



Report to: Audit & Governance Committee Meeting
1 February 2023

Director or Business Manager Lead: Sue Bearman, Assistant Director Legal & Democratic Services, Monitoring Officer
01636 655935, Sue.Bearman@nsdc.info

Lead Officer: Nigel Hill, Business Manager Elections & Democratic Services
01636 655243

Report Summary	
Report Title	Six Month Review of the Council’s revised Governance Arrangements
Purpose of Report	To consider the findings from the Governance Review Working Party’s six-month review of the new executive governance arrangements
Recommendations	<p>That:</p> <ol style="list-style-type: none"> 1. A further review of the operation of the Council’s governance arrangements should be undertaken at an appropriate point by the new Council 2. For the further review of the operation of the Council’s governance arrangements to include a request for specific feedback from the Tenant representatives on the Tenant Engagement Board 3. To establish a Working Group of Members to have oversight of the Member induction process following the May 2023 District Council elections; for each political group leader to be asked to nominate Members to participate in the Working Group 4. To note that a bi-annual ‘What’s on’ presentation for all Members is included the Transformation Business Unit’s annual work programme 5. To recommend the revised Urgency Procedure attached at Appendix 1 to Full Council for approval 6. To note the amendments/corrections to the Constitution since May 2022 and that these will also be reported to Full Council for noting (attached at Appendix 2)

	7. For an annual review of the Council’s Constitution to be included in the Committee’s Work Plan
Reason for Recommendation	To ensure the Council meets its Community Plan objectives to be ambitious and forward thinking – always looking to improve and innovate, and welcoming and responsive – open to feedback and challenge.

1.0 Background

- 1.1 On 17 May 2022 the Council moved from a committee system of governance to an executive cabinet system. Given the significant change, the Full Council agreed for the Member Governance Review Working Party (GRWP) to undertake a review of the new governance arrangements six months after implementation. The GRWP’s proposed plan for this consultation was endorsed by the Audit & Governance Committee on 23 November 2022.
- 1.2 Between October and December 2022 various activities and meetings took place with officers and members to review how the Council’s governance was working and make recommendations for improvement. This report outlines the findings of this consultation and the recommendations proposed by the GRWP as a result.
- 1.3 The GRWP also reviewed the Urgency Procedure set out in the Council’s Constitution, and considered some amendments aimed at clarification rather than substantive amendment.
- 1.4 A small number of omissions have been identified and corrections made to the Council’s Constitution since May 2022. A list of amendments in relation to Executive Functions agreed by the Leader, and minor and consequential changes made to the Constitution under the Monitoring Officer’s delegation are summarised at **Appendix 2** to this report. For transparency these will also be reported to Full Council in due course.

2.0 Consultation Findings

- 2.1 Officer consultation was undertaken using three mechanisms:
- A short survey was sent to every officer who had been involved with the new governance arrangements asking for their reflections
 - There was a facilitated discussion with Business Managers
 - A workshop was undertaken with the two teams most involved with the new arrangements, Transformation and Democratic Services
- 2.2 Member consultation was undertaken using two mechanisms:
- The GRWP met to provide its feedback on the effectiveness of the new arrangements
 - There were two sessions hosted by the Chief Executive, open to all Members, to capture their experience of the new governance arrangements

2.3 Feedback Themes

(i) Cabinet / Portfolio Holder Decision Making

As Members will be aware, Portfolio Holders can take individual executive decisions, but the view was that for the initial 12 months at least, key decisions were taken by the collective Cabinet. Although some of the Cabinet Meeting agendas have had a number of significant decisions to take, the general consensus is that these meetings are well managed with the business being conducted in an efficient, but transparent manner.

Some non-key decision items are still currently tending to be taken to the Cabinet for a collective decision which may delay decisions and does result in larger Cabinet agendas, however, it is anticipated that there will be greater numbers of Portfolio Holder decisions being taken as Members and Officers develop a greater confidence and knowledge of the new arrangements.

One finding from the review was that Members did find it difficult to access the full record of Portfolio Holder decisions on the website or through Mod.gov. In addition, some Members felt that they were not alerted fully as to an executive decision which impacted on their Ward.

(ii) Policy & Performance Improvement Committee

The view was expressed that some of the agendas for the Committee were too lengthy but this is something that is being addressed by the lead officers in conjunction with the Chairman and Vice-Chairman. It was also felt that to date the Committee had not undertaken too much scrutiny with the main focus being on policy development.

In respect of Cabinet Forward Plan items it was clarified that the Committee has full visibility of this document and can identify any item that it wishes to consider ahead of a decision being taken by the Cabinet where practicable.

In relation to Working Groups set up by the Committee, these were considered to have been successful to date, although resource intensive for the services supporting them (such as ICT and Public Protection) which is something that would need to be kept under review. The Working Groups were required to focus on the defined remit for their particular topic and where practical not stray beyond this remit without agreement of the parent committee.

Member engagement and participation in the Working groups had been positive with a good selection of members putting themselves forward for the groups established to date, however attendance at the actual meetings had been mixed with some meetings only being attended by 2 – 3 Members.

It was suggested during the review that Members may require further training on understanding the new arrangements, for example joining a working group and how to submit a topic request form.

It was also mentioned that in the full Committee debate was often led by the Chairman and Vice-Chairman with sometimes limited input from the other Members.

(iii) Member Engagement

The review found that not all Members felt engaged with the new governance arrangements. For some this was because they did not feel included in updates or informed about the work of the Council (decisions made, key projects coming up etc.). It was also suggested that Portfolio Holders could better understand their role in updating their fellow Members and being available for questions about issues within their remit.

3.0 Proposal/Options Considered

- 3.1 Overall the feedback on the new governance arrangements from both Members and Officers was positive and that the arrangements were working well. However, it was considered that it may be too early to make a fully informed view at this point as the new practices were still to be embedded. For example, to date there had been no 'call-ins' of decisions and bodies such as the new Tenant Engagement Board had only met a couple of times, and it was important to get a view from the tenant representatives as to how they thought the new governance arrangements were working.
- 3.2 It is therefore proposed that a further review of the operation of the Council's governance arrangements should be undertaken at an appropriate point by the new Council; which should include engagement with the Tenant Engagement Board.
- 3.3 A further issue that came up during the review of governance was the importance of the new Member induction process following the elections on 4 May 2023. This was seen as an opportunity to drive engagement and inform Members as to the Council's decision-making processes. Democratic Services will work with service areas to create engaging induction content across all areas, for example Transformation would lead on the induction for the Policy & Performance Improvement Committee members and do a bespoke piece for Members on understanding and challenging performance. It is suggested that the proposed Member induction programme be reviewed by a working group of the Audit & Governance Committee to gain Member insight. This work should be completed in time for details of the induction programme to be shared in the candidate packs which are issued prior to the elections.
- 3.4 The GRWP concluded that sufficient information about decision-making is made available for Members; the statutory Forward Plan, executive work programme and all delegated decisions are sent by email to all Members. The GRWP was informed that bi-annual 'What's On' presentations are planned for all Members, and noted that Officer training and guidance advises Officers about the importance of keeping local Members informed on ward specific issues.
- 3.5 The GRWP concluded that the issues raised in relation to the Policy and Performance Improvement Committee and its working groups are for the Chairman and working group chairmen to manage, and noted that training in relation to the remit of this

Committee and challenging performance is planned as part of the Member induction programme.

4.0 Urgency Procedure

4.1 The Constitution that was approved by Full Council in May 2022 included a procedure for taking urgent decisions, as did the previous Constitution under the Committee System. Matters requiring prompt decision have arisen since May 2022, and Officers have generally worked to make sure these matters reach Members for decision. The Head of Paid Service urgency delegation has therefore been used sparingly.

4.2 The Urgency Procedure in the Constitution has however been reviewed as Officers considered it could be clearer. A tracked changes version of the Procedure, recommended by the GRWP for consideration by this Committee, is attached to this report at **Appendix 1**. In summary:

- i. To avoid the Procedure being over-used, it is suggested that a preliminary paragraph about appropriate reasons for its use, is added (paragraph 1.1).
- ii. The Procedure could be clarified to include reference to other options that already exist for taking urgent decisions, for example adding a late item to a meeting agenda, calling an extra meeting, and the Leader taking a delegated decision in relation to a matter that would normally go to Cabinet (paragraphs 1.2-1.4).
- iii. For added scrutiny of the use of the Head of Paid service delegation, it is suggested that the consultation list includes the leader of the Council's largest opposition group (paragraph 1.5).

5.0 Amendments/Corrections to the Council's Constitution

5.1 No material changes to the operation of the Council's governance arrangements are proposed by the GRWP, however it was noted that some sections of the Constitution were not updated/reviewed prior to May 2022 and it is proposed that these are added to the Audit & Governance Committee work plan for future consideration by way of an annual review of the Constitution.

5.2 By way of example, the Employment Procedure Rules would benefit from review and the Local Code on Corporate Governance requires some updating. There is also some potential duplication between the Terms of Reference for General Purposes Committee and Audit & Governance Committee.

6.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Audit & Governance Committee Report published [23 November 2022](#)

Full Council Report 17 May 2022 [Item 8](#) published