Report to:	**Hub Committee**	
Date:	**27 April 2021**	
Title:	**Enhancing the Democratic Decision Making Process**	
Portfolio Area:	**Council – Leader Cllr Neil Jory**	
Wards Affected:	**All**	

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

Date next steps can be taken: The Annual Review of the Council Constitution and Draft Calendar of Meetings for 2021/22 are due to be considered at the Annual Council Meeting to be held on 25 May 2021.

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RECOMMENDATIONS:

That the Hub Committee be RECOMMENDED to:

1. **Support the changes set out in Section 4, with any consequent amendments being made to the Council Constitution and the draft Calendar of Meetings, with these to be reported to the Annual Council Meeting on 25 May; and**

2. **Instruct the Chief Executive and Director of Governance and Assurance to continue working on any further changes to enhance the democratic decision making process (as set out in Section 3.2) during the course of 2021/22 Municipal Year.**

1. Executive summary

1.1 It is essential that members and officers operate within a local governance framework of checks and balances to ensure that decision-making is lawful, informed by objective advice, transparent, and consultative.

1.2 There is also a duty to ensure that our governance processes support efficiency and value for money in delivering services to the community.

1.3 Further, members have a critical role to play in representing the views and interests of the communities they serve, advocating on their behalf, and of seeking to ensure the Council understands and responds to the needs of residents.

1.4 In view of the above and the actions approved by members within the Council's adopted Recovery and Renewal Plan, officers have undertaken a review of some of the issues and options that members may consider will enhance the decision-making process as a whole. It is proposed to adopt a phased approach to bringing these changes forward for consideration by members over the next year.

1.5 As a first phase, this report seeks approval to bring forward changes to the calendar of meetings and to review the role and number of working groups with the intention for the new arrangements to be recommended to Annual Council on 25th May 2021.

2. Background

2.1 Delivering good governance as a Council is dependent on a number of key principles: one of which is the need to take informed and transparent decisions, which are subject to effective scrutiny and the management of risk.

2.2 Another is the importance of engaging with the community and other stakeholders to ensure robust public accountability.

2.3 At present Members and officers' work within the existing governance framework, the adopted Council Constitution, and established practice to deliver against these principles.

2.4 The last time the Council undertook a detailed review of its governance arrangements was in April 2017 (Minutes CM 68vi and HC 68 refer). Changes arising from this review included:

- The Overview and Scrutiny function being carried out by one Committee (rather than two); and

- It being a requirement for all 31 Members of Council to serve on one of either the Hub Committee (9 Members); Audit Committee (7 Members); or Overview and Scrutiny Committee (15 Members).

2.5 The potential to improve the clarity, efficiency, and accountability of decision-making has been identified through a number of different sources.

2.6 The LGA Peer Review in November 2018 identified as one of its six key recommendations, the need to 'Strengthen the Council's Political Governance Arrangements'.

2.7 The Council's Recovery and Renewal Plan (Sections 5.8-5.13), which was developed by the full Membership and adopted on 8th December 2020 (minute 27/20 refers), echoed this and recognised the need for the Council's Constitution to be reviewed in order to reflect current ways of working, and to be more accessible.

2.8 In addition to this, Members and officers have highlighted a number of issues that could potentially be improved including reducing the number of reports that go to more than one Committee, reducing the duration of meetings and removing reports that are simply for noting.

2.9 Conversely, Members have highlighted the benefits and value of the informal Member Briefings.

2.10 Reflecting on these recommendations and issues, the Chief Executive worked with the Director of Governance and Assurance and the Democratic Services Manager to analyse potential enhancements and improvements.

2.11 This forms the background to a phased approach to enhancing the democratic decision-making process.

3. Outcomes

3.1 Implementing the proposed changes set out in this report represents the first phase of a series of changes to the current decision-making framework and arrangements. It is envisaged that improvements can be made to secure greater transparency, accountability, clarity of roles, and efficiency of the democratic process.

3.2 Further changes will be subject to discussion with the Leader in full consultation with Committee Chairs and Political Group Leaders prior to further reports being brought to the Hub Committee and Council.

4. Proposals and Areas for Development

Frequency and Timing of Meetings

4.1 Members will recognise the benefits of a similar pattern and frequency of formal Member meetings being held across both the Council and South Hams District Council;

4.2 At the request of senior Members at SHDC, Officers have been undertaking a detailed review into the frequency and timing of meetings that has culminated in a number of changes including:

- An increase in the number of Full Council meetings from 4 to 6 (in line with the provision of the Borough Council);
- The wish to provide for a reasonable break in formal Member meetings during the summer (August) and over the Christmas and New Year period; and
- Specifically in relation to the timing of their Overview and Scrutiny Committee meetings, to ensure that they are held further in advance of an Executive meeting than the current two week provision.

4.3 In recognising the need for meetings to run closely in parallel across the two councils, it is recommended that our Calendar of Meetings be drafted to similarly mirror these changes prior to its presentation to the Annual Council meeting on 25 May 2021 for approval.

Reviewing the Role of Member 'Working' Groups

4.4 Historically, the Council has utilised a range of formal and informal Member groups to, for example, support policy development, service change, and project delivery. These groups have proved effective and have been periodically reviewed and amended as necessary.

4.5 However, the approach to setting up the groups, their purpose and lifespan has, to an extent, been ad hoc and incremental, as has the review process.

4.6 There are a range of groups with a range of names, including 'Working Group', 'Panel' and 'Steering Group'. There is no clear differentiation between groups that, for example, are partnerships, have wider governance functions, have decision-making powers, or are simply advisory.

4.7 In addition, there is inconsistency in how the groups are constituted and how they function. There are also examples of 'Working Groups' that perhaps should have been formed as 'Task and Finish' groups; that is a group set up to fulfil a discrete purpose which is time bound.

4.8 In advance of the Annual Council meeting on 25 May 2021, and with a view to improving efficiency, it is opportune to set out the principles of when and how such groups should be set up, their function, and their name. Having agreed the principles, applying this logic to the existing list of groups would help ensure consistency and transparency in the future. A similar review is underway at South Hams and is also due to be reported to their Annual Council meeting in May.

4.9 We currently have a number of meetings under the heading of working groups, some of which are active and others that have served their purpose and are no longer needed. It is therefore proposed that we review and rationalise each of these, assign them as appropriate against the categories below, and disband any that are no longer needed. This will also help to provide clarity as to the role and purpose of each group.

4.10 In terms of the groups and how we might wish to progress, the following is proposed:

1. **'Task and Finish'** – **A time-limited and single focus advisory group to support policy development and provide Member oversight of key projects.**

   A Member group set up by Overview and Scrutiny Committee and selected from the whole Membership. The group will have a clear, time bound purpose and will report back to Overview & Scrutiny with its recommendations, i.e. its role is advisory with no decision-making powers. The group will then be dissolved. Examples of the effective use of the Task & Finish (T&F) approach include the Consultation and Engagement, and the Localities T&F Groups, with the active support and commitment of Hub Lead Members, through the recovery planning process. Both had a clearly defined Terms of Reference and scope, and reported back in a timely manner with recommendations that informed and ultimately resulted in new policy/working practices being adopted.

   It is proposed to retain 'Task & Finish' groups as the main vehicle for policy development and project specific support. Develop a standard set of terms of reference and operating procedures, including reporting deadline. Agree nomination protocol and retain 'Task and Finish Group Updates' as a standing agenda item on Overview & Scrutiny Committee meeting agendas

2. **'Governance Boards'** – **Constituted to oversee Governance arrangements for partnership activity and with specified decision-making powers**

In practice these boards occur where the Council has a shared/joint responsibility with other partner councils or organisations. Examples – Devon Building Control Partnership and Joint SH/WD/PCC Local Plan Partnership Board. The terms of reference are agreed by Council (and set out in the Constitution) for each Board, which include voting rights for appointed Members.

It is proposed to retain Governance Boards in line with the definition above

3. **'Panels' – An occasional Committee of the Council with specific decision-making powers.**

    These meet occasionally to carry out a specific task to exercise delegated authority – example Council Tax Setting Panel.

    It is proposed to retain 'Panels' in line with the definition above.

5. Proposed Way Forward

5.1 The proposals set out in this report will require changes to the Council's adopted Constitution and/or Standing Orders. It is recommended that the changes will be reported back to Members at Annual Council on 25 May 2021.

5.2 Further changes will be subject to discussion with the Leader of Council, in full consultation with Committee Chairs, Political Group Leaders and the wider membership prior to further reports being brought to the Hub Committee and Full Council.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council's governance and decision-making powers are enshrined in legislation, primarily the Local Government Acts of 1972 and 2000. These set out what the Council can and cannot do, together with providing discretionary powers to determine its procedural rules within these parameters. Only the Council can make decisions regarding the Constitution and decision making processes

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

Appendices:
None