Committee:	Council	Date:
Title:	Governance Review: Update	Thursday, 8 October 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 can be found on the Council's website here.

4. Due to the continued impact of Covid-19 on the Council's resources, it had been proposed by the Chair of the working group that that the GRWG pause their review until the spring of 2021. However, following the meeting held on 16 September, the GRWG agreed to continue its work without pause, with the intention of reporting its recommendations to Full Council in July 2021.

Recommendation

5. None. This report is for information only.

Financial Implications

6. None directly in relation to this report, although the cost of the review to date will be reported to the next meeting of the GRWG. The financial implications as set out in the initial report considered at Full Council on 30 July 2019 that established the GRWG can be found here.

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.

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 that the desired principles had been put into practice within the current governance 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. The unprecedented impact of Covid-19 has brought a halt to the pilot scheme and the work of the GRWG as a whole. It 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.

18. At its meeting on 16 September, the GRWG discussed postponing the review until the spring of 2021. Members agreed to continue with the review, although it was agreed that the 'shadow committee' trial would be resource intensive and therefore evidence would be gathered via other means, such as researching practices and governance structures at other local authorities. Members nominated Councillors Coote, Sell, Gregory and Lees to develop a work programme for the GRWG.

19. The following proposal was agreed at the meeting held on 16 September:

> "It is agreed that the work of the GRWG be continued with the intention that a programme of work be prepared in readiness for a recommendation to be presented to Full Council in July 2021."

20. In conclusion, the GRWG will continue its work to identify the best governance model for Uttlesford District Council, by evaluating the current arrangements in place and considering alternative models, with the intention of providing an evidence based recommendation to Full Council in July 2021.

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.