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Subject to approval at the next Governance Working Party meeting

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GOVERNANCE WORKING PARTY

21 October 2019 at 6.00 pm

Present: Councillors Bennett, Bower, Charles, Dixon, Mrs Erskine, Mrs Gregory, Oppler, Mrs Pendleton and Ms Thurston

[Note: Councillor Dixon was absent from the meeting during consideration of the matters considered from Minute 1 to Minute 5 (Part)].

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

The Working Party

RESOLVED

That Councillor Oppler be appointed Chairman of the Working Party.

The Working Party

RESOLVED

That Councillor Ms Thurston be appointed Vice-Chairman of the Working Party.

2. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillor Mrs Daniells and Gunner.

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

4. START TIMES

The Working Party

RESOLVED

That its start times for meetings for the remainder of 2019/20 be 6.30 pm.

5. APPROACHING A REVIEW OF GOVERNANCE ARRANGEMENTS

Prior to inviting the Group Head of Council Advice & Monitoring Officer to present her report, the Chairman outlined that since the introduction of the Cabinet system concerns had been expressed that many Councillors felt excluded from the decision-making process making him believe that the existing Executive model did not work well for Arun. His view was that it also proved to be more remote to residents and so this was why an investigation to reintroduce a Committee system should proceed. The Chairman stated that the Working Party needed to consider the advantages and disadvantages of the existing system and any proposed alternative. He felt that many Members cited a Committee system as being more democratic with more Councillors being directly involved in making decisions and that the Opposition had more input. The timetable in place for this review aimed to have any proposed alternative structure in place so that consultation could take place with the Audit & Governance Committee before recommendations for change would be considered by Full Council on 15 January 2020. A Special Council meeting would then be held on 22 April 2020 to consider and agree the required constitutional changes and a revised Members' Allowances Scheme. In view of this tight deadline, it would be vital for the Working Party to be focused and to have realistic expectations of what could be achieved. It was acknowledged that the Officer team allocated to work on this review also had to continue in meeting the commitments of their day to day job.

The Chairman outlined that the Liberal Democrat Group had already undertaken some work on this review. He believed that this was a one-off opportunity to create a new structure that would work for all Members, irrespective of party affiliation. In looking at how all Councillors could be engaged and consulted on all steps of the process, it was suggested this be undertaken through the Political Group structure. The main aim of this evening's meeting was for the Working Party to be able to define the purpose of the review and why change was needed; and how change could be planned.

The Group Head of Council Advice & Monitoring Officer outlined that the report had been written based on the Working Party's Terms of Reference as agreed by Full Council on 18 September 2019. It outlined that the review of governance arrangements needed to work within the provisions of the Localism Act 2011 confirming that as a Local Authority, Arun had to operate one of the three permitted forms of governance covered in the report. This did not, however, prevent the Working Party from looking at other options. The Council had agreed that the review would work to the guidance produced by the Local Government Association (LGA) and Centre for Public Scrutiny (CfPS). This guidance had been attached to the report and proposed a four step process to concluding the review and a fifth evaluation step should the Council decide to change its governance arrangements.

What was important to consider, as the Chairman had already highlighted, was how consultation would be undertaken and how the views of wider Councillors and key Officers could be obtained.

In discussing the report, the initial observations made were:

- It would be difficult for Members to compare 'like with like' – much had changed since the Cabinet system had replaced the Committee system – the Council had also substantially changed during this time having a much 'leaner' structure
- There was no adverse objection to change but it was outlined that all options needed to be fully considered – including any potential hybrid systems
- All Political Groups should have the opportunity to submit proposals
- The cost of change needed to be considered
- Could the Council service any new structure within existing resources?
- Concern was expressed over the timescale for the review against the amount of work required – was this realistic and achievable?
- There would be a big onus on Members to be involved in some of this work and to keep the review on track
- Should Scrutiny remain as part of any new structure
- What did prescribed arrangements entail?

The Group Head of Council Advice & Monitoring Officer responded to some of the comments made.

- The timescale would be challenging to achieve to meet implementation by the next Annual Council Meeting in May 2020. If this target was not met, implementation would have to be delayed to the next Annual Meeting of the Council
- If the review was kept simple, not changing current decision making levels between Members and Officers then change could be achievable by May 2020. There could then be the opportunity to review any concerns about the Officer Scheme of Delegation at a later date
- It needed to be recognised that there was limited Officer resource to dedicate to this review;
- It needed to be recognised that in the event of a General Election being called, this would inflict severe pressure onto the small Officer team allocated to the review

The Chairman outlined that he had the expectation that all Groups and all Councillors should start thinking about ideas for a new structure and should work up ideas to pass to Officers for discussion ahead of the Working Party's next meeting.

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The Group Head of Council Advice & Monitoring Officer asked Members to firstly consider what they wished to achieve from this review. She suggested that Members could be surveyed for their views so that the Council could understand what worked well under the current system and what ideas Members might have for improvement or change. This would also engage all Members in the review process and would inform the judgement that the Council would need to take if a proposal for change was recommended.

In response, the following comments were made:

- Not many Councillors had experience of working with the old Committee system, however, reading the guidance supplied assisted in understanding how such a structure could work and what the important issues to consider were.
- It would be important to understand why some Councils having conducted a review had chosen to not change their existing arrangements – learning from others would be key. It was explained that the Council was seeking assistance from the LGA on these points
- The financial implications needed to be known. The Chief Executive outlined that his report on strategic Council Targets which would be considered at the next Full Council meeting on 13 November 2019 provided some information on estimated additional staffing costs. To provide an answer on precise costs, the full detail of any proposed structure would need to be known first.

The Chairman then alerted Members to the four-step process that should be applied in conducting this review, as set out in the report. Members needed to think about what worked well within the existing structure; what improvements could be made; whether Members felt involved and sufficiently engaged; and what was the public's views were on current arrangements. He referred to the review undertaken by Crawley Borough Council and their survey which embraced the points he had just outlined.

The Working Party agreed that a survey based on these areas should be sent out to all Members of the Council and the Council's Senior Management Team as soon as possible. This would then fulfil what the guidance urged Members to consider in planning for a review. The Working Party agreed not to engage any other stakeholders.

The Working Party agreed that the survey should provide Members with the opportunity to confirm how long they had been a Councillor and what positions they had held. The Working Party also requested that a draft of the questionnaire and the covering email be approved by the Chairman and Vice-Chairman of the Working Party and the four Group Leaders. This approach was approved by the Working Party.

The Working Party then worked through three elements of the process to be followed for the review – these were:

- Planning the review – defining the purpose of the review and agreeing the scope
- Designing principles for the new arrangements
- Meeting objectives and putting a plan in place

The Chairman repeated his purpose for a review mentioned earlier. The Working Party agreed with his statement made.

In looking at how to engage and consult, it was agreed that the survey to be sent to all Councillors and Officers would achieve this.

The Chief Executive urged Members to also consider the disadvantages of any new structure. Although positives had been cited in respect of a Committee system, negatives also needed to be investigated. This was because the Committee system was often criticised for being slow to make decisions.

The Chairman stated that moving forward, the survey would urge all Councillors in all political groups to have their say and would allow groups to organise their own internal discussions and to plan in pushing some ideas forward for the Working Party to consider at its next meeting.

It was agreed that the Working Party would be sent the current Cabinet Portfolios and the service areas that sat under these to assist Members in understand and thinking about how a new structure could be formed.

Following further discussion, the Working Party agreed that each political group should submit its suggestions for a new structure to the Chief Executive by 8 November 2019 in time for the next meeting of the Working Party to be held on 12 November 2019.

The Working Party

RESOLVED – That

(1) A questionnaire approved by the Chairman and Vice-Chairman of the Working Party and all four Political Group Leaders be sent to all Members of the Council and the Senior Management Team by the end of the week seeking views on the existing system of Leader and Cabinet; what improvements could be made to that system; asking how involved Members felt in the decision making process; what other comments Members might wish to make and how long Members had served on the Council;

(2) The next meeting of the Working Party be held on 12 November 2019;

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- (3) The results of the questionnaire be reviewed at that meeting; and
- (4) All Political Groups submit their ideas for a new structure or other alternatives to the Chief Executive by 8 November 2019.

(The meeting concluded at 8.00 pm)