



Uttlesford District Council

Chief Executive: Dawn French

Governance Review Working Group Remote Meeting

Date: Wednesday, 16th September, 2020

Time: 6.30 pm

Venue: Zoom - <https://zoom.us/>

Chairman: Councillor A Coote

Members: Councillors C Criscione, J Evans, R Freeman, N Gregory, V Isham, A Khan, P Lees and G Sell

AGENDA PART 1

1 Apologies for absence and declarations of interest

To receive any apologies and declarations of interest.

2 Minutes of the previous meeting

3 - 6

To consider the minutes of the previous meeting.

3 Governance Review: Summary Report and Position Statement 7 - 26

To consider the summary report and position statement in relation to the Governance review.

For information about this meeting please contact Democratic Services

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GOVERNANCE REVIEW WORKING GROUP held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on TUESDAY, 11 FEBRUARY 2020 at 6.30 pm

Present: Councillor A Coote (Chair)
Councillors C Criscione, C Criscione, J Evans, R Freeman, A Khan and P Lees

Officers in attendance: D French (Chief Executive); L Bell (Solicitor), B Ferguson (Principal Democratic Services Officer), D French (Chief Executive) and S Pugh (Assistant Director - Governance and Legal)S Pugh (Assistant Director – Governance and Legal Services).

Also Present: Councillors P Fairhurst and B Light.

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Councillor Lees took the Chair in the absence of Councillor Coote at the beginning of the meeting.

2 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 16 January were approved as a correct record.

3 **SHADOW COMMITTEE - SCOPE**

The Chief Executive summarised the scoping report in front of Members. She said the paper version tabled at the meeting included some additional points, highlighted by tracked changes, which had not been incorporated in the published version.

At its previous meeting, the Working Group had proposed establishing a shadow committee trial to provide an evidence base in pursuit of the overall goal of finding the best possible governance model for Uttlesford District Council. Decisions of the shadow committee would not be binding, nor would they be made public, as the purpose of the trial was to replicate the Executive decision making process via a cross party committee and to compare the outcomes of the decisions made. A number of practicalities had to be considered, such as whether the shadow committee would focus on one, perhaps contentious, issue, or whether it would be better to select a range of different decision making topics.

In response to a Member question, the Chief Executive said she had proposed expanding the scope of the shadow committee to all areas of the Council, rather than focusing on one contentious issue, as that would give Members an idea of what committees would be required if they were minded to change the current

governance model. As there was only one Cabinet meeting left in the current municipal cycle, she also felt it would be appropriate for the shadow committee to look back at historic issues that had made their way through the executive decision making process to ascertain whether a different decision would be reached if the Council were operating under a Committee System.

The membership of the committee would also need consideration, with particular regard paid to the concept of political proportionality or whether the committee would comprise of the same membership as the GRWG.

Evidence would be gathered by interviewing Members of both Cabinet and the shadow committee to formalise their feedback. Notes of the shadow committee meetings would be compared with the equivalent minutes of Cabinet to explore how decisions were reached. Councillors and officers would be called upon as witnesses following the exercise to provide further evidence of their experience under the shadow committee.

Members discussed how to evaluate the success or failure of such a project and there was agreement that it would be very difficult to draw concrete conclusions due to the many variables that would be at play. It was not a controlled scientific experiment. A measurement of success needed to be defined.

The Chief Executive said the request for the scoping report had come from the Chair at the previous meeting, but it was not necessarily structure that changed working practices, but culture.

Councillor Fairhurst said it was a beguiling idea but he was not sure the experiment was valid and whether any conclusions could be drawn from the exercise. He said it could provide a distraction to the truth.

The Chief Executive said this was not a scientific trial but instead it was about demonstrating the different processes and methodology at work under the alternative systems.

Councillor Lees said those involved in the shadow committee project would act in good faith and would try to make decisions well. She said the GRWG, which was not politically proportionate, had worked together collegially but the effectiveness of a decision making body could hinge on the group's political dynamic.

Councillor Evans said he wanted to see more scrutiny early in the decision making process. He asked for more time and early warning of issues moving through the Cabinet system to allow greater input.

Members discussed problems with the proposal, including the difficulty of comparing the decision making process when there would be different personnel sitting on the Cabinet/shadow committee. Variables such as these would undermine the veracity of the experiment.

Councillor Coote entered the meeting.

Councillor Light thanked the Chair for inviting her to the meeting. She said there needed to be more focus on what was being achieved by carrying out the trial. In addition, she said the experiment would be flawed if the shadow committee did not receive the same level of information as a Cabinet Member.

The Chair told the Group that they were only discussing proposals at this stage but the end goal was to accumulate information on both governance systems; any decision to change the model would be evidence based.

Councillor Khan said the purpose of the shadow committee still needed to be refined and articulated.

Councillor Coote said decisions of Cabinet and the shadow committee would be compared to see whether the outcomes of these respective decision making processes would be different under the alternative system. He said if the decisions remained the same, there would be little argument to push for a Committee System, but the main thing was that any decision taken in terms of changing the governance structure was evidence based. He said regardless of what system was implemented it needed to be more democratic, more accessible and lead to better decision making.

Councillor Khan said he was happy to proceed with the shadow committee pilot but the methodology had to be agreed.

Councillor Khan left the meeting.

Members discussed the consequences of implementing a Committee system and whether it would increase an already significant workload placed on councillors. There was agreement that the prospective system would need to be designed before any comments could be made with any certainty regarding workload.

Members discussed the service areas that the shadow committee should focus upon. As there was only one Cabinet meeting remaining in this municipal year, there were a limited number of executive items to shadow.

The Chair said three shadow committees should be setup along politically proportionate lines.

The Chief Executive said this could be problematic as councillors who did not sit on the GRWG would not be as informed of the matters at hand. She added that the Committee system should be designed before moving to a trial.

The Assistant Director – Governance and Legal Services said resources would be an issue if three additional committees were to be established and serviced.

The Chair said this was part of the Residents for Uttlesford mandate and he would not accept a lack of resources as a reason not to proceed. Councillor Evans proposed establishing two shadow committees for the Committee system trial.

Councillor Freeman said he agreed with establishing two committees; if further evidence was required, a third could be established at a future point in time.

Members agreed to establish two shadow committees to be appointed along politically proportionate lines, as far as possible. Items from Cabinet, past and present, Sports & Leisure and Finance would be taken for the shadow committees consideration.

The Chief Executive said an updated Corporate Plan would be considered at Council on 25 February. If approved, its implementation could be analysed by the shadow committees.

The Chair said the shadow committees would look at the bigger picture and would deliberate on issues such as the Corporate Plan and the Budget. It would not solely be focusing on items for decision but on policy formation and implementation as a whole.

Members agreed to proceed to an email consultation to confirm which issues would be looked at by the shadow committees. A decision would then be taken at the next meeting.

4 **TIMETABLE**

The Chair said the GRWG was no longer looking at proposing changes to the current governance model at Annual Council in May 2020. Instead, evidence would be gathered by way of shadow committees and a report produced evaluating the trial and making recommendations in readiness for the Annual Council in May 2021.

The meeting ended at 8.20pm.

Committee: Governance Review Working Group

Date:

Title: Governance Review: Position Statement

Wednesday, 16
September 2020

Report Author: Ben Ferguson, Democratic Services Manager,
bferguson@uttlesford.gov.uk

Summary

1. At the meeting held on 30 July 2019, full Council agreed to establish a Governance Review Working Group to carry out a review of the Council's governance framework. The findings and recommendations of the review were to be considered by Council at a later date.
2. Governance, in this context, refers to how the Council makes decisions. The decision-making framework is set out in legislation and the Council's constitution and the Council must make sure that its decision-making framework is legally compliant.
3. The Working Group met four times between September 2019 and February 2020. A summary of the Group's progress can be found in the background section of this report. The minutes of these meetings have been appended for information.
4. Due to the continued impact of Covid-19 on the Council's resources, it has been proposed by the Chair of the working group that that the GRWG pause their review until the spring of 2021. The intention is to provide full Council with a position statement at the next meeting, subject to Members' comments on this report.

Recommendation

5. The GRWG is recommended to comment on the position statement attached, which will form the basis of the update to full Council, and to recommend that the work of the GRWG is paused until Spring 2021.

Financial Implications

6. None in relation to this report.

Background Papers

None.

Impact

7.

Communication/Consultation	None, at this stage.
Community Safety	None.
Equalities	None.

Health and Safety	None.
Human Rights/Legal Implications	None, other than that any new arrangements will need to be legally compliant.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	Any new arrangements will need to have clear delegation arrangements to ensure effective roles and responsibilities; it will need to be adopted with sufficient time to enable training for officers.

Background

8. At the inaugural meeting of the Governance Review Working Group, the following Terms of Reference were agreed:

To find the best governance model, modified as necessary, for this Council by:

- Establishing what principles UDC consider relevant to its decision making
- Examining the current model, and how this might be modified to incorporate the identified principles
- Considering alternative models of governance, and how any of these, if adopted, may operate

9. To find the best governance model, the Group agreed:

- To evaluate current governance arrangements against identified principles
- To consider modifying the current model so that said principles are satisfactorily incorporated into its decision making process
- To evaluate alternative models of governance

Review in summary

10. At the outset of the Review the GRWG members attended a workshop facilitated by the Local Government Association. Discussion focused on design principles and the alternative systems of governance available to Local Authorities.
11. The GRWG were informed that there are three main types of governance arrangements as set out in legislation:
- Cabinet and Leader system

- Mayoral system
- Committee system

12. There are advantages and disadvantages with all three models, as well as a high degree of flexibility in terms of how each model can operate in practice. The Working Group tasked itself with evaluating the current Cabinet and Leader system in operation, examining the alternative models of governance as set out in legislation, and to consider the suitability of said systems for implementation at Uttlesford District Council. The GRWG's scoping report has been attached for information.
13. At the meeting held on 4 November 2019, the GRWG heard from Lorraine Browne, Monitoring Officer at Chelmsford City Council (CCC), who had experienced a change in governance systems at CCC and Basildon District Council (BDC). In summary, Ms Browne said there were pros and cons to both Cabinet and Committee systems, and clarity was required in regard to what the review was trying to achieve before pushing ahead with systemic change. The working culture of an organisation was just as vital to sound governance as any formal structural arrangement.
14. During the evaluation of the Cabinet and Leader model, Members identified the following areas for improvement. Furthermore, these 'principles' were raised consistently throughout the review and there was agreement that they needed to be enshrined in the Council's governance arrangements, regardless of the model in operation:
- Inclusivity and greater member involvement – to ensure that the talents of councillors are effectively utilised and to respect the mandate of all elected members.
 - Working culture and behaviours – to institutionalise cross-party and collegiate working practices.
 - Checks and balances – to ensure sound decision making and that any system implemented would stand the test of time.
 - Public engagement – to ensure the Council was in touch with its residents and listening to their concerns.
 - Good governance and enhanced scrutiny – open, accountable and transparent decision making.
15. At its meeting on the 16 January 2020, the Chief Executive gave a presentation to Members on the progress made so far in respect of ensuring the desired principles were put into practice under the current model.

Members Involvement and Inclusivity

- Increased the size of Cabinet (now 10 Members)
- Introduced Cabinet Deputies and Topic Leads

- 5 Committees of Council (two chaired by non-administration members)
- Increased the number of Working Groups

Enhanced Scrutiny Function

- The Scrutiny Committee have established 3 Task and Finish Groups and defined a further role in respect of the local plan
- More questions asked of Cabinet and Chairs at Council
- Introduced deputy cabinet members (although currently there is one) and topic leads

Accountability and Transparency

- Local Government Transparency Code 2015 and a Transparency Page are available on the Council's website
- The Council publishes reports on a wide range data, including:
 - budget and performance information
 - audit progress and results, including H&S and RIPA
 - complaints and LGO report (soon to also include ICO/EIR/FOI)
 - officers' pay and remuneration, including gender pay gap
- Audio-broadcast of all Council, Cabinet and Committee meetings
- Public speaking at all Council, Cabinet and Committee meetings

Public Engagement

- Expanded public speaking at Planning Committee
- Improved representation at Planning Committee by Town and parish Councils
- Commitment to a public engagement programme

Culture and Behaviours

- The importance of working culture and behaviour in a political environment can not be underestimated; one could have an inclusive Cabinet system, or an exclusive Committee system, and much would be dependent on corporate/political behaviour (e.g. collegiate vs adversary)
- Members have positively engaged in training

- Cabinet had an ‘awayday’ with senior officers and more are planned
 - Some Members have attended conferences and some have engaged with the LGA’s mentoring ‘offer’
16. At the final meeting of the GRWG, before the commencement of the national lockdown due to Covid-19, Members discussed a pilot scheme in which a ‘shadow committee’ system would be established to mirror the decision making process of Cabinet. The decisions of each respective system would be used in evidence to determine which system enshrined the values encapsulated above.
17. However, whilst the GRWG is committed to evaluating the alternative models available to the Council, there was agreement that culture and behaviour were important elements of good governance. Measures should be introduced, where possible, to enhance the aforementioned principles that do not require full-scale systemic change.
18. The unprecedented impact of Covid-19 has brought a halt to the pilot scheme and the work of the GRWG as a whole. It also should be noted that the snap General Election held in December 2019, which had a significant impact on the resources available to the Group, hindered progress of the review in the winter of 2019.
19. The Chair, in agreement with officers, has suggested that the work of the GRWG be postponed until the Spring of 2021. This will significantly impact the timetable for implementation if Members are minded to change the overall governance model, as such a decision can only be made at Annual Council.

20. Position Statement:

The GRWG has been reviewing the governance arrangements at UDC since September 2019. The Group are committed to being evidence led and therefore time and resources are required to complete the review to the desired standard.

During the review, the Group have focused on:

- The three governance models available to Local Authorities. These are the Cabinet and Leader system, Mayoral system and the Committee system.
- Evaluating the current working practices at UDC under the existing arrangements
- Identifying areas for improvement

The GRWG has identified that the following principles are vital, regardless of the governance model in operation, and that measures should be implemented to institutionalise the following as quickly as possible:

- Member Involvement

- Enhanced Scrutiny function
- Accountability and Transparency
- Public Engagement
- Culture and Behaviour – collegiate and institutionalised cross-party working

Due to the unprecedented impact of Covid-19 on the Council's services, and to allow the GRWG sufficient time and resources to carry out its review, it is proposed to pause the work of the GRWG until the spring of 2021. A final report of the Group's findings and recommendations will then be considered by full Council in the spring of 2022, in readiness for the Annual Council meeting in May.

Risk Analysis

21.

Risk	Likelihood	Impact	Mitigating actions
That the project is inadequately resourced and does not achieve the intended outcome and/or is delayed	4	4	Project planning includes identification of an adequate timescale and provision of the resources needed
That governance changes proposed or adopted are not lawful	3	3	Adequate time allowed, proper advice obtained and adequate resource provided.
That governance changes do not meet the objectives set by members and either do not improve how the Council works or make things worse.	3	3	Proper project planning and evidence gathering. Active involvement by members of the working group and engagement throughout the process by all councillors.

- 1 = Little or no risk or impact
 2 = Some risk or impact – action may be necessary.
 3 = Significant risk or impact – action required
 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

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GOVERNANCE REVIEW WORKING GROUP held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on MONDAY, 23 SEPTEMBER 2019 at 6.30 pm

Present: Councillor A Coote
Councillors C Criscione, J Evans, R Freeman, N Gregory,
A Khan and P Lees

Officers in attendance: L Bell (Solicitor), B Ferguson (Principal Democratic Services Officer) and S Pugh (Assistant Director - Governance and Legal)

1 ELECTION OF VICE-CHAIR

Councillor Lees was elected as Vice-Chair of the Governance Review Working Group.

2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Sell.

3 LOCAL GOVERNMENT LEGAL FRAMEWORK - BACKGROUND AND OVERVIEW

Members received an overview of the legal framework in which the Council made decisions. The Solicitor's briefing highlighted the following:

- The Local Government Act 1972 established the legal framework in which the Council currently operates.
- The Council is a "Creature of Statute" and therefore must operate within its legal remit.
- The Council is a "Body Corporate" in which individual councillors are recognised as a collection of people acting together as a separate legal entity to themselves.
- 'Governance,' in this context, is to be defined as "how the Body Corporate makes decisions" – it is the machinery by which decisions are made by the Council. Regardless of the machinery used, the Council is still bound by its legal remit.
- The governance systems available to local authorities are stated in statute. These provisions are the Committee System, Executive System and Prescribed Arrangements. Modifications can be made to both the Executive and Committee systems. Prescribed arrangements have yet to be implemented by any local authority.
- Professional opinion was that there were pros and cons to both systems, and either system could be modified to resemble the other.
- The ultra vires doctrine – "If a local authority that is created by statute carries out an activity which is not authorised by statute (whether directly or by implication), its actions are said to be [ultra vires](#)"

- There are two strands to the doctrine of ultra vires:
- Whether a local authority has **capacity** to do what it wants to do.
- The manner in which a local authority exercises its **power or duty**.
- Determining "capacity" is a matter of interpreting the wording and scope of the relevant statutory provision and understanding the distinction between "powers" and "duties".
- A power is usually expressed in permissive language. A duty involves mandatory language and relates to the primary functions of a local authority.
- **Challenge** - The actions of local authorities are susceptible to control by the courts. A court may intervene where a local authority has made an error of law in taking a decision.
 - The three main heads of challenge to a decision were set out by Lord Diplock in Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374:
 - Illegality (ultra vires).
 - Irrationality (Wednesbury unreasonableness).
 - Procedural impropriety (breach of natural justice).

4 **NOTE OF THE WORKSHOP HELD ON 4 SEPTEMBER 2019**

The note of the workshop held on 4 September was received by the working group.

5 **TIMETABLE OF MEETINGS**

Members discussed the future programme of meetings, with particular attention paid to the indicative timetable that had been included with the Council report considered on 30 July 2019. The indicative timetable set out the various milestones and deadlines that needed to be met prior to Annual Council in May 2020, which would be the earliest opportunity to adopt an alternative governance system.

The Solicitor advised members that the timeframe in which they were working was extremely tight, and that if a thorough Governance Review was to take place, including consultation with the public, May 2021 would be a more realistic deadline. She said it was possible that modifications to the existing Cabinet system could be implemented by May 2020.

Councillor Gregory said the direction of travel needed to be clear by May 2020. He said the working group should aspire to implementation by May 2020.

Councillor Khan said incremental change could be achieved by 2020, but if the working group deemed implementation of a Committee System the best way forward, the full change could be implemented in May 2021. Evaluation and review would occur up to May 2020, with May 2021 acting as a fall back date for implementation.

The Chair said a trial period could be adopted in which the Council used both an Executive and Committee system in tandem. This would allow the group to monitor the workings of both systems to show whether value was added to the decision making process. Following evaluation, the best elements of each system could be adopted to create the most suitable governance arrangements.

Members agreed to press ahead with the review, with an aspiration to have implemented changes to the current system by May 2020. At the very least, the evaluation of possible governance arrangements open to the Council was to be completed by May 2020, and a clear way forward mapped out. The Principal Democratic Services Officer was asked to schedule a timetable of meetings for the remainder of the municipal year.

6

GOVERNANCE REVIEW WORKING GROUP: SCOPING REPORT

Members discussed the scope of the review and the principles which needed to be enshrined in the Council's governance arrangements. These included:

- The decision making process had to be **democratic and inclusive**. This would allow the Council to draw on the wide range of expertise that councillors had, and utilise their talents most effectively. Furthermore, each councillor had a mandate and to exclude them from the process would be disrespectful to the electorate.
- **Culture** – the culture surrounding the decision making process was important. It did not matter which system was implemented if individuals behaved in the wrong way. Acting in good faith was central to this. Members wanted to institutionalise cross party collegiate working practices.
- **Checks and balances** were vital as there was a perception that the existing system was too reliant on personality. If a new system was implemented, it needed to work in five years' time and had to work beyond the current administration.
- **Public engagement** - whatever the system, the Council had to listen to the concerns of residents. Again, the point was made that the perception of the Council was one that was out of touch and not listening. Communication was key and there was agreement that consulting the public on the proposed adoption of new governance arrangements was a good idea.
- **Good governance** – the system had to be open, transparent and encourage participation.

The Assistant Director – Governance and Legal said there were ways in which the Cabinet system could be modified to allow greater involvement in the early stages of the decision making process. He said inclusivity and public engagement were mentioned time and again, and said UDC's consultation policy would be brought to the next meeting for consideration.

The Chair said the current system was not working but it was right to keep an open mind to evidence and explore all options. He said the review would be thorough and done properly.

Members discussed the project's methodology and evidence base. The Chair asked members to split into twos and threes and research councils with differing governance systems. He asked members to report back their conclusions at the next meeting.

The meeting ended at 8.30pm

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GOVERNANCE REVIEW WORKING GROUP held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on MONDAY, 4 NOVEMBER 2019 at 6.30 pm

Present: Councillor A Coote (Chair)
Councillors J Evans, R Freeman, N Gregory, A Khan and P Lees

Officers in attendance: D French (Chief Executive), L Bell (Solicitor), B Ferguson (Acting Principal Democratic Services Officer), and S Pugh (Assistant Director - Governance and Legal)

1 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 23 September were approved as a correct record.

2 **TALK AND QUESTIONS SESSION - LORRAINE BROWNE, LEGAL AND DEMOCRATIC SERVICES MANAGER & MONITORING OFFICER - CHELMSFORD CITY COUNCIL**

Lorraine Browne gave a presentation to Members relating to her experience as Monitoring Officer at Basildon Borough Council (BBC), which changed from a Cabinet to a Committee system in May 2017, as well as her more recent experiences at Chelmsford City Council (CCC), which operates under a Cabinet system. The political context was important to the change at BBC (which elects by thirds) particularly after the Council went into no overall control. In December 2016 a motion was submitted supported by opposition groups to change from a cabinet to a committee system. The motion did not stipulate any detail around the proposed committee system and simply gave a timeframe for the change. This lack of precision caused legal and other practical issues in implementing the motion but the move to a committee system did take place as required and in spite of the largest elected group's opposition to it.

Ms Browne said there were advantages and disadvantages to both systems and that Councils can operate effectively with either system. She suggested that Members have absolute clarity over what they wish to achieve before pushing ahead with a systemic change that would take resources and time to properly implement. A managed approach was vital, and if Members found that they could achieve what they wanted under the current model, they should ask themselves whether it was necessary to change it. From her experience, the public were not generally concerned with either model of governance, but rather with effective decision making that addressed the issues at hand for the local community.

Ms Browne said an alternative was to make amendments to Uttlesford's current cabinet system, and summarised the decision making process at CCC to demonstrate this. The Chelmsford Policy Board considers various policy areas

and both the opposition and the administration debate the approach. Working Groups also feed into the Policy Board before decisions are formally taken at Cabinet or Council. In this way, all members including opposition members are able to contribute to policy formation. She said engagement was vital to this approach and cited that briefing of opposition members pre cabinet was also welcomed. She said behaviours and attitudes were just as important as governance arrangements, as Cabinet systems can encourage inclusivity, and Committee systems can operate in a way that excludes opposition members.

Members discussed the alternative systems and were given an opportunity to ask questions.

In response to a question relating to the political culture at CCC, Ms Browne said CCC endeavours to be inclusive, open and transparent. There is also a high degree of trust between officers and all members, which further encouraged engagement with and from opposition members. She said the practice of briefing opposition members was not codified but instead derived from the working culture between officers and members. She added that each Local Authority had its own unique working culture, which was an important factor when considering the Council's governance arrangements.

In response to a question relating to Member training following the adoption of a Committee system at BBC, Ms Browne said that there was an extensive programme of training when the new governance arrangements were implemented although the issue remained sensitive. She said it was also important to define/structure committee arrangements for former cabinet areas so which committee dealt with cross cutting items was clear.

The Chair said he had researched the various governance systems in place at Cambridge, Ipswich and Norwich City Councils. He said the one element that Uttlesford needed to get right was the scrutiny function; this was vital if all members were to add value to the decision making process.

Members discussed the issue of efficient decision making in the Committee system. Ms Browne said committee systems can be slower to make decisions particularly where an individual Cabinet member could have made a decision. Whilst this can be resolved through greater delegation to officers care may be needed to avoid this being seen as undemocratic.

Councillor Lees said a system was required that would increase inclusivity but not slow down the decision making process.

Councillor Khan said the review had to establish a set of criteria which success could be measured against.

Councillor Gregory asked whether the current system could be tweaked to create a governance model that was both inclusive and efficient. He questioned whether the perceived problems of the previous Administration were due to personnel or the Cabinet system.

The Chair said he felt the Cabinet system had allowed individuals to dominate the decision making process and therefore the system needed to be changed to prevent that happening again.

There was a consensus that scrutiny would be essential in creating a more inclusive and transparent Council. Behaviours, standards and working culture of the Council were also highlighted as being an important elements that could be modified prior to a wholesale change of the governance system.

3 **TIMETABLE AND EVIDENCE GATHERING**

Members discussed the Governance Review's timetable, with particular regard paid to the disruption caused by the snap Parliamentary Election.

The Chief Executive said a realistic timetable allowed for a modification to the current governance model in April 2020, but it would not be possible to implement wholesale structural change until May 2021. She said pre-scrutiny would be vital to this modified system, and would allow all members to add value to the decision making process. This would also give the Working Group time to consult the public over any proposed changes during the summer of 2020.

The Assistant Director – Governance and Legal services said the scrutiny function could be modified prior to May 2020 by changing UDC's working culture, rather than a constitutional change. If Members were minded to adopt a Committee system, the Constitution would need to be rewritten.

There was agreement that the WG needed to focus on when, where and how scrutiny was happening at the Council, and then to identify where it could be improved.

The meeting ended at 9.15pm.

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GOVERNANCE REVIEW WORKING GROUP held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on THURSDAY, 16 JANUARY 2020 at 6.30 pm

Present: Councillor A Coote (Chair)
Councillors J Evans, R Freeman, N Gregory, A Khan and G Sell

Officers in attendance: Bell (Solicitor), B Ferguson (Principal Democratic Services Officer) and D French (Chief Executive)

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Criscione and Lees.

2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 16 November were approved as a correct record.

3 PRESENTATION

The Chief Executive gave a presentation outlining the status of the current governance review.

The presentation covered:

- **Terms of Reference** – Members needed to articulate the principles considered relevant to the decision making process. Councillor Khan said it was vital that the Group was clear on what they were trying to achieve. Transparency and inclusivity were heavily referenced.
- **Areas for Improvement** – Members wanted: more involvement in the decision making process, an enhanced scrutiny role, an accountable and transparent council engaged with the local community, and the implementation of a culture that embraced these democratic principles. There was also mention of training to help Members cope with the significant amount of information sent to them on a regular basis.
- **Timetable** – changes to the constitution could be agreed at any Council meeting but a full-scale change of the governance model could not be implemented until May 2021. Many operational or cultural changes would not require constitutional change.
- **Current Member involvement** – since the local elections in May, a number of changes had been introduced which had increased Member involvement. The Cabinet had increased to 8 Members; Cabinet Deputies and Topic Leads had been appointed; 2 new Working Groups and 3 Task & Finish Groups had been established.
- **Scale of Member work** – excluding appointments to outside bodies, ward work and parish/town council positions, the average number of

appointments held by each Member is 6 (all hold at least 3 appointments, the largest is 10). These appointments were not weighted (one of the Members with 3 appointments is Chair of the Planning Committee).

- **Enhanced Scrutiny role** – due to the establishment of Task & Finish/Working Groups scrutiny was more prevalent in the formal sense, but it was also occurring outside of the Committee's remit e.g. more Cabinet member questions at Council.
- **Public Engagement** – progress had been made in terms of extending public speaking at Planning Committee, improving representation of Parish/Town councils at Planning Committee, and a commitment had been made to implement a public engagement programme over the summer.
- **Culture and Behaviours** – Council officers and Members were subject to the Nolan principles, as well as an officer/Member protocol. Members had positively engaged with training/induction, which in itself shaped workplace culture.

Members discussed public engagement, soft skills and the benefits and disadvantages of specialist/silo working. It was agreed that whilst these elements were a vital part of being a Councillor, it had no relation to which governance model was in operation.

The Group's attention turned to the level of Member involvement in the decision making process.

The Chair said he would like to trial a shadow system, by which the same decisions taken to Cabinet would be considered by an alternative cross-party committee. Following the end of the trial, one could compare the decisions made and ascertain whether the outcome of decisions would differ under a Cabinet or Committee system.

Members discussed the nature of the Cabinet system and whether it was easily subverted by strong personalities in the Executive. There was some agreement that the system was predisposed to strong personalities, but also that personalities and ego were an issue regardless of what system was in place. Members agreed that Local Government was not well suited to individuals of a narrow mind, and that the personality of the Leader was an important element in terms of an inclusive decision making process.

Members discussed the practicalities of trialling a shadow Committee system. There was agreement that a shadow system could not be rolled out for every committee, but instead a contentious area of Local Government would be selected and a group formed to shadow the decision making process of Cabinet.

The Chief Executive said proposals would be brought to the next meeting.

Councillor Gregory informed Members that he had attended the Centre for Public Scrutiny's (CfPS) annual conference in December. He said the importance of pre-scrutiny was made apparent and he raised the issue of the lack of resources dedicated to the scrutiny function at this council.

The Chief Executive said she agreed and that resources would be allocated to improve the scrutiny function. The CfPS would also be brought in to assist with the process. She said further details would be released to Members once the arrangements had been confirmed.

Councillor Evans said it would be helpful to look at what other Councils do in regards to pre-scrutiny and asked whether publication of agendas could be brought forward.

5 **NEXT MEETING**

The next meeting was scheduled for 11 February at 6.30pm.

It was agreed that the scope of the 'shadow committee' trial would be available for the next meeting. Councillor Khan said it was vital that members were clear on what they were trying to achieve and asked for this to be articulated in the scoping report.

The meeting ended at 8.20pm.

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Draft Scoping Report for Governance Review Working Group

Review Topic	Governance Model
Scoping Report to go to meeting on	23.09.2019
Review to take place at meeting on	TBC
Lead Officer	TBC

<p>Terms of Reference (to include the scope of the Review)</p>	<p>To find the best governance model, modified as necessary, for this Council by:</p> <ul style="list-style-type: none"> • Establishing what principles UDC consider relevant to its decision making • Examining the current model, and how this might be modified to incorporate the identified principles • Considering alternative models of governance, and how any of these, if adopted, may operate
<p>Purpose and/or Objective of the Review (what the review should achieve)</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To find the best Governance model, modified as necessary, for UDC <p>Objectives:</p> <ul style="list-style-type: none"> • To evaluate current governance arrangements against the Council's identified principles • To consider modifying the current model so that the Council's principles are satisfactorily incorporated into its decision making process • To evaluate alternative models of governance • To consider the timeframe for future actions, bearing in mind the possibility of a General Election, the need to meet the Council's timetable of meetings and the statutory timetable for implementing a new model of governance at either the next annual meeting in May 2020 or at a later annual meeting
<p>Methodology / Approach (methods to be used to gather</p>	<ul style="list-style-type: none"> • Research by members to be decided further.

evidence)	<ul style="list-style-type: none"> • Interviews? • Contacting other authorities. • Public engagement?
Written Evidence Required	<ul style="list-style-type: none"> • Reports by members.
Potential Witnesses	<ul style="list-style-type: none"> • Council members • Council officers • Other Authorities • The LGA/other expert organisations?