

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.

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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.