

CONSTITUTION WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 6.00pm on 16 SEPTEMBER 2014

Present: Councillors J Davey, J Menell and D Watson.

Also present: Councillor H Rolfe

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

CWG5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors A Ketteridge, D Morson, J Rich and L Wells.

CWG6 MINUTES

The Minutes of the meeting held on 1 July 2014 were approved and signed by the Chairman as a correct record.

CWG7 CONSIDERATION OF THE EFFECTIVENESS OF THE CABINET SYSTEM

Councillor Rolfe, the Leader of the Council, had been invited to the meeting to discuss the effectiveness of the Cabinet system especially in relation to the operation of the overview and scrutiny function. Having given thought to this question, Councillor Rolfe believed the key issues to be efficiency, involvement and participation.

In relation to efficiency, he thought it was unequivocal that the Cabinet system was the most efficient model in terms of clear and fast decision making. However, as there was considerable pre-discussion before the meeting, this had the effect of nullifying the event itself and he appreciated that it was always not a good public spectacle.

There appeared to be a difference in the extent of involvement in the decision making process between the Administration and the opposition groups. He explained that every item that went to Cabinet was first discussed by his group but he was aware that the opposition groups were less involved.

To assist with this he suggested changing the cabinet members' presentations to Full Council. The cabinet members would report on their activities but also give an indication of upcoming decisions. Members of the council would have the opportunity to put questions to the cabinet members on any matters within their portfolio.

Looking at participation there were 7 cabinet members plus 6 deputies (currently 1 vacancy) and he had recently appointed member leads for areas

where they had a particular interest. There were opportunities for members to be involved in other committees and working groups, but he was also aware that some members had other commitments and were content to focus on ward councillor duties. Going forward he aimed to develop member involvement.

Members discussed the working of the Cabinet system and raised the following issues

Councillor Watson asked how the current Cabinet positions had been arrived at, questioned the loose definitions and also felt that chairs of regulatory committees should not be a member of the cabinet. There was a perception of a 'them and us' situation and that decisions made at Cabinet appeared to be a *fait accompli*. He was concerned at the disengagement of other members of the council over decisions on important matters. He also felt there were too many cabinet members on the cabinet working groups.

Councillor Davey questioned the emphasis on talking to the Administration group when the executive should be engaging with the wider council particularly as many issues were non-political. He felt that Councillor Rolfe's suggestion regarding questions to cabinet members could prolong the council meetings.

Councillor Rolfe agreed that there could be some reshaping of the portfolio holder areas and after the election a slimmed down Cabinet might be more appropriate. He said he wished to improve dialogue with the rest of the council but still felt that the cabinet system was the best decision making model.

The Chief Executive said that the group had agreed to look at how to address members' concerns at lack of involvement and to consider measures to enable a more engaging process up to the next election. However, it would be up to the new council to decide the future direction.

The working group then discussed the Council's overview and scrutiny arrangements.

Members raised the following points

Councillor Rolfe said he saw the scrutiny role as monitoring and challenging the council's decision making. Some good and worthwhile pieces of work had been undertaken, in particular the review of car parking and day centres. However, he questioned the review of health care providers and other services over which the council had no control and pointed to the difference between receiving a report and actually scrutinising a service. He thought the Scrutiny Committee should concentrate on the council's own services and policies.

Councillor Watson spoke of his frustration with the council's performance indicators, which were often time based and had little qualitative assessment

which was a more realistic measure. He was concerned that neither the Scrutiny nor the Performance and Audit committees seemed prepared to address this matter.

The Chief Executive said that a good cabinet system required good scrutiny. To assess the effectiveness of the current system, members should consider how far scrutiny had influenced the decision making of the council. One suggestion for improvement could be more timely pre- scrutiny although this would involve a culture change in terms of forward planning. These issues could be addressed at the next meeting when the Chairs of the two overview and scrutiny committees would be attending the meeting.

CWG8

NEW STRUCTURE OF THE COUNCIL FROM MAY 2015

The working group was asked to consider a process to consider and recommend a new structure of the council after the district elections in May 2015. The number of members on the new council would be reduced from 44 to 39 and a system would need to be devised to accommodate this change.

Under the constitution the new council would decide the size and terms of reference for those committees it wished to establish. However, it would be helpful to have a proposed draft proposal on the table for the new council to consider.

Councillor Watson asked if this work was premature as the new council might decide to opt for a committee system. He was advised that this would be a decision for the new council, but if it did opt for this, there was a statutory process to be undertaken and the new system could not be introduced until the following council year.

In order to progress this matter, it was AGREED to bring to a future 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.
- 3) Members would also need to agree a timetable for presenting a draft proposal to council.

The meeting ended 7.00 pm