

Committee: Governance Review Working Group **Date:** 28 January 2021
Title: Governance Review: Position Statement
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Summary

1. At the meeting held on 30 July 2019, full Council agreed to establish a Governance Review Working Group (GRWG) 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. At the GRWG meeting held on 16 September 2020, it was resolved that the review 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. To facilitate the aforementioned timetable, it was agreed that Councillors Coote, Sell, Gregory and Lees would produce the work programme for presentation to this meeting.

Recommendation

4. The GRWG is recommended to comment on the position statement detailed below.
5. Subject to 4 above, officers be authorised to work towards proposals regarding an amended Cabinet model.

Financial Implications

6. None in relation to this report.

Background Papers

7. None.

Impact

- 8.

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

9. 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.

10. 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.

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.

Position Statement

11. Councillors Coote, Sell and Lees met on 12 November 2020. Councillor Gregory sent apologies. Members agreed to focus on the original agreed objectives as reported to

Council in the Governance Report in October 2020, particularly in light of the relatively short timescales.

- 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.

12. Various comments were made in respect of governance arrangements:

- The Local Plan Scrutiny Committee was evidence of improved scrutiny arrangements. Pre-scrutiny was vital and to date the consensus was that the Local Plan Scrutiny arrangements had added value to the process.
- The decision-making process needed to be collegiate. How best to get Opposition parties' buy-in, and for the Administration to be perceived as genuinely listening?
- Arrangements were currently not-inclusive, and a lack of reaching out was cited. Issues were being raised by Opposition parties but were being “shut-down”. There was a clear role for constructive opposition and a need for good relationships between main party leaders.
- Concerns were raised regarding poor links to third-tier Councils.
- There was a consensus that there needed to be less political sniping and more constructive dialogue regarding decisions and issues affecting the Council.
- The need to look for a bridge to bring Councillors of all parties together.
- The need for information exchange ahead of formal meetings. Better dialogue would lead to less likelihood of misunderstandings.
- The need to make the Cabinet system more inclusive.
- Look to identify points of difference ahead of decision-taking meeting.
- Build up trust and rapport with Portfolio holders and their ‘shadow’ opposition counterparts.

13. Various recommendations were made by the group:

- The Leader/ Cabinet governance system could be amended rather than replaced by a Committee system in order to achieve cross-party and collegiate working practices.
- Portfolio Holders to meet with nominated shadow Portfolio Holders/ Opposition Parties Group representatives as a working group, prior to a decision-taking meeting. Quarterly meetings were suggested.
- The possibility of three/four Portfolio Holders being within one working group could be considered.
- Working Groups could extend to Leader and Deputy Leader levels (It is recognised that there are already Group Leaders' meetings in place).
- Working groups would be facilitated and minuted by officers.
- The suggestion was made that any new arrangements could be based on existing models, such as the structure implemented at Cambridge City Council.

14. Two questions of concern were raised.

- Would all political groups buy-in?
- Would some less experienced Portfolio Holders be politically "targeted" by Opposition parties' nominees?

15. Following the meeting with the group of Members on 12 November 2020 further research has been undertaken into possible options for the Leader and Cabinet model systems. A similar governance review that had taken place at Guildford Borough Council was highlighted and has been brought to Members' attention due to the structural similarities as highlighted at the sub-group meeting on 12 November.

16. In April 2015 a Task and Finish group reported to Guildford Borough Council's Joint Scrutiny Committee after a thorough governance review, which was at that time in Guildford the Leader and Cabinet/ Executive model. The conclusion reached was to modify the Leader and Cabinet/Executive model rather than change to a Committee system.

17. The perceived disadvantages of the Committee system that were identified included:

- Re-enforcing a silo mentality, which meant cross-cutting issues could be difficult to identify and address;
- More difficult to deliver broad corporate priorities;
- Widely considered to be inefficient, slow in decision-making and overly focused on operational matters rather than policy and results;

- Whilst open on the surface, decisions in reality were taken by a ruling group (or a small number of Committee Chairs from the ruling group) behind closed doors;
- Hard to know who is responsible for decisions (accountability questioned);
- Committees could avoid taking responsibility for difficult decisions; and
- A perception of high level of political influence in all decisions where the ruling party has a big majority.

18. In Guildford it was recognised that the introduction of executive forms of governance helped to address some of these issues in terms of improving the timeliness of decision-making, clear accountability for decisions and dealing with cross-cutting strategic issues. Scrutiny committees also brought new opportunities for Councillors to take part in the development of policy, challenge and review areas of concern and engage external partners and the public, and the potential for a wider engagement by Councillors when scrutiny is well planned and chaired. The Task and Finish Group was clear in their view that it would not be in the best interests of the Council or its residents to lose these benefits through a committee system form of governance.

19. The Task and Finish Group recognised that there were areas for improvement for example:

- Councillors not on the Executive can feel disengaged with the decision-making process;
- Non-Executive Councillors may feel that they have less contact with officers and access to information.
- Responsibility can be seen to be placed in the hands of a few.

20. The Task and Finish Group believed that the benefits of the existing Leader and Executive arrangements could be retained, whilst taking measures to improve decision-making processes and inclusiveness, through the adoption of a hybrid model combining elements of both the Leader and Executive model and the Committee system.

21. In Guildford, eleven recommendations were made by the Task and Finish Group to the Joint Scrutiny Committee in April 2015. The full report and the subsequent report to the Joint Scrutiny Committee in September 2015 are attached for reference. Members are invited to consider matters highlighted in those reports ahead of this meeting as to whether recommendations made would be applicable to the Council.

Risk Analysis

22.

Risk	Likelihood	Impact	Mitigating actions
That the project is inadequately resourced and does not achieve the intended outcome and/or is delayed	3	3	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.