

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held remotely on Wednesday, 17 March 2021 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 28 April 2021 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

9 March 2021

Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

Join Zoom Meeting

<https://zoom.us/j/91647530720?pwd=TURiS0lyQUZuY1I3bFpkVWJWRkFYdz09>

Meeting ID: 916 4753 0720

Passcode: 983129

One tap mobile

08002605801,,91647530720#,,,,*983129# United Kingdom Toll-free

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Dial by your location

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free Meeting ID: 916 4753 0720

Passcode: 983129

Find your local number: <https://zoom.us/u/ac4M7mvQCT>

AGENDA

1 Apologies

To receive any apologies for absence.

2 Protocol for Remote Meetings (*Pages 5 - 12*)

To note the protocol for remote meetings.

3 Public Question Time

To receive any questions relating to items on the agenda from members

of the public and replies thereto.

4 **Declarations of Interest under the Code of Conduct**

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

5 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

6 **Notice of Motions**

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

The Chairman has decided to allow this motion on notice out of time.

The Council has 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.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this motion (if moved and seconded) to be dealt with at this meeting.

7 **Governance Arrangements - Report of the Governance Working Group** *(Pages 13 - 98)*

Following a review of governance arrangements between January 2020 and March 2021, to provide the Council with a report on its work and its recommendations.

Covid-19 and meetings

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

E-Mail: sgabriel@middevon.gov.uk

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Mid Devon District Council - Remote Meetings Protocol

1. Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard.

The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

2. Zoom

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

3. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

4. Setting up the Meeting

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

5. Public Access

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

10. The Meeting and Debate

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

11. Voting

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

12. Meeting Etiquette Reminder

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

17. After the meeting

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

18. Technical issues – meeting management

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business

in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

19. Technical issues – Individual Responsibility (Members and Officers)

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity

- Member Services will hold a list of contact details for all senior officers

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

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COUNCIL 17TH MARCH 2021

GOVERNANCE ARRANGEMENTS – REPORT OF THE GOVERNANCE WORKING GROUP

Reason for the Report and the Recommendation: following a review of governance arrangements between January 2020 and March 2021, to provide the Council with a report on its work and its recommendations.

RECOMMENDATIONS: that the Council:

- 1 in the absence of a clear mandate for change at this time, keeps the current executive governance arrangements;**
- 2 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;**
- 3 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; and**
- 4 thanks the Local Government Association for their valued support to the Governance Working Group.**

Financial Implications: None directly arising from the recommendations, although there will be a cost in terms of time committee and officer time in addressing any constitutional or procedural changes arising from the recommendations.

Budget and Policy Framework: None directly arising from the report. However, a change to the processes for policy review (as opposed to new policy development), may involve a change to the Policy Framework, as the latter maps out the pathways to a decision. This can be looked at as part of any further work arising from or after this report.

Legal Implications: none directly arising from the recommendations as put forward. However, should the Council in future decide that it wishes to change to a committee structure, such a change would only take effect at the annual meeting following the resolution, or such future annual meeting as the resolution specifies. If the Council wishes to direct that changes be made to the Constitution, these should be considered by the Standards Committee first.

Risk Assessment: There is a clear risk that making a change to governance arrangements or making no change will be perceived as unsatisfactory, depending on any individual viewpoint. The key will be in how the Council then goes about making the arrangement work and/or work better. The statutory right to petition for governance change remains, as do the obligations on the Council which flow from such a petition. However, the Council has to decide, as a collective, what it considers to be the best way forward.

Equality Impact Assessment: None directly arising from this report, but impacts must be considered carefully in any decisions which result in a change to current practices affecting those with protected characteristics.

Relationship to Corporate Plan: Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

Impact on Climate Change: There is no direct impact upon climate change. However, the Council will wish to be satisfied that its governance arrangements work to deliver its aspirations in this regard.

1.0 Introduction/Background

1.1 On 8 January 2020, the Council resolved to set up a politically-balanced working group to review the governance arrangements of the council. At the meeting, the Council resolved the following in respect of the working group, namely that it:

- (a) comprise 12 members;
- (b) carry out a comprehensive review of Council governance arrangements in order to identify the different options available to bring together best practice and develop a model tailored to the needs and aspirations of Mid Devon’s residents and stakeholders. Such review to include –
 - (i) exploring the views of members and other stakeholders;
 - (ii) taking advice where appropriate from experts in the field; and
 - (iii) identifying the cost and value for money implications;
- (c) report its findings, options and recommendations to the Council (via the Standards Committee where major changes are proposed to the Constitution); and
- (d) ensure that such recommendations are made by no later than December 2020 with a view to any changes taking effect for the municipal year 2021/22

1.2 The working group met for the first time on 27 January 2020 with an initial membership of councillors R J Chesterton, L J Cruwys, Mrs C P Daw, R M Deed, R Evans, Mrs I Hill, B A Moore, R L Stanley, Ms E J Wainwright, A Wilce, Mrs N Woollatt and A Wyer. Cllr Wilce took the Chair and Cllr Moore was chosen as Vice-Chairman. At that first meeting the working group reviewed the instruction from Council and set out their individual and collective thoughts on the way forward for the review.

1.3 The Monitoring Officer had discussions with the Local Government Association about providing support to the Working Group during the course of the review. The Working Group agreed that this would be helpful. Accordingly, Emily McGuinness and Cllr Jim McKenna of the Local

Government offered to provide this support. Emily McGuinness is a Programme Manager at the Local Government Association, is an expert in local authority governance and scrutiny and takes part in peer reviews of councils across the country. Cllr Jim McKenna is an independent councillor at Cornwall Council where he chairs one of their overview and scrutiny committees - and he is also a former council chief executive.

2.0 The Working Group

- 2.1 The working group has met 8 times – there were no meetings in April or May 2020 as the Council gradually introduced virtual meetings on the Zoom platform. From the outset, the emphasis was on the freedom of all members of the group to express their thoughts and concerns - and taking, as far as possible, a consensus approach. Of course, with 12 members from across the political spectrum and with different hopes for the review (process or outcomes), consensus was not always equivalent to unanimity.
- 2.2 There has been some concern expressed about the working group meeting in private. This may be the usual way of working groups at the Council, but the Governance Working Group was alive to the external interest. Nevertheless, it was generally felt that members of the group needed to feel comfortable with discussing and exploring options before going public.
- 2.3 From very early on, the focus of the Working Group was not on selecting a governance model and then deciding whether it would fit – rather, the desire was to understand what underlay the concerns of members and others and identify options to address them. It was recognised that many of the concerns could continue whichever model was adopted if they were not expressed, acknowledged and built into the review.

3.0 Involving the wider membership

- 3.1 In August 2020, the Working Group conducted an initial survey of members through survey monkey. The purpose was to gain a general understanding of the views of the wider council membership. Of the 39 members, 15 members responded. Senior officers were also asked the same questions. All responses were anonymous. A summary of the responses is at **Appendix 1**. The Working Group reviewed the responses on 16th September 2020 and was disappointed by the number of responses in particular. It was recognised that some further internal engagement was needed.
- 3.2 The Working Group held an all-member workshop on 1 December 2020. It was well attended with 28 Members and the Leadership Team. The workshop was facilitated by the Local Government Association. The objective of the workshop was:
 - To explore the principle that effective governance is defined by behaviours to a greater extent than structures. Without clarity on roles, functions and expectations, all decision making structures can fail to deliver transparency, openness and accountability. Using the RACI Model (Responsible, Accountable, Consulted, Informed) as a framework for

discussion, this session aims to support elected members in reflecting on what 'good governance' looks and feels like within their context – and what next steps may be appropriate to make this a reality.

3.3 Prior to this session, the Monitoring Officer had also engaged informally with the Centre for Governance and Scrutiny, which all confirmed that good behaviours underpin all good governance arrangements. The LGA's summary of the workshop is at **Appendix 2**. The Working Group recognised the balance of opinions across the Council – some strong views, but with no clear steer to move away from the current executive arrangements. The issue of scrutiny came across loudly, as indeed had been expressed within the Council during previous months.

3.4 The Chairman of the Working Group (Cllr Moore) reported to Council at every meeting from October 2020 onwards. This was seen as an opportunity to keep members informed of progress, to identify any concerns amongst the membership about that progress/direction and to put the report into the public domain. In October 2020, the Council noted that more time was required for the review and that the Working Group would be likely to report back in the first quarter of 2021. On 6th January 2021, the Council received the update at **Appendix 3** and resolved:

“Council supports the conclusions as set out in the report and agrees that the Working Group proceeds on this basis.”

3.5 The Chairs of Scrutiny, Audit and the Policy Development Groups were invited to attend the meeting of the Working Group on 2 March 2021 and were joined by other members. All were given the opportunity to speak and the Working Group listened carefully – the outcome of that meeting and the decisions made on the recommendations to be made were clearly influenced by the participation of those members.

3.6 In summary, the Working Group concluded that the outcome of the various internal engagement exercises is that, within the Council, there was no clear mandate for structural change, but a very strong desire for behavioural and working relationship change.

4.0 **Involving the public and other bodies/organisations**

4.1 The Working Group agreed to carry out external consultation through writing to certain organisations and holding an invitational Zoom session for anyone to attend and speak. Written responses were also welcomed. The invitation (**Appendix 4**) was sent to -

- Parish and town councils
- Business/trade groups and associations
- The Mid Devon Gazette and Crediton Country Courier (it was published in both)
- The Council's digital and social media platforms – website, Twitter, Facebook

- 4.2 The panel-led session (Cllr Jim McKenna, Cllr Andrew Moore, Cllr Andi Wyer and the Monitoring Officer) took place on 23 November 2020 at 6pm. Six members of the public registered to attend, with five actually doing so. A transcript of the meeting was taken and this is at **Appendix 5** – it also appears on the Council's website under Governance Arrangements. All attendees agreed to the publication of this document with their names in it. The issues raised were wide-ranging, but with particular emphasis on concerns about decision-making, democratic processes, transparency and public engagement.
- 4.3 In addition to the views expressed directly at the session on 23 November 2020, four individuals submitted comments in writing. These are reproduced at **Appendix 6** – again, the messages are similar to those expressed in the public session.
- 4.5 It is clear that some members of the public with particular interest in this topic hold concerns about the Cabinet system, but across the board there was a spotlight on processes, transparency and public engagement. Whilst these common themes are not directly about the governance arrangements in terms of structure (Cabinet, committee etc.), they are matters which underpin governance in the wider sense and, regardless of the outcome of this review of the governance arrangements, they are matters which clearly need to be at centre-stage of the Council's ethos and values going forward – and some the Council may wish to undertake some further work in these areas.

5.0 **Progress and evolution of ideas**

- 5.1 In addition to matters arising from the conduct of the review itself (information gathering etc.), the Working Group considered a wide range of topics at their meetings – at a glance and at high level, these were:

March 2020 – member and public involvement in decision-making; interactions with outside bodies; efficiency; costs implications; discussion and balance in decision-making; plan for looking at other councils' structures that might support these principles in Mid Devon

June 2020 – presentation from LGA on structures at a sample of councils (see further in paragraph 5.2); speed of decision-making; wider community engagement; questioning members' desire for structural change over improvements to current systems

September 2020 – policy development; pre-scrutiny; inclusivity

October 2020 - this was the consultation/information gathering session

December 2020 – reviewing consultation events, scrutiny, policy development, member involvement

January 2020 – towards a different scrutiny function – options for further exploration

March 2020 – combining scrutiny and policy development into two Overview and Scrutiny Committees – or improving the current

5.2 The Working Group received a presentation from the LGA about some of the arrangements operated elsewhere in the south-west. The examples are shown in **Appendix 7**. However, the key message which underpinned these examples was that there are the two governance arrangements permitted in legislation – executive and committee. Hybrid arrangements are, in effect, where a council has decided to tweak those arrangements to a degree, although it is important to recognise that they (a) have no clear legal basis and (b) are decided by each authority according to their own needs and wishes.

5.3 On 6th January 2021, the Council resolved that it agreed with the following conclusions:

1. Change is needed to improve the Council's governance in line with modern, current best practice. Focus is around attitude, behaviour, and approach rather than the fundamental structure of governance.
2. Implementation of Scrutiny (as a function) needs to be adapted to make engagement more active, potentially to provide earlier engagement in the decision-making process and when required to be an effective post-decision check.
3. Policy Development (as a function) needs to become more influential in the Council's business, taking a greater role in developing new ideas and challenge.
4. Combining the above 2 functions in specific committees should be considered.
5. Engagement by Members needs to be improved to make the Council's operation not only more effective but to be seen to be more effective.
6. Engagement with the residents and businesses needs to be improved through encouragement, better access (e.g. social media and other platforms) and communication (e.g. different focus / less jargon).
7. A systematic process approach should recognise the need for timely decision making, setting out clearly which parties are Responsible, Accountable, Consulted and Informed.

5.4 On 28th January 2021, the Working Group focussed on the potential for improvements to Scrutiny in particular. The paper it considered is at **Appendix 8**. The Working Group asked the Monitoring Officer to prepare a further report on Scrutiny, picking up the option of combining policy development with scrutiny into two Overview and Scrutiny Committees with enhanced roles. The paper considered on 2 March 2021 is at **Appendix 9**. Members of the Working Group concluded that the Council should retain the policy development groups and not move to the proposed Overview and Scrutiny model. However, they were clear that work should take place to improve their functioning through the following measures:

- Moving routine business away to free up time for genuine policy development – avoid policy review dumping
- Routine business may be – e.g. reports to note, straightforward policy review, standard performance reports across all PDGs
- Facilitating and enabling PDGs to generate their own agenda, rather than being presented with a list of business items
- Crossing over the strict policy lines between the PDGs
- Giving the PDGs improved focus on their core business
- Providing early member engagement upstream from the final decision

5.4 It is nevertheless clear that there remains an opportunity to improve the entire scrutiny/audit/policy development function – not just in terms of the procedural rules, but also in the structure of the agendas, a work programme and specifically making it a requirement that the Programming Panel (Chairs of Scrutiny, Audit, PDGs and Leader of the Council) meet at regular intervals and not simply “as necessary”. Further protocols/procedures may be needed, formal or informal.

5.5 The paper and subsequent discussion considered on 2nd March 2021 also touched upon some further issues of interest, namely:

- Overruling the Cabinet and/or inviting reconsideration

The Council cannot overrule Cabinet on a matter which is a Cabinet function. The legislation makes it clear that the vast majority of functions under executive arrangements are the responsibility of Cabinet for which it is also accountable. The courts have affirmed this and expressly stated that the Council cannot assume for itself a decision which is within the remit of the Cabinet. The Council’s procedural rules already allow for the Scrutiny Committee to refer a matter to Council, but the same rules make it clear that any recommendations the Council wishes to make must be referred back to Cabinet.

- Quorum at Cabinet

This can be changed to require a higher number to be present, although Members should take care not to place it at a level where meetings are more likely to be inquorate.

- Majority voting

The legislation stipulates that decisions must be by a simple majority – unless there is a specific provision in legislation governing that decision.

- Abstentions

Members should be aware that abstention is not necessarily seen by the courts as disagreement – in fact it is more likely to be seen as “no objection”, even if it is not tacit approval.

- Audit Committee

There is a general sense that the Audit Committee needs to expand in numbers e.g. 11? This is seen as a means to strengthen this committee and enabling it to break of into task and finish groups i.e. it will have enough members to share the workload

- Informal early engagement/discussions

Particularly important for significant matters for the entire district e.g. local plan

- Better engagement generally

Many members are keen to explore ways to improve the Council's engagement with communities

6.0 The task set by Council and the recommendations made

- 6.1 The Council asked the Working Group to carry out a comprehensive review of the governance arrangements, these being the current Leader/Cabinet executive arrangement and the other options such as a committee structure or a hybrid version of the two. The Working Group has considered alternative structures, but the presentation did not show that one system would necessarily provide a benefit over another – there are potential advantages and disadvantages in all and where the balance lies will be up to members and their personal viewpoint. It was also felt that, on 6th January 2021, the Council had given a clear steer away from a focus on structural governance arrangements to other matters. This report therefore also sums up the review and addresses the further work taken since 6th January 2021 on scrutiny and policy development.
- 6.2 The Council asked the Working Group to explore the views of the public and other stakeholders. It has done this through the widely publicised event in November 2020, although the level of interest was disappointing; it has also sought the views of other stakeholders by writing to various bodies directly and by reporting back to Council in the public domain at every Council meeting since October 2020, thus giving further opportunity for public questions to be put.
- 6.3 The Council asked the Working Group to take advice from experts in the field. It has done this by working with the close and valued support of the Local Government Association at each and every meeting and event.
- 6.4 The Council asked the Working Group to consider the cost and value implications as part of this process. With the steer from the Council in January 2021 not to focus on structural change, but behaviours etc., this is

more difficult to assess. However, given the desire for efficient working with increased inclusivity/engagement, there is still some work ahead and this may involve further workshops/member development to bring the desired changes to behaviours, engagement and inclusivity. The Working Group is confident that further measures are available to the Council – as outlined in paragraph 5.3 and 5.5 of this report, which could add value to the Council's work without adding significant costs (other than officer and member time).

- 6.5 The Council asked the Working Group to put its recommendations via the Standards Committee where major changes to the Constitution were envisaged. No such changes are proposed. However, the Standards Committee confirmed that it would consider any changes following a decision of the Council on the way forward – this avoided spending time on constitutional changes which might not then be needed.
- 6.6 The Council asked the Working Group to report back by December 2020. For reasons which were previously explained in October 2020, this was not considered feasible. The Working Group has produced its report in line with the indicated revised timetable, namely in the first quarter of 2021.
- 6.7 The overall conclusion is that the current executive governance arrangements can and do work for effective and efficient decision-making, as can other arrangements. It is just a question of what the Council wants to do next. In the absence of any clear mandate thus far for a change to alternative arrangements, the recommendation is therefore that the current executive arrangements be retained. However, there are specific improvements that can be made (as set out in the report) which the Council may wish to consider and address. Members and the public have been clear that member and public engagement must be a focus, whether it is through the decision-making processes, or specific actions to facilitate a better way of working together.

Report drafted on behalf of the Governance Working Group by Kathryn Tebbey, Head of Legal (Monitoring Officer).

Appendices:

- Appendix 1 – Summary of responses to internal survey
- Appendix 2 - LGA Workshop summary
- Appendix 3 – Update to Council 6 January 2021
- Appendix 4 – Invitation to public session
- Appendix 5 – Transcript of public session
- Appendix 6 - Written responses from public
- Appendix 6 Annex – Additional written response
- Appendix 7 – Examples of governance arrangements
- Appendix 8 - Paper to January 2021 meeting of Working Group
- Appendix 8 – Paper to March 2021 meeting of Working Group

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Governance Survey Results Summary

A survey was sent out to all Members on 20 August 2020 was closed on 9 September 2020.

The same survey was also sent to the Leadership Team, Corporate Management Team, Group Managers and an additional four officers.

Fifteen Members completed the survey, along with eight officers.

A summary of the results are below, using the 23 combined replies. All six questions required a reply in order to complete the survey.

Full responses are available in the attachment for those who wish to see more detail.

Q1 asked if the respondent was an Officer or Member

Q2. In relation to the current Leader and Cabinet Governance arrangements please tell us what works well in this arrangement and why?

23 comments received. Answers included:

- Accountability
- Dedicated portfolio holders
- Reduced size in decision making body, aiding decision time
- It is important that the Council has the ability to make decisions quickly and effectively yet with clear accountability. Leader & Cabinet Governance provides that capability with a small but accountable decision-making team. Moreover, they are supported by a range of Committees and PDGs which are able to provide more detailed review of many topics and recommendations when required. This is strength in depth
- The current system works well and allows for members, officers and the public to have a known and dedicated portfolio holder to take any issues too. The accountability is clear and the decision making process is both transparent and simple , works well
- Clear accountability in theory. Streamlined process which should lead to decisive actions and timely decision-making. Able to work up plans with the relevant members, so that there is a clear understanding of the plan in advance and more likelihood of avoiding abortive work

Q3. In relation to the current Leader and Cabinet governance arrangement please tell us what works less well and why?

23 comments received answers included:

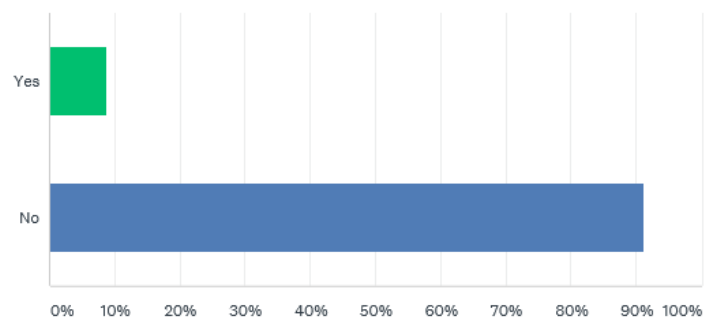
- Inability for Full Council to overrule Cabinet decision

- Not very democratic
- Lacking engagement
- Committee system is drawn out
- Inexperienced Cabinet Members
- Not cross portfolio working
- Not a team, a collection of individuals

Q4.

Do you think a complete change of governance arrangement is required? ie to form a committee structure?

Answered: 23 Skipped: 0



ANSWER CHOICES	RESPONSES	
▼ Yes	8.70%	2
▼ No	91.30%	21
TOTAL		23

Q5. If you answered yes to question 4 is there anything you would like to retain from the existing structure?

4 % replied no

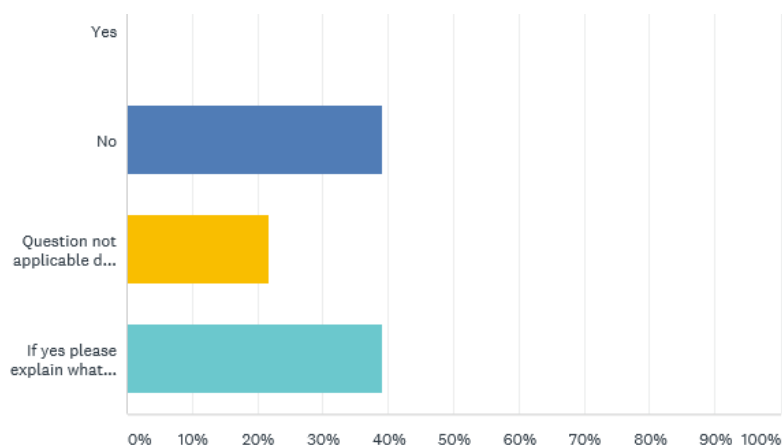
87% replied the question was not applicable due to previous answer

Two comments (9%) were received as per below.

- Accountable members for areas of policy
- I would even question why MDDC have a leader if we are all supposed to work together for the benefit of the district. MDDC needs a much more democratic system that takes into account the views of the public and members. It is the positions of power that cause conflict within MDDC because there are disagreements over who should sit in them and have that power. If there were a committee system, there would be no need for members to become so concerned about holding a position of power and

the members who do not sit on the Cabinet would not feel so demoralised at seeing how little influence they have over council proceedings

Q6. If you answered no to question 4 would you like to see some changes to the current arrangements as operated by MDDC?



ANSWER CHOICES	RESPONSES	
▼ Yes	0.00%	0
▼ No	39.13%	9
▼ Question not applicable due to previous answer	21.74%	5
▼ If yes please explain what they are and why they would be necessary and/or an improvement. Responses	39.13%	9

Nine comments were received and included:

- The workload for members of the planning committee should be looked at. The total hours sat and for site visits should be looked at.
- Tighter definition of role description for Cabinet members with training so that they better understand the respective roles and responsibilities of all stakeholders.
- Not sure - just getting a more in depth understanding of the current processes and how to use them for change - so it may just be more support for members is required. It does seem hard for members to personally contribute to decision making - as the process between all the relative committees, cabinet, full council and officers is complex and challenging to navigate.
- Given the problem that gave rise to this whole discussion, I do see that where Cabinet goes firmly against recommendations from lower-level committees / PDGs there needs to be some form of challenge rather than waiting until a subsequent election. However, that must not take away from the ultimate authority that the Leadership Team has to make decisions, however unpopular. (Sometimes that's needed.) With the infamous example, one issue

was that it was carried by a numerical minority of the Cabinet due to abstentions. That seems wrong, so perhaps tightening up on rules for abstention / requirement to vote is all that's needed, leaving Leadership with the accountability as is essential.

- if an additional check/balance can be incorporated that ensures Cabinet can not operate contrary to full Council's decisions
- Same answer, this review is the result of one decision that was both legal and followed procedure yet was unpopular with a small sector of residents. We cannot seek to change a whole system each time a small but vocal group object in the system was introduced after a committee system failed. The current system has and continues to work well
- With respect, the 'current arrangements' are not operated by MDDC but by a mixture of Independents and Lib. Dems. in which the tail wags the dog. There is bound to be inequality when two minority groups attempt to operate as one but there has never been any acknowledgement that this is a coalition; there has been no declaration of common purpose and I for one have absolutely no idea where the district is supposed to be going. The 'current arrangement' has been in power for 15 months without doing anything - in fact, all it seems to have done so far is call into question things which were done under the previous administration. If it wishes to continue in power, it has to have a common plan to which both of its constituent parts can sign up and for which both of its constituent parts can be held responsible. At the moment it is not an administration
- Enhanced role for Scrutiny and Audit - pre-decision making, rather than having to rely on call-in. This could be through sub-committees to review proposals at an earlier stage and pose questions. Consider removing PDGs and creating two Overview and Scrutiny committees - Homes and Community and Economy and Environment. Consider making Audit - Audit and Governance, with Standards Committee becoming a sub-committee?
- I think the Cabinet should be more responsible in their actions and projects, and should see the advice of officers before going down a separate path. Collective cabinet responsibility is a key issue

ENDS

Feedback from Governance Session – Mid Devon District Council 1st December 2020

On the 1st December 2020, the LGA facilitated a remote Governance session with MDDC, which was well attended by 25 elected members as well as the council's Senior Leadership Team.

The session was not designed as part of a wider piece of work whereby the LGA are supporting a Working Group established by the Council to review current governance arrangements. The outcomes of this session will be reported back to the Working Group (via this note) and will be taken into consideration at their next meeting, alongside the findings from a public engagement session held in the preceding week.

This short note shows the results from some questions asked during the session as well as some thoughts and suggestions which the Working Group may wish to consider in moving their review forward.

Cllr Jim McKenna (LGA Peer) and Emily McGuinness (LGA Programme Manager) will be attending the next meeting of the Working Group to present this report as well as support options for 'next steps'.

Below is our feedback from the session:

In response to question 1: What three words would you use to describe what you think 'good governance' should look and feel like?



Democratic, Open, Transparent, Fair, Accountable, Effective, Honesty are the most prominent words showing their importance to members. Taken together, these 7 words could be a sound set of **Design Principles** for the Working Group to use moving forward.

Question 2 asked members, “What three things about governance arrangements at MDDC would you like to keep?”



Scrutiny and **Cabinet** are the clear front runners in this response, which again is a useful ‘line in the sand’ for the Working Group to refer to, Policy Development Groups are also valued, and were

mentioned several times during discussion, although the role and function of the groups would benefit from further clarity.

Remote meetings and efficiency are also valued along with speed of decision making and positivity - taken together, this would seem to represent the basics of an effective governance system, and support the school of thought that it is potential changes to behaviours and culture which could deliver the greatest impact.

However.....

Question 3 asked, “ Which three things about governance arrangements at MDDC would you like to change?”



In response to this question – **Strong Leader** and **Cabinet** were also identified as the things most members would like to change! Whilst obviously this contradicts the previous slide, it also indicates that there isn't a strong shared opinion that the Cabinet/Leader model should change, and so there is no clear mandate from this session that structures should be changed, rather that there are concerns around how behaviours are impacting on the success of governance in the eyes of members.

The other high frequency words in this slide are more behavioural (rudeness, less politics, tolerance, challenge) – and there may be some merit in the Working Group spending time discussing how to address these concerns – some councils have a set of behaviours that members have drawn up themselves, and use to support more effective relationships?

The second half of the session looked at the **RACI** model, and through the group exercises – which involved members from all groups, with varying levels of experience and a mix of Executive and Non-executive members – it became clear that there is a lack of clarity around where accountability lies within the council – and there was some realisation that all members have accountability for the most important decisions, via their role on full council. It was also evident that there is room to

improve the opportunities for genuine consultation of members who are outside the Executive – and that consultation must be synonymous with an opportunity to influence and not a ‘tick box exercise’.

Policy Development Panels appear to be valued – although there is some confusion over their exact role within the decision making process – especially in relation to Scrutiny. Scrutiny would seem to be the area with the greatest potential for improvement, looking to bring forward current best practice around Scrutiny being more around shaping policy ahead of a final decision, bringing to bear the knowledge and experience of non-executive members alongside the views of the community, rather than a role more focused on challenge.

Thoughts for the Working Group

Based on the outcome of this session, the Working Group may wish to consider:

- The session was well attended and they now have a clear set of ‘Design Principles’ against which to check emerging thoughts and proposals;
- There is no clear mandate to change existing structures, but there is a clear recognition that behaviours can, and are, impacting on effective governance.
- Further clarity around where Responsibility and Accountability lie as well as creating a shared understanding of Consultation / influence and how this can best be achieved.
- Review the role and function of Scrutiny, how this aligns with the Policy Development Panels and how non-executive members can shape decisions – particularly around policy development - prior to the point of decision making.
- How to ensure – via different platforms – all members of the community have the **opportunity** to positively engage with the decision-making process.

FULL COUNCIL

6 JANUARY 2021

GOVERNANCE WORKING GROUP – PROGRESS UPDATE

Reason for the report: To update Council on Governance Working Group progress.

In line with the Working Group's report to Full Council on 28 October 2020 two information gathering exercises have been completed. An external event, with a panel chaired by one of the LGA advisers, was held on 23 November 2020. There were 5 attendees from the public: a recording of the event is on the MDDC web site and a transcript is available if requested. In addition, 4 people provided written input for consideration. An internal event was held on 1 December 2020 with a workshop chaired by the LGA. Some 25 Members attended with candid opinions given. The Working Group subsequently met on 10 December 2020 and reviewed the outcome of the 2 events plus the internal web-based consultation held in September 2020.

This report seeks Full Council's ratification of the Working Group's conclusions from these consultations before committing to further work. These are as follows:

1. Change is needed to improve the Council's governance in line with modern, current best practice. Focus is around attitude, behaviour, and approach rather than the fundamental structure of governance.
2. Implementation of Scrutiny (as a function) needs to be adapted to make engagement more active, potentially to provide earlier engagement in the decision-making process and when required to be an effective post-decision check.
3. Policy Development (as a function) needs to become more influential in the Council's business, taking a greater role in developing new ideas and challenge.
4. Combining the above 2 functions in specific committees should be considered.
5. Engagement by Members needs to be improved to make the Council's operation not only more effective but to be seen to be more effective.
6. Engagement with the residents and businesses needs to be improved through encouragement, better access (eg social media and other platforms) and communication (eg different focus / less jargon).
7. A systematic process approach should recognise the need for timely decision making, setting out clearly which parties are Responsible, Accountable, Consulted and Informed.

In summary, there is a lot that the Council does well. The emphasis is on evolutionary improvement, in some cases with positive system change, but equally better to use existing systems where appropriate.

Subject to Full Council's agreement, the Working Group will work with Officers and the LGA to formulate more detailed proposals based on the conclusions stated above, recognising experience of other relevant local authorities. The aim remains to bring a recommendation to an Extraordinary Full Council meeting in March 2021. The Working Group expects to meet again to review progress in late January 2021 and probably again in February 2021. A further report will be provided to Full Council on 24 February 2021.

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Governance arrangements at Mid Devon District Council

The Council has a Governance Working Group which is looking at whether to recommend changes to the current Leader/Cabinet model and the governance arrangements which underpin it. These arrangements determine who has authority, who makes the decision and how the Council is kept accountable.

Are you interested in how the Council operates under this model - and do you think it works as it is, or needs to change? If so, the Governance Working Group wants to hear from you. To make this happen, a panel of the Working Group will hold a session at **6pm on Monday 23 November 2020** via Zoom by invitation. The Panel will be led by an independent facilitator, Cllr Jim McKenna of Cornwall Council. Those taking up the invitation to talk to the Panel will be given a short slot of their own.

The Panel is interested in the following:

- What works well under the current arrangements and what do you value?
- Governance could be better if.....? Because...?

The Working Group wants any recommendations for change to result in a clear benefit to the Council and the people it serves for the foreseeable future. For that reason, it will help the Panel if you can explain the reasoning behind your views. This might take the form of knowledge or experience from Mid Devon or elsewhere.

To find out more about governance arrangements at the Council and the different models/options available, please visit our website at <https://www.middevon.gov.uk/your-council/councillors-democracy/governance-arrangements/> where there is a section on Governance Arrangements. This includes a summary of the current arrangements and some of the other options which are available.

Please email committee@middevon.gov.uk by no later than 12th November 2020, if you would like to attend the Panel session. Depending on uptake, we may need to limit slots, or make other arrangements. Alternatively, you can send your thoughts/comments to the same email address by no later than 28 November 2020, or to:

Governance Working Group, Phoenix House, Phoenix Lane, Tiverton EX16 6PP (FAO Mrs K Tebbey)

Cllr Andrew Moore

Chairman, Governance Working Group

30 October 2020

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Governance Working Group 23/11/2020

Meeting where 6 Members of the public registered to give their views on governance arrangements

Meeting via Zoom attendee are:

Cllr Jim McKenna (Cornwall Council) (Independent Person) – Chair of the Panel, Cllr Andrew Moore, Cllr Andy Wyer – Vice Chair & Kathryn Tebbey (Senior Officer and Monitoring Officer)

Public:

Roger Cashmore, Carole Edwards, Gill Westcott, Hon Alderman David Nation & Trevor Cope (1 non-attendance)

Jim McKenna:

Good evening everybody and welcome to this evenings meeting. I'm Cornwall Council Council's Jim McKenna and will be chairing this evening event at the request of Mid Devon Governance Working Group. I'm working this evening on behalf of the local governance association and I do have considerable experience with other Councils, looking at things as constitution and governance reviews. I am an independent person and I have no connection what so ever with Mid Devon District Council.

Can I now introduce you to the remainder of the panel, there are four of us this evening, the first of these is Cllr Andrew Moore, who chairs the Working Group, Andrew is waving at you, and he may see him flitter in and out not because he's got other things to do but, because he's got a slight internet issue this evening. So hopefully he will be with us for the bulk of the committee. Cllr Andi Wyer is also here the Vice Chair of the Working Group and we have Kathryn Tebbey the Council's Head of Legal Services and the Monitoring Officer, so Mid Devon's most senior legal officer.

This evening meeting is being recorded purely to ensure that an accurate transcript can be produced, the recording will be destroyed following a decision by Full Council next year, on the matter of future governance arrangements and copies of the transcript can be made available to this evening's speakers upon request, once it been completed.

There are six scheduled speakers this evening, and a total of 2 hours has been allowed for this evenings event, participant's will have around about 5 minutes each to speck which will then allow panel Members to seek any clarification necessary before moving to the next speaker. In particular panel Members would be interested in your thoughts on what works well, what do you value on the current arrangements and alternatively governance could be better, if oblique, because.

Finally before we start on behalf of the Council I would very much like to thank you for giving up your time this evening to contribute. It is appreciated and your views will be taken into account before any decision and future governance at Mid Devon is taken next year by the Full Council.

Ok so are we all clear on the arrangements and are we all happy with that?

(Pause)

Thank you

In which case I will start then by inviting Mr Roger Cashmore who I understand is a Thorverton resident to speak for us, you will have about 5 minute Mr Cashmore, hopefully that will be sufficient and there may be one or two comments or questions from the panel, when your ready...

Roger Cashmore:

Can you hear me ok ?

Jim McKenna:

Yeah, Loud and clear, thank you

Roger Cashmore:

I was hoping for a little bit more than 5 minutes but um...

Jim McKenna:

Well we can extend it slightly if needs be

Roger Cashmore:

I find it a very interesting time because at the moment the government in Westminster is having a local authority governor's accountability review panel covering exactly the same points that you are and I think our district Councils are under pressure. I know, for example, in Cornwall you're a unity authority and in Somerset you're also chasing unity mirror status. We have county Councils next year.

To be honest, if everybody followed the rules in the constitution, particularly clause 15.2C about the principles of decision making and all the Councillors followed the Nolan Principles then we wouldn't really need to have this meeting tonight.

So, I have a contentious statement to make in my honest opinion national party politics introduces a lot inefficiencies, hinders collaborative and collegiate working, and unfortunately for far too long Councils here in the west have been perceived as a private playground for National party politics.

The Cabinet committee, for example, it's in the constitution that they're allowed to make decisions without referral inside the Cabinet, I personally prefer a hybrid solution and I know that the Cabinet set up in Devon, especially over the sale of the Council offices in Crediton, the 3 Rivers corporation etc. it doesn't always work as well as it should do, um other people can elaborate on that.

Cabinets will only work well if they have effective Scrutiny and overview and that applies to any committee meeting as far as I am concerned. This is a working group and I have just heard you're not going to release a recording of this meeting - well that a shame, I don't see why you shouldn't - as far as I'm concerned a working group is often an excuse to take things off a committee agenda and gently hide them away, they are being replaced by task and finishing groups. The different being they have full public knowledge of what the objectives are and a time, date bound of when they are going to be completed and public and fiscal targets and objectives are set and made known to the public.

So what is good governance, what is a definition of governance, if you go on to the ombudsman website there are hundreds of different examples I've chosen the World Bank definition and that is promoting fairness, transparency and accountability. Governance is about developing excellent working relationships between the paid officers and the elected Councillors, not all Councillors are active as they possibly should be and you can see this by the membership of the various committees in Mid Devon.

Good governance is a practice of making decisions on behalf of stake holders, good governance should be normative and really shouldn't be all about only two things - openness and transparency – and it's those two words that should drive every single thing that Mid Devon District Council has done regarding decision making.

Mid Devon District Council should be willing to share all their information freely and with good will and to make all their decisions completely openly in the public domain. Good governance is the framework for defining medium and long term objectives. Good governance is about accountability and responsibility, I'm not certain that everybody in Mid Devon knows the difference.

Accountability and responsibility should drive every single part of Mid Devon's performance and behaviour, they should be completely responsive to their stakeholders, from whom they derive their authority to do their daily business. Accountability and responsibility should be part of every job description of every employee in Mid Devon and they should all be made available in the public domain. Governance without enforcement or sanction will never work properly, especially I noticed in planning, where I've had most interaction with Mid Devon, and in that particular department they are truly conflicted as they continually appear to act in the interest of the individual applicant rather than the local stakeholders.

Governance without pre prescribed sanctions or enforcement will not work. Governance without the confidence of the public or their involvement of the public will also not work. Governance in Mid Devon is really about fostering a good relationship between the officers, the Councillors and the public. Who are the officers working for? The stakeholders or the Councillors? Who are the stakeholders of Mid Devon? There is only one stakeholder and that's people like me, Members of the public and the rate payers, not an individual business, not an individual planning applicant - just the public.

Governance is about performance, each officer's job description, targets and performance measurement framework and criteria should all be held in the public domain. Officers should be prepared to work to commercial business norms and practices i.e. job descriptions.

Governance is about managing money well. I personally have very little confidence in the published fiscal data I've seen on the MDDC website. Responsibility for budget performance variations, there is one on your website where a department head, I assume the department head is responsible - 227% variation on budget, if that had been in the private sector somebody would have been disciplined to say the least, if it was a school and that was an Ofsted report, they would be put into special measures.

Finally, technology, I don't find the Mid Devon web site particularly user friendly, I find it difficult to navigate and find my way around. During Covid-19 I was so surprised to see that we didn't grab this opportunity to broadcast all virtual committee meetings and put them online. East Devon put all their 'all their' meetings on to 'YouTube' and you could subscribe

and could actually pull them down quite easily off 'YouTube'. theSound Cloud is fine for what it is, but it is very old fashioned now, so a few simple recommendations to improve governance - all committee meetings should be easily made available to all view online; all Members should be encouraged to speak to contribute to committee meetings, especially those such as Cabinet, after public speaking but before committee members. One of the problems you've got is not every Councillor in Mid Devon is active and fully engaged in day to day business and this could be one way to encourage them to get more involved.

And just one other little thing I would like to say: one would never make any aspirational commitments such as the fiscal forecast for 3 Rivers performance, or such as a **climate** emergency target, without first knowing that it is both achievable and affordable, in private enterprises and sectors we call these smart objectives, they're specific, measurable, attainable, relevant and time bound. So that's all I want to say at the moment, thank you very much.

Jim McKenna:

Mr Cashmore, thank you very much, can I just ask before inviting the panel to see if there any points for clarification they may have quickly, do you have anything which you like about Mid Devon District Council? In the interest (LAUGH) Other than the fact that their bold to go ahead with their decision.

Roger Cashmore;

I don't want you to get the impression that I'm just dumped on the district Council, of course there are lots of things that are good about it but I've been a Councillor for 12 years, I've been a management consultant, I've worked on Scrutiny committees at county level and there are other business models and there are lots of simple little things that Mid Devon are just plainly not doing, and it's not just about the Cabinet, for example, (if we can see), I can see every single Member of the East Devon Cabinet on the 'YouTube', I can see anywhere up to 20 odd other Councillors getting involved in their Cabinet meetings and I can go and speak publicly and I can see the levels of engagements between people on the East Devon Cabinet meetings, so, to me the more openness, the more transparency and the less decision making behind closed doors, that is what I want to see from Mid Devon District Council.

Jim McKenna:

Mr Cashmore, thank you again, um Cllr Andrew Moore, Cllr Wyer or Kathryn Tebbey do you have anything you wish to ask Mr Cashmore for clarification purposes.

Cllr Moore:

I was just intrigued, you made a strong point about transparency and openness and you said that it should drive everything that Mid Devon does and I entirely agree with you on that particular point, but I am just a little intrigued about what evidence you have that the Council is not transparent and open. You were very vociferous in your comment then about it and for example, I have done a little bit of work and the classic ones is meetings that are Part 1 and Part 2 which you will be familiar with, and I have done a bit of work and Part 2 forms, the Part 2 Reports, form a very small, and I think it is about five percent of the reports that go through the Council, and typically they are for because there are specific issues to do with personnel, or commercial information like a contract that is being let that is in the commercial domain, and those tend to be the main reasons.

Cllr Moore's audio froze

Roger Cashmore:

Can I just make a comment and will try and answer...

Jim McKenna:

Mr Cashmore, can I just ask the other two members of the working party if they have anything more they wish to ask and then maybe you can wrap it up with that point as well.

Roger Cashmore:

Sure

Cllr Wyer:

I had a query in terms of whether Mr Cashmore has any particular issue with the Cabinet Strong Leader model of governance within Mid Devon or whether or not he would prefer committees or any other form of governance or if it is more of just a case of openness and transparency across the Council and it wouldn't matter how we worked within the Council.

Roger Cashmore:

Like other people on the Zoom call I don't have a particular axed to grind about the reason we are here meeting here tonight...

Jim McKenna:

Mr Cashmore, I'm sorry to butt in, but can I just check if Kathryn Tebbey has anything that she wishes to comment on or ask and then you can wrap up if that is ok...

Roger Cashmore:

Sure

Jim McKenna:

Thank you.

Kathryn Tebbey:

No, I'm still listening, because I would like to hear what Mr Cashmore has to say, he was just about to reply and then I may have something.

Jim McKenna:

In which case, Mr Cashmore, sorry to interrupt.

Roger Cashmore:

My prime concern is this, that officers, and this is not just about Mid Devon, but officers do not communicate well with the public, not ever Ward Councillor is interested in taking your concerns and issues and working on your behalf to give you the information back again, so, to answer Andy's, Cllr Andy's comments, then to my mind the most important thing is to make it very easy, very easy, for any member of the public who has got an interest in a particular subject to find it out for themselves – so this is about the amount of information that is available on the website. This goes back to you know making it very easy for members

of the public to engage with the Council's day to day workings. I shouldn't have to get in my car and drive the Phoenix House to get a question answered and I shouldn't always have to go to my Ward Councillor and ask him to spend his time to get an answer coming back the other way. There must be better ways of engaging with the day to day runnings of Mid Devon District Council.

As I say, most of my interactions have been with the Planning Department and they are particularly conflicted because they are... they are particularly seen to the odd observer to be working always in the interest of the applicant and very seldom in the interests of their community and this goes on all of the time, and there must be a better way of communicating with your public, the stakeholders are the public, not the Members, not the Leader, not the head of, you know, the chief executive and the officers, not the leadership team. There is only one stakeholder and you should be working flat out to share as much information as you possible can with your stakeholders and if we did that, we wouldn't need to have these sort of discussions (people would be) and incidentally to see a good working Council is a blessed thing, it's a fantastic thing, and you have got a long way to go in my opinion before you engage with your community better than you're doing at the moment.

Jim McKenna:

Thank you, you have made your points very clearly which has been very helpful. Cllr Wyer do you want to come back?

Cllr Wyer:

I was merely going to say then the biggest issue Mr Cashmore has got is more about communication rather than necessarily governance. How we do it is largely secondary to how we are not communicating with you or you are not able to communicate with us.

Roger Cashmore:

Governance, as I said the definition I gave you about the World Bank, governance is all about openness and transparency and working for your stakeholders, in this case the rate payers of Mid Devon. You have got it Andy, that's a pretty good point for me.

Cllr Wyer:

Yeah.

Jim McKenna:

I think the point has been well made and Mr Cashmore, thank you very much for being first. Next on my list I have Carole Edwards, who I believe is present and then I am going to invite after Carole, Gill Westcott, because I gather Gill you have to be somewhere else so you would like to be somewhere other than last on the list, is that correct?

Gill Westcott:

I could say a brief word but my contribution will be less useful and I would prefer to go after one more speaker. Thank you.

Jim McKenna:

No problem at all. OK. So, Carole are you there (and can you hear me?)

Carole Edwards:

Yes, good evening, I will start by saying I think the current model works well. I don't pretend to know a lot about governance but since I accepted this invitation I have been reading quite a bit and I think that the current model works well. However, any governance will only work well when Members and officers work well together and share the same values – that is important – and Scrutiny is very important and it is important that the Council takes on board all of the recommendations of the Scrutiny Committee. It is important to have representation from all political parties on the Cabinet and I note it that earlier this year there were changes in the Cabinet and I didn't have time to find out what had gone on and why it seemed Independent Members had left or gone and Conservative Members came in.

It is important that all Members and officers keep in mind that their task is to do the best to all those, we, living within the Mid Devon District area. I'll come to what Mr Cashmore was saying, my concern is openness and transparency. In the last few months I have had more time to look at Council agendas and minutes and some things are not clear. It is very difficult for one to read and not see, and as Mr Cashmore was saying, although I have not experienced it, whether or not YouTube joining the meeting would be a good idea because then you do get an idea of who is taking part, whether all Councillors have an active role in the decision making or whether or not that are not saying very much at any of the meetings. It is important for them to engage.

As well as openness and transparency it is important for there to be engagement and communication. I know it is very difficult and I don't have the answers as to whether communication can just be through the media, . through press releases, there is always going to be somebody that doesn't see it or perhaps isn't interested, but I think it is important for the Council to do all they can to cover every avenue to get out all the decisions and engage us in the decision making.

I have been asked for views if there have been local issues which I think in particular on planning, I can't remember, anything else, and that was useful, but I wasn't sure that all my views or the views of other residents were taken on board and fully considered.

I have just got a few random comments to make here as well. It is important that the finance officer should feel able to provide challenging information to Members. Again, I'm not sure how that works and as I said first of all, governance only works well when Members and officers work well together and share the same values and respect each other. Another thing is, I do think about the Cabinet Members having to make difficult decisions – important decisions involve a lot of money in tens of thousands of pounds – and whether they are fully supported or given enough information or expertise and that is what I would like to see or be reassured that is happening, that the decision makers are fully informed.

I do think our Council does a lot well, a lot of good things, and over the past few months, reading on our cooperation between neighbouring Councils and authorities and going into it a bit deeper to see how it works, there are cost savings and there are obvious benefits on both sides so I do think they do a lot well and I think they have improved in many ways in the last few years and looking back - well there has been spending cuts it has been difficult

times, but there is a lot more to do and I suppose for me it is openness and transparency to have the right information and I know where to go if I have a question. I will leave it at that at the moment, thank you.

Jim, McKenna:

Thank you Carole, and thank you for summarising at the end. I think you mentioned earlier about appropriate Scrutiny as well didn't you.

Carole Edwards:

Yes

Jim McKenna:

Thank you very much, that was really well expressed and thank you for that. Can I invite panel members then to ask any questions or comments on what Carole said? I can see Andy, I can see Kathryn but I can't see Andrew on the screen. It looks like he is back

Andrew Returned

You go first Andi if you have got anything to say.

Cllr Wyer:

I noticed that you were talking about Scrutiny and that it was important for Cabinet decisions. Are you happy that there is a suitable level of Scrutiny at the moment, or are you not really sure about that, or are you just think that it is an important aspect...

Carole Edwards:

I think it is a very important aspect and in particular in respect of risk and understanding risks and the outcomes. Taking a risk is not an easy thing to do so you need as much information as possible and I think I read somewhere that sometimes decisions are published, or can be published, before they have gone to the Scrutiny committee – am I right in thinking that?

Cllr Wyer :

Yep

Carole Edwards:

Thank you, so a decision can be taken but it can still be scrutinised. I think it is also important...

Cllr Wyer:

Yeah, that's fine, because I am the vice chair of the Audit Committee which is one of the other committees that has a certain level of scrutiny over the Cabinet decisions and we concentrate purely on risk so that is very gratifying to hear that it is an important one.

My other query was you mentioned that sometimes agendas and minutes are not clear. Do you have any particular examples or is that just a general.....?

Carole Edwards:

I'm sorry, I could probably go back and look but there was one particular set of minutes that I was looking at and there was lots of information that wasn't given and perhaps it could have been personal information or certain individual interests in a particular idea or subject, but I know in minutes are sometimes tedious – I wish I could find another way of writing minutes without seeming so turgid but unfortunately it doesn't happen and you have to say what people are saying. And that's, as Mr Cashmore was saying, one reason why live time committee meetings are quite useful because there is no doubt as to what somebody has said.

Cllr Wyer:

OK, thank you, that is fine, very helpful.

Jim McKenna:

Andi, thank you, Carole, thank you. Cllr Moore, are you going to hazard a questions or comment?

Cllr Moore:

I daren't take up too much bandwidth because it disappears..... No I think everything you said was clear to me. There are some interesting observations and I am stopping myself replying because this is about finding out what you think, but yes are some interesting points about finance and your perceptions of that, so thank you for that

Jim McKenna:

Councillor Moore, thank you. Kathryn are you content?

Kathryn Tebbey:

I would just be interested to hear whether Mrs Edwards had the opportunity to join one of our meetings via Zoom previously – we have this meeting this evening but I mean one of our formal meetings via Zoom - have you had that opportunity yet?

Carole Edwards:

No I haven't, I have thought about it actually...

Kathryn Tebbey:

It is not a criticism and I'm not trying to put you on the spot... I just wonder whether.....

Carole Edwards:

No I haven't because I understood that I needed to give notice that I was going to join a meeting and I haven't had a chance to to do that yet but I will do. When I feel that I'm competent enough to ask questions, because I like to find out the background of things before I go in and not waste peoples time. If there is something that, as I say, because I have a bit more time now, I will look and I will join a meeting and I will ask questions.

Kathryn Tebbey:

That would be most welcome.

Carole Edwards:

I forgot that I could actually that I could join by Zoom.

Jim McKenna

Kathryn thank you, Carole thank you. It sounds like you might make an excellent Councillor at some point in the future Carole, so bear that in mind.

You are very welcome as is everybody to stay until the end of the meeting and next I have Gill Westcott. Gill, if you wish to speak?

Gill Westcott:

This will be very quickly because as a Parish Councillor I have only operated under the Cabinet system so I am not familiar as I know some of the other people who are going to speak are with the committee system, so that limits what I can say but I would say that I have experienced some very good and professional work by officers of the Council – that Mid Devon has been extremely helpful towards Cheriton Bishop Community Land Trust in getting affordable housing with it, so this is not relevant to the question at hand which is whether the committee or Cabinet is best.

I have two observations, one is that it seems to me that under a Cabinet system there is a more concentrated power and that therefore Scrutiny committees need to be really strong as well and that the Cabinet needs to respond to them and that the chairs should ideally be independent or not Members of the same party as dominate the Cabinet. So, I'll leave others to speak about the committee system.

The other thing is about this process and as somebody who is not that knowledgeable about both systems I would find it extremely helpful if this kind of thing could be done, you know, as it might be in a public meeting in other times or as a deliberative process where people like me who are coming along are helped to benefit from other's experience and discuss things, so un-deliberative form is a citizens jury, which is like a kind of mini citizens assembly, so it would help me to hear somebody talk about how a committee system works and their experience of it and somebody to talk about how a Cabinet system and how it works and their experience of it, and then to hear the reactions of other participants as well, maybe discuss it in groups, then to come back with the groups answers to the questions being posed and further discussion and maybe a vote.

Or it might be that some other proposal comes forward and people might agree on one system or another or a hybrid system. So, I know Covid makes things very difficult and obviously there could have been a much bigger response to this, but to hear speakers and then to deliberate with perhaps some mutual facilitation would be very helpful and I know this isn't the end of the Governance working groups work so there is a suggestion for a possible way for wider engagement should that be needed.

Jim McKenna

Jill, thank you very much. Questions from panel members? My go to is generally Cllr Wyer, he has done a good job so far, so is there anything you want to say Andi

Cllr Wyer:

No, I agree pretty much with everything that you have said and you're not the only one who has not got experience of the old committee system. I joined Mid Devon back in May 2019 so I have never seen the committee system. A lot of us are working from the same situation/from the same starting point that you are.

Jim McKenna

Andy, thank you. Cllr Moore? Cllr Moore did give us advance warning that he was having bandwidth issues.

Cllr Wyer, unfortunately I have no idea what he would have said or I would have tried for him.

Mr Cashmore:

Could I suggest that Cllr Moore turns his video off and then he should be able to contribute via audio quite easily?

Jim McKenna

Yes, I'm not necessarily sure he could hear us but if you heard that helpful suggestion from Mr Cashmore, Cllr Moore, feel free. Failing that, Kathryn is poised... Kathryn, is there anything you wish to say, or question?

Kathryn Tebbey:

We've had three speakers so far who have all in particular emphasised the need for a strong scrutiny function, that's been a consistent thread throughout and that is certainly something that we need to reflect on.

Jim McKenna

Jill, I can see in the chat box your comments and observations which we will feed into the process as well as the video recording.

Cllr Moore, you were with us very briefly but now you appear to have frozen again. I'm not sure it is Cllr Moore's fault, Mr Cashmore, but there you go.

OK so, (looks like he might be about to ring him) , so Gill are you content that there seems to be broad agreement with what you are saying, particularly in relation to future engagement and doing it in a slightly different way should the opportunity arise. Thank you, your written comments will be taken into account and it appears that Cllr Wyer is broadly in agreement with what you say so result I would say – so thank you. Again you are very welcome to stay but I gather you have other commitments so thank you very much for participating.

Next then is Alderman David Nation, do you require honourable before that Mr Nation, so the Honourable Alderman David Nation, that is what it says in my brief, so I am just treading carefully. David, take it away.

Hon Alderman David Nation

Can you hear me? I'm never quite sure if I should take it off mute or if Sally or someone else does it.

Thanks for the opportunity to join this panel this evening. As some of you may know I spent twenty years as a district councillor, most of that in Mid Devon, and I retired in 2011. That was three years after the system changed from committee to Cabinet, and I happened to be the first chairman of the Scrutiny committee because I was leader of the opposition on the Council at that time, and because we were getting a huge amount of support in making that change to the leader and Cabinet system from the LGA and elsewhere, I think another government department, I was provided with a mentor, a very experienced Dorset County Councillor, for twelve months period I think, during the start of the Scrutiny committee, and I actually supported the decision to switch to the leader and the Cabinet because of various assurances I had and because of the way I was led to believe the system would work.

Now, I found that it pretty much, a few years I was there, after it started, I was content with all of that, but I have to say that my experience since then has been very different and I am extremely unhappy about what I believe... *interruption* I am extremely unhappy about what I regard as a very undemocratic way in which certain important decisions on Mid Devon District Council are now made, the exclusion of most Councillors, although you can argue that they have the opportunity to address the Cabinet etc. and so on at different times, but I think as Gill Westcott or someone said just now, you have got to make it easy for people and that goes for Councillors as well and it seems to me that the present system – Covid-19 restrictions apart – doesn't actually make it terribly easy and I don't think a lot of Councillors feel that can contribute, change or influence anything and that is a very unhealthy state of affairs for democracy

I think. Most Councillors feel quite disempowered by the present system and they are certainly excluded from a lot of decisions. I think another downside to all of this in my experience in recent years has been an increase in secrecy – I think Roger Cashmore mentioned something about this. I know that Part 2 will apply and it is governed by statute and from time to time that is quite properly used, but it strikes me, that rather like this meeting and I would say all the meetings of the working group and the work of the working group so far, has been in secret, and I myself have had to make two Freedom of Information Requests in order to find out what has been going on – and I haven't been particularly impressed by what I have read by the way.

The working group I think has been going on for around twelve months now and it seems to have done very little to have addressed the concerns that the people have, myself included. I know that a lot of people have been interested in this process but the fact that the meetings have been held in secret has not facilitated that at all. They simply haven't known what has been going on. Now what I want to know is what has Mid Devon got to hide? Why cannot the leadership at Mid Devon accept that they have nothing to fear from including people and making, giving people a role, as you are doing tonight? But why did it take until now for this to happen? Why have all of the other meetings been in private?

I am told as well that on 1st December, I think, there is to be a Full Council opportunity to consider the situation – now I learnt of that by chance. It is nowhere in any public statement and as far as I know that is going to be yet another secret meeting. This will do nothing except breed suspicion and resentment amongst the general public and I thought the day was long since passed in local government when these sorts of tactics would be used to keep people in the dark.

I ought to say as well that my involvement in this, it was admittedly prompted by one particular incident here in Crediton – sorry, I should have said at the outset that I live in Crediton – but of course I have heard over many years of concerns like this, but my interest in challenging the present arrangements and the present structure, is in no way, and I hope everybody will accept this whether you agree with my views or not, is in no way designed to reduce the efficiency of the way that Mid Devon operates.

I was there when the system was introduced, partly and probably substantially to improve the efficiency of the District Council and I am totally in favour of that, so I'm not intent on doing that at all. But I do believe very strongly that the structure has to either be amended, and I'm not sure that the present structure can be amended in a way that would meet my objections, but if it can be all well and good, but if not, strenuous attempts should be made by this working group and the Council as a whole to modify the structure in such a way that addresses the concerns that you have been hearing about tonight.

So I hope people will accept that anyway. I don't want in any way to reduce the efficiency of the Council, but I feel very strongly about this and I know that thousands of other people across Mid Devon, and I mean that literally, thousands of other people are very unhappy with the way the system works at the moment and I fear that if this working group is not serious about addressing the problem that the Council may find in a year or two that they are being obliged to hold a referendum because a petition will be created to require that to happen, with a view as I understand it, that there are limited options if we should we ever reach that stage, of reintroducing the committee structure.

Whereas I am quite happy to accept that if the work is done properly and all of the options are looked at then there may well be other versions of governance which might meet needs of complainants like myself. Lots of other local authorities have actually tweaked their system of governance in the last what six or seven years I think since the legislation was introduced to allow Council's to revert to a committee system or the like if they wanted to, so all things are possible it seems to me and I hope ways can be found with the most efficient manner and with the least use of resources to bring about the desired changes. Thank you.

Jim McKenna

Mr Nation, thank you, and from my perspective I do accept what you say in terms of acting in good faith and being interested in the better operations of the Council, rather than anything else, so thank you.

Questions from the panel? I get the impression that we might have our panel chair on the phone as I see a number I don't recognise on the bottom, so that could be, but I'm going to go with Andi Wyer first just in case. Oh, hang on, is that Councillor Moore?

Cllr Moore:

Yes, I'm listening in because there is a lot of noise on the line so I will just listen if that is ok.

Jim McKenna:

Ok, and you heard Mr Nation clearly?

Cllr Moore:

I did.

Jim McKenna:

Cllr Wyer, you are doing a sterling job as Vice Chairman so over to you again...

Cllr Wyer:

Good evening David. I don't know if you can answer this one or not, but you said when the Cabinet system started you were relatively happy with it, are you able to identify what changed from those days to where we are now...?

Hon Alderman David Nation:

Yes, thank you Andi. I probably should have mentioned this, part of the mentoring that I benefitted from during that first year was an assurance that although this might not be written in black and white in the constitution, in the event that the Cabinet is aware that Scrutiny is totally opposed to something they intend to do or want to do, or indeed if what they want to do is contrary to the wishes of the entire Council, then the Cabinet would conform with those wishes. And I suppose what led me into all of this was the fact that in that particular instance the Cabinet totally ignored both the Scrutiny committee and the majority views of the Council, so that was a really big shock to me because, as I say, I had been assured that's the way the Scrutiny committee, sorry the new governance worked and that is the way I had always seen it work whilst I was chairman of Scrutiny.

Cllr Wyer:

I have nothing else because I am very aware of David's opinion and where he is coming from. He lives in my Ward, so...

Jim McKenna:

Thank you, Kathryn, is there anything you wish to add or questions?

Kathryn Tebbey:

Yes, there is an interesting point here, David, with to what extent do you think it is necessary for Councillors to be decision makers as opposed to the point you made that a lot of them felt they don't have the ability to change or to influence - , so decision making and being able to influence, where does the balance lie? Do you think it is the influence we need to focus on rather than getting bogged down with "we are a decision maker or we are not a decision maker"?

Hon Alderman David Nation:

Well subject to what I said about the fact that in terms of democracy in my view the Cabinet should always conform to the clear wishes of the Full Council and respond to the wishes of the Scrutiny committee as well – subject to that, I think that we should all accept and all Councillors need to accept that they won't all be able to have decision-making powers on everything. I think there is obviously a lot to be said for Councillors having a good deal of decision making with regard to what is going on in their area or their Ward, but aside from that I think that everyone accepts that they can't be deciding everything, but they should

have the opportunity to influence, certainly, and that is lacking under the present system, the way it works.

Now I know, one can say about, I mean I wasn't as critical as many are about the way that the old committee structure worked because I think, and I think this was referred to obliquely by Roger Cashmore earlier on, that a lot of the issues that one might see from time to time occur because of the Councillors and not the system, so I think that if you make it easy... I'm saying... you got to make it easy for the public and Councillors to contribute but if you do and they don't then you can hardly blame the system for that. So, Councillors have responsibility for this as well, however it works.

Kathryn Tebbey:

Thank you, that is really helpful.

Jim McKenna:

Mr Nation, from my perspective, you have expressed that you were around as a Councillor when the Cabinet system was introduced and you are clearly, and I understand a little bit of the background, you are clearly not happy with how elements of the Cabinet has determined things in the last sort of eighteen months I guess. Is it in terms of governance, are you basically saying from your perspective that you would like to revert back to committees or possibly a hybrid, or are you saying if there is something in relation to, not necessarily behaviours but sort of governance methodology associated with the Cabinet that might be acceptable to you as an individual rate-payer?

Hon Alderman David Nation:

I think it might be, the information I've given to me by Kathryn I think and others, suggests that it is not possible to alter the Leader and the Cabinet system so that the Cabinet can be subject to the wishes of the Full Council and if that is the case then somewhat sadly I would want to depart from the Leader and the Cabinet structure and look for a hybrid or in the last resource, the committee structure, which did allow that.

You see, I certainly.... If I go back far enough I can obviously recall many occasions when Councillors feeling strongly about whatever the issue might be have put a spanner in the works and prevented things happening until they have had the opportunity to address the Full Council on the issue and they have done that and now obviously if that is used excessively or inappropriately or recklessly then it can introduce delays and I know we all want to avoid those. But nonetheless, if the only system that will be responsive to the democratic wishes of the Council and the people is to deviate from the present structure and introduce the old committee structure then I would have to go with that.

Jim McKenna:

Thank you very much. Again, I am hoping you will stay for the final one, possibly two speakers that we have. Thank you very much indeed, that was very clear and very helpful in terms of the debate we are actually taking with the authority.

Next on our list then, is Mr Trevor Cope, the Honorary Alderman Trevor Cope, so I will say the Honorary Trevor Cope. You are very welcome to speak Mr Cope whenever you are ready.

Hon Alderman Trevor Cope:

Thank you very much, yes, Honorary Alderman, a bit like David and we probably go back about the same and I know David and I'm sure he remembers me. I served on East Devon District Council for twenty years and I went through the two systems in the same way as David did and at the same time in fact and I think we were probably talking to each other whilst it was happening.

The issue that I have really is to do with the way which Scrutiny and overview committees work. If they don't work then there is no way that decisions that are being made by the Cabinet can be firstly be tweaked and secondly altered, and if Cabinet has total authority then it makes it very, very, difficult for any other Councillor to have a say. Now I served on, I'm just looking at the list of committees I served on through my time at East Devon, I was on the policy committee because I was the leader of the group, I was on transportation and tourism, I was on the environmental and planning committees and local area planning committee, the climate change committee that nobody ever heard of called the Local Agenda 2021, the finance and budgeting committee and a refuse and recycling committee. Now those committees were specific and what they gave to the people who were on them was the opportunity to become involved in the day to day running of the Council.

Now Scrutiny doesn't necessarily allow that and neither does overview, and certainly a Council that is run in, and I'm going to say it because I feel it that is what is happening to Mid Devon, a Council that is run in an authoritarian system with the Leader and the Cabinet running the whole thing, which is what it feels like to somebody like myself who has seen all other sorts of methods working, if that is the system then other Members of the Council are not likely to take part in discussions because they don't feel that what they have got to say is actually being heard and they don't feel that anybody is taking any notice of it, so the only way they have to bring things up is the way in which the old East Devon Independents did, and that was to take it to Full Council . And the questions to the Leader in one instance at Full Council when the leadership was not Independent, there were 38 questions to the Leader of the Council because the Councillor's themselves felt left out.

Now I don't like the leadership system and I don't like the idea of Cabinet and if you looked at the old walls of the old chambers at East Devon there was a cartoon that was made by a cartoonist who was there for the very end of the systems in East Devon and it is me falling off the ship because that is exactly what happened. I was pushed off the ship and I wasn't given any opportunity to serve on the Cabinet. I did serve on the Cabinet for about a year, but was considered to be a bit of a thorn in their side and therefore eventually they changed the system and there were no opposition Members on the Cabinet at all.

That is where things go wrong, when a particular political party takes over on block is where things fail. Now as far as I can gather there is no overall control at Mid Devon and that puzzles me as to why there is a need for the Leader and the Cabinet to take complete control of the whole system. It doesn't make too much sense to me. So I think on a personal basis and a view really for your committee, the committee structure worked. It gave the Independent Councillor, who was the Ward Member, an opportunity to say things that could not be said elsewhere and it also gave them an opportunity to feel that what they said was heard, listened to and acted upon. Certainly with a large committee structure when you got eight of nine committees, everyone had an opportunity to take things on of their own interest.

Now, I find this again, with Mid Devon, that people are allocated to committees. Now I never did that, I asked the Members which committees they wanted to serve on so it made a lot more sense because those people were more interested in the areas that they were working in. so for instance, I had someone on the refuse and recycling committee who was particularly interested in sorting out the situation that we had where our refuse and recycling was very low and actually did something to it and made it work, because they were interested in what they were doing. I feel that the committee structure is a way forward and if there is a possibility of a hybrid then that is possibly a useful thing, but to finish, if we are going to have a Scrutiny committee, then let's have a Scrutiny committee that is led by an Independent or someone outside of the lead groups, somebody who can actually say things and lets have a Scrutiny committee that actually is able to influence the decisions that are being made by the Cabinet. Thank you.

Jim McKenna:

Mr Cope, thank you very much indeed. Questions / comments from the panel, Cllr Wyer?

Cllr Wyer:

Thank you, so your biggest problem as such is similar to David's in that with Cabinet basically able to make its own decisions unless Scrutiny can call them in or the Council itself can overrule them, then that is the problem effectively that the Cabinet just has so much power that they can be held to account?

Hon Alderman Trevor Cope:

That's right. That's the biggest issue really that no one person, whoever they are and I've never led a Council I've led two different groups, two different political groups, but I've never led a Council because I've never had the numbers to do it, but no one person should have that position where they have complete control and can make complete decisions that are therefore are binding across the whole Council, I think that is completely wrong.

Jim McKenna:

Thank you, Kathryn?

Kathryn Tebbey:

I was interested about the comment about how seats are allocated. As with every Council we have the allocation scheme based on political parties but then the leader of each group talking to their group hopefully will then nominate who goes on. So, I was wondering, Mr Cope about that comment and whether there was a particular example that led you to that conclusion.

Hon Alderman Trevor Cope:

Yes, there is a particular example but I'm not going to mention any political parties because that is not what I am here for, but the situation was that a group was given seats on a committee. They weren't actually asked which committee they wanted to serve on. Now I understand how the algorithm works because I worked it and I know exactly how it works because I set some of it up in East Devon as Roger will probably remember as well, because I know him from the past too. So we set up all sorts of different ways to make sure there were the right number of Councillors on each of the committees, but what we then did was gave

it to the leaders of those groups to make the decisions as to who should serve on those committees if they wanted to serve on them and there was some bargaining going on and all sorts of other things to enable there to be a balance in some instances.

So, just as an example, the Independents might not have anybody who was particularly interested in transportation and tourism but the Liberal Democrats, or as it was in my time the Liberals, had someone so they would swap the committees over so there was still the balance of the number of places and the number of seats that were allocated but not necessarily on the same committees, if that makes sense. I hope that makes sense Kathryn?

Cllr Wyer:

In fairness, that's largely how I have seen it happen at Mid Devon. That is not to say there aren't individual circumstances where it hasn't, but in my experience that is how it has happened, especially with the Lib Dem group.

Cllr Moore:

Jim, Cllr Moore sitting in the background. Actually I would just like to echo Andy Wyer's comment. I was intrigued as to why Mr Cope thought allocation versus invitation and it is an interesting observation and I certainly know from my particular group that people are invited to join areas of interest and that is certainly the case. If I could ask a question here, you said right at the end, I missed the first bit I'm afraid because my telephone line went down again, but you said Scrutiny should be led by an Independent and I think that is a useful observation and you should it be able to influence decisions made by Cabinet and I just wondered where you felt... there is a process, a very clear process which Scrutiny has which is called the call-in procedure, where they can call in any decision that is made by Cabinet and I just wondered whether you had an observation about how that works in Mid Devon given that the process does actually exist to call Cabinet to account.

Hon Alderman Trevor Cope:

Yes, I recognise that, thank you Andrew. I do recognise that but the trouble that I see and the ways in which things work here are very different to the ways in which they certainly worked in East Devon. If I called something in, the decision I called in would be frozen and the decision would not be made by the Cabinet until the Scrutiny committee had an opportunity to investigate further what those decisions were and it appears to me that sometimes the decisions that are being made by Cabinet are not being fully scrutinised because the Scrutiny committee is being told that is the decision, we've made it and we are moving on, and that really comes to the thing that David was talking about previously where a decision was made by the Cabinet which kind of overruled the decisions that were being made by general Membership.

Cllr Moore:

I'm just going to come back to you with one observation on that. The process is very clear actually in which is that the decision that is made by Cabinet, it then doesn't become an extant and implemented decision is after that point, and the Scrutiny chairman or a Member of the Scrutiny committee has up until that actuation date, sorry I cannot think of the right word, to actually perform the call-in and then the Scrutiny meeting is then able to discuss and then the decision is held*inaudible 1.03.09* it has no force if it is called in so again I am a bit intrigued as to, I recognise there was one decision which in the past where

Cabinet made a decision and despite all of the good advice it was ignored, but you made a specific comment there about influencing decisions made by Cabinet and there is a call-in procedure and it does stop a decision coming into force if it is called in, but there again I am also intrigued as to why you are saying they are just... that doesn't work either. Why doesn't it work if the decision has no force?

Hon Alderman Trevor Cope:

That's interesting. That is not what I said actually and I think...

Cllr Moore:

OK, clarification then please...

Hon Alderman Trevor Cope:

That's fine, I'll give the clarification. I didn't want to go to this clarification but it seems that it is necessary to do so. The Cabinet decided, Mid Devon Cabinet decided, the Leader decided, that a decision that was made was not actually what he wanted and therefore kicked a whole load of people off the Cabinet and replaced them with Members of his own party. Those kind of decisions are the ones that are very difficult to call in to scrutiny because the decision had been made by the Leader. He decided to remove those people from the Cabinet and there was no recall and there was no recourse. Meetings were held afterwards to try and solve that problem and to try and come to some agreement to enable those Members who were booted off the Cabinet an opportunity to answer and to get back on again.

It appeared to me that the decision was made because they disagreed with him; now that is an outsider looking at it, perhaps there were better ideas or perhaps other things that happened but that is how I saw it. Those people were, for want of a better word, removed from the Cabinet and replaced in this instance by Members of the party. I don't want to get political, that wasn't what I was here for, and I'm here to talk really about the difference between the system that you are presently running and that of the committee structure. I wasn't going to go political but if you need me to, I am quite happy to. They were people who were chucked off the Cabinet because they disagreed with the Leader and that to my mind is not acceptable.

Cllr Moore:

That is helpful to understand where you are coming from, thank you.

Jim McKenna:

Mr Cope, thank you. Kathryn, Andi, anything else that you would like to ask before we move on? I'm not sure if we have, Sally, do we have Louise Doyle who was due to be the last speaker?

Sally Gabriel:

No, we don't.

Jim McKenna:

OK, in which case that is the speaking done. What I would say though bearing in mind we are ahead of schedule if those who have spoken who are still on the line, if there is anything they want to possibly add that they have omitted to say, in a minute or two, I am very happy to allow that to happen just to make sure that we maximise the benefit of being here in the time that we are giving. So, I had Mr Cashmore, you have listened with interest, I can see you. Is there anything you wish to add or any new points that you wish to add in, in relation to this evening?

Roger Cashmore:

I really would welcome some questions from Kathryn.

Jim McKenna:

You would like some questions or like to ask some questions?

Roger Cashmore:

I was under the impression that Kathryn was going to come back to me with some questions?

Kathryn Tebbey:

I think they were actually answered when you spoke again, but I'm just reviewing what I have noted down so if there is anything else you wanted to add I can always come back to you in a moment because I don't think there is anything else that I wanted to clarify.

Roger Cashmore:

Thank you to the Chair for giving me the opportunity to comeback. The principle thing from where I am coming from you have already got and that is that we have to work a lot more harder in my opinion to make information easy to find and as far as I am concerned there should be no excuse, apart from the commercially sensitive stuff, section 2 stuff, everything, repeat everything should be in the public domain. And I urge you, I am using East Devon District Council as a little bit of a flag ship at the moment because I am very enthused by the fact that I can subscribe if I wanted to, through a public channel like YouTube and they push information to me if I want them to.

Now the big difference / the best way to get more involvement by the community is to make it interesting for them and to be able to encourage them to come and get involved in local Council affairs at your level and at the moment there is huge steps that we can make to increase community involvement and technology I think is at the forefront of that and so I would urge to look at other, for example, this question about committees and sub-committees as opposed to Cabinet, if you believe as I do in openness and transparency, the actual structure is not as important as the fact that anybody can very quickly and very easily see what is going on.

And that would overcome a lot of the problems and discussions that you have got, so I would urge Kathryn and her team and all of you to try and think hard of ways where you can push meaningful information out to the community. At the moment, the way it all goes, is to the parish clerk. Ninety nine times out of a hundred you disseminate your information and your notices through a parish clerk, which is fine, but ninety per cent of people don't engage

with their parish clerk. The only reason or the way they get it is that sometimes it may, if they are lucky, end up on a notice board, so I would urge you to work really, really, hard on finding new ways of getting people to subscribe to receive information from Mid Devon District Council rather than waiting for the outcome of a decision or waiting to read about it in Devon Live or the local press or so on and so forth. There is so much more you can do in that regard.

Thank you very much again for giving me the opportunity to speak.

Jim McKenna:

It's fine, it has been really helpful Mr Cashmore, so thank you. Kathryn did you want to come back...

Cllr Moore:

Jim can I jump in there Jim. Mr Cashmore, I didn't get a chance to ask my questions and I'm not going to go back there but I wanted to say thank you to you as well because you have made some interesting comments there about communications which I have certainly taken on board and will have a think about. I am very keen to see greater public engagement and you have put some ideas forward there so that is good, thank you.

Roger Cashmore:

Just finally, Chair, a message for Kathryn. I have just sent you an email Kathryn. I did prepare some aide memoire notes if you wouldn't mind taking the liberty to... I have just emailed them to you

Kathryn Tebbey:

That's fine.

Roger Cashmore:

I'm going to say good night, thank you.

Jim McKenna:

Thank you very much for participating, thank you Carole is there anything you wish to say or add to what you said earlier?

no response

I am about to take that as a no then, OK thank you.

Andy Wyer:

She is on mute if she does want to say anything.

Jim McKenna:

Carole you are on mute as Andi has pointed out

Carole Edwards:

Thank you. After listening to the other gentlemen, I had assumed that Councillors beyond the Cabinet could be engaged in and influence decision making. I had assumed it, I didn't

know, but that appears not to be the case, and I think it is very important that a Councillor for a ward within which a project is being developed or taking place should be engaged in the consultation of the decision making. And that is my last point.

Jim McKenna:

Andrew, Cllr Moore, I can see your light alternating did you wish to speak?

Cllr Moore:

No, I just wanted to thank Mrs Edwards for her comments.

Jim McKenna:

OK thank you. Trevor, were you signalling a wish to speak on that particular issue?

Hon Alderman Trevor Cope:

I was actually. It is a very quick point really...

Jim McKenna:

I'm hoping Mr Nation doesn't mind giving way at this point (it may seem appropriate for him to finish)... if you want to carry on then Trevor.

Hon Alderman Trevor Cope:

It's a very quick point really, I think that Full Council meetings, to answer Carole's question, I think the Full Council meeting is the opportunity for Members to take that opportunity to get involved in what is going on, but what worries me about it is the situation we had in East Devon in the past where there were 38 questions to the Leader. If Members do feel left out then that is their last resort, to ask questions of the Leader and that shouldn't be necessary, it should be possible for Members to be able to be involved and to be able to put their point of view, but the only opportunity they have it appears is through the Full Council meetings and I think that is something that we need to address.

Carole Edwards:

Yes, that's what I now know and I don't think that is right. As you say, the only means of doing anything is going to a Full Council meeting and that seems a bit long-winded and to be able to be involved in an earlier stage, an easier way round, a simpler way round, if you are the person representing a particular ward.

Cllr Moore:

Can I just jump in there? (I am now completely blind, so I cannot read the room at all) Just on that, I just wanted to check that Carole Edwards and Trevor Cope are aware that, sorry, let me explain. I'm trying to work out where the actual problem is because any Member can go to any meeting and they are all invited to make comments and can make comments at any meeting and I am just wondering if the issue is not so much not being able to engage because they do have the opportunity but whether we need to find a better way of them engaging. Your thoughts on that please?

Jim McKenna:

Are you asking Trevor?

Cllr Moore:

Yes, Trevor, why not.

Hon Alderman Trevor Cope:

I'll come back on that then. Perhaps it is an understanding or a feeling by Members of the Council that yes they can attend but is anybody going to pay any attention to what they say. We have a leadership and a panel that makes the decisions. They make the decisions, am I going to change their minds, unlikely... so... I won't bother

Kathryn Tebbey:

Can I just come in at this point... It won't cover all of the decision makings of Cabinet functions, but one of the things that we have in this Council, which you know is up for review along with everything else at the moment, are for policy development groups who are the starting point in terms of policies. All new policies, revised policies and other actions go through them, whether it is environment, community and so on, and then they make recommendations up to the Cabinet. And I was wondering if you were aware of that, either Mr Cope or Mrs Edwards?

Carole Edwards:

No, I wasn't aware of that.

Hon Alderman Trevor Cope:

Would you like me to come back again?

Kathryn Tebbey:

Yes, I'm just interested in hearing...

Hon Alderman Trevor Cope:

Yes, I am aware of those committees and they are virtually task and finishes aren't they. They put a of particular piece of legislation together and then bring it back but I think I come back to that same point that I have been making for most of the evening and I perhaps continue perhaps to over-do it, but the situation I see is one is a Leader and a Cabinet who are automaton they run the lot. And whatever people put in through task and finishing or through special interest groups, the end decision is made by the Leader and the Cabinet, so if something is put to them that they don't actually like they can chuck it out.

That is my concern about the system as it is working and that was my concern at East Devon and David and Roger will both remember the situation at East Devon where anything I said to do with the Local Agenda 2021 or to the environment was immediately kicked into the long grass. It happened all of the time. We put all sorts of policies together and they ended up in the long grass, and the grass got longer, and that's my biggest concerns about the way in which Mid Devon are doing things. I don't think that the Leader and Cabinet system is the best way of getting involvement from Members or representing those decisions that should be being made in the best interest of the people of Mid Devon.

Jim McKenna:

Thank you, Mr Cashmore, you were waving furiously about a minute ago...

Roger Cashmore:

I was nodding basically nodding my head because basically Trevor has nailed it there as far as I am concerned. It is not as democratic as it could be and I do not want to involve politics as Trevor said. It is not just in Mid Devon but in many of the districts in the West Country if you look at any map there has been traditionally one colour all its life and unfortunately it does affect the day to day running of most of these lower tier Councils.

Jim McKenna:

Thank you. OK Kathryn, could I ask you a question. I resist too often to give a degree of personal experience but in Cornwall we have Overview and Scrutiny committees rather than just Scrutiny committees, so, I chair one of them, I chair the economic growth and development one which includes housing, transport, planning and economy, and we do have the ability, we have sight of the next three months of Cabinet agendas and we do have the ability to request reports in advance of Cabinet decisions, which I use reasonably regularly. So I wondered if that is something the Council had considered and if so, do you think it might possibly be worth having a look at. Like a pre-Cabinet Scrutiny.

Kathryn Tebbey:

It is something that at a previous meeting of the working group, I said I would look at and I have talked to you about it Jim - and I am also looking at other Councils to see what they do regarding this so that Members considers the pros and cons in doing that. We call it a Scrutiny committee but it is in effect an overview and Scrutiny committee, so it has both the ability to scrutinise decisions that are being made or issues that are in the past and see how they can do things differently, but it has that overview function as well - and it does as you said have access to the forward plan, that's on each and every agenda. There is certainly a shift amongst some Members in terms of how they might want to go about this and that is a conversation we have got to have.

Jim McKenna:

OK thank you. I just thought that might be relevant to the conversation we are having so..... That brings us on to the Hon Alderman David Nation.

Hon Alderman David Nation:

There is only one thing that I would like to say actually at this stage. I think that every speaker tonight has enthused about the need for openness and transparency and I have made mention of the fact that I have made two FOI requests in order to find out anything at all about anything this working group has been doing. And only a few days ago did I discover that yet another meeting is happening which the public know nothing at all about and that is some Full Council might be a workshop on the 1st December.

Cllr Moore:

Sorry, could you just clarify what you think is happening, because we might correct you on that.

Hon Alderman David Nation:

Well I have interpreted it, well I have looked at, some sort of workshop run by the LGA. Am I right?

Roger Cashmore:

The Leader of Mid Devon District Council happens to be my Ward Councillor and lives around the corner from me. I was chatting to him today and he confirmed pretty much that he is expecting the output of this group / this meeting, to be presented to them on the 1st or 2nd December, I can't remember which. I am also incredibly disappointed for example, we have got the technology, we are using Zoom, I can see in the top left hand corner that it is being recorded and yet it is only being used for note taking. That is so disappointing.

Cllr Moore:

Can I just clarify as chairman of the working group which I took over from **Cllr Wilce** in September, just to be clear what is happening, we have had a couple of internal sessions and I hope you will agree that we've moved things forward considerably in the last couple of months and this session is evidence to that I hope, and what is scheduled for 1st December, is the LGA is hosting a working group where we are going to do exactly the same with Members, as we are doing with you, and the idea is to give Members an opportunity to have their say in a safe space about what they think and put their sides of the argument are.

interruption

Can I just say what is happening, because setting the facts of what is happening; and so that is their opportunity to do a warts and all discussion and after that there is a meeting set up with the working group who will sit down and try and pull out the threads of what it has heard from both of those sessions and I will report back to Council on the 6th January with an update as to what the outcome has been from that and the next steps going forward. So that is what is happening, there is no secrecy about the process here and I think I have said that about the mechanics of it.

I'm being completely open about what the mechanics are and that is what we are doing and I believe that is what I said when I spoke in Council at the end of October. That is what's happening. Now you might not like what is being done by the Members having a warts and all discussion and you might not like the fact that the smaller working groups is going to sit down and try and work out what it all means but that is what the group is doing. I would rather not get into the ins and outs as to whether that should be in secret or whatever but I'm telling you what is actually happening because there seems to be a bit of confusion about what is actually happening. And there you have it.

Hon Alderman David Nation:

Sorry, can I come back please. Andrew, I'm sorry, I am really shocked at what I have just heard you say.

Cllr Moore:

Why?

Hon Alderman David Nation:

Because it doesn't matter in other words. What is the point in having even this discussion tonight if your attitude is going to be it doesn't matter what anyone else says – that is what's happening? That is precisely the sort of approach which I think people like me are thoroughly fed up of.

Cllr Moore:

That is what the working group have agreed. Let's not go into that. I'm just telling you just facts. That is what the working group agreed, not me, I'm just telling you...

Hon Alderman David Nation:

Well then I suggest you go back to the working group and ask them to reconsider because that is what this is all about. I also heard you use the word 'a safe place' and I think, I have certainly heard, maybe you, but other people talk like that in the past. Well is this not a safe place where we are tonight? Can you tell me what Council meeting takes place in anything other than a safe place? This is absurd. You've got nothing to hide. If in fact you have a forum which is open to the public by law or your committees and so on have to be in public now anyway unless there is legitimate reasons for putting something in Part 2, why is this whole exercise been under wraps and kept out of the public gaze completely. I don't understand what you've got to lose.

Now obviously I can understand that assuming there was huge public interest in all this and you were having this workshop as the whole Council on 1st December, you wouldn't want three hundred people, e.g. Members of the general public, to turn up, but let's be honest, you are not going to and even if that was possible then you've got the power and control to say I'm sorry but we can only have ten of you in or something or whatever it might be, so what have you got to fear? And if you expose these meetings, I mean, it has been appalling, I have never come across something as dramatic as this in all my years on the Council in Mid Devon and another, because all of these meetings that you have had, this is the first opportunity that any of you have had a meeting, and I think it is only two of you here from the working group tonight anyway, at which Members of the public have been present. Now that is shocking.

Openness and transparency? Have you forgotten what it means? Now you are in control totally, Councillors, the leaders, the chairman, Cllr McKenna here tonight, you are all in control of this setting. If people think I'm prattling on too much Sally will cut me off and that is that. So you are in control. What have you got to fear? The more of these meetings you have in secret, the worse it gets.

Jim McKenna:

David, if I could just come in. The working group is not a committee of the Council. It is something that has been set up to evaluate the issue and actually to listen to concerns that have been raised previously by you and others and it was Mid Devon's decision to do that. They didn't have to, they chose to, to see actually where the gaps might be on the back of

some feedback. Any reports, any decisions taken by Full Council in public, it won't be a private session...

Hon Alderman David Nation:

It's too late for that...

Jim McKenna:

I think it is appropriate on occasion where – a safe space is, it has a variety of connotations but actually it is appropriate for people to be in a position to have fairly strong conversations and to express views, possibly forcibly, informally, so that will influence thinking. I don't see that as being anti-democratic. The point of this evening has been to give the public an opportunity, some of you have taken up that advantage and I think there may well have been some written submissions as well. It might be that something else follows and we don't know yet.

But where Members are concerned, and you will know as a former Member, as a former councillor, the more Members that get involved in a process the more credibility it has when a decision is taken and so a conscious decision was taken by the Local Government Association and my role is actually working on behalf of the Local Government Association so it doesn't cost the Council anything.

It is really, really important that we get as many Members to participate in this as possible, because in that way it has a degree of credibility from your elected representatives. I think it will be judged on, the Council will be judged on the results. This is by no means finished yet. There will be other opportunities, and as I say, yes you are correct this is the first opportunity you've had as an individual to make a contribution to this and it may be for the others, but what you say will be written as verbatim as possible and you do have the opportunity to have a look at what is written in advance of it going to any report.

Hon Alderman David Nation:

I haven't had the opportunity of seeing what has been written on any of the other meetings that this working group has had and I remember being told at the outset by the then chairman of the working group that the first meeting was a sort of brainstorm and they wanted to kick round how they wanted to approach this and so on, and I accepted that, I wasn't terribly impressed but I thought OK. But the meetings that have happened since have been totally closed and not reported to the public at all, other than I think there was one press release about one particular aspect.

Cllr Moore:

That's not actually true, because as I said I stood up at Council at the end of October and said what was going on...

Hon Alderman David Nation:

How many meetings had we had by then?

Cllr Moore:

Well, Chairman, might I point out, and that was the first meeting after I became Chairman and of course you and anybody else, has an opportunity, as it was presented as a report at Council to quiz and ask questions then. And you can do so again because my opinion is that it needs to be out there in the public domain as a minimum at a Council meeting. I did start this just by saying what we were doing and I am just setting the record straight in terms of, you know, you were a bit 'what's this meeting, it's all in secret', and I'm telling you what is being done and that was my purpose and in some ways I'm wishing I hadn't because I'm being stepped on.

I'm stepping back and I will hand over the Chairman to carry on.

Jim McKenna:

That's very civil of you, thank you. I think it is good that it has been aired, but I think what I would come back to is that no decisions have been taken or will be taken by the working group in relation to the future direction of the Council. That has to go to Full Council, not Cabinet, it is Full Council.

What the working group does is I suppose sort of hone things, it will look at further options and produce a number of reports, which will culminate I suspect in something Kathryn, probably in March, followed something to your annual Council in May, so there is ample time for people to get involved, but it is not always appropriate for everybody to have access to everything. Presumably as a former group leader, you will have had, Liberal Democrats, are you one of them? Or Conservatives, you may even be Labour, who knows, or Independent like myself. You will have had meetings which were solely for your Members and that's appropriate and this again, follows accepted practice from the Local Government Association in terms of developing and refining thoughts, but the decision making on this will be made by Full Council. It is not going to be taken by a smaller group on Cabinet. It will be Council that determines the way forward.

Cllr Moore:

Can I just add that you did set out our expectations in terms of timing and we did look at this; there is a Council meeting at the end of, sorry, the start of January, and we simply won't be ready we don't think, in time for that. There is a Council meeting at the end of February but that will be taken up with budgetary discussions and therefore, the Councillor Cruwys, who is the Chairman of the Council, has already accepted and has positively I might say, not with his arm up his back, that there will need to be an extraordinary Council meeting purely to discuss this because it will be that significant. So again you probably aren't aware of that or in fact you may be because as I say again, I'm pretty sure that is what I said in my report to Full Council back in the end of October. So, yeah there is work going on in the background but you know it will have its day in front of Full Council and if people aren't happy then that will be an opportunity for lots of comments to be made.

Jim McKenna:

David, one final comment from you.

Hon Alderman David Nation:

Yes, I accept some of what you have just said obviously Cllr McKenna about not every meeting involving Councillors or officers for that matter is in the public, I accept all of that, but if this had been something referred to a PDG for example, then it would have been in public and correct me if I am wrong, but I imagine that on the 1st December at this workshop, other options might be reviewed, considered and explained. Now those are the sort of discussions that I think Members of the public should have access to as well, and the way that you are running it that isn't going to be the case. Thank you.

Jim McKenna:

Thank you, Roger?

Roger Cashmore:

Thank you, I just wanted to say that this is a classic example... if information was easily able to be discerned and pulled down from the internet then we wouldn't have to have this type of discussion. That's the only point I want to make and I just strongly use the opportunity to reemphasise it. Governance for me is getting easy access by the public to every single working that goes on in Mid Devon Council that you can possibly share with us. Thank you.

Jim McKenna:

Can I thank everybody for participating, it is really gratifying that you have given up your time and I know you have got... I know you are passionate about some things and I think that has really come across. There will, as I say, be an opportunity to have a full transcript of the meeting and fairly shortly, so you can make sure that you have been sort of cited correctly, and what you have said will be considered by the working group and, you know, potentially in some cases may well influence the way forward. So I just want to say a huge thank you from my perspective. It is appreciated and I obviously look forward to talking with some of you again. Thank you very much.

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Comments received – Governance Arrangements – External Consultation

Name	Comments
Margaret Taylor - Bradninch	I am not in favour of the current system of leader and cabinet. I dislike the idea that a small group can overrule the majority. Also not impressed that the leader can appoint his supporters to cabinet. All councillors voices should count, after all they were elected to represent the people.
Steve Batt	See attached document* Appendix 6 annex
Frank Rosamond	See attached*
Mary Nation	See attached*

To whom it may concern

I am responding to your invitation to comment on the governance of MDDC (as best as memory serves) as I feel I had a part to play in the current set up, having served as a Member of MDDC from 1999 until 2019.

If I may be permitted to step back into history, my introduction to the Council coincided with a period of No Overall Control, under the aegis of various groupings/ungroupings from a majority of Independents. The main committees then were Policy and Development, in theory providing the leadership to the Council, Finance, Housing and Health, Environment and Leisure plus traditional regulatory committees such as Planning and Licensing. They all reported to full Council where recommendations in reports were debated at length. There was no Corporate Plan setting out the objectives of the Council, and no concept of assessment of Value for Money and consequently direction often came from Officers which was not infrequently disputed at length by Members in Council. The Council meetings were often long, tedious and repetitive, with potential financial overruns, largely addressed by recourse to raising Council Tax. There was often a shortcoming in service provision identified in external inspection reports eg inadequate provision of decent housing

The then Labour Government worried by the inadequacies of Local Government introduced a major reform of Governance arrangements in early 2000s based primarily on an Executive or Cabinet model to bring greater direction and efficiency. The Government also established the Improvement and Development Agency. (IDeA) However, for smaller LAs such as MDDC a 4th Option was permitted based on a continuation of the Committee system but with the introduction of Scrutiny as mirrored by the House of Commons Select Committees .MDDC adopted the 4th Option with a revised committee structure of a Resources Committee shadowed by a Resources Scrutiny Committee and likewise with Community Services and Community Services Scrutiny Committee.

The difficulty with the new structure was - where was the locus of power and direction? It was not unusual for one Committee to be overruled by another Committee with the issue referred to and determined by Council debate. Delay and confusion was not unusual, with Officers striving desperately to bring certainty to decision making. Member/Officer relations became very strained.

Throughout this period I was appointed as the Independent Peer Representative for the South West by IDeA and I undertook research into the efficacy of the new governance models across the country and it became clear that 4th Option Councils compared to the alternative Cabinet/Executive model were faring badly in Government Office Corporate Performance Assessment reviews of their efficiency and Value for Money, including MDDC. Such were MDDC shortcomings at this time that the Council was placed in Special Measures under the wing of the Government which involved a thoroughgoing reform programme lasting many months. The leadership of the Council was taken to task-the Committees had no leadership, no accountability, only drift. As the phrase has it - *there was nether a soul to be damned or a bottom to be kicked* .

Something had to change. A Corporate Plan was eventually developed setting out clear objectives with a revised Committee structure of Policy Development Groups -Homes, Environment, Community and Economy- that mirrored the objectives- with the Chairs dignified with accountability and reporting to Cabinet which invariably accepted the studied research of the PDGs within the Corporate Plan overlooked by the Scrutiny Committee which has the power to interrogate individual Cabinet Members. The Leader and Members of Cabinet report to Council for final decision making with Council meetings benefitting from greater specificity and clarity of decision making, but with all Members able to contribute.

The current system of Governance gives clear lines of responsibility and in my experience (as ex Chair of Scrutiny) has worked well with the Officers, albeit Members are determining the direction of the Council. Officer/ Member relations have been excellent as a consequence.

I am not sure what lies behind this review. I understand that some Members have felt the loss of greater deliberation at Council versus the contribution of Cabinet, but that can negate the careful iteration of research and discussion through the PDGs and Cabinet . All meetings, including Cabinet are open to all Members who can contribute freely. However if I have one criticism of Members is that too few have in my experience taken the opportunity to attend Cabinet meetings and to participate in debate and thus potentially influence decision making.

The Council is charged with significant responsibilities by Government and by the Community to provide a complex range of public services It increasingly has to be run with business efficiency as budgets become ever tighter whilst operational demands are subject to increased public expectations. The current governance arrangements have served the District well during a desperate period of austerity during which the Council has maintained services at a high operational level (eg decent housing, modern leisure facilities) with limited Council Tax increases whilst seeking alternative funding in the face of the Government withdrawing financial support. Hard decisions have had to be made and by and large the recommendations to Council by Cabinet have been endorsed by Members, having travelled the appropriate democratic/governance route.

Unless very good reasons for change have been articulated I would maintain existing arrangements as any changes may well be disruptive and fundamentally unproductive so that any gain will be outweighed by the loss of a well-functioning system In the circumstances *if it ain't broke, why fix it?*

A rider.

The pandemic has willy-nilly brought about unheralded changes in the ways that local communities have faced up to the challenges of maintaining support for local services which has engendered a

greater interest in local democracy through volunteering. Could that interest creativity and energy be sustained beyond the pandemic? Should the Council be looking more widely about engaging with energised community activists to provide a different dimension to local services? Are there structures in place to capitalise on such energies. Should MDDC be looking beyond conventional representation to greater grassroots democracy to complement the existing Governance arrangements? As one commentator put it, having proposed a new Community Power Act, using deliberative democracy, participatory budgeting and citizen assemblies*to create the plural public space we need*

Does the Council need to review its approach to engaging with local people to secure a big increase in the number of people getting involved in where they live and looking for more ways to do more of it and how to respond *in a very direct or even human way*.

That seems to me to offer the potential of a much more productive way forward than a change to existing Governance arrangements

Frank Rosamond

25 November 2020.

Dear Sirs

I believe that the present governance arrangements should be changed because the Cabinet should not be able to act against the wishes of full council as they did when the cabinet sold the Crediton Town Council Offices on the open market instead of to Crediton Town Council. The fact that Crediton Urban District Council had owned the Town Offices before the transition to Mid Devon District Council was totally ignored and has left the Town Council operating out of small lockup premises with no Council room of any status in which to meet visiting dignitaries.

My recommendations would be:

1. Ensure that the Cabinet can always be overruled by a majority of all Mid Devon Councillors. The reason for this is to prevent the Cabinet ignoring the majority wish of the Council as a whole and riding roughshod over the views of all other Councillors. The Full Council should be the final arbiter of decisions. They can delegate decisions to a Committee but if it disagrees with what that Committee decides, they should be able to override the Committee. This used to happen in the old Committee structure but there could be other ways to ensure the Cabinet can be called to account.
2. Ensure that all meetings are open to the public except for matters put in Part 2. There seems to be a growing trend to hide information and rely on people applying under freedom of Information legislation to get hold of information.. The Council should not be frightened of being open and should endeavour to act in public as much as possible.
3. Enable ALL councillors to have more input into decision making by reverting to some form of Committee system rather than a Leader and Cabinet system. This would enable all Councillors to take more interest in what the Council is doing and would enable more than one Councillor to put views and ideas into discussions. It would extend the breadth of information available to a Committee.

4. Development Groups should be renamed to be called Committees. On your website there is a good description of how the current system of governance is structured. It talks about the 'Council Committee Structure'. The general public, knowing plain English, knows that councils are run by committees. To call the major committees 'Development groups' implies they are like working groups and the title does not sound important enough. In my view the main committees should be called Committees, with maybe sub-committees where necessary. A Planning Committee could have a sub committee called Development Control which would just deal with planning applications. There should then be in place permanent Working groups to each Committee that **only** meet when there is actually any matter that the committee feels that working group needs to discuss. Having permanent Working Groups in place means that there is no need to waste time setting one up - if something needs to be looked into, the working group is already there. But it would be important for that group not to meet on a regular basis just because it exists - it should only meet because something has cropped up it can deal with. It should of course be held in public barring Part 2 items and be able to ask non councillors to its meeting to give advice and information.

I would add that my views are coloured by having been a councillor on West Devon Borough Council in past years when the old Committee system worked well. Of course, the calibre of the councillors often makes a difference no matter what structure of Governance is in place.

Your sincerely

Mary Nation

Crediton

Devon.

LOCAL GOVERNMENT AND CITIZEN ENGAGEMENT

This summarises the case for **EFFECTIVE** citizen engagement in decision making. Evidence provided in this summary quantifies the many benefits; the case is made as to why the engagement process is needed now more than ever; suggestions are provided as to how to deliver a well supported strategy and process.

THE EVIDENCE QUANTIFYING THE BENEFITS

I've been involved in community engagement for many years.¹

There is plenty of evidence demonstrating the benefits of **EFFECTIVE** citizen engagement.² Improved quality of life is the aim. The enabling process ensures alignment of policies, programmes and work by a multitude of organisations; builds and uses expertise in organisations and citizens; improves community capacity/skills; integrates regeneration with health, environment, poverty, inequality and so on.³

WHY CITIZEN ENGAGEMENT IS NEEDED

Apart from the clear benefits above, there are three main reasons why citizen engagement should be considered to:

1. Address escalating climate change and associated issues.
2. Create more resilient communities post Covid.
3. Take advantage of new technologies,⁴ working patterns, retail ⁵and wealth retention within the area.

Research again quantifies the benefits of citizen engagement in the above future scenarios.⁶

HOW TO DELIVER AN EFFECTIVE CITIZEN ENGAGEMENT PROCESS

Citizen partnership working is challenging, time consuming and long term.⁷

To ensure **EFFECTIVE** engagement these are the key issues that need to be addressed:

- Process not fully understood by authorities and other agencies – they fail to engage and resource.
- Too many policies and plans by too many agencies – often work against each other rather than with each other.
- Inadequate and/or disjointed resources to ensure engagement is fair.
- Partnerships (and in particular citizens) loose interest because of slow progress.

¹ References can be supplied.

² For example see scdc.org.uk; ashden.org; pcancities.org.uk; escrow.ukri.org; civocracy.com

³ See Appendix 1 and scdc.org.uk.

⁴ In particular evolving energy provision and demand management, artificial intelligence, electric/autonomous transport and the change from an extractive to regeneration economy.

⁵ Community Ownership Key to Survival of the British High Street – powertochange.org.uk.

⁶ See citizen assemblies on climate change such as in Ireland and England (citizenassembly.ie and climateassembly.uk). Refer also to devonclimateemergency.org.uk and pcancities.org.uk. Recent Lottery funding for climate change was very heavily oversubscribed – as were others.

⁷ My observations over many years.

- Lack of succession strategy and continuation resources for the long term.

Practical experience and research (see above references) identifies a tried and tested community development process. See in particular the Scottish Community Development Centre (scdc.org.uk) and others.

The process can be summarised ⁸ as setting the **VISION** – what is to be achieved; how to achieve this via the **MISSION**; agreeing **CORE VALUES** to ensure a fair transition; agreeing a **STRATEGY** – how to use the mission statement; setting **GOALS** of general statements of what is needed; agreeing more specific targets (milestones) – **OBJECTIVES** and the carrying out the **ACTION PLANS**.

In order to carry out this process adequate resources are needed. The current financial constraints are known but there may be ways to address this. Authorities may like to consider new ways of aligning say officer support into community development, realign any available resources or consider new ways of funding – Community Municipal Investments for example. ⁹ It is estimated that for the population of Mid Devon (80,000) there is about £3.2 BILLION of investable wealth, much of which flows out the area. ¹⁰

Also the Covid restrictions around meetings will have to be considered as engagement processes relies on people coming together!

Steve Batt BSc

November 7 2020

⁸ See Appendix 2 for a brief overview. The Scottish Community Development Centre (scdc.org.uk) amongst others provides more details.

⁹ Refer to pcancities.org.uk recent research “Residents want local authorities to act on climate change and to be part of the solution”.

¹⁰ HMRC – ISA statistics & ONS UK Wealth Data. See also purpose-foundation.com & rsfsocialfinance.org and others for emerging models of alternative ownership and financing.

APPENDIX 1

A model of community development

Figure 1



APPENDIX 2

AN EFFECTIVE CITIZEN ENGAGEMENT PROCESS ENSURES YOU FOCUS ON WHAT YOU WANT TO ACHIEVE AND HOW YOU GET THERE

CITIZEN ASSEMBLY



All partners/stakeholders agree the **VISION** – where they want to be

FOR EXAMPLE: “An improved environment” “A better place to live”

The **MISSION** is also agreed – how do we work together to achieve the vision

FOR EXAMPLE: “To work together to reduce our environmental impact”

The **CORE VALUES** are agreed

FOR EXAMPLE: “Ensure all are included” “Practice high ethical standards”
“Respect peoples’ viewpoints” “Listen and don’t criticise”
“Environmental improvements are key to all actions”

**ALL OF THE ABOVE NEEDS TO BE SUCCINCT, SIMPLE AND EASY TO REMEMBER – KEEPS ALL
“PULLING IN THE SAME DIRECTION”**

Now agree the **STRATEGY** – outline plan of getting to the vision

Break into working groups

FOR EXAMPLE: YOUTH BUSINESS FOOD TRANSPORT TOURISM ENERGY
Assembly agrees on what groups are relevant to their area
– all will of course interlink but keep to no more than say SIX

NOW DECIDE EITHER TO CARRY ON WITH THIS ASSEMBLY OR CALL ANOTHER

Each working group decides important issues to be addressed – leading to GOALS

FOR EXAMPLE: The YOUTH group is taken as an example below.

All groups elect a spokesperson/leader and work up their GOALS, OBJECTIVES and initial ACTION PLAN. They report back to ASSEMBLY – this ensures sectoral links, opportunities for innovation, other needs and so on.

ASSEMBLY agrees and understands groups goals, objectives and action plans

WORKING GROUPS are supported and mentored to deliver their agreed action plans

All action plans are integrated into ONE – ensures milestones and deliverables are achieved, view as living documents, use GANNT charts, publish simple progress reports to all stakeholders and public, collates important data. Keep reviewing by further assemblies/focus groups

AN EXAMPLE – YOUTH WORKING GROUP



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Adheres to the agreed VISION, CORE VALUES AND MISSION

Adds to and develops own STRATEGY

FOR EXAMPLE – use local youth leaders to help develop our environmental action plan

Our GOAL – recruit local youth leaders interested and experienced in helping us develop our action plan

Our OBJECTIVE – contact and create a database of all individuals by 1 March

Our ACTION PLAN:

Form our small group to recruit local leaders.

Identify any resources and support we need to contact them.

Create a database of potential leaders including their skills and support they may offer.

Contact them individually to explain the project.

Aim to get at least 50% agreeing how they can help us expand our action plan.

Agree the next steps post 1 March.

This group reports back to project coordinator – for central documentation, ensures on track, identifies any additional resources needed.

There will be lots of issues to deal with as they develop the next stages. A key one will be to keep interest up – small amounts of funding for example will enable some key projects to be delivered (essential to show things are “happening”). So practical delivery has to complement environmental action planning.

The group reports back and presents to assembly meetings – this provides for cross sector linking, identification of innovation, new skills, ideas, training job opportunities and additional support.

Action planning continues as a living document to constantly address the project deliverables and
DELIVERING QUANTIFIABLE TARGETS:

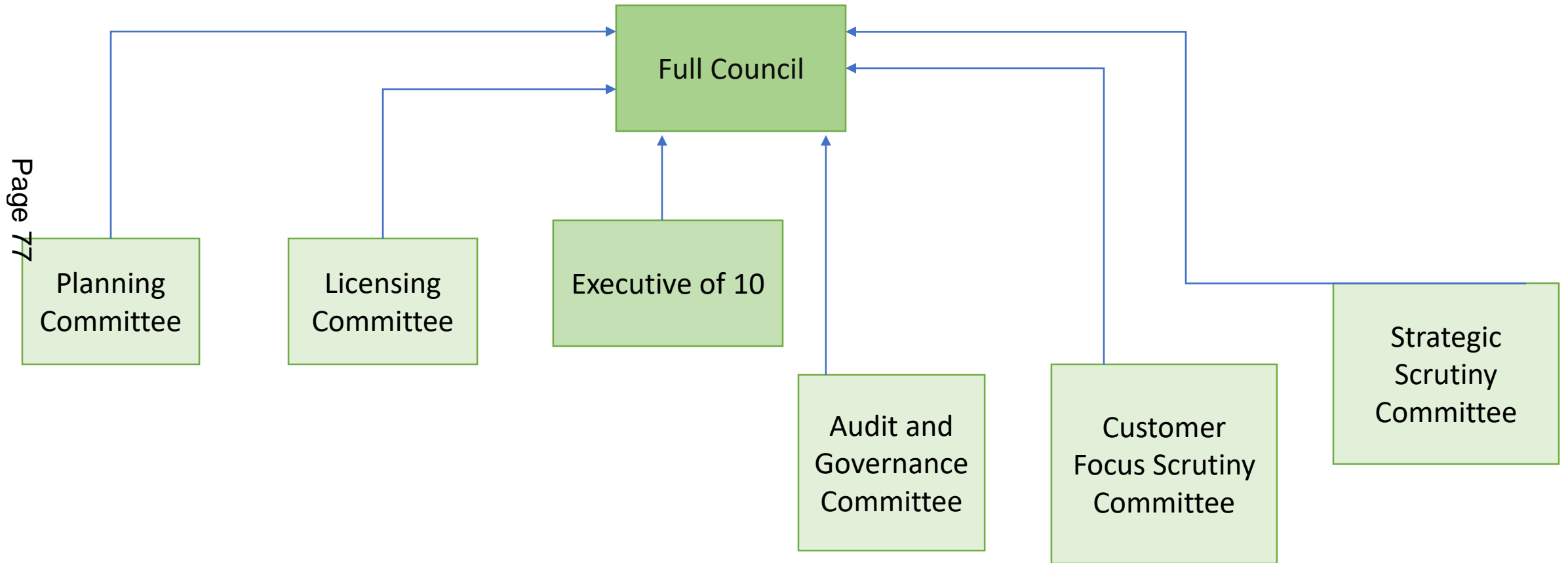
Governance Arrangements

Options for Consideration

Leader and Cabinet Arrangements

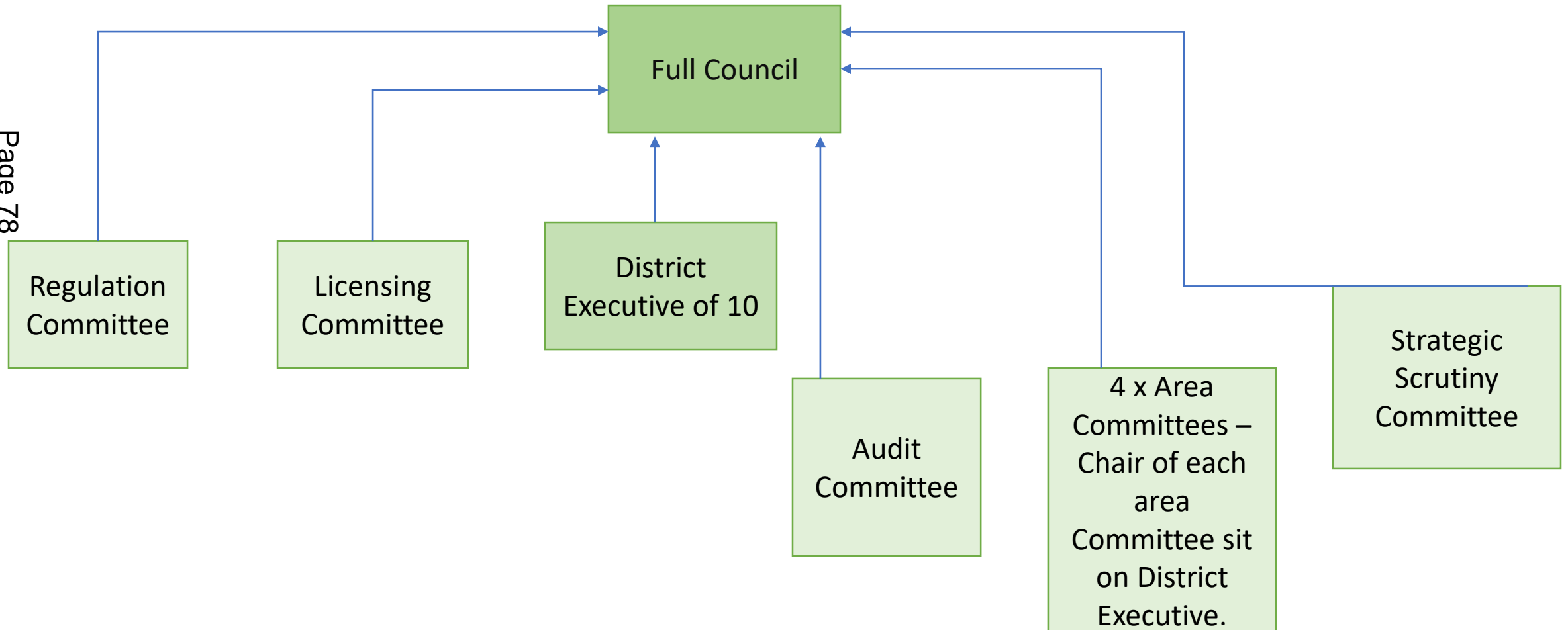
- Strong Leader model – Leader ordinarily elected by Council for a four year term and confirmed each year thereafter.
- Leader selects Cabinet of between two and nine Members
- Political Balance rules disapplied, can be a single party Cabinet
- Individual decision making powers for Cabinet Members
- Weakness – non Cabinet Members can feel disenfranchised
- Strength – transparent, accountable and efficient decision making

Exeter City Council



South Somerset District Council

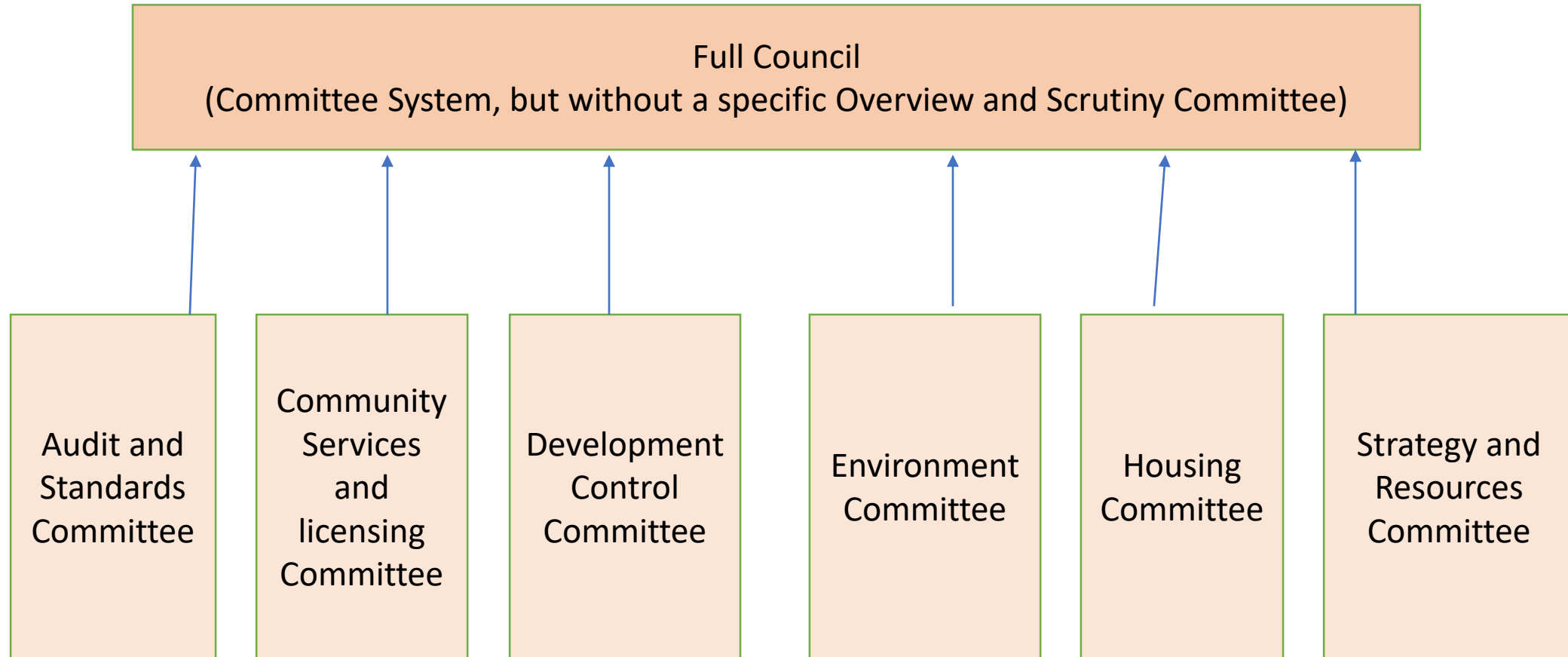
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South Somerset District Council

- Cabinet (known as District Executive) has 10 members – 6 of whom are taken from the Administration.
- 4 Area Committees – have delegated executive functions and deal with the majority of planning matters in their geographical areas.
- Area Committees appoint their own Chair – the Chair has an automatic seat on the District Executive – regardless of political group.
- Scrutiny is the main forum for policy development – uses Task and Finish Groups.
- Scrutiny Chair is from the Opposition Group and there are two Vice Chairs – one each from the Administration and the second largest Opposition group.

Stroud District Council



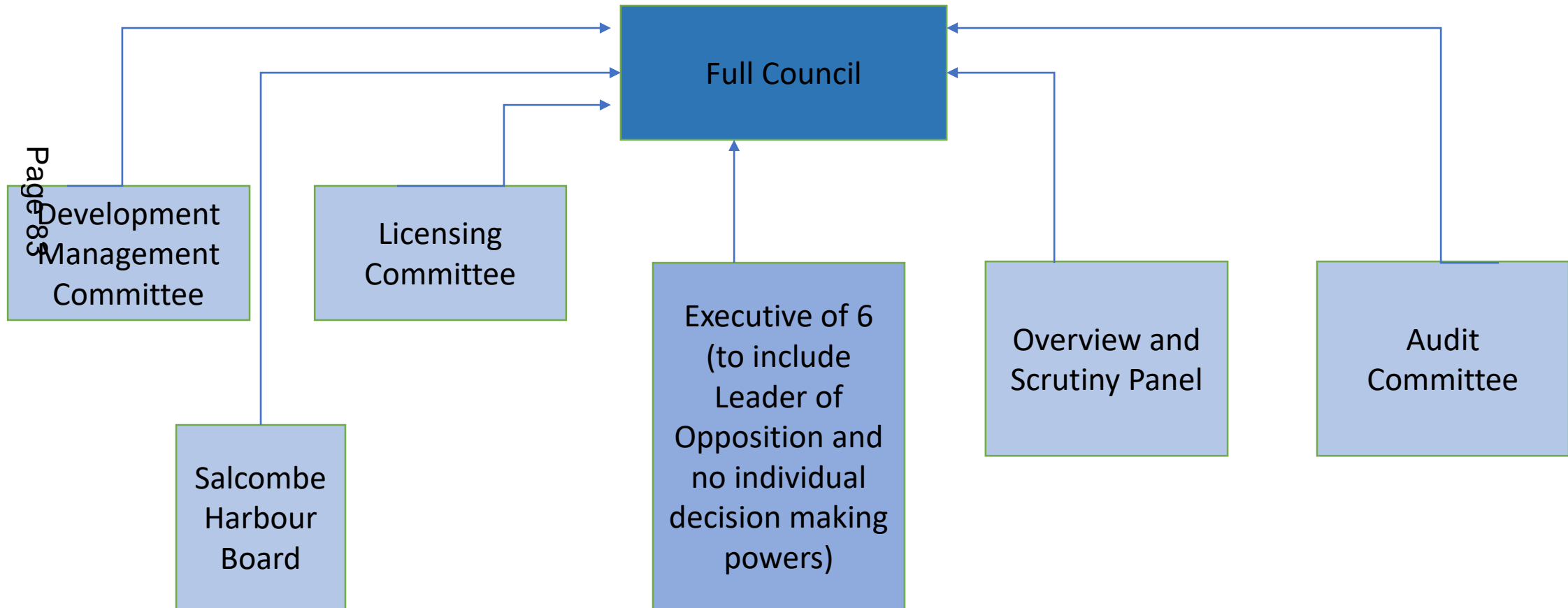
Rainbow Coalition

- Examples of Rainbow Coalition operating in both Leader/Cabinet Models (North Hertfordshire/ Scarborough) and Committee structure (Stroud)
- Used by Councils with a minority administration or no overall control
- The Cabinet or Strategy Resources Committee is made up of councillors across the political spectrum – Memorandum of Understanding agreed at the beginning of 4 year period - revisited if numbers change – includes allocation of Committee Chairs, Portfolios etc.
- Usually only collective decision making

Hybrid Arrangements

- Regulations allow for a further style of governance, Prescribed Arrangements (prescribed by the Secretary of State)
- Whilst no Councils currently operate such arrangements, a number have organised their governance to resemble a hybrid system
- Examples include Executive Arrangements that do not include individual decision making powers and/or the inclusion of opposition Members in the Cabinet
- Weakness – not set by regulation so only works as long as the Leader or Members allow it
- Strength – collaborative decision making

South Hams District Council



Committee System

- The introduction of the Localism Act 2011 included the Committee System as an option for governance arrangements
- A Council operating a Committee System can decide how functions will be discharged, other than those which are Full Council functions
- There is no limit on the number of committees
- Weakness – decision making takes time as some decisions need approval from more than one committee
- Strength – inclusive decision making

Overview and Scrutiny

- Executive arrangements require an Overview and Scrutiny function to provide checks and balances and ensure transparency and accountability
- Overview and Scrutiny provides a role for non-executive councillors in holding Cabinet to account and get involved in policy development at an early stage
- Councils operating a committee system **may** decide to appoint one or more Overview and Scrutiny committee.
- Councils can choose how the Overview and Scrutiny function is arranged. An example is a Council with two committees, one Internal (focused on the activities of the Council) and one External (focused on the activities of other public sector organisations) .

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GOVERNANCE REVIEW – OPTIONS FOR SCRUTINY

Introduction

- 1 As Members will be aware, over the past few months some themes have emerged through the review process. As Cllr Moore reported to Council on behalf of the Working Group earlier this month:

- 1. Change is needed to improve the Council's governance in line with modern, current best practice. Focus is around attitude, behaviour, and approach rather than the fundamental structure of governance.*
- 2. Implementation of Scrutiny (as a function) needs to be adapted to make engagement more active, potentially to provide earlier engagement in the decision-making process and when required to be an effective post-decision check.*
- 3. Policy Development (as a function) needs to become more influential in the Council's business, taking a greater role in developing new ideas and challenge.*
- 4. Combining the above 2 functions in specific committees should be considered.*
- 5. Engagement by Members needs to be improved to make the Council's operation not only more effective but to be seen to be more effective.*
- 6. Engagement with the residents and businesses needs to be improved through encouragement, better access (e.g. social media and other platforms) and communication (e.g. different focus / less jargon).*
- 7. A systematic process approach should recognise the need for timely decision making, setting out clearly which parties are Responsible, Accountable, Consulted and Informed.*

Council resolved to support the conclusions in the report of Cllr Moore and gave authority to proceed on that basis. The remaining conclusions in his report should also be

- 2 Mid Devon, like many district councils, has a single Scrutiny Committee performing both the Overview and Scrutiny functions. It comprises 12 Members. Much of the policy development is carried out by the Policy Development Groups, but Scrutiny can, under the current arrangements, play its part in that. However, some districts have more than one Scrutiny Committee (usually two, but there's no rule about that) – but they do not have the policy development groups – instead choosing to embed that function more clearly within the Scrutiny Committees' remit.
- 3 Set out below are some preliminary thoughts about options and what they might look like – the intention is to start the debate i.e. I'm not recommending an outcome or structure, but placing something before you for you to discuss and to shape.

Options

- 4 Of course, one option always is to do nothing – it is an option, but I suggest not sustainable given the concerns that have been raised and the Council's resolution earlier this month. I'm sure Members will want their work to result in some real change to current arrangements.

Option 1

- 5 Option 1 is to continue with the current structural arrangements, but to look at the process and procedural rules to lend greater support and clarity to the Scrutiny function, including policy and pre-scrutiny. It is important to end up with a process which is clear and functional – with both Cabinet and Scrutiny support (if not always agreement!). In addition to any tweaks to the current procedural rules, a Scrutiny protocol could be development which might assist with the relationship/behaviours.
- 6 Whilst any committee can establish permanent or temporary sub-committees, in practice the tendency has been to go for working/task and finish groups – in effect, the outcome is the same, although working groups meet and carry out their work informally.
- 7 This Option 1 would not result in a significant amount of work and, therefore, nothing is put forward in this paper – any changes to procedural rules and a protocol could be considered by both Scrutiny and Cabinet, before asking the Standards Committee to make a recommendation to Full Council. Matters such as the allocation of seats (political balance) and Members' Allowances would not be changed as a consequence and there would be no budgetary implications – just some officer and meeting time.

Option 2

- 8 Option 2 involves more substantial change. Rightly or wrongly, there seems to be a feeling that perhaps the PDGs are not providing the added value that they were intended to bring. That is not a criticism of the members on the PDGs, their Chairs etc., but just a reflection that there were put in place as a means to involve more Members in the work of the Council and perhaps they have had their day i.e. Members want a different kind of involvement now and PDGs are not really fulfilling that aspiration.
- 9 So – why not scrap the PDGs and set up more than one Overview and Scrutiny (O&S) Committee? Potential advantages include a beefed-up overview and a more focussed scrutiny function. In terms of Member workload and depending on the final agreed structure, it would be possible to have an entirely different membership for each committee – some members currently sit on Scrutiny (monthly) and PDGs (every two months, plus special meetings). Further, some of the concerns around pre-scrutiny perhaps derive not only from lack of clarity about how it would work, but also the implication in terms of delay, duplication (where the PDGs have already been involved) and treading on Cabinet's responsibility for driving policy – as well as political concerns. As we know, Scrutiny should not be politically driven nor used to drive opposition – but it must be independent-minded in acting as Cabinet's critical friend and provide constructive feedback in holding the Cabinet to account.
- 10 The number of such committees is not prescribed, but effective co-ordination of the work must be considered. There are any number of ways this could be delivered and what follows are just a couple of suggestions for discussion. The key thing will be a clear

understanding of responsibilities, accountabilities, consultation and information (RACI) in such a structure, remembering that Cabinet will still have overall responsibility for policy direction and deciding what to recommend to Council. In any structure, there will be a need to manage potential tension and ensure that the roles are understood.

- 11 The starting point I am suggesting is 2 O&S Committees, but Members can consider whether that is sufficient.

Option 2A

2 x Overview and Scrutiny Committees (12 Members each) plus Programming Board to resolve overlap/duplication. 12 meetings a year for each.

Option 2B

As Option 2A, plus a Joint Overview and Scrutiny Committee (all Scrutiny members) meeting bi-annually or quarterly.

- 12 How could the work of the two committees be organised? Whilst one way is to allocate the work by topic area, that might become a challenge due to the inevitable overlap for some topics. An alternative would be to divide the work by focus e.g.

O&S1 – Corporate (or whatever name is given)

This Committee could focus in particular on the Council's policy framework (new and updates), as well as the budget, assets, resources and other corporate functions.

O&S2 - Community

This Committee could focus on the impact of the Council's operations on its customers, the community and Mid Devon as a place to live and work. Where, as a result of such work, policy changes are thought desirable, there would clearly need to be liaison with O&S1 to see how this might be taken forward.

There is still likely to be some degree of overlap at times and that is where either the Programming Board or a Joint Committee would need to step in.

- 13 What do other councils do? A snapshot of districts in the south-west & south midlands operating an executive structure with multiple scrutiny committees is shown in the table at Appendix 1.
- 14 How would it work in practice? I haven't wanted to spend too much time re-drafting rules, procedures and protocols in advance of the Working Group indicating a preference or saying how they would prefer to recommend to Council. These can be prepared for the next meeting and would include:

- Draft revised Article 7 - Overview and Scrutiny
- Draft revised Overview and Scrutiny Procedure Rules
- Draft Protocol for Cabinet & Scrutiny

It would be helpful if the Working Group could indicate matters of interest/concern that might need to be reflected in these documents – although they could also do so after the meeting.

Implications, incidentals and other issues

15 Thought must be given to the following:

- Calendar of Meetings – what feeds into what in a timely and workable manner
- Members Allowances – 4 PDG chairs receive special responsibility allowances of c. £3760 each. The Scrutiny Chairman receives approx. £6265. The Independent Remuneration Panel would need to meet again and recommend to Council a new scheme.
- Budget – IF the PDGs are removed from the structure and two O&S Committees created and IF the Chairs of the O&S Committees received a SRA similar to the present, this would result in a saving to the Council. If/when meetings return to being held in person (date unknown), it is anticipated that a structure of 2 O&S Committees of (say) 12 members each meeting 12 times a year could also result in a small saving to the travel and subsistence budget – 24 meetings (plus perhaps the quarterly joint committee if desired, whereas 4 PDGs of 9 members typically meet 6 times a year and sometimes more = at least 36 meetings.
- Agreeing the allocation of seats (political balance)
- Ensuring there are opportunities for Members to be involved – timing of meetings, work commitments, caring responsibilities etc.
- Other opportunities for a re-think. For example, Audit Committee is not part of the scrutiny function, but there does seem to be an imbalance in terms of membership – only 7 on Audit and 12 on Scrutiny. I have assumed Scrutiny would continue with the current 12 members per committee, but it doesn't have to. The advantage of doing so is that it opens up the opportunities to the wider membership to get involved in this area. The precise numbers can be settled when you have a structure you wish to recommend, but I do think that Audit could do with an increase in numbers. So you could have O&S – 12 X 2 and Audit up to, say, 9? Or you could have 11 members on each, resulting in 33 opportunities across these committees, as well as Planning, Licensing (and Regulatory) and Standards.
- Timing – depending on what is recommended to, and agreed by Council, there may need to be a short period before the new structure is brought in. Some further work may be needed on the constitutional side as well as the matters above. We also do not know yet whether the elections will take place in May (current plan), June or later. Assuming the AGM of the Council goes ahead (remotely or otherwise) in May, this may be before the elections. However, I cannot see any reason why, if the documentation is ready, the new structure should be held back pending the elections.

Next steps

- 16 If the Working Group reaches an agreement in principle on how it wishes to make progress with developing recommendations on the Scrutiny function, they may wish also to indicate any further steps to take between the January and February meetings. As mentioned above, some documents can be brought to the next meeting for review, including a draft report of the Working Group.
- 17 Members may wish to indicate what further conversations need to take place. However, my thinking at the moment was this – that the report of the Working Group is considered by Council on 17th March 2021. If the recommendations on structure are agreed, Council could direct that the governance documents are formally reviewed by the Standards Committee and all members encouraged to feed into that.

Kathryn Tebbey

Head of Legal (Monitoring Officer)

21 January 2021

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Looking at the future of Overview and Scrutiny at Mid Devon District Council

Background – and why Overview and Scrutiny?

Whilst some members were content to review governance arrangements and others did not perhaps see the need, it is now accepted that a specific Cabinet decision has been a particular source of discontent. Now, I think many will agree that you do not usually change the law to deal with a single event, but equally if something isn't broken, it doesn't necessarily mean that improvements are neither necessary nor desirable.

Policy development groups are fine as far as they go, but are they really providing the overview needed across services which feeds into policy development and review? That's not a criticism, but a genuine question. By setting up four groups with responsibility for distinct functions, there is a risk of repeating the historic service silos - which is something that, in my view, needs to change. And, we have to remember the specific statutory powers of Scrutiny to enquire and seek.

I recommend the Governance Working Group grapples with the idea that the Overview part of Scrutiny Committee is not quite where Members want it to be. It isn't just about pre-scrutiny of forthcoming decisions of Cabinet – and such pre-scrutiny is not to be a dry run of the debate at Cabinet; there must be some key focus and purpose which can add value to the Cabinet's decision-making at a later date. There must be a move away from being busy with lots of activity to evidenced impact/outcomes of the overview and scrutiny function. This is why policy development is an important part of the 'Overview' element – even the Council's current Constitution mentions this as being part of Overview and Scrutiny.

Purpose of Overview and Scrutiny:

The purpose of Overview and Scrutiny could be categorised as:

To contribute to the effective and efficient delivery of services that meet the needs and aspirations of Mid Devon's residents, businesses, workers and visitors - as well as the wider policy aims which cut across physical and functional boundaries e.g. employment; crime and disorder; climate change; public health; infrastructure etc.

In fulfilling its purpose, the Overview and Scrutiny Committee will have the following core principles:

- Improving value and performance
- Listening and learning through positive questioning
- Getting underneath the data
- Having an eye on the wider picture
- Checking and benchmarking where appropriate
- Keeping an open mind and balancing disparate views
- Providing constructive criticism, feedback and – where it is due – praise
- Reviewing its own performance

Values and culture:

Unless a council embraces the importance of overview and scrutiny, there is always the danger that it is seen as an 'add on' rather than an integral part of the organisation's governance arrangements. Where the balance is not quite right, the Executive can feel undermined in trying to fulfil its policy objectives and Scrutiny can feel disregarded and undervalued. Officers too can struggle in trying to support, within the Council's decision-making structure, the disparate roles of all councillors without being drawn, unwillingly and/or

unwittingly, into the political fray. As a result the function is not always afforded the prominence it deserves and opportunities to make the most of its potential can be missed. Importantly, an effective Overview and Scrutiny function, coupled with Audit, is an essential component in devising a sound governance risk framework.

Chairman

The role of the Chairman of Scrutiny is a crucial one – it is essential that independence is fiercely maintained, regardless of political background. This means that the Chairman of Scrutiny must be, and must be seen to be, a key cog in the decision-making process in the Council – and should be supported in their independent actions through a culture which affords legitimacy and credibility to the role.

There are particular skills that are desirable in this role – I think it is worth reflecting on this and setting out a more detailed description of the role. This isn't just about selection/election – it is also a useful tool for self-reflection and assessment. We all, at times, need to ask of ourselves those questions – what is my role here and am I delivering? Rather than being something to hold up to the Chairman as any one time, it may actually be quite useful for the Chairman to be able to say – this is my role and that is why I have made that call/decision.

Structure:

As Members have heard/said in previous meetings and in the all member survey/workshop, there is considerable concern around behaviours, as well as actual decision-making and influence. No structural change will fix that, unless the necessary culture and value shift if also embraced. That is why the first part of this paper did not go straight to structure. But now that we are here, my suggestions for consideration are set out below. This is an important part of the governance review – members have expressed their concerns (the 'you said' bit) and the working group should now consider whether changes to the Scrutiny function will go part, some or a lot of the way to giving Members the means (if they embrace them) to address those concerns (the 'we did' bit).

2 Overview & Scrutiny Committees comprising 11 councillors each. 6 scheduled meetings per year. To be clear, additional meetings can be called to deal with urgent business and call-in, where there is a significant gap to the next meeting. Each committee to meet in alternate months to allow the Scrutiny Officer sufficient time (with support from colleagues) to follow-up the scheduled work programme. Work split – see below for options/suggestions.

1 Joint Overview & Scrutiny Committee (all 22 councillors) to meet twice a year, but additional meetings can be arranged if necessary. Rotating chair between the two or stand-alone chair? Purpose – training; briefings; review of practice/how it's going; resolving any concerns about the work split/allocation between the committees; make recommendations to Standards Committee about the structure & procedural rules. Consider inviting Leader and Chair of Audit to attend for certain items – they can attend anyway, but there may be some business on which their views are expressly sought.

Programming Panel – whether a council has one or multiple Overview & Scrutiny Committees, the reality is that it needs to focus, it cannot scrutinise everything. This is where the Programming Panel is invaluable in deciding where that focus is best directed. The Council already has a scrutiny request form and the use of this form will be important i.e. requests should be put into the Panel, rather than directly to any particular meeting. Whilst some may see this as negating the individual rights of members, a degree of planning and filtering should not be seen as a bad thing. I'm sure that a balance can be struck (in the rules).

Membership of Panel - Chairs and Vice-Chairs of the 2 O&S Committees; Chair and Vice-Chair of Audit Committee; Leader (Deputy Leader) of the Council. Meetings (informal) held 1/4ly to review and plan short/longer term programme of work across the 3 committees (2 Scrutiny and 1 Audit). Officer attendance – Chief Executive/Deputy Chief Executive?

Work split – options:

Option 1 – functional split

Corporate O&S	<ul style="list-style-type: none"> • New policy development • Finance, assets and resources • Digital change/ICT • Corporate matters <p>NB – this is not audit by another door and the demarcation between Corporate O&S and Audit Committee will need to be clarified.</p>
Community O&S	<ul style="list-style-type: none"> • Reviewing and assessing the impact of current policies and decision-making on Mid Devon communities and stakeholders and recommending changes to Cabinet or to Joint Overview and Scrutiny Committee • Service delivery and performance • Community engagement • Local partnerships • Parish and town councils

If we take the Cabinet agenda of 7 January 2021, the items could be allocated (for pre or post decision scrutiny) as follows:

CCTV Policy – Corporate

Cullompton Station – Community

Disposal of Park Road Nursery – Corporate

Annual report of Compliments, Comments and Complaints - Community

Option 2 – subject split (e.g.)

Economy, Planning and Place	<ul style="list-style-type: none"> • Climate Change • Planning policy and service delivery • Economy, business and tourism • Sport, recreation and leisure • Property Assets
Community Services	<ul style="list-style-type: none"> • Housing • Environmental Health • Waste Management • Community Safety

Taking the same four sample items:

CCTV Policy – Community Services

Cullompton Station – Economy etc.

Disposal of Park Road Nursery – Economy etc.

Annual report on compliments - Community

Considerations:

Option 1 is likely to provide greater coverage of the entire council function and avoids a strict silo approach. However, discrepancies and uncertainty will only be ironed out when Members work with the new structure for a period of time and then review it (the revised scrutiny function) after a year (recommended).

Other matters/questions:

- 1 Audit Committee comprising 11 councillors – increase from current 7? 6 scheduled meetings per year; special meetings as needed. I think there is a need to review the remit of Audit and its distinction from Scrutiny, making this clear in the Constitution – e.g. governance and risk v policy/decision-making. It's important that an objective Audit function is a step removed from the decision-making processes. As part of this thinking, there is also a need to look at the number of councillors who sit on Audit.
- 2 Abstentions – there is a presumption that councillors who merely abstain from voting are not that far off assenting to the resolution. The principles are drawn from common law. The principle that abstention may amount to acquiescence is at least partly based on the duty that a councillor undertakes in making their declaration of acceptance of office. If a councillor has material concerns, they should show their decision in dissent. However, we know it is not that simple in practice – abstention could be for a number of reasons, but there is a sense that it is used more and more frequently.
- 3 Quorum and number voting for/against – these are the statutory requirements:
 - no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

For Full Council, the $\frac{1}{4}$ rule is applied. For other meetings, the Constitution requires at least $\frac{1}{2}$ of membership of the particular body to be present. So for a Cabinet of 8, this will be 4 members. It is open to the Council to increase the quorum, but accepting the risk of becoming inquorate.

 - Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority

So, unless some legislation specifies a different voting threshold for a particular decision, a majority vote is mandated and cannot be overridden by the Constitution.

- 5 Informal briefings/meetings – there is a perception that all work should be conducted at formal meetings. Yes, it is necessary to guard against taking decisions in private without due process, but initial discussions, briefings and policy shaping can be undertaken informally. The advantage is that more members will have early insight and input. It doesn't mean that the end result brought for a decision will fit the aims and aspirations of all, but at least there will be a greater understanding of where the areas of interest and concern lie and how these might be addressed/answered (where possible).
- 6 Community engagement – not strictly within the remit of this working group, although the quality of local external relationships – public, stakeholders, organisations etc. – can be part of the wider governance framework. You will note that, in option 1 above, the Community O&S would have community engagement as part of its remit.
- 7 What else?

Kathryn Tebbey

Head of Legal (Monitoring Officer)

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