

# Chichester District Council

CORPORATE GOVERNANCE

10 January 2021

## Governance Task and Finish Group

### 1. Contacts

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### 2. Recommendation

- 2.1 To note with thanks the external report from Professor Colin Copus and Mr John Lynch on governance at the District Council
- 2.2 To note the decision of Full Council to run a trial of evening meetings and to instruct officers to run a community survey in Summer 2022 to provide a wider assessment on meeting timings. To further note the advice that more meetings will be needed if a move to evening meetings is made, as well as other impacts set out in appendix two.
- 2.3 To note that the role of panels is to enable detailed consideration of matters so that recommendations can be made to committees.
- 2.4 To note that changes to the local government legislation will be required for any additional amendment as to how meetings are held remotely and that the Council has applied as flexible an approach to how meetings are held that the law allows.
- 2.5 To recommend to Full Council that any constitutional changes to local meeting practice enabled by future changes in the law are delegated to the Monitoring Officer in Consultation with the Chairman of Corporate Governance and the Leader of Council.
- 2.6 To note that by operation of the panel systems already operating the Council is in effect running a hybrid model of governance.
- 2.7 To recommend to Full Council that Council debate the preferred timing of meetings in November 2022 following the trial of evening meetings to inform

the annual committee date setting item for meetings implemented from May 2023.

- 2.8 To recommend to Full Council the creation of a further panel to provide members with a forum to discuss Housing and Community activity of the Council.
- 2.9 To carry out a full review of panels to build Consistency of approach between those panels and to clarify their role in making recommendations. This review to include consideration of whether each panel should meet in public or private session.
- 2.10 To recommend to Full Council that the Constitution be amended such that political balance be achieved across all four panels on the same basis as that applied towards all full committees.
- 2.11 To recommend to Full Council that all panels be chaired by a relevant cabinet member.
- 2.12 That Corporate Governance and Audit Committee
  - a) consider and establish new arrangements for questions to the Executive and how to improve visibility and frequency of this section of the Full Council agenda; and
  - b) recommend that questions to SLT be held every second meeting of Council as a separate session to that meeting.
- 2.13 To recommend to Full Council that the calendar for Business Routing Panel be amended such that it meets twice annually and that Panel Chairmen be added to the membership of those meetings.
- 2.14 To instruct the communications team to report on improvement methods of communication to members including consideration of a high level dashboard.
- 2.15 To require the monitoring officer to report annually on member training delivery to this Committee.
- 2.16 That this Committee revisit the subject of Governance and operation of panels in 2023.

### **3. Background**

3.1 The Council is under a duty to manage its activity effectively through a proper system of governance. This report receives the recommendations from a task and finish group charged with reviewing those systems.

### **4. Outcomes to be Achieved**

4.1 The foundation of the work of the Council is effective governance by members. This has to balance the needs of efficiency – such as making decisions quickly in response to its obligations – and transparency – the need for the public to see and understand the decision making and reasons for it.

4.2 Cllr Moss the leader of the opposition submitted a motion to Council in January 2021 to consider hybrid style of governance. This motion was agreed and Council directed for a review of the issue including structural changes which followed the review. That review was carried out through a task and finish group reporting to this Committee.

4.3 The task and finish group met three times, debating the subjects within its terms of reference actively and in detail. A broad input of political views was demonstrated in that debate.

4.4 Debate included the following:

- What makes an effective culture of governance in Chichester
- Communication
- The split between strategic and operational matters
- The process of cross party decision making in a diverse political present.
- Support to shadow cabinet members
- The balance between matching members skill sets to roles against the role of political balance.
- The role of business routing panel
- Resources for governance in a deficit reduction situation
- Evening meetings

4.5 The group saw and debated the conflict between swifter or more efficient decision making by a smaller group against the democratic duties of transparency and breadth of perspectives encouraged by wider participation in decision making. A consensus that not all decisions should be made in the same way was similarly achieved.

4.6 The experience of the pandemic showed the benefits of both approaches – the speed of Council response to the emergency and unforeseen elements by Cabinet and the recovery group more consensual working were both seen as having their place. Members debated the benefits of remote meetings as to transparency and indicated they were happy with the increase in open and accountable democracy they represented – whilst also noting the benefits of face to face meetings.

4.7 Broadly the legal requirements which apply to decisions which have to be made by particular bodies was noted and understood. Officers also advised on the requirements of financial and scrutiny functions and the need to ensure future governance continues to meet those legal obligations under the Executive decision regulations. The current restrictions upon remote meetings (temporarily suspended during the pandemic) are back in place and those again place outlines within which any changes have to be achieved.

4.8 The roles of different types of meetings were discussed and the differences were confirmed as being:

- Task and Finish Groups                      To complete a single task making recommendations to a committee.
- Panels    To undertake broad assessment of strategy looking forward in particular broad areas.
- Sub Committees                              To carry out quasi- judicial decision making

- Committees To debate, consider evidence (including from panels and TFGs) and make decisions.
- Cabinet To make final decisions within the Executive decision regulations, considering evidence (including from committees, panels and TFGs)
- Overview and Scrutiny To provide the statutory scrutiny role in particular for Cabinet Decisions
- Full Council To make decisions of policy and higher budget setting.

The need to maintain separation of these roles and to focus attention of each body upon its own activity and duties was discussed and understood by the Task and Finish Group.

4.9 Members of the Task and Finish Group considered the broad roles to be appropriate to the Council governance and effective decision needs. They agreed with previous points raised at full council that a full Committee model would be unsuitable to Chichester, and noted the views expressed by other councils who had undergone such changes regionally and in the CFGC rethinking council governance in coming to that view. The group took advice from Professor Copus on the existing model applied by this Council and noted that the use of panels was very much consistent with a “hybrid governance” model in carrying out in depth consideration of topics within their individual terms of reference enabling significant input and consideration of evidence by members, whilst retaining the final determinative role of Cabinet.

4.10 However, whilst members of the Group saw that the use of panels was an effective method for considering detail of areas of broad strategy they also noted the existing range of panels does not cover all activities of the Council. There was seen to be a need to cover the areas not addressed through the other panels (DPIP, Environment Panel, and the Economic Development Panel) and the Corporate Governance and Audit Committee, specifically Housing and Community functions. This was seen to be a way of promoting consensual working, enabling a broad input from all parties. There was however some variation in the manner of operation at each panel and the broadening to include an additional panel was felt to be timely to have a wider consideration including such elements as who should chair panels, how and when to introduce financial assessments, how to avoid an overlap with scrutiny review roles (or even compliment those roles).

4.11 Members of the group received reports on the statutory roles of a cabinet and the limitations of their decisions being passed to other committees. They received reports on how panels by their nature consider and recommend, do not decide.

4.12 The group debated whether there was scope to increase visibility of non- cabinet member involvement in decision making. They received advice from the Monitoring Officer as to the operation of the legal duties of officers to be non-political and in particular how that applied to press releases and social media. The use of panels, in particular where they are accessible to the public live or as recordings was seen to be a method to ensure public visibility of members active in debate and another reason to support effective panel activity and using the technology where allowed. The ability of political parties to issue their own publicity and the rights of press access to give independent scrutiny of member involvement were also noted. The officers also presented reports on

the current legal limits of remote meetings for certain committees. The group expressed wishes that these be changed promptly if the law does change.

4.13 The group discussed political balance and received reports that political balance for particular panels was not established by law, but that Democratic services officers and the Monitoring Officer were very much aware of the political balance in setting memberships, discussing which members should be on panels with group leaders. Members indicated that they would like something more formal to be established. Members will need to further debate whether political balance alone is required or whether a skills-based membership has a higher priority. This element is referred back to Corporate Governance Committee.

4.14 There was much debate on the methods of members questioning the Executive. The constitutional system for Chichester is far more generous than that seen at other councils in the region but the issue of it being deferred frequently by the Chairman – with clear reasons or not – was seen as problematic. Options to improve this element of full Council are needed and the group wishes to recommend to this Committee that it carry out an options review for this, that review to be presented to full Council.

4.15 Members discussed what might be improved on the way in which they receive communicated information and expressed some support for change. The Task and Finish Group thought this an area which should be .

## **5. Proposal**

5.1 The recommendations include all aspects of the proposal.

## **6. Alternatives Considered**

6.1 The terms of the task and finish group excluded Committee structure. Otherwise the review covered all elements of governance.

## **7. Resource and Legal Implications**

7.1 This report creates no immediate financial implications.

7.2 There are legal obligations under the Local Government Acts to have effective governance. This report works to enable this.

## **8. Consultation**

8.1 Members were consulted through a survey and interview process run by Professor Colin Copus from the Association of Democratic Service Officers. He reported to the task and finish group as to the findings of that process as part of his report.

## **9. Community Impact and Corporate Risks**

9.1 Members of the Task and Finish group repeatedly emphasised concerns that the governance of the Council be fit for purpose so that the public can have confidence in the process, understand the way decisions are made and participate actively as well as ensuring members themselves are visibly engaged and delivering their residents

wishes in an evidence based manner. The recommendations are intended to enable these community impacts.

## 10. Other Implications

<b>Are there any implications for the following?</b>		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime and Disorder</b> The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		X
<b>Biodiversity and Climate Change Mitigation</b> Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		X
<b>Human Rights and Equality Impact</b> You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		X
<b>Safeguarding and Early Help</b> The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		X
<b>General Data Protection Regulations (GDPR)</b> Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		X
<b>Health and Wellbeing</b> The Council has made a commitment to 'help our communities be healthy and active'. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.		X
<b>Other</b> (please specify)		

## **11. Appendices**

Appendix One – report from Colin Copus, Emeritus professor of Local Politics, De Montfort University.

Appendix Two – officer report to third meeting of the Task and Finish Group (December 2021)

Appendix Three – Officer's report on evening meeting costs and impacts.

## **12. Background Papers**

Task and finish group meeting notes 21 October 2021

Task and finish group meeting notes 18 November 2021

Task and finish group meeting notes 13 December 2021