

Report to: **Council**

Date: **11 February 2021**

Title: **Enhancing the Democratic Decision Making Process**

Portfolio Area: **Council – Leader Cllr Judy Pearce**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: If the recommendations are approved, a further report will be presented to the next Council meeting on 25 March 2021

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RECOMMENDATIONS:

That Council be RECOMMENDED to:

- 1. Support the overarching aims and principles as set out in Section 4, with any consequential amendments being made to the Council’s Constitution;**
- 2. Request that a further report be presented to the next Council meeting, to be held on 25 March 2021, that focuses on proposed revisions to:**
 - a. the frequency and timing of meetings (Sections 4.8-4.11 refer);**
 - b. The Public Participation Schemes at formal Member Meetings, including the introduction of a Scheme at Full Council meetings (Section 4.14 refers);and**
 - c. The role and purpose of Working Groups, and Task and Finish Groups (Section 4.16 refers);**
- 3. Instruct officers to continue to consult with Members prior to the next Council meeting on 25 March 2021; and**

4. Instruct officers to draft the Calendar of Meetings for 2021/22 with the provision for Overview and Scrutiny Panel meetings to take place two weeks after an Executive meeting, and provision for six scheduled meetings of Council per Municipal Year.

1. Executive summary

- 1.1 It is essential that Members and officers operate within a local governance framework of checks and balances to ensure that decision-making is lawful, informed by objective advice, transparent, and consultative.
- 1.2 There is also a duty to ensure that our governance processes support efficiency and value for money in delivering services to the community.
- 1.3 Further, Members have a critical role to play in representing the views and interest of the communities they serve, advocating on their behalf, and of seeking to ensure the Council understands and responds to the needs of residents.
- 1.4 Prompted by issues and challenges raised by Members over the autumn, these principles have been the subject of a series of discussions, which have involved all Members over the past few months.
- 1.5 Throughout these discussions, a clear consensus has developed of the need to promote an inclusive approach where all Members can contribute fully to the Council's decision-making process, and the importance of putting emphasis upon:
 - Strengthening and enhancing democracy;
 - Clarifying the role and purpose of committees;
 - Developing the principles of an integrated system and the important inter-relationship between committees;
 - Streamlining the flow of information into, and between, committees and reducing duplication; and
 - Increasing opportunities for all Members to contribute their knowledge and expertise as effectively as possible, in order to maximise our collective impact.
- 1.6 This report seeks approval to:
 - Bring forward changes to enhance and improve the democratic decision making process, with the intention of the new arrangements coming into effect for the new Municipal Year (from May 2021); and to
 - Instruct officers to undertake further work with a view to bringing forward further recommendations as outlined in Recommendation 2.

2. Background

- 2.1 Delivering good governance as a Council is dependent on a number of key principles: one of which is the need to take informed and transparent decisions, which are subject to effective scrutiny and the management of risk.
- 2.2 Another is the importance of engaging with the community and other stakeholders to ensure robust public accountability.
- 2.3 At present Members and officers work within the existing governance framework, the adopted Council Constitution, and established practice to deliver against these principles.
- 2.4 The last time the Council undertook a detailed review of its governance arrangements was in December 2014, so it is timely to do so again now. At that time, the Council took the decision, to come into effect from the start of the May 2015 Council administration, to:
 - Reduce the size of the Executive;
 - Disband its three Scrutiny Panels (Corporate Performance and Resources; Community Life and Housing; and Economy and Environment) and replace it with one Overview and Scrutiny Panel; and
 - Make it a requirement for all 31 Members to either serve on the Executive; Overview and Scrutiny Panel; or the Development Management Committee.
- 2.5 The potential to improve the clarity, efficiency, and accountability of decision-making has been identified through a number of different sources.
- 2.6 The LGA Peer Review in November 2018 identified as one of its six key recommendations, the need to 'Strengthen the Council's Political Governance Arrangements'.
- 2.7 The Council's adopted Recovery and Renewal Plan, which was developed by the full Membership and adopted on 17th December 2020 (minute 27/20 refers), echoed this and recognised the need for the Council's Constitution to be reviewed in order to reflect current ways of working, and to be more accessible.
- 2.8 In addition to this, Members and officers have highlighted a number of issues that could potentially be improved including reducing the number of reports that go to more than one Committee, reducing the duration of meetings and removing reports that are simply for noting.
- 2.9 Conversely, Members have highlighted the benefits and value of the informal all Member Briefings and of introducing a Question and Answer sessions with the Senior Leadership Team.

- 2.10 Reflecting on these recommendations and issues, the Chief Executive worked with the Director of Governance and Assurance and the Democratic Services Manager on a paper to analyse potential enhancements and improvements.
- 2.11 This working document, and the broad range of proposals therein, formed the basis for a series of meetings involving all Members, through a range of different forums.
- 2.12 The Chief Executive met with Members on the following dates:
- 21/10/20 - Leader, Chair of Overview and Scrutiny, and Leader of the main Opposition Group
 - 29/10/20 - Informal discussion with the Executive
 - 09/11/20 - the four Group Leaders, Chairs of Overview and Scrutiny, Executive and Audit
 - 12/11/20 - Leader and Chair of Development Management
 - 16/11/20 - Conservative Group
 - 30/11/20 - Liberal Democrat Group
 - 15/12/20 - Green Group
 - 18/01/21 - Independent Group
- 2.13 The consensus during these discussions was in support of the need to improve the clarity, efficiency, and accountability of decision-making through the broad areas for improvement set out in section 4 below.
- 2.14 As ideas begin to be developed in time for the next Council meeting on 25 March 2021, the importance of ongoing consultation between the Council's officers and all Members is recognised. To reflect the importance, officers have included this requirement as a standalone recommendation.

3. Outcomes

- 3.1 By implementing the proposed enhancements and changes to the current decision-making framework and arrangements, it is envisaged that improvements can be made to secure greater transparency, accountability, clarity of roles, and efficiency of the democratic process.
- 3.2 In order to test the effectiveness of the new approach it is proposed that a review of the new arrangements be undertaken following the first year in operation, with officers asked to report back and to recommend any modifications in Sept 2022. The Chief Executive will undertake the review with the Leader in full consultation with committee chairs and political group leaders, in the same way the current proposals were formulated.

4. Proposals and Areas for Development

4.1 A key starting point in enhancing the democratic decision-making process is understanding what the core component parts of the system are and how they should work in harmony.

4.2 To achieve this, it is important to consider the primary roles of the relevant committees.

4.3 The powers of local government and of local authority committee are set out formally in the Local Government Act 1972 and revised in the Local Government Act 2000 to cover requirements for the Executive and Overview & Scrutiny functions. Broadly speaking this defines the roles of our main committees as follows:

4.4 Executive

The Executive sets the strategic direction and is responsible for deciding upon all matters within the Budget and Policy Framework as approved by Full Council. It has oversight of the implementation of the Council's plans and strategies and of the use of its resources. The Executive is also responsible for any functions that are not specifically reserved to the full Council by law or local choice.

4.5 Overview and Scrutiny Panel

The Overview and Scrutiny Panel has a key role to play in:

- Scrutinising the work of the Council and key partners, including holding the Executive to account;
- Assisting in policy development and review; and
- Oversight of corporate performance;

4.6 Audit Committee

The Audit Committee has an essential role to play in ensuring good governance, including to:

- keep under review the Council's financial and information systems;
- oversee stewardship of Council resources;
- monitor internal and external audit performance and risk management systems; and
- ensure compliance with Codes of Practice and policies relating to the Council's financial administration.

4.7 Development Management Committee

The Development Management Committee is responsible for all of the Council's functions relating to planning and development control.

Areas for Development

- 4.8 With this clarity of role and the relationships between committees in mind, it is then essential to ensure that meetings take place in the right order and at the correct frequency to support effective decision-making.
- 4.9 An initial proposal therefore, is that, in developing the calendar of meetings for 2021-22, the Overview and Scrutiny Panel should meet two weeks after the Executive as opposed to in advance. This will reinforce the key role that the Panel undertakes in terms of pre-policy development and scrutiny.
- 4.10 Alongside the calendar of meetings, officers are in the process of developing an organisational forward plan that, from an operational perspective, is aimed to improve forward planning, consultation and engagement, and resource management.
- 4.11 In addition, a move to six scheduled Council meetings per year, as opposed to four, is proposed as this will help speed up key decisions, involve the full membership, and potentially reduce the size of the agenda of the existing four Council meetings.
- 4.12 To further improve efficiency and accessibility of meetings, it is recommended that consideration be given to taking steps to ensure meetings are not overly long. A number of other councils have a procedural rule, which means that meetings have to formally resolve to carry on after, for example three hours, or else all outstanding business is deferred to a future meeting. An alternative would be to streamline the rules of debate, for example, ensuring contributions are relevant and time limited (max 3 minutes); to introduce a rule that amendments which are substantially similar are not to be put if amendments have already debated and lost; and to put an overall limit on the time allowed for public questions and motions (links to 4.14). All of these are matters of detail for further debate and inclusion within the proposed review of the Council's constitution.
- 4.13 Officers are looking into a range of options in this regard and it is proposed to bring a report back to Members at the next Council meeting to be held on 25 March 2021.
- 4.14 Another area where it is considered that greater clarity, transparency, and accountability can be achieved relates to public participation and Members' questions and motions at formal meetings. It is proposed that officers review the arrangements for the Executive, Overview and Scrutiny Panel and Council meetings, and develop proposals for an enhanced scheme, including for Members to give notice of questions at Executive meetings, which will be brought back to Council for consideration on 25 March 2021.

- 4.15 Working Groups and Task and Finish Groups play a vital role in policy and service development. However there has been a degree of inconsistency in when and how the groups are formed, their purpose, and their duration.
- 4.16 It is proposed that a review and rationalisation of existing groups is undertaken with a view to providing greater clarity to Members and officers on the role and governance arrangements for these Groups. It is recommended that a refined list of Working Groups be presented to the Council Meeting on 25 March 2021 thereby enabling Group Leaders to submit their nominations to a revised list of Working Groups in advance of the Annual Council meeting in May 2021.
- 4.17 It has long been recognised that the iterative changes to the adopted Council Constitution over time have resulted in a document that is difficult to navigate and far from user-friendly. Members are reminded that a key point that arose during the Member Workshops on the Governance Theme, within the Council's draft Recovery Plan, was that the Constitution required a full review and this would be undertaken in the upcoming months, with a priority being given to the changes needed to implement the proposals arising from this report.

5. Proposed Way Forward

- 5.1 The report sets out a range of issues and options to improve the clarity, efficiency, and accountability of decision-making. It is recommended that the overarching aims and principles contained within this report are supported by Members and a further report presented back to the next Council meeting on 25 March 2021.

Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council's governance and decision-making powers are enshrined in legislation, primarily the Local Government Acts of 1972 and 2000. These set out what the Council can and cannot do, together with providing discretionary powers to determine its procedural rules within these parameters. Only the Council can make decisions regarding the Constitution and decision making processes
Financial implications to include reference		There are no direct financial implications arising from this report.

to value for money		
Risk		The report sets out a range of proposals to enhance the democratic decision-making process. Failing to consider and implement changes may result in the decision making process being inefficient and unclear to stakeholders.
Supporting Corporate Strategy		Supports all six corporate themes
Climate Change - Carbon / Biodiversity Impact		There are no direct impacts on climate change and biodiversity however maintaining effective decision-making through virtual committee meetings has the potential to reduce the need for travel and the associated carbon emissions.
Comprehensive Impact Assessment Implications		
Equality and Diversity		No direct implications.
Safeguarding		No direct implications.
Community Safety, Crime and Disorder		No direct implications
Health, Safety and Wellbeing		No direct implications
Other implications		No direct implications

Background Documents:

Council Constitution

Annual Council Agenda and Minutes – 16 May 2019

Appendices:

None