Committee:	Governance Review Working Group	**Date:**
Title:	Governance Review: Position Statement	Wednesday, 16 September 2020
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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:

  o budget and performance information

  o audit progress and results, including H&S and RIPA

  o complaints and LGO report (soon to also include ICO/EIR/FOI)

  o 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 carryout it 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.