

|                       |  |              |                         |
|-----------------------|--|--------------|-------------------------|
| <b>Committee:</b>     | Full Council   | <b>Date:</b> | Tuesday, 5 October 2021 |
| <b>Title:</b>         | Review of Governance Arrangements – conclusion of the Governance Review Working Group  |              |                         |
| <b>Report Author:</b> | Chris Gibson, Democratic Services Officer<br><a href="mailto:cgibson@uttlesford.gov.uk">cgibson@uttlesford.gov.uk</a><br>Ben Ferguson, Democratic Services Manager<br><a href="mailto:bferguson@uttlesford.gov.uk">bferguson@uttlesford.gov.uk</a> |              |                         |

---

## 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. At the [Council meeting held on 20 July 2021](#) members considered the recommendation in respect of Portfolio Holder briefings. The Chair of GWRG said that he had been informed that there was no longer cross-party support for the recommendation and his proposal was accepted that this matter be referred back to GRWG for further work.

7. At the [GRWG meeting held on 7 September 2021](#) members reconsidered the report that had been referred back as well as reviewing progress made against the Terms of Reference and consideration of possible next steps.
8. Following that meeting this report proposes to disband GRWG and to take forward significant key points identified during the course of the review.

### **Recommendation**

9. That the Governance Review Working Group be disbanded and that the following significant key points identified during the course of the review be acknowledged and taken forward:
  - Many “softer” culture issues had been identified. Most notably the future need for transparency, openness, honesty, respect for one another and trust. This was dependent on the working culture and practices of members and officers.
  - The Monitoring Officer to be asked to report to GAP on reviewing the Constitution and the Council’s Scheme of Delegations.

### **Financial Implications**

10. None.

### **Background Papers**

11. None.

### **Impact**

- 12.

|                                 |       |
|---------------------------------|-------|
| 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             | None. |

### **Background**

13. 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.

14. 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.

15. 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.

16. At the [Council meeting held on 20 July 2021](#) members considered the report from GRWG but this was referred back to GRWG on the basis that there was no longer full Opposition support for implementation of a trial system of Portfolio Holder briefings. would work were requested.

17. At the [GRWG meeting held on 7 September 2021](#) members reconsidered the report referred back as well as reviewing progress made against the Terms of Reference and consideration of possible next steps.

18. The merits of introducing Portfolio Holders' briefings were discussed and it was concluded that agreement was unlikely to be reached on this matter.

19. It was recognised that the merits of a Cabinet system as opposed to a Committee system had been previously debated and that the preference remained for a Cabinet system.

20. This led to further discussion as to the merits of the GRWG continuing to meet. Members concluded that there had been significant benefits gained from the eight meetings held over the previous two years but that collectively they had ended up in

a different place and that sufficient ground had been covered to enable the group to be disbanded, whilst recognising many of the gains identified during the process.

21. Many “softer” culture issues had been identified at the GRWG. There was a widely held view that it was not only the system of governance that determined how effective an organisation was at making decisions; it was also dependent on the working culture and practices of members and officers. It was considered there needed to be transparency, openness, honesty, respect for one another and trust. It had been recognised that there would be disagreements and challenges but there was a need to disagree well in a non-hostile atmosphere.
22. It was recognised that there had been some good examples of all parties working together, most notably through the Investment Board.
23. The need to make the role of Councillor more attractive for potential new elected members was identified, together with the need for continuous improvement for existing Councillors, particularly through good training.
24. The GRWG also recognised that other areas of governance outside of their remit should probably best be taken forward through other channels, specifically in respect of the need to review and update the Constitution and the Council’s Scheme of Delegations.

## Risk Analysis

25.

| 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      | There has been project planning and significant evidence gathering. There has been active involvement by members of the working group and engagement throughout the whole 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.