

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 17 March 2021 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, S J Clist, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs C P Daw, R M Deed, R J Dolley,
J M Downes, C J Eginton, R Evans,
Mrs S Griggs, B Holdman, D J Knowles,
F W Letch, B A Moore, Miss J Norton,
S J Penny, D F Pugsley, R F Radford,
C R Slade, Mrs M E Squires, R L Stanley,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt and J Wright

Apologies

Councillors

Mrs E M Andrews, T G Hughes and A Wyer

159 **Apologies (00-07-15)**

Apologies were received from: Councillors: Mrs E M Andrews, T G Hughes and A Wyer.

160 **Protocol for Remote Meetings (00-07-29)**

The protocol for remote meetings was **NOTED**.

161 **Public Question Time (00-07-47)**

Rosie Wibberley referring to Item 7 (Governance Arrangements) on the agenda stated that: the current system of a Cabinet, with a leader who can appoint councillors he knows will agree with him, appears to be a reflection of central government. Whilst this system may be effective in reducing decision making times, this is primarily due to the lack of appropriate debate, and the subsequent scrutiny of these decisions seems to be a case of shutting the stable door after the horse has bolted, especially as the reports by this committee can then be ignored. With the current cabinet containing a majority of councillors from a political party that does not have a majority on full council, my question is “do the members of this council believe that the Cabinet offers a fair and accurate representation of their views and is therefore a democratic reflection of the electorate, or is ‘efficiency’ more important than democracy?”

Honorary Alderman Nation again referring to Item 7 on the agenda stated that: My question is addressed to the Leader of the Council. For almost 2 years this Council has dragged its feet carrying out a review of its system of governance in almost complete secrecy. Only once have the public had an opportunity to comment – 6

people sent in written submissions and 5 attended a Zoom session with two members of the Working Group, and others, but with several other councillors having been told they could not participate.

Due to my having made FOI requests to see the minutes of the 8 working group meetings which took place in secret, I have them but they have still not been put in the public domain. The draft minutes of the last working group meeting, 2 March, show how the working group was still so confused that they couldn't make up their minds whether to recommend the status quo or scrubbing the PDGs in favour of 2 Overview and Scrutiny committees. In both options the present Strong Leader and Cabinet system would continue.

Is the Leader aware how unhappy the people of Mid Devon will feel about the failure, after 2 years, to address their concerns about the undemocratic and exclusive manner in which this Council is run and does he feel that sufficient has been done to involve the public in a debate about the system of governance and options to change this?

Mr Craythorne again referring to Item 7 on the agenda asked 2 questions:

Question 1

Slide 3 from the LGA governance workshop shows attendees' concerns about rudeness, tolerance (or lack thereof, I guess), negativity, inflexibility, disrespectfulness, and so on.

Given that without a catalyst, changes in personal behaviour are extremely difficult to bring about, does the Council recognise that it needs to put in place new structures which spread power, responsibility and accountability, enable engagement and participation in decision making, and thus help neutralise the temptation to engage in this kind of unhelpful and damaging behaviour?

Question 2

Slide 2 of the feedback on the LGA governance workshop shows that 'scrutiny' and 'cabinet' are the front runners in respect of those elements of governance which members want to keep. This is interpreted as a 'line in the sand' for the Governance WP to refer to.

However, in the following slide (3), 'strong leader' and 'cabinet' are identified as the two elements which members most want to change. In contrast to being taken as a 'line in the sand', this is interpreted as showing 'no strong shared opinion that the cabinet/leader model should change,' but rather that there are simply concerns about behaviours and their impact.

Why have such different interpretations been drawn from these two slides; and whose interpretation is it?

The Leader indicated that a considered response would be given to all of the comments in writing and copied to all members.

162 **Declarations of Interest under the Code of Conduct (00-13-12)**

Members were reminded of the need to make declarations of interest when appropriate.

163 **Chairman's Announcements (00-13-34)**

The Chairman had no announcements to make.

164 **Notice of Motions (00-13-54)**

1) **MOTION 572 (COUNCILLOR G BARNELL – 8 March 2021)**

The Chairman had decided to allow this motion on notice out of time. He indicated at this point in the meeting that in relation to the motion only, part of procedural rule 16 be suspended to enable the motion to be discussed without the notice required under rule 14, referring specifically to the first few paragraphs of rule 16 and 16(a) in particular.

Secondly, in relation to the motion and the report on the Governance Working Group, he **MOVED** that Procedure Rule 16.3 be suspended to allow members to speak more than once.

Upon a vote being taken (with regard to the suspension of procedure rules) the **MOTION** was declared to have **FAILED**. However, the Chairman ruled that he intended to allow discussion of Motion 572 notwithstanding.

The Council had before it a **MOTION** submitted for the first time.

The proposals arising from the work of the Governance WG have not been sufficiently developed to be properly considered by the membership at today's meeting. We propose that the Council postpone a decision on the recommendations of the Governance WG in order that changes can be:-

1. More fully developed by members and considered by each of the Council's non regulatory committees.
2. Considered by the Council as an important contribution to forthcoming State of the District debate on the best Governance arrangements for the Council.

The **MOTION** was **MOVED** by Councillor G Barnell and seconded by Councillor A Wilce.

Consideration was given to:

- Views that the Governance Working Group had not followed the remit set by Council and considered all models of governance available and had just recommended the improvement of the policy development groups.
- The need for a State of the District Debate to involve the public in the continuation of the work started by the working group.
- There was a need to look at reform and that this should be progressed by the groups themselves which should include how the Scrutiny and Audit Committees were best supported.

- The working group should have considered a State of the District Debate within its work.
- The fact that a petition could change governance arrangements.
- The lack of involvement of all members in the work of the working group.
- Whether the motion sought to suppress discussion of the report of the working group and that this would not stop a State of the District Debate taking place.
- The lack of public involvement in the consultation process that did take place.
- There did not seem to be overwhelming support for change.
- Whether the working group had considered openness and transparency and the need for all members to take ownership of any decision for change.
- The need for further and better engagement with the public in any event.
- How the initial public consultation advertisement was worded and the need to think about democracy rather than governance.
- How the State of the District Debate could be better used by focussing on important issues such as economic recovery post pandemic or climate change.
- Changes to the governance system did not mean going back to a committee system but that there was a need to improve the current system.
- The lack of options for governance provided by the working group within its recommendations and that no costings had been included.
- The need to reform the current system and the need to widen the debate to include the public.

Following discussion and upon a vote being taken the **MOTION** was declared to have **FAILED**.

165 **Governance Arrangements - Report of the Governance Working Group (1-10-00)**

Following a review of governance arrangements between January 2020 and March 2021, the Council had before it a *report on the work of the group and its recommendations.

The Chairman of the Working Group addressed the Council stating that the working group had worked steadily with an open mind supported by LGA independent representatives to look at a range of options on a way forward. He outlined the consultation exercises that had taken place, the remit for the group provided by Council and the recommendations that were before members of the Council. He made reference to some of the comments with regard to the membership of the working group, whether there had been enough consultation, the guidance provided by the LGA representatives, the number of options for governance that was available country-wide and the number of meetings of the working group that had taken place. He felt that the review was complete and that the Council had before it a number of recommendations for consideration.

Councillor R L Stanley **MOVED**, seconded by Councillor C R Slade that the recommendations within the report be taken on block.

Councillor Mrs N Woollatt **MOVED AMENDMENT**, seconded by Councillor F W Letch requiring the recommendations to be taken separately.

Upon a vote being taken, the **AMENDMENT** was declared to have been **CARRIED**.

Discussion took place regarding:

- With regard to whether there was a clear mandate for change
 - Disappointment at the lack of options put forward by the working group
 - Whether the policy development groups should be replaced with overview and scrutiny committees as had happened in other authorities, these committees could develop policies and have task and finish groups and would include pre and post scrutiny and whether by keeping the policy development groups, the Council were missing an opportunity.
 - The current policy development groups allowed the opportunity for policy development, greater engagement by members was required in developing clear work programmes for creating policy.
 - The need for the policy development groups to plan the work that they wanted to progress.
 - Whether 2 overview and scrutiny committees would be all too encompassing.
 - The fact that the policy development groups had been bogged down with routine monitoring of performance and the need for policy formation to take place.
 - The need to use the talent of members across the 4 current policy development groups.
 - The need to encourage a broader range of involvement by inviting local stakeholders to attend meetings and to seek their professional advice.
 - The work of the Standards Committee with regard to the areas of the Constitution which required amendment.
- (1) Councillor C R Slade **MOVED**, seconded by Councillor R L Stanley that: in the absence of a clear mandate for change at this time, the Council keeps the current executive governance arrangements;

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

- (2) Councillor C R Slade **MOVED**, seconded by Councillor R L Stanley that: the Council endorses the continuation of the Policy Development Groups and, in doing so, requests members and officers to find effective and efficient ways to support the groups' future work programmes.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

- (3) Councillor C R Slade **MOVED**, seconded by Councillor R L Stanley that: the Council asks the Standards Committee to review any proposals for constitutional change which the Head of Legal (Monitoring Officer), the Chairman of the Scrutiny and Audit Committees and/or the Chairmen of the Policy Development Groups put forward in support of the working arrangements for those committees and groups.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

- (4) Councillor C R Slade **MOVED**, seconded by Councillor R L Stanley that: the Council thanks the Local Government Association for their valued support to the Governance Working Group

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

Note: *Report previously circulated, copy attached to minutes.

(The meeting ended at 8.09 pm)

CHAIRMAN