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Date 22nd February 2021

Dear Member

Scrutiny Committee -15th February 2021

Responses to Public Questions

Response to public questions

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Public Question from Alderman Nation

'I'd like to ask some questions please, I suppose more of the Chairman of the Working Group of Governance, Cllr Moore, than of the Scrutiny Committee. I would hope that the Scrutiny Committee would put these questions to Cllr Moore.

Between 27th January last year and 28th January this year the Governance Working Group held 6 secret meetings which I had to make for FOI requests to get minutes of those meetings. I am wondering is this conducive of an open democratic government. I would like to know as well why the Working Group has decided that the fundamental structure of governance does not require attention as it says in one of the most recent reports. They have totally failed to consider the pros and cons of returning to a committee structure and I would like to know why that is.

The wish of the public and many councillors to prevent the Cabinet acting contrary to their clear wishes will continue unfettered if the Working Groups proposals are enacted. Is this really what the Council wanted when they voted for a review of governance?

I think the proposal to scrap the PDG's in favour of two Scrutiny committees portrays the real wishes of the controlling councillors to clearly, purely control the Leader of the Council. PDG's were supposed to develop policy, if they are scrapped all backbenchers will be doing will to scrutinise actions of Cabinet. It does nothing to increase their powers at all.

The changes proposed do not challenge the outright power of the Cabinet. The Working Group has failed to address the concerns to the public and the Council and I hope Scrutiny Committee will ask Cllr Moore why that is and what their true intentions are.'

Between 27th January last year and 28th January this year the Governance Working Group held 6 secret meetings which I had to make for FOI requests to get minutes of those meetings. I am wondering is this conducive of an open democratic government.

It is standard practice for Working Group / Task & Finish Groups in MDDC as well as Councils across the land to be held in private to allow free-flowing and candid working exchanges between Members and Officers in a safe environment. Moreover, since taking over as Chairman of this Working Group reports have been provided to every Full Council meeting allowing open access for public and Councillors to the activities of the Working Group.

I would like to know as well why the Working Group has decided that the fundamental structure of governance does not require attention as it says in one of the most recent reports? They have totally failed to consider the pros and cons of returning to a committee structure and I would like to know why that is.

The Group has actively debated this on several occasions over the past year. There is general recognition that there are as many different models successfully operating as there are Councils in the country, ranging right across the spectrum from Cabinet to Committee systems. In practical experience, there is no "right" answer, no system is better or worse. The Working Group has also spent time considering all the components of an effective governance framework looking beyond basic structures to effective and positive engagement and behaviour. The Working Group considered

the origin of the call for a review as well as the severity of concerns about the current system. It examined whether the situation demanded a fundamental system change and the upheaval that that would entail, or whether issues could be addressed most effectively by improvement to the existing system, bringing it into line with modern practice. The majority consensus was that the latter was the Group's preferred option, although this was not unanimous. Consequently, the Group sought Full Council's view which ratified the preferred option in line with democratic process.

The wish of the public and many councillors to prevent the Cabinet acting contrary to their clear wishes will continue unfettered if the Working Groups proposals are enacted. Is this really what the Council wanted when they voted for a review of governance?

It is a fundamental tenet of the Cabinet model that that it has ultimate responsibility and authority for most decisions. For that Cabinet Members are accountable not just to other Councillors but the electorate. It is extremely unusual for Cabinet to act against the clear wishes of the majority of Full Council, there being only one controversial instance, now nearly 3 years ago, since the adoption of the Cabinet model in 2008. The Working Group has considered those specific circumstances and with an open mind looked for solutions to this rare problem. It has considered whether another Council body could override a Cabinet decision but that would not be legal. It is seeking to address whether a limit could / should be placed on decisions made by a minority of a committee. It has looked at other options but, on balance, and with the democratic, majority ratification of Council is seeking improvements to the Cabinet system to bring it into line with modern and current practice and awaits guidance on the suggested solution.

I think the proposal to scrap the PDG's in favour of two Scrutiny committees portrays the real wishes of the controlling councillors to clearly, purely control the Leader of the Council. PDG's were supposed to develop policy, if they are scrapped all backbenchers will be doing will to scrutinise actions of Cabinet. It does nothing to increase their powers at all.

This is to misunderstand what is being proposed. Whilst the Working Group awaits more detail beyond the outline proposals, the concept of Oversight and Scrutiny is to provide early engagement in decision making as well as retrospective challenge opportunity for Members. The Working Group appreciates the value of these complimentary roles. In working up detailed proposals Officers will be looking at how such systems operate effectively at other Cabinet-system authorities, providing a more consistent approach to influencing both policy development and the decision-making process.

The changes proposed do not challenge the outright power of the Cabinet. The Working Group has failed to address the concerns to the public and the Council and I hope Scrutiny Committee will ask Cllr Moore why that is and what their true intentions are.

The Working Group's true intentions are, properly, to fulfil the direction of the Council as set out on 8 January 2020. These were that:

"A politically balanced Governance Working Group be established, such working group to:

"(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. (*This date has subsequently been moved to March 2021.*)

As noted earlier, the Working Group has considered the power of the Cabinet but has maintained an open mind regarding the optimum way forward for Council Governance from a range of options. It will ultimately be down to a decision by Council as to whether the Working Group’s recommendation from its review has addressed the broad range of concerns as evidenced by both internal and external consultation events.

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