

Report to: Council
Date of Meeting: 23rd October 2019
Public Document: Yes
Exemption: None
Review date for release None



Subject: Governance Review Working Party

Purpose of report: Following an informal meeting of the Overview Committee with wider Member involvement it was agreed that Members would like a cross-party working group to consider the governance review. This report seeks the Council's approval to this.

Recommendation: That Council agrees to set up a Governance Review Working Party on the basis set out in paragraph 7 of the report. Delegated authority be given to the Monitoring Officer to finalise the composition of the Working Group and agree the membership with the Group Leaders / non-affiliated members.

Reason for recommendation: To enable and facilitate a cross party review of the Council's Governance arrangements.

Officer: Henry Gordon Lennox, Monitoring Officer

Financial implications: There are no direct financial implications from the recommendation in this report

Legal implications: The report raises no direct legal implications.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Low Risk

Links to background information:

- [Report to Cabinet on 10th July 2019](#)
- [Minutes of Cabinet on 10th July 2019](#)
- [Minutes of Overview on 25th July 2019](#)
- [Minutes of Overview on 29th August 2019 \(Item 26\)](#)

Link to Council Plan: Continuously improving to be an outstanding Council.

Report in full

1. A report was presented to Cabinet on 10th July in respect of a review of the Council's Governance arrangements. This recommended that the Overview Committee undertake a review and that the Portfolio Holder for Transformation establish a Think Tank to investigate options for change and to engage with the wider membership. While the Overview Committee considered the matter at its meeting of 25th July and agreed to take the matter further at its meeting in August, in the event this did not prove possible. Similarly the Portfolio Think Tank has not been progressed.

2. Since these meetings the Council has been the subject of a Peer Review where the issue of the governance review was raised / discussed and which led to an (initial) key recommendation of;

Ensure that there is clarity about the reasons for any change to governance arrangements and the options available, seeking external advice and support where appropriate.

At the Peer Review the LGA offered support in relation to the carrying out of the governance review.

3. With the outcome of the Peer Review and offer of assistance from the LGA, an informal meeting of the Overview Committee (opened to the whole membership) took place on 17th October. Present at the meeting were Andy Bates and Paul Clarke from the LGA who helped facilitate a discussion regarding taking the governance review forward.
4. There were 24 members present at the meeting with a good cross party attendance. Also present were the four Group Leaders. Following an informative discussion about carrying out a review and what it might entail, it was suggested that the Council establish a Governance Review Working Party on a cross party basis to enable this matter to be taken forward in a way that enables wide member engagement but also enables time to be taken to ensure that the right decisions are taken. It remains a fundamental point, reiterated by the LGA, that establishing what is sought to be achieved / what is the reason for change is the starting point for any review. Once that question is answered then it will enable the necessary research and analysis to be carried out to inform the debate.
5. While it is fair to say that the Overview Committee already has this on their work agenda, there is an overriding imperative that the membership is aware of this matter and endorse (and ideally engage in) a collective approach to this matter. It is important that the governance arrangements, as far as possible, are right for all members. Accordingly it is considered appropriate that Council should agree to the setting up of the Working Group and empower it to undertake this work.
6. Given that the critical question of what is sought to be achieved is yet to be debated and answered it is difficult for any definitive Terms of Reference to be established for the Group. Notwithstanding this, it is right that establishing the Terms of Reference ought to be a matter for the Working Group itself – another point agreed by the LGA.
7. In light of the above it is recommended that a Governance Review Working Group is set up to advise the Council on its governance arrangements on the following basis;
 - a. the Group be chaired by the Chairman of the Overview Committee.
 - b. it shall comprise between 10 – 15 voting members on a cross-party basis (although it does not need to be formally politically balanced). Nominations will be sought from the members with the Monitoring Officer finalising the composition - in terms of the overall size and fair apportionment of seats – once it is clear who is putting themselves forward. The Group Leaders will ultimately nominate who they would like to be on the Working Group from those putting themselves forward.
 - c. while there will be a restriction on the voting number of members sitting there will be no restriction on the number of members who can attend any meeting – it will be an open invite to attend and participate.
 - d. it will determine its own Terms of Reference and will be supported / advised by the Monitoring Officer reflecting the role of this position within the Council in relation to governance, lawful decision making and the Constitution.
 - e. it will agree its own meeting programme.
 - f. it will be supported Democratic Services.

- g. it may call for external support from the LGA or LGA Members if considered necessary.
- h. it may carry out such engagement with partners or other bodies or the public as it considers necessary.
- i. its meetings will not sit in public but the Working Group will be free to permit the attendance of anyone where it is deemed appropriate to do so.
- j. while it is established to advise Council, its findings will also be reported to the Overview Committee and Cabinet for detailed consideration / debate.