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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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