

Committee: Full Council

Date:

Title: Review of Governance Arrangements

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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. An update on the work of the GRWG was provided to Full Council on 8 October 2020.
4. Following on from a meeting of a sub-group of members, 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. At the [GRWG meeting held on 26 April 2021](#) members considered a report reviewing governance arrangements and resolved:
 - To implement a trial system of Portfolio Holder briefings for all non-executive members.
 - To establish a protocol outlining said system to be incorporated into the Uttlesford District Council Constitution following a review of the trial.
 - To recommend to Full Council that the proposals are trialled on a six 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.
6. This report proposes to take forward a six months' trial system of Portfolio Holder briefings. 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.

Recommendation

7. That a trial system of Portfolio Holder briefings be introduced for a period of six months prior to possible consideration by GAP Committee. A draft protocol has also been submitted for consideration.

Financial Implications

8. None in relation to this report, although officers will need to assess the resource implications during the 6 months' pilot scheme.

Background Papers

9. None.

Impact

- 10.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	Workplace resource implications will be assessed during the 6-month review and will be reported following the pilot scheme.

Background

11. At the [inaugural meeting of the GRWG](#), 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.

12. 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.

13. An update report from the GRWG was submitted to Full Council in October 2020. Delays in the process were explained due to the impact of the pandemic on Council resources but the intention remained to make recommendations to Full Council in July 2021. Members of the GRWG agreed to focus on the original agreed objectives as reported to Council in the Governance Report in October 2020, particularly considering 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.

14. 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.

15. 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.

16. 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 to move forward. Therefore, he would be proposing to amend the Leader/Cabinet governance system, 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.

17. 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.
18. Following clarification from the Chief Executive that it was 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.
19. At the [GRWG meeting held on 26 April 2021](#) members considered a report reviewing governance arrangements and resolved:
- To implement a trial system of Portfolio Holder briefings for all non-executive members.
 - To establish a protocol outlining said system to be incorporated into the Uttlesford District Council Constitution following a review of the trial.
 - To 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.

Members agreed that a draft protocol would be prepared for a working group consisting of the Chair, Councillor Lees and Councillor Sell prior to being put to Full Council.

20. Members agreed that a draft protocol would be prepared for a working group consisting of the Chair, Councillor Lees and Councillor Sell prior to being put to Full Council. No dissent was expressed to the draft protocol below.
21. The Chair also consulted Cabinet members about the proposal for Portfolio Holder meetings with other members at the Joint Executive Team on 10 May 2021. There was a willingness shown to engage in this new approach although further details of how it would work were requested.

Next Steps

22. The proposed protocol below looks to ensure that the spirit of what was discussed at GRWG is captured. These are taken as the key points:
- Members supported the view that Portfolio Holder briefings should be held in private. It was clarified that the briefings would not be for all members each time but for a ‘lead’ Member from each group on that topic; briefings could therefore be made up of the Portfolio Holder, the R4U topic lead and the lead members on that topic from each group.
 - The Group welcomed the involvement of officers in the briefings. It was recognised that the involvement of officers with their technical expertise could offer support to Portfolio Holders.
 - The Chief Executive said that any governance system should not just rely on Portfolio Holders but was dependant on the work of all members. She referred to this being a “hearts and minds” exercise to collectively improve relationships and to add value through engagement. She said that the proposals were all about trust, building relationships and getting to know each other. She cautioned against

seeing the briefings as a means of tasking officers but said that it would be useful for officers to listen to any debate.

- Views were expressed that there needed to be some key measures of success from the introduction of any new system.

Proposed Protocol

23. Portfolio Holders will meet with members at least on a quarterly basis to discuss progress in their area of responsibility, responses to concerns raised and future work programmes. This will ensure that all relevant members are briefed at the appropriate time on significant issues i.e., those that may:
 - result in a change of policy.
 - have major resource implications.
 - be contentious or politically sensitive.
24. Briefings will usually be made up of Portfolio Holder, the R4U topic lead and the lead members on that topic from each group. Special arrangements can be put in place to invite further members as appropriate.
25. Meetings will be hosted by the Portfolio Holder in an informal setting. The exact format will be determined by each Portfolio Holder. Trust, openness, honesty and respect are required to set the tone through these briefings.
26. Meetings will be held in private with officers in attendance, if considered appropriate, to provide technical input. Notes of the meeting will be taken.
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.

Risk Analysis

28.

Risk	Likelihood	Impact	Mitigating actions
That the governance proposals do not meet the objectives set by members and either do not improve how the Council works or make things worse.	3	3	Introduction of the proposed changes will be made on a trial basis and piloted for 6 months before a final review of the proposals will take place by the GRWG If Members are minded to formally introduce these changes in the Constitution, a further report will be taken to the Governance, Audit and Performance Committee and Full Council for final approval.

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.