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| Committee: | Governance Review Working Group | Date: | 26 April 2021 |
| Title: | Review of Governance Arrangements | | |
| Report Author: | Chris Gibson, Democratic Services Officer cgibson@uttlesford.gov.uk Ben Ferguson, Democratic Services Manager bferguson@uttlesford.gov.uk | | |

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.
4. Following on from a meeting of Councillors Coote, Sell and Lees a report was brought to the GRWG meeting on 28 January 2021 for consideration. It was resolved that Officers be authorised to work towards proposals regarding an amended Cabinet model.
5. Clarification is now being sought from the GRWG as to the specific changes to be proposed for recommendation to Full Council. It is important to note that changes to the Constitution are reserved for Full Council on recommendation of the Governance, Audit and Performance (GAP) Committee. Therefore, if the proposals are to be incorporated into the Constitution, GAP's recommendation to Full Council will be required.

Recommendation

6. To provide comment on the following recommendations:
 - i. To implement a trial system of Portfolio Holder briefings for all non-executive Members.
 - ii. To establish a protocol outlining said system to be incorporated into the Uttlesford District Council Constitution following a review of the trial.
 - iii. As outlined in paragraph 28 of this report, to either:

- a) Recommend the proposals to the GAP Committee for further consideration and, subsequently, Full Council for approval. It is suggested that the system is reviewed 6 months' after adoption, or;
- b) Recommend to Full Council that the proposals are trialled on a 6 months' basis before seeking the GAP Committee's approval. If Members wish to constitute the changes following the trial, a further report will be taken to GAP Committee to seek its recommendation before final approval is sought from Full Council.

Financial Implications

- 7. None in relation to this report.

Background Papers

- 8. None.

Impact

- 9.

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| 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

- 10. 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.

11. 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 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 did not require full-scale systemic change.

Position Statement

12. 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 available.

- 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.

13. 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?

- Current arrangements were viewed as 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.
- There was a need to look for a bridge to bring Councillors of all parties together.
- There was a need for information exchange ahead of formal meetings. Better dialogue would lead to less likelihood of misunderstandings.
- There was a need to make the Cabinet system more inclusive.
- Opportunities could be taken to identify points of difference ahead of decision-taking meetings.
- There was a need to build up trust and rapport with Portfolio holders and their ‘shadow’ opposition counterparts.

14. 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 was recognised that there are already Group Leaders’ meetings in place).
- Working groups could be facilitated and minuted by officers.
- The suggestion was made that any new arrangements could be based on existing models.

15. Two specific areas of concern were raised.

- Would all political groups buy-in to any new proposals?
- Was there a risk that some less experienced Portfolio Holders would be politically “targeted” by Opposition parties’ nominees?

16. Following the meeting with the group of Members on 12 November 2020 a report was taken to GRWG on 28 January 2021 after further research had been undertaken into possible options for the Leader and Cabinet model systems. A similar governance review that had been in-depth had taken place at Guildford Borough Council was highlighted and was brought to the attention of Members. The conclusion reached at Guildford Borough Council had been to modify the Leader and Cabinet/Executive model rather than change to a Committee system.
17. The Local Government Association (LGA) has stated that under the Committee system councils are divided into politically balanced committees that make the decisions. As such, these councils are not required to have an overview and scrutiny committee, though some do have one or more. The main stated advantages of the Committee system are that:
 - Every Member has the opportunity to be involved in policy making at an early stage, although the extent to which this happens varies.
 - The Chair has representatives from all political groups to 'bounce ideas off' and this in principle helps to ensure that policies are sound and robust.
18. The perceived disadvantages of the Committee system that were identified in the Guildford Borough Council review had included:
 - Re-enforcing a silo mentality, which meant cross-cutting issues could be difficult to identify and address;
 - It being more difficult to deliver broad corporate priorities;
 - It was 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;
 - It was hard to know who was responsible for decisions (accountability questioned);
 - Committees could avoid taking responsibility for difficult decisions; and
 - There was a perception of high levels of political influence in all decisions where the ruling party had a big majority.
19. At the GRWG meeting on 28 January 2021, Members considered the report that included the governance review of Guildford Borough Council. The Chair indicated that the intention was to make the governance system more democratic and to improve outcomes, and that goodwill would be required from all sides in order to move forward. Therefore, he would be proposing to amend the Leader/Cabinet governance system, in order to achieve cross-party and collegiate working practices. He outlined the possibility of Portfolio Holders meeting with Members of Opposition groups, as well as with other ruling group Members, in a working group environment prior to an actual decision-making meeting, thereby potentially influencing the process at a much earlier point. He also indicated that revised arrangements might also reduce any potential hostile atmosphere.
20. Members raised various issues:

- General support was given to the possible benefits to be gained through meetings being held by Portfolio Holders with other Members ahead of the formal decision-making process. This offered a collegiate model.
- That this had been a missed opportunity for an in-depth review that could have included exploring the Committee model, which still had some support, particularly from the Members of the Liberal Democrats group who sat on GRWG.
- There was a clear need for the Administration to show political willingness to make changes.
- Views were expressed that any changes made to the Cabinet model would be of most benefit to Opposition parties but would they “buy-in” to potential changes?
- General support was offered for any movement towards greater partnership working practices.
- Some Members spoke in favour of how well some existing working groups were currently operating e.g. Investment Board.
- The importance of good standards of personal behaviour, efficiency and debate were stressed. The view was expressed that there was an overuse of the word “collegiate” in that the words “culture”, “change” and “respect” were more appropriate.

21. Following clarification from the Chief Executive that it was in order to make on-going changes to the existing system of governance and, despite the reservations expressed, there was no dissent to the resolution that Officers be authorised to work towards proposals regarding an amended Cabinet model.
22. Since the previous GRWG meeting, Officers have been considering possible options to take this matter forward. The recommendations previously made by the working group in Paragraph 14 of this report have been re-visited together with the possible options as outlined in reports previously attached from Guildford Borough Council.
23. One of the recommendations made at Guildford Borough Council was that, in order to secure greater involvement of all councillors in policy and significant decisions, the Council should establish two politically balanced executive advisory boards. The boards would consider and make recommendations on relevant matters prior to their formal consideration by the Executive. The view of Officers is that in time this might be an option that Members may wish to consider but that this currently appears to extend beyond the spirit of the recommendations previously expressed in Paragraph 14 of this report.
24. The recommendations listed at Paragraph 14 make reference to “working groups”. There are already various formal Cabinet and Council working groups in existence and the addition of several more working groups that had different status could cause considerable confusion. At the previous meeting, Members gave their strongest support to the recommendation that Portfolio Holders meet with nominated shadow Portfolio Holders/ Opposition Parties Group representatives, prior to a decision-taking meeting. Officers have therefore focussed on looking at the practicalities of implementing this specific recommendation.
25. One possible solution to take this recommendation forward would be to introduce a briefing system as opposed to introducing more working groups. This would give the opportunity for Members to have greater influence and involvement on the

formulation of policy ahead of any decision-making meeting. Such a briefing could also be much more informal and would allow for more open and frank discussion; it would also not always necessitate input from Officers. As per the recommendation, Portfolio Holder briefings could be held on a quarterly basis or alternatively when something specific has been identified on the Forward Plan. Specific guidelines will be drawn up around this system of briefings being held on a trail basis if agreement is given to take this forward.

- 26. In terms of the other recommendations made in Paragraph 14, there are two items that have not been covered. The possibility of three/four Portfolio Holders being within one working group is superseded by the introduction of individual Portfolio Holder briefings and the possibility of working groups extending to Leader and Deputy Leader levels could be carried forward, pending the outcome of the trial briefings.
- 27. There is a widely held view that it is not only the system of governance that determines how effective an organisation is at making decisions; it is also dependent on the working culture and practices of Members and Officers.
- 28. Next steps:
 - Subject to further refinement from this meeting, it is suggested that members of Cabinet are consulted before a further meeting of GRWG is called, if necessary, to provide approval of the Portfolio Holder briefings protocol.
 - The proposals will then be sent to the GAP Committee (if wanting to attain the Committee’s endorsement and recommendation to formally constitute the proposed changes) and, subsequently, Full Council. It is recommended that a review of the Portfolio Holder briefings system be held 6 months’ following adoption.
 - Alternatively, Members may feel it more time effective to initially seek endorsement from Full Council to pilot the system, with a review taking place in 6 months’ time. If it is then Members’ wish to formally adopt the measures implemented during the pilot, a report will be taken to GAP with a recommendation to formally include the changes in the Constitution, before taking to Full Council for final approval.

Risk Analysis

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| Risk | Likelihood | Impact | Mitigating actions |
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| 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 | 3 | 3 | Adequate time allowed, proper advice obtained and |

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| lawful | | | 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. Introduction of any proposed changes can be made on a trial basis. |

- 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.