

Governance Working Group

Held at:	Boulogne Room - Civic Centre Folkestone
Date	Monday, 25 November 2019
Present	Councillors Connor McConville, Ian Meyers, David Monk, Tim Prater and Lesley Whybrow
Officers Present:	Amandeep Khroud (Assistant Director), Susan Priest (Head of Paid Service) and Jemma West (Senior Committee Services Officer)
Others Present:	Andrew Campbell (Local Government Association) Ian Parry (Centre for Public Scrutiny) David Kitson (Bevan Brittan).

4. **Declarations of interest**

There were no declarations of interest at the meeting.

5. **Minutes**

The minutes of the meeting held on 5 November 2019 were approved as a correct record.

6. **Future Governance Arrangements - Options**

The Head of Paid Service introduced the item and invited Members to share their reflections following the all Member briefing held on Thursday 21 November.

The Working Group Members made points including the following:

- There was concern from Members about the potential loss of the Overview and Scrutiny function, and how the wider role of Scrutiny would be carried out in any changed arrangements.
- There was no firm view from Members with regard to future Scrutiny arrangements, but a recognition that current arrangements are not satisfactory. Timings of the meetings should be re-considered, alongside agenda planning for items to allow earlier opportunity to shape and advise during the development of proposals.

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- There was flexibility on how a Scrutiny function could operate in future. There was a balance to be had in ensuring that items put forward were not slowing down decision-making or other committee business.
- With regard to putting items forward, there was concern that a technical barrier exists at present, in that there was set criteria which had to be met. However, it could work better if there was a higher threshold of members needed (i.e. 10-15) to support the item coming forward, with less of a 'technical barrier'. The same principles could be applied to the call-in process.
- It was important to have a mechanism so that the call-in process was not abused.

Andrew Campbell and Ian Parry responded to some of the comments, and made points including the following:

- With regard to inviting items for Scrutiny, a Committee System could include a similar provision, so that members of the public could submit topics for inclusion in the forward plan, and Councillors could approach a Committee Chairman to submit items. Committee's would also have the ability to set up Sub-Committee's for more in-depth topics.
- Scrutiny did not have the same purpose in a Committee system, and the function would operate differently.
- The call-in provision was designed to catch anything outside of the decision making process. It was not a Political venting system, but was often used inappropriately in that way by many councils.
- Looking at other authorities operating a Committee system, those with just one Committee tended to keep their O&S committee, whereas those with more than one tended not to have an O&S committee.
- Current Scrutiny arrangements could be made more effective. Pre-decision Scrutiny was a useful tool, and good Scrutiny can help shape policies via early discussions and the use of task groups.

Prior to the meeting, an Advisory Note, which responded to some of the questions raised at the Member Briefing on Thursday 21 November, had been circulated to Members of the Working Group. Andrew Campbell the introduced the paper, highlighting the main points to Members.

David Kitson added that Members needed to fully and carefully consider all potential options and the implications arising, and test proposed options clearly against the underlying reasons for wanting to change the current governance arrangements. Members agreed that their initial discussions and work of Andrew Campbell could usefully be summarised and captured as the underlying objectives for the work. In terms of the proposed timeline, a change in Governance arrangements should not be short-circuited nor rushed, and a realistic timeframe would more likely be around 18 months. There was an option to put in place interim changes, to give an opportunity for Members to try different options of amending current arrangements. These changed working practices may address the objectives of the working group.

Working Group Members then made the following additional points:

- The objective for change was that, although members were involved in discussions in their role in Scrutiny and Audit, they were not involved in the main decision making body. Cabinet presently only represents the views of 16 of 30 members of the Council. Larger, cross party committees would involve more Members and their views as part of decision-making.
- Pre-Scrutiny was not be effective when carried out one day before Cabinet were due to meet.
- Officers could be more closely held to account in a Cabinet Model via Portfolios.
- A review of the current Scrutiny arrangements was supported.
- Scrutiny was always supposed to be advisory, and to shape policy, and this has not widely nor effectively been utilised.
- There will always be some challenges around commercially sensitive information in terms of transparency in decision-making where projects have restrictions they need to rely on.
- Expanding the cabinet to include additional Members could be considered up to a maximum of the Leader +9.

Andrew Campbell, Ian Parry and David Kitson then added the following points:

- The percentage of officer decisions tended to be higher in a committee system.
- O&S could be made more influential, potentially drawing on the Kirklees example.
- Risks and costs increase significantly when there is less time to consider and change Governance arrangements.
- Some Councils have a standing agenda item on their Council agendas allowing the Chair of Overview and Scrutiny Committee to present, which in turn helps raise its profile.
- The risk with regard to commercially sensitive information could not be eradicated. Individual Councillors could be liable for, and pursued for, any losses to the Council.

The following was agreed:

- **The Advisory Note, drafted by Andrew Campbell in response to points raised by members at the briefing, be circulated to all Members of the Council, along with the presentation.**
- **That the objectives for any change be summarised for agreement at a future meeting.**
- **That the timing, role and function of OSC be considered so that improvements can be made.**
- **That the timescale to review Governance arrangements be extended to May 2021.**
- **That the next meeting of the Working Group be scheduled after the General Election, potentially in to the New Year.**

7. **Consultation**

Following discussions in the previous agenda item, this item was withdrawn from the agenda.