

**Committee:** Council

**Agenda Item**

**Date:** 21 October 2014

**9.1**

**Title:** Constitution Working Group review of the effectiveness of the Cabinet system including the operation of overview and scrutiny arrangements

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Item for discussion

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### Summary

1. Cabinet governance was introduced to Uttlesford as recently as May 2011. Prior to then the Council had operated under a committee system, which changed over the years. The Constitution Working Group has met on a number of occasions since July to look at the working of the Cabinet.

### Recommendations

2. That Members consider the report and the minutes of the Constitution Working Group.

### Financial Implications

None

### Background Papers

None, but see agendas and minutes of Constitution Working Group

### Impact

3.

Communication/Consultation	None at present
Community Safety	None
Equalities	Not at present, but an EqIA will be needed
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	All
Workforce/Workplace	None

## Situation

4. The Constitution Working Group (CWG) had a long debate about the pros and cons of cabinet working, having looked at all the models of local government. The debate was informed by an analysis of the type and number of meetings before and after the adoption of the cabinet system, and by the scrutiny review survey sent to all members in 2012: 28 replies were received.
5. Some of those who replied felt disconnected from the decision making process and the matter of member engagement in the decision making process became the focus of the debate at CWG. CWG concluded that it did not feel it would be appropriate to recommend a change to governance; this would doubtless be a consideration for the new Council following the election in May 2015.
6. The cabinet model, however, explicitly requires robust scrutiny and review; this is where non-executive Members can call the cabinet to account. Therefore the CWG invited the views of the Leader and the Chairs of Scrutiny and Performance and Audit Committee for their views. The accompanying minute sets out the discussion which took place.
7. The organisation and structure of the political groups will to a large extent determine members' involvement in decision making. It is the conclusion of the working group that better scrutiny is a key to enhanced member engagement with the cabinet system. This does not mean that the Scrutiny Committee is not working properly and there will always be some members who do not wish to engage, indeed there are 5 members who have chosen not be on any committee. However, it is felt that wider opportunity to scrutinise Council policy well before a decision is made would be valuable, by bringing reports forward at a much earlier stage. This would require considerable cultural shift across the organisation from officers to members at all levels, as follows
  - a) Officers will need to draft reports at a much earlier stage, accepting there will inevitably be some urgent items which prevent this.
  - b) Cabinet will need to adopt and adhere to a work programme 4-6 months in advance to allow time for pre-scrutiny.
  - c) The scrutiny function will need to be accepted and welcomed by all as a means of improving policy rather than a means of thwarting the ambitions of the Administration.
  - d) There will need to be a code of practice to cover the matters for pre-scrutiny.
  - e) The procedure for call in needs to be reviewed. Concern has been expressed that only members of the Scrutiny Committee can exercise call-in. It was felt that all non-executive Members should, in appropriate circumstances, be able to call in a matter which concerned a material number of them. Any widening of the

opportunity for other Members to exercise call in could, for example, be tempered with an annual limit on the number of times call-in powers could be exercised

8. Another suggestion designed to increase inclusion, employed, it is understood, by Braintree Council, might be to permit councillors who are not members of the Scrutiny or Performance & Audit Committees to be allocated to the committee's task and finish groups.
9. Points a and b are already being worked on. Points c, d and e will require more consideration. This need not be determined now but could perhaps be the subject of a Member workshop and subsequently an agenda item for a future Full Council meeting.

### **Risk Analysis**

10. None at this stage