

Officer Report to Governance Meeting

Recommendations

- 1) To note with thanks the external report from Professor Colin Copus and Mr John Lynch on governance at the District Council
- 2) To note the decision of Full Council to run a trial of evening meetings and that the Chairman of Corporate Governance Committee 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, and the other impacts set out in the appendix to this report.
- 3) To note that by operation of the panels already operating the Council is in effect running a hybrid model of governance.
- 4) To note that the role of panels is to enable detailed consideration of matters so that recommendations can be made to committees.
- 5) To note that changes to the local government legislation will be required for any additional amendment 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.
- 6) To recommend to CGAG that it recommend to Full Council that changes to local practice enabled by any future changes in the law are delegated to the Monitoring Officer in Consultation with the Chairman of Corporate Governance and the Leader of Council.
- 7) To recommend to CGAG that it recommends to Full Council that Council debate the preferred timing of meetings in November 2022 as an element of the annual committee date setting item for meetings implemented from May 2023.
- 8) To recommend to CGAG that it recommends to Full Council a further panel to provide members with a forum to discuss Housing and Community activity of the Council.
- 9) To recommend to CGAG that it carry out a review of panels to build consistency of approach between those panels and to clarify their role in making recommendations.
- 10) To recommend to CGAG that it recommends 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 Councils.
- 11) To recommend to CGAG that it recommends to Full Council that it instruct the strategic management team to establish new arrangements for questions to SLT and questions to the Executive to be held separate to meetings of Full Council.
- 12) To recommend to CGAG that it recommends to Full Council that committee and sub-committee meetings be held in person but that meeting of panels should typically be held remotely. That all meetings be recorded and made available to the public where permitted in law.

Background to the Recommendations

Members have debated over two sessions the matters within their terms of reference.

Independent, external advice has been provided by Professor Copus and Mr Lynch in their written report “Review of Governance” and Professor Copus went on to attend the first session of this task and finish group. The basis of their report and its objectives were set out in that report (appendix 2). The Task and Finish group also considered the current best advice on this subject from the Centre for Governance and Scrutiny, “Rethinking council governance for the 20s” – November 2020 edition.

Debate was detailed and the TFG has demonstrated its broad political balance.

The group were briefed on the work being done to trial evening meetings and endorsed that consideration.

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.

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.

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.

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 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.

Members of the 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.

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) 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). Whilst coming outside the scope of the task and finish group a recommendation to have CGAG review this area was felt appropriate.

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.

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 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.

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.

The Monitoring Officer recommends that an effective way to achieve that could be to amend the constitution such that the statutory balance calculations be carried out for panels in the same way that it is for committees. If done across all Panels this would result in a demonstrably fair and objective method of approaching balance more widely than on a panel by panel basis.

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 (see appendix 3) 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 SLT to carry out an options review for this, that review to be presented to full Council.