

GOVERNANCE WORKING PARTY

12 November 2019 at 6.30 pm

Present: Councillors Oppler (Chairman), Ms Thurston (Vice-Chairman), Bennett, Bower, Charles, Coster (Substituting for Councillor Dixon), Mrs Daniells, Mrs Erskine, Mrs Gregory, Gunner and Mrs Pendleton.

[Note: The following Councillors were absent from the meeting during consideration of the matters discussed in the following Minutes:- Councillor Mrs Erskine – Minute 11 to Minute 15 (Part)]; and Councillors Mrs Pendleton Minute 16 (Part)].

Councillor Dr Walsh was also in attendance for part of the meeting.

11. WELCOME

Members and Officers were welcomed to the second meeting of the Governance Working Party.

12. APOLOGIES FOR ABSENCE

An Apology for Absence had been received from Councillor Dixon.

13. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

14. MINUTES

The Minutes of the meeting of the Governance Working Party held on 21 October 2019 were approved by the Working Party as a correct record and were signed by the Chairman.

15. FEEDBACK FROM QUESTIONNAIRE

The Chairman outlined that the results obtained from those Councillors who had responded to the questionnaire provided some interesting reading. These also included comments from the Council's Senior Management Team (SMT).

The Group Head of Council Advice & Monitoring Officer reported on the information obtained. The key messages from the responses received were outlined to the meeting.

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- 30 Councillors and 5 members of (SMT) had responded.
- Question 1 – What worked well and what worked badly under the current system?
 - 17 Councillors agreed that the Cabinet system allowed for quicker decision making – 5 of SMT echoed these comments.
 - Some comments had been made about the specialised role of the Cabinet Member in terms of knowledge and that the Cabinet system allowed for clearer accountability given that it was clear who was responsible for a decision, rather than it being diluted by having been made by a Committee. Three Councillors and 3 Officers commented on the quality of decision making under the Cabinet system. Others felt that a small number of Councillors had too much influence and all from one party.
 - 20 Councillors felt that there was a lack of engagement, 3 Officers supported this view. It was felt that a Committee system would allow more Councillors to be involved in decision making. Currently backbenchers were largely excluded from decision making with their contributions being neither invited or valued.
 - 3 Councillors felt that there was a lack of transparency in the process. Committees allowed issues to be discussed hearing a range of views resulting in a more-rounded decision.
- Question 2 – What change would you make?
 - 15 Councillors supported the opportunity to change the governance structure to a Committee system.
 - No Officers supported change
 - One Officer supported the idea of exploring a hybrid structure
- Question 3 – Do you feel involved in the Council's decision-making process?
 - Most Councillors who responded stated that they did not feel involved stating that backbenchers were largely excluded
 - 5 Councillors felt that they were fully involved
- Question 4 – Can we improve public engagement in the way decisions are made? If so, how?
 - Some Members of the Working Party felt that the public engagement issue was not relevant to this review.
 - Public Question Time was suggested for all meetings as well as the need to webcast more. Expanding Public Question Time was accepted as a good idea.
 - 7 Councillors felt that changes to public engagement were beyond the scope of the review agreed by Full Council.
 - Other suggestions made were to hold meetings in other parts of the District
 - Conducting surveys to gain the public's views
 - Introducing electronic voting and better use of social media
 - One Councillor and one Officer response had been submitted late and not included as part of this feedback. –

Before inviting questions, the Chairman asked the Chief Executive to provide his summary of the questionnaire responses. He outlined that it had allowed for full consideration of the strengths and weaknesses of the current system to be evaluated. The main messages emerging focused on the lack of Member engagement and the exclusion of back benchers. The Chief Executive reminded Members that whatever system they might decide to proceed with, they needed to firstly think about what they wanted to gain from any amended governance arrangements. If this was to involve Members more in moving forward, then the Working Party needed to think about what structure best met those principles.

In discussing the responses received, observations were made on:

- The involvement of back benchers
- The need to have a key role for Councillors
- That decision making needed to be timely
- Why was the issue of public engagement being considered when this had not been part of the remit of the review approved by Full Council in September 2019?
- The lack of experience from some who had responded – there was concern that they did not fully understand how the current Cabinet system worked – this could cloud their judgement and views.
- The need to have time to explore what other local authorities had done looking at what worked well and why some had reverted to their old decision-making system after a period of adoption
- What would be the additional cost of running a Committee system if there were additional meetings/staff costs etc. The likely costs of other structures circulated also needed to be known as well as any hybrid option.
- Was there time to conduct a thorough review in the timescales given, now that a General Election had been called?
- Were there ways of altering the Cabinet system – Committee Chairmen could have similar roles to Cabinet Members
- Would a slower decision-making process cause issues when having to make urgent financial decisions?
- What about Call-In – how would this work under a new structure
- Councillors should consider the Officer arguments for wanting to keep the current structure
- This was such an important decision – it should not be rushed and Members should have time to explore all options in full detail – there was concern that the wrong decision could be made for the Council

The Group Head of Council Advice & Monitoring Officer reminded Members that the questions used had been based on Crawley Borough Council's proposals which had been based on the Centre for Public Scrutiny's questionnaire. At its last meeting, the Working Party had agreed that in agreeing the questions to be included in the questionnaire, consultation be undertaken with Group Leaders as well as the Chairman and Vice-Chairman of the Working Party. This consultation had agreed the questions asked.

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The Chairman stated that in order to undertake a full and thorough review, the Working Party needed to know the views Councillors held about the current system in terms of what worked well and what didn't. He thought that the questionnaire had achieved this aim and had been a useful and important exercise in providing the evidence needed for change. The responses would assist in moving forward proposals for change.

Discussion again focused on Question 4 and why this had been included. The Chairman outlined that if Members felt that strongly that this element of the review should not be investigated further, then it could be decided to 'park' it and not include it as part of further consideration for this review. The Working Party agreed this.

In concluding debate, the Chairman outlined that no decision would be made on a structure now. The Working Party had been tasked to allow the Council the opportunity to either debate an option or options or to choose to stay as it was - a status quo. The Working Party needed to consider the key message from the questionnaire and needed to present possible solutions by way of structure options which would be discussed as the next item on the agenda.

16. SUGGESTED ALTERNATIVE GOVERNANCE STRUCTURES

Suggested proposals were circulated to the meeting from all four political groups as well as a proposal from the Council's Senior Management Team (SMT).

The Chairman suggested that the proposal from the SMT be considered first as this had been pulled together by Officers who were uniquely placed within the Council and were responsible for the delivery of its services on a day to day basis. This structure was not massively dissimilar to the suggestions submitted by some political groups.

The Chairman outlined the purpose for this meeting. This was to review the options submitted and provide a steer to Officers on which draft structure should be explored in more detail. Any requests made by the Members could then be taken away and developed for further discussion at the Working Party's next meeting – this would be taking place on 3 December 2019.

The Chief Executive provided an overview of the proposal submitted by SMT and explained that this had been created following an SMT Officer Away Day which had involved input from 9 Group Heads and the three members of the Corporate Management Team (CMT). This draft proposed a structure containing 6 Committees and the service areas reporting into each Committee had been set out to include the Council areas that the Committee would lead on the and SMT leads for each meeting. It was highlighted that this structure mirrored something similar to the existing officer structure operating now. He emphasised that any great change made to the existing structure would result in the need to radically change the Council's management structure and would require a wider review of the Council's Constitution. This needed

to be considered in light of the timescales in place for concluding and putting into place any new structure.

The SMT draft structure aimed to even out the workload of the SMT leads and grouped related service areas together. It proposed that the current regulatory Committees – Audit & Governance, Development Control, Licensing and Standards be kept as stand-alone Committees.

The titles of each of the 6 Committees and their areas of responsibility had been chosen to reflect the current Job Descriptions of SMT and CMT Officers. The name of each Committee had been selected so that the public could understand what the work of that Committee might involve. The Chief Executive asked the Working Party for its views and whether it wished to provide any suggestions that could be worked upon for further discussion at the next meeting.

There was discussion around corporate performance and whether this should be a responsibility for each Committee to review rather than just one. This was because Councillors needed to keep on top of the performance of the Council and it was felt that this needed to be thought through further for the next meeting.

Other observations made by the Working Party were:

- This structure was not dissimilar to those submitted by other Groups. The 6 Service Committees would allow for greater Councillor involvement and attendance. What needed to be looked at further was the size of each Committee, should they have a membership of 11, 13 or 15 Members.
- It was the overarching structure of the Service Committees that needed to be roughly agreed. In terms of what service that sat under each Committee could be adjusted in various ways – this was not a decision for tonight.
- Some comment was made over the placement of some of the service areas. Concern was expressed about having Planning Policy and CIL items reporting into Development Control [as per the Liberal Democrat option]. It was felt that only planning applications should form the remit of Development Control. This did not, however, prevent Members from sitting on both the Development Control Committee and the Planning Policy Committee.
- It was agreed to focus on the SMT structure as a starting point.
- A suggestion was made to move Economic into Planning Policy as the two overlapped and involved the same Officers. The Chief Executive stated that he did not disagree but the future workloads of the Committees and the Officers supporting them had to be fully thought through.
- Questions were asked about the future of Scrutiny and if and how this should fit into the SMT structure.
- The workload of Officers supporting the Committees needed to be considered.

- How would some of the existing Outside Bodies report into the new structure such as the Health and Adult Social Care Committee which reported into OSC. It was outlined that this would need to be considered as individual Members could not be given the same level of responsibility that Cabinet Members currently had. The review of the Constitution would have to look at defining how decision making would take place.
- Comments were made about the proposed Residential Services and Wellbeing Committee – as other draft structures submitted proposed to split these areas. What were the implications for SMT in joining them together? It was explained that this was the best example where two Group Heads worked very closely together and where their areas of responsibility very often overlapped. To split the two would cause a problem – this was an example of where practicality had to be applied.
- Concern was expressed that combining the two functions would create too much responsibility for one Committee. The Chief Executive responded stating that any structure could be reviewed and adjusted, however, any change would have a constitutional impact – it was about applying the correct balance in terms of how areas would work together.
- Questions were asked about a hybrid option and what if any work had been undertaken to look at examples that might suit Arun.
- It was pointed out that the cost of a revised Members Allowances needed to be considered in looking at draft structures.
- There were strengths and drawbacks that could be applied to all options submitted and the best way forward needed to be achieved. One strength of the existing structure was that there was a clear vehicle with 7 people being experts having an excellent overview of what was going on in other areas of the Council. The danger of moving over to a Committee system, the opposite could become the case.
- Alternative methods of scrutiny were explained – the opportunity for Full Council to refer back any decision made by a Committee. Work Programme for all Committees could be fed into Full Council for approval to avoid overlap and to confirm the core priorities for each Committee.
- The old Policy & Resources Committee should form part of any new Committee structure. The Group Head of Council Advice & Monitoring Officer outlined that elements of what would have been reported into this Committee would sit between Corporate Support and the Corporate Policy and Performance Committee.
- There was interest in investigating what a hybrid structure might look like and how this could work. The Chief Executive outlined that in looking at minimising costs, a hybrid structure would cost more in terms of Members Allowances. He also pointed out that the more structures that Members wished to investigate presented an issue in term of the tight timescales that were being worked to.
- Should there be a dedicated Committee to address climate change rather than this sitting under Corporate Policy and Performance? The Chief Executive outlined that if agreed at Full Council this would become a Corporate Target for the Council and there would be the need to a Council

Policy to address this. Once there was an approved Policy in place it would be reported to different Committees to deliver this.

- Would the public understand titles such as Wellbeing? Should the Residential and Wellbeing Services Committee be retitled to read People and Housing?
- Performance Management should report into all Committees.
- A hybrid option should be worked up for 3 December 2019.
- Members should conduct their own research to assist Officers in view of time constraints.
- The Tunbridge hybrid option explained by the Group Head of Council Advice & Monitoring Officer should be explored in terms of how this could be adapted to suit Arun. Officers were asked to make contact so that options could be considered.
- More concern was expressed over the timescales in place – in view of the work to be undertaken – could this be achieved in time for a decision to be made for January and for implementation in May 2020?

Having received the views of Members the Chairman stated that a way forward needed to be agreed. The purpose of this meeting had been to listen to views made so that Officers could work on any instruction given by the Working Party for its next meeting on 3 December 2019. It would be that meeting that would consider a draft structure to approve. This draft would be taken to a Special Meeting of the Audit & Governance Committee that would be held on 19 December 2019. The views of that meeting would then be fed back to the Working Party at a meeting to be held on 6 January 2020 so that recommendations could be considered at Full Council on 15 January 2020.

Following discussion, the Working Party agreed that it would be impossible to debate and scrutinise the submissions received from each political group. The SMT proposal represented an appropriate blend of options presented by all the different groups. It was agreed that Officers should take away the comments highlighted on the SMT proposal so that a worked-up draft could be considered further at the next meeting.

The Chairman encouraged all Political Groups to continue to have internal discussions so that their Members could be appraised of the outcomes of this meeting. Although Members were mindful of the update provided on researching other Councils, the Chief Executive was requested to contact Tunbridge Council to see if they could provide information to bring to 3 December meeting. This approach was agreed by the Working Party.

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17. NEXT STEPS IN THE REVIEW

The timescales in place and the dates for future meetings had been agreed as part of the discussion on Item – Suggested Alternative Governance Structures.

(The meeting concluded at 8.33 pm)