

CABINET - 25 NOVEMBER 2014

GOVERNANCE AND CONSTITUTION REVIEW

Report by Peter G Clark, County Solicitor and Monitoring Officer

1. In April 2013, the Council adopted new governance arrangements which came into effect following the May 2013 elections. The Council asked its Monitoring Officer to review the effectiveness of these decision-making arrangements a year after their coming into operation. In tandem with this, the Monitoring Officer has also undertaken a full review of the Constitution of the Council.
2. This report sets out the Monitoring Officer's recommendations with regard to the Council's governance arrangements and the potential amendments to the Constitution. It outlines the process followed in arriving at these recommendations, summarises the main issues from the review and then sets out the recommendations, in blocks, for Council's to determine.
3. It is recognised that, in such an exercise, it is impossible to achieve a solution that pleases everyone. Some views arising from the consultation have been minority views, with little wider support, or have been contradictory when placed alongside other views. The emphasis, therefore, has been on undertaking a thorough consultation and proposing recommendations to achieve a broad consensus.
4. The Committee gave initial consideration to these matters in September 2014 but wished to have a further discussion at this meeting.

Background

5. New governance arrangements were implemented following the May 2013 elections. The arrangements had been introduced to achieve the aims of:
 - engaging all members more fully on issues that directly affect their local communities.
 - providing a more focused, integrated approach to the development of policy
 - aligning scrutiny more closely to the business and performance of the Council.

6. Key Changes.

- Scrutiny: the number of committees had been reduced from six to three, with the intention of tying scrutiny more closely to the business and priorities of the Council
- Cabinet Advisory Groups: the facility was introduced for Cabinet members to convene start-and-finish groups to advise themselves on areas of policy with the intention of enhancing decision making through effective prior involvement of members. A standing Transport Advisory Panel had also been created, along the same lines
- Locality meetings: nine locality meetings were created at which the county councillors for those areas could receive and share information about issues directly affecting their areas.; the aim being to assist councillors in representing their communities through a more focused flow of information and to enable council managers and service providers to benefit further from councillor perspectives of services 'on the ground'

Process

7. As Monitoring Officer, in considering the governance and constitution reviews as, I have attempted to assess the effectiveness of the arrangements introduced in 2013 against their stated purpose. I have also been mindful that the Council could not reasonably increase its resources in the current climate and would not wish to extend its bureaucracy. The emphasis has continued to be the maximisation of existing resources to better effect.

Consultation

8. It has been important, in carrying out the governance review, to involve councillors and co-opted members, at the outset, as fully as possible, to obtain their views about the arrangements in practice. In the first instance, therefore, the Audit and Governance Committee agreed to my suggestion that a small councillor cross-party 'sounding board' be appointed from within the Committee to assist me in devising and conducting an effective consultation process. I found the assistance of the Sounding Board very useful in doing this and particularly valued their constructive and considered opinion.

9. As a result, the consultation involved:

- **online consultation:** a questionnaire to all county councillors, co-opted members and senior managers about each aspect of the governance arrangements
- **formal consideration:** views of members within formal meetings of the decision-making structure including:
 - Audit and Governance Committee, including holding a special meeting of the Committee
 - Cabinet
 - Performance Scrutiny Committee

- **senior member/management:** the views of political group leaders and senior management via meetings of:
 - County Council Management Team
 - Political Group Leaders
 - **scrutiny chairmen's meeting:** discussion at the periodic meeting for scrutiny chairmen
 - **political groups:** views of political groups via their own political group meetings
 - **locality meetings:** attendance by the Monitoring Officer at locality meetings
10. This has culminated in formal reports to Cabinet and now to Full Council. A summary of the members' survey responses is included as **Annex 1** to this report
11. A section-by-section **review of the Constitution** has also been undertaken to update, both to assess emerging issues from the governance review and also to streamline business more effectively. Again, any potential issues of principle have been reviewed through the meetings structure in 9. Above. A summary of the proposed Constitutional changes is included as **Annex 2** to this report. A track change version of the Constitution, illustrating the proposed and the administrative ('tidy up') changes will be placed in the Members' Resource Centre prior to meeting, as a reference copy for councillors' consideration.

Issues

Analysis of the Effectiveness of the Governance Arrangements

12. Overall, the governance changes introduced from May 2013 are considered to have been beneficial in engaging members further and in achieving a closer focus on the business of the Council. Generally, there is a consensus that the arrangements should be allowed to bed down and that no major changes are necessary at this time. Greater clarity as to the roles/remits around decision-making and information would, it seems, be welcome. Co-opted members are equally satisfied, on the whole, that they feel engaged and that the arrangements work well for them. The headline issues arising from the governance review are as follows:
- **Locality Meetings:** these have been very successful with particularly positive feedback from both councillors and officers who found them to be extremely useful in engaging and informing councillors more fully in the interests of their community and in the delivery of council services.
 - **Cabinet Advisory Groups (CAGs):** CAGs are regarded as a useful aspect of the Council's governance, informing service and policy development with the benefit of wider member experience. The challenge appears to be how to raise their profile amongst other members and ensure that their recommendations to Cabinet lead to tangible outcomes and improvements. Improved public awareness about the CAGS is already

been facilitated by improvements to the Council website including details of the scope of their work, membership and the outcomes of their work.

- **Keeping members informed:** an encouraging outcome has been that members consider they are generally being kept more informed about issues affecting their area. Well-informed councillors are crucial to effective democracy, representation and decision-making. It is encouraging that most councillors are positive about their access to information.
- **Full Council:** a high level of dissatisfaction was expressed by members about their experience of Full Council meetings. However there was no consensus as to how this might be improved. The emphasis has therefore been on refining procedures to streamline and improve effective debate and decision-making.
- **Cabinet:** the Leader wishes to engage local members more fully in terms of receiving their views and hearing their questions and this aspiration can be accommodated within the Constitution. Nonetheless, the members' survey revealed that while Cabinet was considered to be effective there was some perception that Cabinet could perhaps 'listen more' and have more genuine debate. The two aspirations therefore appear to coincide and recommendations are made to improve and wider member participation.
- **Scrutiny:** no specific demand for change as it is considered by most that the arrangements should be allowed to bed down. A small number of members were concerned at the previous changes to the scrutiny of adult services. However, the Chairman of the Performance Scrutiny Committee has already instigated a work programme which will provide a more focused challenge across specialised areas. This work programme will be kept under review.

13. Most of these issues can be taken forward through a greater emphasis on communication, engagement and the alignment of the Constitution. Consequently, no significant changes are being recommended to the governance arrangements.

Constitution

14. Reviewing the Constitution section by section, alongside consideration of the governance arrangements, has indicated certain changes that would, in principle, appear sensible to streamline decision-making and members' engagement with it. Other changes, already within the remit of the Monitoring Officer to make, and do not require formal decision by Council. These relate to 'tidy up' measures for:
- providing further clarity to existing provisions
 - updating aspects to reflect legislation or other administrative changes e.g. post titles

The key issues which could usefully be addressed by minor changes to the Constitution focus on improvements, in principle, to aspects of decision making and enabling members to address their views in those settings. The

suggested changes are indicated in the schedule at **Annex 2**: Part A of that Annex gives the list of changes in principle; Part B of that Annex summarises the administrative ('tidy up') changes that the Monitoring Officer is authorised to make under his delegated powers. Part C of the Annex summarises issues raised during the review but not taken forward.

RECOMMENDATION

15. **Cabinet is recommended to consider and endorse the direction of travel of the review.**

PETER CLARK
County Solicitor and Monitoring Officer

Contact Officer: Peter G Clark, Tel: (01865) 323907

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