

Re-thinking Governance Work Group

The table below summarises the key changes made to the content of the constitution or an underpinning process and the link to the relevant design principle agreed by Council. The design principles are:

- a) To maximise member engagement and participation in decision-making
- b) To ensure decision-making is informed, transparent and efficient
- c) To welcome public engagement
- d) To enable member and officers to perform effectively in clearly defined functions and roles
- e) To assess any resource implications for any proposed changes

Re-thinking governance themes:

Theme 1: Enhanced Policy / decision making

Theme 2: Improved and strengthened scrutiny

Theme 3: **Improved Communication and Culture**

	Issue/Question	Action arising	Constitutional Reference	Change made	Design Principle and Theme
Scrutiny [Focus group meeting: 8 December 2020]					
S01	Identification of member capacity, skills and life experiences so that associated skills / expertise can be called upon for task and finish groups. Also raised at Cabinet Focus Meeting on 14 January 2021.	A process to understand and collate member capacity, skills and life experiences will be considered with a view that a 'pool' of members and their associated skills/expertise could be called upon for task and finish group activity. Process development, maintenance and review of members skills/experiences database	N/A	Operational – member development survey to be developed in conjunction with Group Leaders.	(a) Theme 1
S02	Lack of remuneration for members sitting on task and finish groups.	Re-thinking governance working group to explore the scope for the Independent Remuneration Panel (IRP) to consider changes to the basic and/or special responsibility allowances to ensure members are properly remunerated for their input in to task and finish groups. This should also feed into points 3 and 10. Refer to independent remuneration panel for consideration	6.1.1 to 6.1.3 (Councillors' allowance scheme)	N/A – IRP to make recommendation to full Council and Council to decide in May 2021	(a) Theme 3
S03	Scrutiny structure to be considered	The RTG group review the recommended course of action and work up firmer proposals for possible scrutiny restructuring. This should feed into actions 2, 7 and 10. Consideration of new lines of accountability for the Health and Wellbeing Board may be required:	Sections 2.6.2; 2.6.4; 3.4.5; and 4.2.2 Sections 3.4.5		(b) Theme 2

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S04	Awareness of scrutiny effectiveness	Consider re-instating the annual review of scrutiny effectiveness with reporting into the Annual Governance Statement and/or full Council	TBC (may need amendment to Council functions if report to full Council)		(a) and (b) Theme 2
S05	Lack of transparency of the forward plan	Ensure review of the forward plan as a standing item of the scrutiny protocol meetings and that, in addition to the leader and deputy leader, appropriate cabinet member(s) are in attendance. This should also feed into action 9.	N/A	Operational and can be actioned immediately	(a) and (b) Theme 3
S06	Lack of transparency of the forward plan	Following consultation with the RTG on 21 December – Democratic Services to produce the most up to date list of forthcoming executive decisions in table format and make this available as part of scrutiny committee papers – specifically to aid the work programming standing item.	Possible constitution changes: if any changes to the ‘type’ of information published is required. E.g. publishing Key decisions only; or changing thresholds of RoOD trigger points. Sections: 5.8.50 and 5.8.54	Operational: this can be actioned once consultation has been undertaken.	(a) and (b) Theme 3
S07	Overview and co-ordination of scrutiny work programmes	The quarterly scrutiny executive protocol is updated to take on an ‘overview and coordination’ role over the scrutiny work programmes to ensure items are brought to scrutiny at the right time and for the right type of scrutiny. This should feed into action 3.	Possible constitution change: if the protocol group have powers to alter scrutiny committee work programmes: Section 4.5.28		(a) Theme 2
S08	Forward plan display is not user friendly	Democratic services review more user friendly options for presenting information on the forward plan to ensure items arrive on the plan as early as possible, contain enough information to ensure committees can judge what items come to scrutiny.	N/A	Operational: this can be actioned once consultation has been undertaken.	(a) and (b) Theme 2
S09	Forward plan not “forward looking” enough	Democratic Services to ensure that the forward plan is populated with all of the corporate delivery plan commitments with indicative dates for delivery to ensure that scrutiny committees can plan work programmes appropriately. This should also feed into action 5.	N/A	Operational: this can be actioned once consultation has been undertaken. Coordinated activity between DS and directorates to ensure officers populate the FP	(a) and (b) Theme 2
S10	Should there be standing panels and more use of task and finish groups.	in conjunction with point 2 and point 3 above, RTG group members to give	Constitutional change required	Constitution currently silent on such panels. New section	(a)

	Issue/Question	Action arising	Constitutional Reference	Change made	Design Principle and Theme
		further thought to 'standing panels' / more use of T+F groups and consult further on this proposal.	if standing panels are to be given a formally recognised policy influencing role?	required to scrutiny procedure rules? Possible wording: <i>Standing panels:</i> <i>Through agreement by the Scrutiny/Executive protocol arrangements, standing panels of scrutiny members will, from time to time, be put in place to provide oversight for an ongoing council process. They will be used when scrutiny is shadowing a time-limited piece of work carried out by someone else – for example, a cabinet member or the cabinet's preparation of the budget or a major NHS reconfiguration</i>	Theme 1
S11	The political group consultation is not working as well as it could [Also raised in Cabinet Focus Group Meeting: 14 January 2021]	Political Group Consultation to be reviewed in terms of its operational effectiveness, timeliness and distribution RTG working group members and officers to consider how the PGC process may be improved in terms of member engagement practices. For example, following up the suggestion for Cabinet member zoom briefings with members.	N/A	Operational	(a) Theme 1
S12	Work of scrutiny is not visible on the council's website	Chairs to review draft web pages and feedback to democratic services. Consideration be given to including effectiveness evaluation reports on each committee.	N/A	New web-pages have been developed – these web-pages will allow for a greater scrutiny profile to be developed; to communicate the work of scrutiny and how members of the public, potential co-optees and expert witnesses can get involved with the work of scrutiny in the council. See draft Scrutiny pages here .	(c) Theme 2
Planning and regulatory committee (Focus group: 22 December 2020 and survey from 22 December 2020 to 10 January 2020)					
P1	Should the planning code and rules be combined into one document?				(a) Theme 1
P2	The Planning and Regulatory Meeting is held in working hours. Should Committee meetings be held out of hours?				(c) Theme 1

	Issue/Question	Action arising	Constitutional Reference	Change made	Design Principle and Theme
P3	Should material and non-material considerations be put on the Council website?				(b) Theme 1
P4	Is the size of the committee correct? [currently 15 members]		2.8.2		(a)
P5	Does the following sentence clearly outline the role of the committee: The committee determines applications for planning and listed building consents which are not decided by an officer		2.8.4		(b) Theme 1
P6	Should the S106 process be made clearer, e.g. to include what the member can do to seek S106		(4.8.5b+c)		(b) Theme 1
P7	Should the Ward Member's time to speak to the Committee be capped at 15-20 minutes maximum before and 15- 20 minutes after the debate)?		4.8.9		(a) Theme 1
P8	Are the rules on elected members speaking to the Committee clear and effective?		4.8.34		(b) Theme 1
P9	Should all major applications allow more speakers?		4.8.35 (i)		(c) Theme 1
P10	Should all major applications allow an increase in time to 4 minutes?		4.8.35 (i)		(c) Theme 1
P11	At present, the Committee and other stakeholder receive one week's notice of the application coming to the Committee, should this be extended to two weeks ?		4.8		(b) Theme 1
P12	Currently, all members are informed by e-mail of planning applications in their ward (4.8.3). Would elected members like to be kept informed by Case Officers ONLY if/when there are comments made or concerns are raised (4.8.5a)?		4.8.3 and 4.8.5a		(b) Theme 1
P13	The rules outline a Councillor's involvement in planning applications however, should this section be made clearer and include the: • role of the Substitute? • role and definition of what constitutes being an Adjoining Member?		4.8		(a) Theme 1
P14	Should the redirection process be made clearer and include a timeline?		4.8.12 – 4.8.25		(b) Theme 1
P15	Does the role of the Legal Officer need to be stated?		4.8.12 – 4.8.25		(b)

	Issue/Question	Action arising	Constitutional Reference	Change made	Design Principle and Theme
					Theme 1
P16	Is there a need to state that ward member is allowed to speak at the Redirection Committee?		4.8.30		(b) Theme 1
P17	Should the 'notification period for a redirection' be extended beyond the three weeks period?		4.8.12 - 4.8.25		(b) Theme 1
P18	Should the ' who makes the decision at redirection ' be made clearer?		4.8.25		(b) Theme 1
P19	Is it necessary to define: <ul style="list-style-type: none"> what is the meaning of unusually or sensitive (4.8.18)? who determines a 'high level of public interest'? how many letters or emails determines a 'high level of interest'? what is a significant change in planning policy, eg. does this refer to the Core Strategy once adopted, NPPF or Guidance documents? whether land use is seriously affected i.e employment, open space, intensive farming/ diversification, nursing homes, supermarkets, housing developments over 100? 		4.8.12 – 4.8.25		(b) and (c) Theme 1
P20	Part 5, Section 6 outlines the role of Councillors who are members of the Committee. However, should it include: <ul style="list-style-type: none"> the Ward Councillor presenting the planning application does not get a vote? the Role of the substitute? what happens when the Substitute is also member of the Committee? 		5.6		(b) Theme 1
P21	Does the section on Lobbying make your responsibilities clear (5.6.10)?		5.6.10		(b) Theme 1
P22	Does the Site Inspections section require any clarifications?		(5.7.12-21		(b) Theme 1
P23	Under the Site Inspections General Matters (5.6.20): <ul style="list-style-type: none"> should it state there is no debate on site because Officers outline material planning issues only 		5.6.20		(b) Theme 1

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	<ul style="list-style-type: none"> should it state members can bring questions to the Committee meeting or email officer after site meeting? 				
P24	<p>The Council would like to encourage better and more informed public participation in planning matters such as</p> <p>a) commenting on applications, b) engaging in Committee meetings or c) understanding the appeals process.</p> <p>Should there be a:</p> <p>a) flow diagram in the Constitution for members and the public to follow the planning process</p> <p>b) flow diagram on the Council website under Planning?</p> <p>c) simple video on the Council website to walk people through the planning process?</p>				(b) and (c) Theme 1
P25	Is the guidance on pre-determination clear?				(b) Theme 1
P26	<p>Should a reserved list of substitutes be appointed by:</p> <p>a) Full Council; or</p> <p>b) Committee members?</p>				(a) and (b) Theme 1
P27	The length of Case Officer reports to Committee are becoming increasingly lengthy – should a limit be set by the Committee?				(b) Theme 1
P28	<p>The timing of speakers is not consistent. Should the responsibility of timing be carried out by:</p> <p>(a) the Chair? or</p> <p>(b) a Planning Officer? or</p> <p>(c) Democratic Services?</p>				(d) Theme 1
P29	Should political proportionately be suspended for planning committee? [Proportionately already suspended for licensing sub committee]	Democratic services to research whether councils have suspended political proportionately for planning committees			(a) Theme 1
Group Leaders Focus group meeting: 5 January 2021					
G1	Is the “role descriptor” set out in Part 5, Section 9 clearly defined	<p>Needs to be written in more positive terms.</p> <p>Additional points to be included are:</p>	5.9		(b) Theme 1

	Issue/Question	Action arising	Constitutional Reference	Change made	Design Principle and Theme
		<ul style="list-style-type: none"> Support to group members to carry out their role (e.g. induction, regular meetings, supervision, identification of training needs and support) Regular communication within their groups Identification of membership and substitutes at committees Represent their group at the group leaders meetings 			
G2	Request for consideration of an officer appointed to be a political group officer. [Also raised at Cabinet focus meeting on 14 January 2021.	Democratic services to research what other councils have in place.			(e) Theme 1
G3	Role of Group Leader's meetings to be more clearly defined / understood				(a) and (b) Theme 1
Cabinet Focus group meeting: 14 January 2021 2nd Focus Group meeting: to be confirmed					
C1	Would there be an opportunity for all members to comment on the functions / operation of the committees?				(a) Theme 3
C2	Proposed scrutiny structure would need further work. The current scrutiny structure could work if it was strengthened.	Further work to be undertaken by working group with regard to possible scrutiny models			(a) Theme 2
C3	Consideration be given to updating the constitution to make provisions for joint scrutiny committee working.	Linked to consideration of possible scrutiny models.			(a) and (b) Theme 2
C4	Could consideration to be given about guidance being developed rather than be prescriptive in the Constitution				(b) Theme 2
C5	The workload of cabinet is large and there was a need to be balance that with other commitments.				(a) Theme 2
C6	Should cabinet members have delegated decision making (i.e. make individual decisions)?	Cabinet work collaboratively at the moment and some decisions do go Cabinet depending on its nature. If no delegated decision making, then there would be a resource issue as there would need to be additional cabinet meetings.			(a) and (b) Theme 1
C7	The political group consultation should be improved.	Consider the possibility of whether an all members' meeting could be set up to discuss forthcoming key decisions?			(b) Theme 1
C8	To explore options around current levels of delegation; sub-committees and how this might work in practice. For example, following up the suggestion that there could be sub-committees of cabinet that follow the three strategic objectives of the county and corporate delivery plans.				(a) and (b) Theme 3

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C9	The public question process to be considered as it is not working quite as anticipated	Consider: <ul style="list-style-type: none"> Whether the questions are considered as part of the debate. Questions should relate to items on the agenda. Public Cabinet Q&A session which would be “unscripted” on, say a monthly basis What is the purpose of public questions. 			(c) Theme 3
C10	Should the publication of reports be altered from 5 working days to e.g. 7 or 10 days.	<ul style="list-style-type: none"> Quality of reports needs to be improved. Reports in the system come through late at the various stage. 			(b) Theme 3
C11	<p>Review the outcomes of the task and finish work eg. environment & waste currently going to scrutiny. Issues to be considered as part of review:</p> <ul style="list-style-type: none"> Members on the T&F group are also on scrutiny – is this a segregation of duties issue? If up pre-decision T&F work is strengthened to influence policy decisions, should scrutiny be essentially marking their own homework? How do we achieve the best outcomes? What sort of recommendations are made? Eg. <ul style="list-style-type: none"> Have they had adequate legal/expert guidance How effective are the recommendations Will they influence how the cabinet member will shape the decision Could the same result be achieved via policy panels to cabinet / other form of policy panel 	<ul style="list-style-type: none"> 			

Issues raised between reviews (and not yet part of a focus group query)					
I1	Timings in the council procedure rules to make sure there are clear as possible as potentially open to misinterpretation				(a) and (b) Theme 3
I2	Inconsistencies in treatment of questions esp. allowing councillor questions at an extraordinary meeting provided they relate to an item on the agenda				(b) Theme 3
I3	Other items of business such as the Leader's report and any notices of motion which are 'on hand' could be considered as items of business at extraordinary meetings of Council.				(b) Theme 3
I4	Call-in arrangements The pre-decision call in process needs expanding on e.g. additional clarity on who can initiate pre-decision call-in and how this is done Should details or a summary of the call-in procedure be included in the constitution?				(b) Theme 2
I5	strengthen and clarify the pre call-in part of the constitution – in particular I think we need to link it to the process set out under 4.5.54 – Members and Officers giving account. The timescales also require clarification. Suggested change to call-in provision: Where the scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision has been taken, <i>unless there have been material changes to the decision that were not recommended by the scrutiny committee.</i> [Also raised at Cabinet Focus Meeting: 14 January 2021				(b) Theme 2
I6	Enlarging employment panel so have an appeal committee for action short of dismissal.				(b) Theme 1
I7	How reports are treated in council – they are the same as a motion				(b) Theme 3
I8	Political proportionality disadvantages unaligned members. Should this be suspended				(a) Theme 1
I9	Review of the member and officer indemnity		Chief Executive's scheme of delegation		(d) Theme 3

I10	<p>I would like to change the budget process to require amendments to be put through the scrutiny process rather than tabled up to the morning of the budget setting council meeting.</p> <p>The process we have presently has the capacity to knock the budget off course and allows amendments to be proposed/approved which have been subject to no proper consideration whatsoever.</p> <p>That is bad for the council and bad for residents.</p> <p>I'd like this change to be made for the 2022-23 process.</p>				
I11	<p>Need an option c if council reject a budget at 4.3.15</p> <p>Reports need to decide if need seconding, and clear no right of reply</p>				
	<p>new Joint Programme Board that needs to be implemented as part of the new PMO Process. The idea is that this is an annual board between S151, Directors and Members meeting in September . It will be an information session to provide transparency to Members about the capital programme, capital projects and review of the PMO process.</p> <p>[Query: Task and finish group?]</p>				