

GOVERNANCE WORKING PARTY

3 December 2019 at 6.30 pm

Present: Councillors Oppler (Chairman), Ms Thurston (Vice-Chairman), Bennett, Bower, Charles, Mrs Daniells, Dixon, Mrs Erskine, Gunner, Mrs Pendleton.

Councillor B Blanchard-Cooper was also in at the meeting.

18. APOLOGIES FOR ABSENCE

An Apology for Absence had been received from Councillor Mrs Gregory.

19. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

20. MINUTES

The Minutes of the meeting of the Working Party held on 12 November 2019 were approved by the Working Party as a correct record and were signed by the Chairman, subject to the attendance of Councillors Mrs Daniells and Gunner being added to the list of those present.

21. ALTERNATIVE GOVERNANCE ARRANGEMENTS - DRAFT COMMITTEE STRUCTURE

The Chairman outlined that as agreed at the last meeting of the Working Party held on 12 November 2019, a report had been compiled providing a revised committee structure based upon the example provided by the Senior Management Team (SMT). The Working Party had decided that it wished to explore the SMT option further and had requested Officers to bring it back with revisions based upon the views that had been raised at the last meeting.

This latest draft set out a structure based on six service committees and four regulatory committees. The updates made were:

- To the committee name of 'Neighbourhood and Technical Services' to read 'Environment and Technical Services' to link in with Group Head job titles.
- Emphasising that the Corporate Policy and Performance Committee would deal with the Climate Change Action Plan acting as the strategic lead with the relevant service committee being involved in the operational delivery of the action plan
- Setting out how performance would be dealt with

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- That the delivery of the Digital Agenda would sit with the Corporate Support Committee
- That Audit & Governance would be responsible for reviewing reports on both internal audit matters together with considering the annual and ongoing reports from the Council's external auditors.

The Chairman outlined that the Working Party needed to decide tonight if it wished to support this structure with the changes presented or if Members wished to make alternative recommendations for taking the review forward.

The observations made by the Working Party have been summarised below: -

- The changes in terms of how performance would be dealt with were agreed. However, it was felt that the Development Control Committee needed to consider its own service performance as this was reported to the Committee annually.
- Many comments were made about potential cost implications and the need to be clear about what these would be for each of the options being discussed. There was concern that it was impossible for Members to be able to come to a firm view on each of the options without a full breakdown of costs. Hidden costs could come to light after the decision to adopt a structure had been made. It was explained that the report had outlined a cost in the region of £40k to fund additional consultancy support and increased Officer resource. There was discussion about the level of Officer resource that would be needed for both options. Further information was requested for the next meeting on 6 January 2020.
- It was felt that more areas linked to the climate change remit needed to be added to the Environmental & Neighbourhood Services Committee. The Chief Executive explained this was too much detail at this time.
- Based on the recently agreed strategic targets, it was requested that public engagement should be added to the structure. It was agreed to add this to the responsibilities of the Corporate Policy and Performance Committee.
- It was confirmed that the detail confirming the Terms of Reference and Responsibility for Functions for all Committees would form the final stages of the review in terms of Constitutional changes that would be reported to the Special Council on 22 April 2020 for approval.
- Costs could increase once the Independent Remuneration Panel had concluded its review on the structure to be adopted – some Members stated that all costs needed to be known before they felt a decision could be made.
- What should the Development Control Committee be called in the future? It was confirmed that this sort of detail could be decided upon later once the body of any new structure had been approved

- How would options be presented to Full Council in January 2020 – there was concern that there was a lot of detail for Members to absorb and understand in deciding what option out of a possible three should be adopted.

The Chairman explained that the Working Party would need to decide if it would be recommending three options for the Audit & Governance Committee to consider and debate at its Special meeting to be held on 19 December 2019. If so, these would be:

- No change, the status quo
- To change to a Committee structure, based on the SMT proposal,
- To change to a Hybrid structure – looking at the options forming the next agenda item

The Audit & Governance Committee would then feedback its views to the next meeting of the Working Party on 6 January 2020 as to whether it had clear support for any one of the three options. The result of the Working Party's determination of these views would be what would be presented to Full Council on 15 January 2020. It was acknowledged that this would need to be very carefully presented to Members to allow them to make a clear decision.

22. ALTERNATIVE GOVERNANCE ARRANGEMENTS - HYBRID OPTION

The Chairman outlined that this report explored how a hybrid option could work. It had been compiled following research conducted by the Chief Executive and Group Head of Council Advice & Monitoring Officer following discussions held with Tunbridge Wells Borough Council who operated a hybrid option of Cabinet Advisory Boards. The report set out the pros and cons of this approach for the Working Party's consideration.

Prior to inviting debate, the Chairman stated that the results of this work showed how quickly the Council could move to a hybrid option, if this ended up being the Council's preferred approach. It provided greater flexibility in that it could be implemented at any time – it did not need to be introduced at an Annual Council Meeting and could be reviewed when needed.

The Chairman also confirmed that the research undertaken had revealed that this option would cost much less than originally anticipated.

The observations made by the Working Party were:

- This structure was not dissimilar to how the Council currently used its Working Groups.
- It was interesting to note that one of the aims of Tunbridge in moving to a hybrid option had been to increase the involvement of back benchers in decision making.

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- Members liked the fact that this option provided for greater participation and greater ownership of Council decisions.
- The flexibility this option provided was a significant advantage in terms of how the Council could reorganise and change the structure when needed and outside the timings of an Annual Council meeting.
- Although this option was a good compromise, there were some negatives. One was that it would provide a convoluted decision-making process. There could be more meetings held in closed session so it could be less transparent
- Would it change the culture of the Council which was vital in making any new structure successful?
- There was concern that some Members could be basing their decision on what structure to propose based upon their experience with the previous administration – this could cloud judgement with this option. Although there would still be a Cabinet – it would be essential to emphasise the greater involvement of back benchers in the development of Cabinet decisions via the Advisory Boards.
- Would this option overcome disengagement and attendance issues – this was a problem that needed to be solved – would any of the proposals result in positive change? Councillors needed responsibility to make them want to be involved in decision making – would this option introduce this?
- Membership to the Advisory Boards would be crucial in making the structure work – involvement had to be encouraged.
- An inclusivity programme would need to be considered and appropriate training provided
- What would be needed in terms of Officer resource?

In summing up the discussion held, the Chairman stated that the Working Party now needed to come to decide what it wished to submit to the Audit & Governance Committee, this was the next agenda item.

23. CONSULTATION WITH AUDIT & GOVERNANCE COMMITTEE

Having debated fully the options put forward, the Chairman outlined that the Working Party now needed to agree what proposals it wished to put forward to the Special Meeting of the Audit & Governance Committee on 19 December 2019.

Comments had been made that it was vital to find the best governance arrangements for the Council, whether this turned out to be more or less expensive than the current structure. Based on the discussion held he was of the view that the Audit & Governance Committee be invited to submit its views on three options as he had highlighted earlier – these being: -

- No change, the status quo
- To change to a Committee structure, based on the SMT proposal,
- To change to a Hybrid structure –

The Working Party would then debate the conclusions of the Audit & Governance Committee on 6 January 2020.

The Working Party stated that if time was available it would assist Members if a Members' Seminar could be held in early January 2020 – ahead of Full Council on 15 January 2020. It was explained that the Working Party had been presented with this option as its first meeting in October 2019, but this had not been agreed at that time.

Following discussion, the Working Party

RESOLVED

That the Audit & Governance Committee be invited to feedback its views to the Governance Working Party on whether it supported the proposal for three options for a governance structure being presented to Full Council on 15 January 2020, namely:

- No change, the status quo
- To change to a Committee structure, based on the SMT proposal,
- To change to a Hybrid structure, based on the Tunbridge Wells Borough Council model of three Cabinet Advisory Boards.

(The meeting concluded at 8.24 pm)

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