead was a passive group looking at a fait accompli. It should be acting as a critical friend to the Cabinet, taking a step back, asking for evidence behind a decision and questioning whether it was right.

In relation to the scrutiny task groups, she said that both members and officers had put in a tremendous amount of work on the car parking and day centre reports. It was disappointing that these reports had not been taken forward by Cabinet. She thought there should be a process to monitor the effectiveness and usefulness of the reports. The Chief Executive pointed out that under the current scrutiny rules members did have the authority to summon the relevant portfolio holder to explain the action being taken.

The Chief Executive said the council had come only recently to the cabinet system and whilst it had the systems and processes in place it had never really grasped the concept of scrutiny. There needed to be a culture change in forward planning, preparing items at an earlier stage and more appropriate timetabling of meetings.

The next stage was to prepare a report for full council recommending a way forward based on the discussion and the suggestions made at the last three meetings of the working group.

Councillor Howell the Chairman of the Performance and Audit Committee had unfortunately been unable to attend the meeting but the Chief Executive would ask for his views and feed this into the report.

It was AGREED that the draft report be circulated to Members of the working group for comment and a further meeting be arranged if necessary.

CWG11 NEW STRUCTURE OF THE COUNCIL FROM MAY 2015

The working group agreed that a meeting should be arranged for December 2015 to receive the following information as agreed at the last meeting

- 1) The council's committee structure, setting out the current committees and working groups for members to review.
- 2) A propose new structure based on 39 seats to include
 - Suggested committees and working groups
 - The number of members on each committee on the basis that there was at least one seat for each member.
 - A timetable for the frequency of meetings.

The meeting ended 7.00 pm