CONSTITUTIONAL REVIEW WORKING GROUP
WEDNESDAY 1 FEBRUARY 2023, MAIDSTONE HOUSE
4.00 P.M. – 6.00 P.M.

1. Apologies

   None.

2. Substitute Members

   None.

3. Interviews with Council Officers:

   Chairmans intro:

   PC – appetite to look at structure, but that that would be done as a separate exercise in the new year.

   Working through snagging list.

   Chief Executive, Alison Broom

   AB – plain version is essential; subject to member agreement. Easy to understand for all.

   Sought views of WLT. Gov system structure and how working in practice and behaviours that we see.

   Cannot put behaviour into a constitution.

   New arrangements short time; members officers relearning exec model – but with PACs. Some little experience before taking on high resp positions.

   Irrespective of system – have to follow Nolan Principles and not sure we always do.

   Member-led decision making – for inclusivitiy and transparency, comparison of no. of decisions across last year between May and January and this year; E-55% less than previous years.
   Higher proportion of decisions made in Part II has gone up.

52 dcisions; 16 in part II.

CP – are you suggesting we are making decisions with correct scrutiny or are they unrelated?

AB – no; but in public life, conducting business we have to bear those principles in mind.

DB – have asked for training on this.

AB – constitution has changed, gov. system changed, but those principles have not – so an important foundation for this.

PH – half decisions; research on why? Especially as issues generally the same.

AW – report annually to D&GP on the part II decisions;

WLT Sentiment – overwhelming sentiment is system for decisions is elongated in comparison with what we had before.
This impacts on effectiveness and efficiency, (time to decision taking longer) amount of time consumed in getting to that point has increased.

Universal pre-decision scrutiny by PACS; traditional O&S approach it's the choice of O&S about what they do pre-decision scrutiny of.

EVERYTHING goes to PACS – consider this?

A lot more informal engagement than there was before, but when that happened under previous system there were a lot of concerns that things were being decided privately.

CE – under both systems that complaint was raised.

AB – intention to create inclusivity to create inclusivity and transparency has not been met; not architecture, but what we observe happening.

Think we need to reflect on whether the strategic vision/opportunities that the exec system offers, whether that has grown as much as it might do. But still early days.

Need serious convo about training. Partic for respon positions – they are difficult roles. PAC Chairs.

AB – return to exec been a learning curve for everybody; engagement between officers and exec essential – most good. Some doesn't work so well.

Support CEO/D connection to LMs.

Defining boundaries was hard. Here to serve every political group, but good equilibrium.

Sometimes lack of appreciation for who's responsible. Have this with most administrations.

Mixed messages; briefed LM and other discussions taken place – goal posts moved.

Common concern – holding a responsibility, struggle with that vs. ward responsibilities.

Strategic conversations, MTFs, TCS – worked well. Clearer protocol for how this works.

Exec/OSC and Exec/PAC relationships.

Made suggestions on how the municipal year should be started.

Public exec meetings – so little debate, would be hard pushed to say it was transparent and inclusive. Member-led and reluctance to bring officers into meetings.

PACs – to me, key objectives of inclusivity and non-majority parties become involved, majority party backbenchers; they haven't fulfilled their full potential for transparency and involvement. Presence not involvement, but it varies signifcnatly between PACS.

Officers attending gives rise to a lot of concern; it should be a place where we get to interact and the opps to do that have been eroded over the last year. No contributions, no point going, write report and no comments, no debate. Good idea, but doesn't seem to be working.

CE – all four PACS; constructive debates at PI and CS – This is a cultural and a training issue. Members on ERL and CHE not contributing very much. Trying to address this within my group.

Failing because some members don't understand what they're doing.

Opposition don't scrutinise vigorously, majority don't either.

PH – recognise officer feedback. Got new people chairing, but going to take them a while to get themselves adjusted into their role.

CS had good debates. Not structure, but getting engagement of members, training and mentoring.

DB – majority group that meets, to discuss issue, so that when LM presenting – is it completely surprising that there's not many questions?

Inert power – solely to advise on decision on the paper. Not able to open up the discussion on the matter.

ROC – Camden council; upon audit, when OSC was looking at the budget and they saw a massive hole – budget was voted through by majority found it a HUGE failing that the majority group hadn't properly scrutinised the budget.

Had agreed the budget behind closed doors.

AB – becomes sig issue if there is a large majority – challenge, objectivity, openness, honesty in leadership of NP – there is a risk there.

JP – Advisory; set up to advise. A hybrid system that we've put a lot of effort into to achieve. Advisory committee should be helping the cabinet member.

DB – relation to existing review?

AB – useful to have a sounding board; public perspective – if we are agreed that some of the descriptions are true (to be happening a lot) then may be what we've put into our constitution isn't achieving what was originally set out. Consider OS approach through the system;

- Do you need pre-decision scrutiny on everything?
- Wouldn't it put more integrity to the system if the OSC members, made the judegment on what they wanted to do pre-decision scrutiny on?
- If it was part of an OSC system, they can also choose where to go into depth on the topic

Would recognise the things mentioned above – wouldn't take away pre-decision scrutiny on this.

AB – experience of OSC is mixed; has potential to be more effective. May just be timing.

Devoting time and effort to making process work from members, which is supported by DSs. Tendency to get involved in minutia. Disconnect between debate and some of the recommendations that have come out – partic on waste strategy.

OSC issues muddle in with current live issues, gets confusing.

AB – don't want to look at PAC op, or whether PAC become OSC – suggest you do.

Officer views.

PH – AB comments expansive. Looking at current constitution.

Training is what's highlighted here.

Nolan principles; council having the audit trail.

LM may not take all PAC comments on board.

Agreement from the group.

PC – necessary to adapt the language. Why?

AB – general principle, the simpler and more legible the better. Encourages people to read it, have to be persistent to read it. Leads to compromised interpretation.

Less time, less confusion, multiple forms of interpretation.

MC – masking what document could be; easier to use.

Involvement through inclusivity to give rise to transparency. More people that understand what a PAC is.

A part; fault here.

Culture of organisation important.

DM – been less member workshops.

AW – easily done to merge PAC and OSC responsibilities.

AB – if open to the view that gov structure on its own isn't the only aspect of good governance, but its entirely possible that having heard some of this, it suggests that you might want to change your emphasis.

Want well-informed, transparent, quality decision-making.

ROC

Difficult working in new system, but we would expect issues.

Pre-decision scrutiny, very resource intensive, but choice you have made.

Single large OSC with wide remit, has been intensive to support and a broader focus on issues. Don't think M&O understand the structure.

People try to get round it.

Cross-cutting issues with PACS (no parent pacs) – will work with next leader to re-write portfolio holder responsibilities.

Hasn't improved at the rate that I would've expected.

Distinct lack of engagement at PACs. Decision making structure as a factor – constitution is prosective in its approach, but also combined with being inflexible.

Council not able to apply its own discretion. Can think of work arounds, but elongated.

Issues on list – important for me, AtI across document – real dragging effect on how guidance is given.

Dififcult to apply without discretion.

Wider considerations; made some helpful changes, now allow twin publication of PAC and exec agendas. Been VERY useful.

Not had many decisions come through, or exec comparisons. Concerns about efficiency are with LOW volume and still resource intensive.

Too many meetings.

Constitution not for dealing with member behaviour.

Current rules could be more hostile with minorities.

Constitution and structure combination provide strong scrutiny for minority admin, but can be slowed down through the above measures, but particularly vulnerable to a majority admin actively wanting to avoid scrutiny. National issue generally.

BUT does work admin engaging with OSC and PACS. Advising different from scrutiny.

Exec could hide things through this system.

If DSOs missing things, what do members of the public or cllrs have?

PC – plain English; opposed to adopting. Don't want to remove PACs.

DB – don't have that at the moment.

ROC – if scrutiny wants to look at something, and Exec said no..etc.

DB – pre-decision scrutiny; decision in draft go to PAC. Requests for further information, but they had no REMIT to do this.

CE – current model works when people doing nice. Need to consider what happens when not in this situation.

PC – wouldn't be opposed to enhancing PACs.

Roc – earlier engagement with OSC, so they've already seen it, been involved with it. Rule on call-in to change.

No. of decisions that come through and ALL have to be scrutinised.

ROC – administrations programme. Way it works; hook can use that to avoid scrutiny.

Principal Democratic Services Officer, Lara Banks

3 concerns;

Part of my role is cover for business as usual; first concern is resourcing. Every decision goes through the process twice whereas once before. It does produce a big burden resource wise; inefficiencies that may seem quite minor – no. of items on exec agenda.

If it was a financial aspect, rather than a time aspect, looking at where we can make efficiencies.

OSC function taken a huge amount of resources; research that I have to do for those. Double meetings, agenda, minutes, RoDs, scrutiny. Impact on us, working at over capacity, having to do overtime. Not resilient as a team – if anyone goes off sick.

Impact now – valuable to recognise that, AR still finding her feet.

LB – no overtime, but don't think we would work in the way that we want to. Having to choose what we do at the moment, having to choose what to do isn't what we want.

We are missing training for ourselves. Wellbeing aspect that we are producing poor quality or last minute work. In the position of producing acceptable work.

Pride in work going.

Easier when fully staffed, but will have to see how to build resilience in.

DB – general observation, OSC – input of members, hugely dependent on the officer support – team of just OSC support in comparison to now.

PC – LM meetings – are they labour intensive?

LB – is everything straight forward, NO. it's admin, but the system we use is slow.

Admin heavy for a 5 minute meeting.

Reports, agenda, minutes.

CE – chairman of OSC, set an ambitious programme. Seen a lot of reports coming through the DS staff; not thought they were sub-standard. Understand impact to pressure.

Next year have to address OSC programme. Need to reign back next year.

Officers within team have been so enthusiastic about the review.

PH – should be fully resourced. Then not really scrutinising, just a few things.

LB – lack of clarity and consistency; LM meetings, and when there's inconsistencies – questions being submitted by 5 p.m. end up looking at legislation, what other people do, then becomes an officer led process – not what was wanted.

Have to approach things consistently between the team, generally an independent role. Need to be sharing experiences to create consistency – BP, legi.

Members unclear between PACs and Scrutiny have parity – they don't.

Time spent training officers on constitution. Takes up longer for people to learn; AR as new person learning.
Time spent making officer reports suitable for PACs.

Confrontation we get from members, impact on wellbeing, to us trying to do our jobs. Not a lot, but does happen.

Tech slow.

DB – repetition of meetings; LM not formal meetings, it would take a large chunk out, and rely on the call-in procedure.

PC – discuss this at next meeting.

LB – Croydon, Thurrock, had issues due to governance failings. Makes me worry about engagement from PACS – are they offering suitable scrutiny.

PA – no debate at CHE – P&R demonstrated discussion.

Public perception.

Need to have a public record of the discussion. Needing work arounds for the constitution, raised things that haven't been changed. Things like VMs.

Workarounds not effective governance.

This is our experience and what the impact has been.

PH – pick up all the workarounds which lara and the team are having to do.

LB – workaround for exec agenda having so much on it; take the items on block.

Point is that things come up repetitively.

PC – many procedural things have been taken on board.

AW – not just members, officers need it too.

Democratic Services Officer, Oliviya Parfitt

Comments.

Future meeting – discuss number of committee members.

CE – work around, is on water consultation, we will be feeding comments into officers.

Take point that this isn't ideal scenario.

Current constitution – overlapping issues with PACs and OSC and there is no flexibility on this.

Could think about this.

DB – thanks to the officers.

PC – quality of advice.

JP – good points. Member-officer relationship.

Chairman – with regards to wholesale change to PACs;.

DB – angela prepping simplified version; could draft relevant versions for this change.

4. Any Other Business