



Association of
Democratic Services
Officers

CHICHESTER DISTRICT COUNCIL

REVIEW OF GOVERNANCE

Introduction

Chichester District Borough Council commissioned ADSO to undertake a review of its governance model following a motion to full Council in January 2021 which resolved:

“To establish an Officers and Members Working Group to review the operational model of the Council. The Working Group shall review the Centre for Governance and Scrutiny's 'Rethinking Council Governance for the 20s' paper and consider how to:

- maximise councillor involvement in decision making
- build upon the experience of the Recovery Groups to promote consensual working
- offer continued financial acumen
- provide a strong role for scrutiny and governance
- ensure speed of decision making
- provide open and accountable democracy
- make the most of opportunities to work effectively with residents and local partners”

The aim is to report to Council in the 2021/22 Council Year with agreed recommendations to be introduced at the Council's 2022 Annual Meeting.

Recognising that a change from a “Leader and Cabinet” model of governance to a formal Committee system was complex, resource intensive and undesirable given Chichester’s circumstances, the Working Group would make recommendations that could be introduced to deliver a “best of both worlds” Hybrid model.

The review was carried out by John Lynch, ADSO Finance Director and former Head of Democratic Services at four London Boroughs and a County Council and Colin Copus – Emeritus Professor of Local Politics, De Montfort University and Non-Executive Director ADSO, with support from officers at Chichester.

The Research

As part of the review of governance arrangements in Chichester the review team focused on the importance of members' perceptions and experiences of the current system, their views of its strengths and weaknesses and on ways in which they would want to see the system improved.

The research for the review consisted of eleven zoom interviews and a questionnaire sent to all members. Eleven interviews were conducted with members and twelve responses were received to the questionnaire. Given that three responses to the questionnaire were also interviewed the low response rate means that the best way of dealing with the data received is not to present tables setting out the responses to the questions, but rather to use that to enhance the findings of the qualitative research.

The Findings

Decision-making

The overall view expressed by members was that the existing governance system operated well and provided for quick decision-making and ease of identifying those responsible for decisions. It provided a focus for members seeking to understand the reasons decisions had been made and the logic and rational behind those decisions. The majority of members felt they were able to have an input to the decision-making process albeit not to the making of the final decision itself and often more through informal processes than through a formal forum.

It was clear from members' responses however, that it was a simpler process for members of the ruling group to have an input to decision-making than for members of other groups and there was some frustration among minority group members that their views were not fully heard in the decision-making process.

There was general agreement that the current system enables members to have access to and question officers through the decision-making process, although it was also felt that the views of members were not always reflected in the final decision made. Again, the distinction was clearly between members of the ruling group and those of other groups who felt less able to influence the cabinet and officers. Although overall the system did provide for good officer/member working relationships in the decision-making process.

Policy development

The views of members as to their opportunities to become involved in policy-making matched very closely views about decision-making and also reflected differences between majority group members and members from other groups. Examples of cross-party working were given and seen as positive aspects of the current system; such views mostly focused on the council's Recovery Groups. The meetings of the Recovery Groups were cited as examples where cross party and consensual working and policy development worked well.

The nature of the issue itself, which the Recovery Groups focused on were partly the reason for their success, as all members, irrespective of group, sought to address these vital issues in a way that was best for the area. The Recovery Groups may provide a model for any improvements to the current governance system as while they are not decision-making – they are an effective forum for members to use to shape the way the cabinet and officers made decisions.

Overview and Scrutiny were generally felt to be working well and to be an effective part of the governance system. But improvements to scrutiny's exploratory process and long-term policy development impact were signalled by some members who felt it lacked impact on the overall strategic direction of the council.

That the Recovery Group meetings were seen to be a more effective forum for member input to policy indicates that the subject matter and processes of scrutiny need to be refocused and the link to the cabinet and portfolio-holders clarified and developed so as to draw on the positive experiences of the Recovery Group meetings.

Transparency and Openness

Members reflected the often-found view among non-executive councillors that it was difficult for them to have an overview of what was happening on the council and why certain decisions were taken. There is nothing unique to Chichester District Council in the responses we received from members of both the ruling group and the minority groups and the distinctions between them. Members of the ruling group felt that the system was more open and transparent than members of the other groups, although, it must be stressed this is not a unique position for Chichester.

Overall members, across party require the governance system to have:

- clear points of responsibility among executive members and officers
- ease of access to those responsible for decisions
- ease of access to and availability of information for members
- opportunities to debate, critique, challenge and seek justification for decisions and policies
- an ability for decisions to be made and not unnecessarily delayed or hindered
- opportunities for all members to assess and comment on important decisions before they are made or to explore their effectiveness after they are made

Much of the above means that the existing governance system could be easily reformed to provide members with the openness and transparency felt necessary.

Member Engagement

In reporting members' attitudes to openness and transparency above, issues of member engagement have also been revealed. There is a general desire among members to be more aware of what is happening within the council and why and also to feel that their 'voice' is heard, and clear responses received. Much of the views expressed were requesting greater opportunities to debate issues and policy but also focused on technical issues such as the rules for asking questions or moving motions at council meetings and the response time to member queries.

The timing of meetings was raised with a clear difference of opinion of the need for meetings to take place in the evening or during the day. We know that that the council is already aware of the mixed and strength of feelings of members on the issue and that officers have been tasked with holding meetings at different times as a trial.

There was a strong recognition among members that the recent reduction in councillor numbers had produced problems for the governance system and while members want to be more fully engaged in policy, decisions and general awareness of the council and its activities there was no desire for this to be achieved by generating more meetings. Thus, there is a need to explore how information can be made available to members through different methods such as member briefing notes.

While there were some members who expressed a need to change the governance system and use a committee system, this view was not widespread. Indeed, there was little overall desire to change the governance system, even among those who felt more disengaged than others. What members are seeking are more opportunities to be engaged, be informed and aware of council activities and to be able to influence or input to council decisions and policy.

It is clear that party politics, or group politics, has a bearing on the views members expressed and about levels of member engagement and two currents of opinion were detected from the research:

First, among majority group members who felt that council business, particularly full council meetings, had become more politicised since the elections and that there was now a more adversarial and less co-operative approach to interactions between the groups – especially in formal council settings.

Second, among the other groups on the council there was a feeling that they were excluded from information, processes of decision-making and that they lacked effective opportunities for debate and engagement or for energising action on issues and policy.

Again, these findings are not unusual across local government, and they do reflect the realities of party politics and inter-group politics. But they do indicate an issue of the political culture of the council which, if not changed, would continue to exist under any set of governance arrangements.

Findings Conclusions

While there is no general desire to change the system of governance within the council, there are frustrations among some members about the adequacy of the opportunities they have to engage, influence, understand and oversee the policies, decisions and activities of the council. While this view was mainly found among members outside of the ruling group there was broad agreement that the Recovery Groups provided a good example of how the council should operate in a more cross-party, deliberative, and investigatory process and that this process should be more prevalent in scrutiny.

While the differences in opinions received from members and satisfaction with and criticism of the current system often ran along group lines, the lack of desire for whole system change was also evident. Encouraging and facilitating cross party, policy-focused work does not require a governance system change, neither does providing members with greater opportunities to be aware of and engaged in council affairs.

Chichester: Options for Change

Introduction

It is important to recognise that as a well-run council with a strong reputation, any changes to be considered are building on a position of strength. Given that initial point, the research among councillors conducted for this review focused on the following aims of the council's overall review of the governance arrangements in operation:

- maximising councillor involvement in decision making
- building upon the experience of the Recovery Groups to promote consensual working
- providing a strong role for scrutiny and governance
- ensuring speed of decision making
- providing open and accountable democracy
- making the most of opportunities to work effectively with residents and local partners

These aims were the most appropriate and realistic for the research team to explore with councillors and they provided the basis of our questions to and discussions with members and the questionnaire that was circulated to members. Indeed, these aims were reflected very strongly, by members, in the research conducted by the ADSO team.

The ADSO team also employed in the research and drafting of this report the findings of the Centre for Governance and Scrutiny's (CfGS) report: Rethinking Governance for the 20s; the team also conducted research with other councils who had reviewed or were currently reviewing their governance arrangements to inform the report.

Context for the way Forward

It was clear from the research among members that there is no great desire for a root and branch reorganisation of the current governance arrangements and while it was the case that two members supported a committee system be adopted, this was not a wide spread view held among members.

The Centre for Governance and Scrutiny Report (referred to above) and ADSO's own research shows that there has been no great return across local government to a committee system and that currently some 74% of respondents to an ADSO survey operate a cabinet and leader system. What has been prevalent across local government is a willingness to review and revise the cabinet and leader system to make it more inclusive of all members' input and more responsive to member engagement and questions.

As the CfGS report and ADSOs own research shows councils which have adopted a hybrid system have in effect amended the cabinet and leader system which introduces an element of committee-based decision-making with ratification by the cabinet, which relies, of course, on that ratification being given. Hybrid systems may also create a series of overview and scrutiny committees related to specific policy areas. An ADSO survey found that hybrid systems are employed by only 1% of councils.

ADSO would be happy to describe some of these hybrid systems when they present their report to the Working Group.

It is clear from our research that Chichester members prefer to amend and improve the current system without a major change of governance arrangements and this approach has the advantage of incremental change and the ability to experiment with improvements to ensure the achievement of the six-bullet point aims above. It is possible to condense these aims into two clear points of focus for change for the council's governance arrangements:

- Deliberative and investigative input and debate for members into long-term strategic policy-making
- Member awareness of cabinet and other decisions being made

With this in mind and reflecting on the findings of the research section in this report the council has the following options for change:

1. Create a scrutiny committee directly linked to each cabinet portfolio to which each portfolio-holder would regularly and directly report, or:

2. Without creating a committee for each portfolio ensure that there is a clear link between each portfolio-holder and a regular scrutiny committee for reporting purposes

3. Building on the experiences of the Recovery Groups, Scrutiny Committees should reflect and operate on policy themed strategic investigations (or further use of task and finish groups) to conduct more and longer-term reviews of policy issues of relevance to Chichester. These reviews should be investigative, research and evidence based to encourage cross-party, collaborative working. Such reviews would not always focus on the 'council' rather on the issues of importance to the area and the role and work of external agencies and bodies, as indicated by the success of the Recovery Groups.
4. A separation of policy scrutiny from pre-decision scrutiny or decision scrutiny into different forum and events.
5. A continued and greater use of pre-decision scrutiny to provide input for members into the decision process and to help inform and support cabinet decision-making
6. Adequate space and opportunities at full council for scrutiny reports to be debated and their findings explored to engage all members
7. The research among members indicated that the council should consider a more detailed review of the structure and effectiveness of the scrutiny system with the aim of strengthening scrutiny and its value to member in policy development and cabinet accountability
8. The requirement for future motions to council to be fully costed should not fall on the individual members promoting motions, rather costings should be provided by officers for the member introducing the motion. It is particularly necessary to ensure the workload involved in this change does not fall on members who currently receive little support in developing and drafting motions. Indeed, such a requirement could be seen to be against the spirit of the aims of increasing member engagement and providing open and accountable democracy unless it is carefully structured and supported
9. To ensure members are fully aware of the decisions, actions and activities of the council, a member briefing system be introduced with regular briefing notes circulated to all members

The above changes are designed in the spirit of members' views expressed in the interviews and questionnaire to avoid a whole scale reorganisation of the governance system and the cost, time and upheaval that would entail. Rather, the suggestions are deliberately shaped to ensure minimal disruption to the system but support and generate greater member engagement and involvement.

Conclusion

The changes suggested above while presenting minor change will help to provide greater opportunities and forum for member engagement across the groups and for members to use their skills to support the council in its work.

Structural change, however, will only work if there is a change of political culture to support the new structures; otherwise, new structures are in danger of making little, if any, change.

The issue that was raised most and most intensely by the members that took part in our research related more to the political culture of the council and the nature interactions between the different groups than it did to structural issues.

All members, irrespective of their groups, are responsible for the political culture of any council and the effectiveness and nature of interactions between groups and individuals. Local politics and council politics in particular, are an emotive, value laden and principle-based set of interactions where tempers can fray, or political machinations take place and strength of feeling and passion around views is no bad thing and does have its place in council activities.

But a culture is required which provides for both political interaction and serious, collaborative policy making and cross-party strategic thinking without one damaging the other. The more opportunities for the latter the less likely are the former to damage relationships between members and officers and between members themselves. The changes we suggest above will help create that balance.

John Lynch and Professor Colin Copus
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