

### Governance Working Group – Scrutiny Review

The attached table outlines the key points made by Members and Officers during interviews conducted by the governance working group. For the purposes of the review the key points have been summarised and tabulated to allow for objective evaluation to be conducted.

Interview	Summary	Improvements to Scrutiny
<b>Cabinet Members</b>	<ul style="list-style-type: none"> <li>• Pre-decision scrutiny is not being used effectively;</li> <li>• There is a natural defensiveness over call-in, members cannot impact decisions effectively with call-in;</li> <li>• Scrutiny has done it's job and is now stale, as a result there is a lack of interest in scrutiny;</li> <li>• The principles of scrutiny as a system of checks and balances is good, but it is not being used effectively;</li> <li>• The value of cross-party input is before the decision is made through pre-decision scrutiny, not once the decision has been made through call-in;</li> <li>• Members need to have a clearer understanding of the role of scrutiny in order to really use it effectively;</li> <li>• Scrutiny is being misused too often to score political points, and being overshadowed by political agenda;</li> </ul>	<ul style="list-style-type: none"> <li>• Effective pre-scrutiny can be used to better engage members</li> <li>• Programme of training to educate members on the role of scrutiny and the tools available for members to influence decisions</li> <li>• Members need to be proactive – it is up to members to add key decisions to the agenda not the Cabinet member;</li> <li>• Cross party collaboration between Cabinet and Scrutiny would provide better value to the decision makers - but is it for Cabinet to lead the scrutiny agenda?</li> <li>• Have one committee to scrutinise cabinet decisions and one committee to provide the overview;</li> <li>• Scrutiny is member driven should be proactive, rethink the format of meetings, bring back Officers and external people;</li> </ul>
<b>Members</b>	<ul style="list-style-type: none"> <li>• Too much focus on scrutiny and not enough overview;</li> <li>• Scrutiny chairman are not being held to account – they need to have a clear understanding of their role;</li> <li>• Pre-scrutiny meetings hold too much influence members are 'dragged' along and therefore challenge is difficult;</li> <li>• Scrutiny reports have not impact, as a result members feel as though they have not been involved or had any influence over decision</li> </ul>	<ul style="list-style-type: none"> <li>• There should be a more proactive and effective use of pre-decision scrutiny and should not be Cabinet led;</li> <li>• Chairmanship should not be the same as the administration;</li> <li>• Quality of chairmanship should be improved;</li> <li>• Better programmed training for new members to provide better induction and better continuous professional development;</li> <li>• There needs to be improved training over the role of scrutiny;</li> </ul>

<p><b>Senior Officers</b></p>	<p>making;</p> <ul style="list-style-type: none"> <li>• Pre-decision scrutiny is the most effective way to influence decision making and it is not being used effectively;</li> <li>• Scrutiny is not having the right impact – decisions are not being influenced / changed;</li> </ul>	<ul style="list-style-type: none"> <li>• Improve the appetite for pre-decision scrutiny to allow the Committee to actually influence decisions – and choose the right decisions;</li> <li>• Reduce to one scrutiny committee – with support from individual working groups – to allow adequate overview and scrutiny;</li> <li>• Re-consider the format of meetings, and adopt more innovative and flexible Officer reports and interviews;</li> <li>• Reduce scrutiny from 3 committees to one;</li> <li>• Improve collaboration between Cabinet and scrutiny</li> <li>• Improve the accountability of scrutiny recommendations and implement a system to capture and recommendations and report on the actions taken;</li> <li>• Improve the understanding and quality of the chairmanship;</li> <li>• Members should be proactive to be involved in decision before they are made;</li> </ul>
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**Areas for Discussion:**

1. Rethink the structure of the current scrutiny arrangements, such as a reduction of committees from 3 to 2 or 1. To better utilise and concentrate the expertise and knowledge of members. Consideration to the formation of a joint MKIP scrutiny committee.
2. Provide cabinet scrutiny through committee, and focussed overview through collaborative cross party member working groups. To consider the merits of dividing the two.
3. Improve clarity and understanding of the role of O&S for Members – member training / workshops.
4. Improve political neutrality through the addition of independent member/s.
5. Refresh the format of O&S to create a distinctly different experience to cabinet and other Committee environments to innovate the format – meetings during the day, outside of the Town Hall, presentations, work shops etc.
6. Raising public interest and engagement through Facebook/Twitter and other social media to allow members of the public to be involved - members of the public to submit 'ideas' (similar to that of Canterbury, or to the previous Maidstone e-bulletin).
7. Reconsider and address the chairmanship role for O&S committee – provide clear training and support to enable effective delivery of the role.

## Appendix C - Interview Notes

8. Invite more Officers for interview and external invitations of relevant stakeholders.
9. Implement a system to capture and report on scrutiny recommendations – to allow for clear responsibility and accountability over recommendations and actions (rapporteur?).
10. Implement clear accountabilities over the delivery and impact of the O&S system – mandatory annual review of decisions to Council, presentation to Council, percentage coverage of key decisions/recommendations implemented etc.

## Corporate Governance Working Group: Interviews Notes – Key Points

### Chris Garland – Leader of the Council:

Has experienced the committee and cabinet system of governance.

Key advantages of the current cabinet system:

- More effective (faster) decision making
- Accountability
- Allows the Council to set and work towards a clear strategic direction

In the committee system decisions could be officer led.

Pre-decision scrutiny is not being used appropriately – this process, if used properly could resolve back bench engagement.

How can we improve Members involvement if they are reluctant to take part?

Cabinet advisory bodies (such as KCC) allow member to be involved before a decision is made – to formally influence decisions.

[The working group raised concerns over member training]

Should there be (is there) a member led group to consider and focus on member training specifically? Should there be one? New Members specifically are not clear on their role, needs to be better role clarity.

In order for decisions to be influenced, input has to be before the decision has been made. If scrutiny is not involved until after the decision has been made, then there is little chance that they are going to actually influence or change the decisions.

Members are defensive towards the call-in – it is only through effective pre-decision scrutiny that members can really see the impact and influence they have over decision making.

Members are not always aware of the decisions being made by the Cabinet – without proper use of the forward plan (record of forthcoming decisions) this is insufficient time to allow for effective pre-decision scrutiny.

### Improvements:

- **Abolish Scrutiny and set up a cabinet advisory committee – or a cabinet advisory board for each Cabinet member. Members need to see real results and outcome from their involvement. Scrutiny in its current form is not an effective way of involving back benchers**
- **Member training – educating Members of the scrutiny role. It is not being used effectively**

## **Eric Hotson – Cabinet Member for Corporate Services**

Has experience of working under the committee system and the Cabinet system.

Impression of overview and scrutiny is that it has become stale for Members and Officers.

At KCC there was a recognition that Members had become disenfranchised and disengaged – this was partly due to agenda setting, and Members feeling that they had no involvement in decision making.

A return to a Committee system was rejected cross party – instead, Cabinet committees were agreed cross party – falling under each Cabinet portfolio. Cabinet meetings are held as before – but with Members' options to be heard early days to help set the forward plan.

In the Cabinet system pre-agenda setting meetings are held before Cabinet. Under the new KCC model, pre-agenda meetings are held alongside the opposition, senior officers and directors. The agenda is in their plan. This creates an exciting, relevant and important agenda – which in turn has re-invigorated members and made them excited again.

The Cabinet committee meetings give members a better understanding of decisions at an early stage and provide more challenge.

Members' allowances – Members must do more based on their allowances. The input from some members is minimal.

KCC still maintains informal member groups of between 3/4 members (behind closed doors). Working groups are appointed by Committee – members have the responsibility and ownership of the work, such as writing the report.

To increase member involvement there must be a good cross-party agenda.

### Weakness of Committee System:

- Speed of decision – this could be a problem of the committee system;

KCC has experienced less call-ins because decisions are being consulted cross party and opposition members are involved. Cabinet concentrates on the decisions making, the Committees do not.

As a Cabinet member I have never been really challenged.

55 Members is too many, 30 could do the job.

### **Scrutiny:**

**Key decisions are presented to scrutiny, it is up to scrutiny members to identify and add to the agenda not the Cabinet member.**

**There is disillusionment and laziness amongst Members.**

**There is a real lack of interest in scrutiny (even if only in some members).**

**Overview and scrutiny has done its job but it is now stale.**

The KCC changes were invigorating and had real cross party support. If the Leaders are re-invigorated then it will ultimately refresh Members.

**John Wilson – Cabinet Member for Community & Leisure Services:**

Has experienced only the Maidstone Cabinet system of governance.

Bad – Member involvement

Good – Scrutiny *as a system* is good. The principles behind scrutiny are good, but they are [perhaps] not being used?

There is disenchantment as member cannot, or feel they cannot, influence decision making.

There should be clarity of how we determine which decisions require pre-decision scrutiny and which ones do not – how can we (as Cabinet) determine that?

Cross-party collaboration between Cabinet and scrutiny would provide added value to cabinet and provide effective scrutiny. But this requires Cabinet to refer and utilise scrutiny. Should Cabinet decide the decisions that should go to scrutiny?

A cross party advisory committee/group for each cabinet member is too much, but there should be the option to access a group on an advisory capacity.

Keep Cabinet – but improve scrutiny.

**Marion Ring – Cabinet Member for the Environment**

Has experience of the cabinet system at Maidstone, no experience of the committee system, and also has experience of being a Councillor on scrutiny committee.

Members need to have a clear understanding of scrutiny in order to really contribute effectively.

There was a focus shift from overview to scrutiny.

There was also a perception in the past that backbenches did not feel involved – this has not changed. It is driven by the Member, if they want to be involved they will be.

Scrutiny should not be political – people are too often trying to score political points at scrutiny. Scrutiny is being miss-used and over shadowed by political agenda.

At the beginning of each year Marion presents here plan to the scrutiny committee, and would welcome more collaboration with scrutiny, and would have no problems communicating and working through decisions with scrutiny. But, it cannot be political.

Scrutiny is member driven, and requires members to be proactive.

Scrutiny resources are there to assist members of the committee – but members are timid.

Keep Cabinet system, but with improvements: better collaboration to communicate decisions with scrutiny.

Welcome cross-party views and discussion – but not political. Rethink the format of the meetings; bring in more external people for interview.

- If member feel so disengaged, then why weren't more involved in the workshop, or the working party?

## **Malcolm Greer – Cabinet Member for Economic & Commercial Development:**

Has mostly experienced the cabinet style of governance within Maidstone, but has experienced a committee system process within a parish council.

Advantages: The speed and effectiveness of being able to actually deliver and get decisions made.

- Accountability
- Responsibility
- Transparency

Favouring of the cabinet system, as it is the system that provides accountability.

There needs to be [would like to see] some cross-party accountability:

- One committee that scrutinises key cabinet decisions; and
- One committee to provide overview

There should be more working together to deliver cross-party, potentially sub-groups (4/5 Members) working alongside cabinet. These working groups would take the place of scrutiny committees.

Members **can** make a difference, but most **new** members are not aware how.

Some backbenchers do not want to be involved!

New members need to build up expertise, [I am] very supporting of mentoring new members and happy for that to be cross party.

As a cabinet member I would value cross-party input, but before the decision is made (pre-decision scrutiny?) Could more effort be made of Cabinet to utilise scrutiny more?

## **Stephen Paine – Cabinet Member for Planning, Transport and Development Blog Entry**

### **[Cabinet, committees, or something inbetween](#)** **?**

October 9th, 2012

The Localism Act gives councils power to change their Governance arrangements. At the moment, Maidstone operates a 'leader and cabinet' system – an emulation of national Government. Effectively, there is one leader who appoints a number of portfolio holders. This small team is scrutinised and advised by the remaining councillors, who have the power to call in decisions for further analysis.

Some councillors believe this is the wrong system for Maidstone. They argue that too much power is in the hands of too few – and that backbench councillors don't have the ability to contribute to the decision making process. They point to examples when decisions have been made, e.g. to demolish King Street multi-storey car park, and that councillors did not have chance to comment on it.

I don't think this is accurate. The current system allows any member to put an item on a committee agenda. Furthermore, all members are informed of upcoming decisions via the 'forward plan' so every councillor has the opportunity to engage in pre-decision discussions. In practice, neither of these things happens very frequently – is that the fault of the system, or councillors for not being pro-active enough?

## Appendix C - Interview Notes

As a cabinet member, I don't feel as empowered as some backbenchers think I am! It's not within my power to simply grant decisions at will (I'm often told "of course you can do it, you're the cabinet member!"). As well as budget constraints, we are constitutionally constrained, bound by collectivity, and working within the framework of the council's strategic objectives – which were set by Full Council. Any extra work I do, e.g. seeking the involvement of the Health Trust in our Green Spaces Strategy, or looking to improve facilities for Motorcyclists, are things that any backbench member could do themselves – if they chose to do so.

Other councillors believe a committee system, where all the senior officers in a department attend every meeting, allowed them to get casework sorted. I suggest that there is no need for all officers to attend every meeting, particularly if a councillor is trying to resolve a ward matter that doesn't relate to the rest of the council. This is why we have e-mails, telephones, etc – members should be contacting officers directly!

I do concede one point in this debate, however. Being a cabinet member is an extremely isolated existence. Most my contact time is with officers, and very few members (or scrutiny committees for that matter) have sought dialogue with me on a regular basis. I have attempted to address this by pushing some of my decisions to the SPSAG advisory committee for pre-decision scrutiny; e.g. they will shortly be looking at the Statement of Community Involvement, which identifies who our planning consultees are, as well as the Landscape Character Assessment policies.

I think the current system has the power to work effectively, but it will require a cultural shift in the thinking of councillors (particularly on the Lib Dem side of the house!). I would propose that we move away from the philosophical debate that says decision makers should always be kept separate from scrutineers, and move towards an integrated system with cabinet members chairing small committees, advisory panels if you will, of backbench councillors. These panels could act as sounding boards, places to float ideas and to guide decisions before they are made. They would be a collaborative committee, informal and friendly – rather than anything adversarial and highly politicised. The advisors would be true backbenchers, not members of the shadow cabinet – who are too dominant at present and silence backbenchers at meetings.

On top of this, the roles of the existing committees should be explained again with the clarification of members' rights and responsibilities.

Councillors need to realise that, when they are pro-active, the current system offers them a huge amount of power – power which is seldom yielded at present

## **Cllr Dan Daley**

Has experience of the committee system, and was the 'lead councillor' under the committee system for 7 years, and has experience of the current cabinet system.

### Committee system:

The administration led the policy, but all parties could be involved and influence the decision. There was a lot more involvement, and every member had a role.

As a result of the requirement to adopt the cabinet system, backbench members do not feel like they have involvement or influence over the decision being made.

If given the choice [I] would return to the committee system.

### Cabinet strengths:

- Allows for quicker decision making (could be good or bad) – but it actually allows decisions to be made.

### Scrutiny:

Scrutiny at Maidstone is not the same as KCC – which provide cabinet scrutiny.

There must be a better understanding of the role of scrutiny, and not to be afraid to challenge.

Scrutiny reports have no impact – and Members feel like they will not actually influence the decision anyway.

### Improvements to current system:

- Ignore the party system, and put the best people in the role; and
- Members cannot necessarily be put in the role that they desire to be in.

## **Cllr Fran Wilson – Leader of the Opposition**

Has experienced the Committee system at Maidstone – but only under a hung administration, and has experienced the Cabinet system as the Leader of the Council and also Leader of the Opposition.

### Committee system strengths:

- Better grounding for Members on the running of the Council;
- Provide chances for the Members to gain a better understanding [of the Council] if needed;
- Members had extensive service expertise and knowledge under the Committee system;
- Provided and created stronger and a better depth of discussion and debate (politically balanced);
- Gave the opportunity to question the Officers who were actually involved in the report;
- Required officers to be more disciplined with their reports as they were challenged more – it encouraged more robust reporting;
- Provided better succession planning / improved resilience among Members / provided understanding and working of the Council;

*The ruling party still set the strategic direction of the Council and were able to pursue their political agenda.*

The breadth and wealth of experience is not possible in the current Cabinet System (particularly for the opposition).

Weaknesses of the Committee System:

In a hung administration (as Maidstone was for many years) Officers would have to meet and speak with each group separately, this used resources and time to essentially deliver the same message.

Cabinet system:

Strength – Cabinet is running the Council, decisions can be made and move the Council forward.

As Leader there was no 'real' challenge to the decisions being made.

The current scrutiny arrangements do not build up the experience and expertise to allow Members to adequately challenge.

Maidstone has 55 Members and the decision making powers are in 6.

The Cabinet system has cause members to be disengaged – it has made Members ignorant in terms of the democratic process.

**What would you do?**

1. Maintain a Leader and a Leader of the Opposition;
2. No Cabinet
3. Have a Main Committee (Policy & Resources) – consisting of the Leaders and leading political speakers etc.
4. Establish 3 service committees  
(The Regulatory Committees would remain)

Opposed to the KCC / TWBC models of governance which does not work - it cultivates a 'cosy' relationship and essentially 'muzzles' scrutiny.

Scrutiny Considerations:

There should be a more proactive and effective use of pre-decision scrutiny – it should not be Cabinet led.

Chairmanship should not be the same as the Administration.

Quality of Chairmanship needs to be improved – essentially Officers write the scrutiny reports.

The induction of new members and continuous professional development is not effective.

**Interview with Overview and Scrutiny Chairmen: Councillors Blackmore, Burton and Gooch**

Only have experience of the present system

Current System, How is it working?

All members have the opportunity to have their say at scrutiny, they can all request items from the forward plan be scrutinised, the work programme is annual but fluid.

Some reviews have been successful and some have been a waste of time.

Some cabinet members are easier to work with than others.

It is easier to look at a decision or report before a decision has been made, pre-scrutiny is more successful in terms of shaping and influencing decisions and policy.

The current terms of reference is too broad and number of committees too small.

Feedback on the old system was that decisions took longer and roles were unclear, particularly when the council was hung.

Reports we are given are of a poor quality.

Scrutiny is a toothless tiger.

The budget cross party scrutiny working group has been useful in involving more members in a complicated process

To many councillors, the number of councillors could be reduced and multi-member wards don't always work well.

### Training

Training needs to be spread out and mentoring should be encouraged.

How do we appraise and assess the chairman of scrutiny?

Members need to ask if they do not understand what they can and cannot do.

### Culture:

There needs to be a culture change, cabinet need to involve us earlier, members have to lead and be involved more.

We haven't made the best of the current system.

Don't change for the sake of change, it is a matter of changing the culture and attitude, the tools are in place.

## **Interview with Cllrs McLoughlin, Munford and Mrs Grigg**

### Experience

Limited experience of the present system as all fairly new and no experience of the Committee system

### Cabinet System

- Do not believe they have influence in terms of decision making or in their role in scrutiny.
- Not always given the opportunity to speak at committee meetings or full council
- Scrutiny seen as a rubber stamp for decisions
- Members need more training
- Would like to take a more active role in decision making
- Scrutiny is effective when it is working

### How could it be improved?

- Allow more opportunity to influence decisions
- Every member should be able to vote and have a say
- The current system is not working

## **Interview with former Councillor, Mr Paul Oldham**

Has experience of both the committee system and the present system, both as an officer and as a Councillor.

### Committee System

Pros:

Provided a lot of work for councillors.

Cons:

Not very efficient as to many members on the committee.

No opportunity to create a strategic vision for the council.

Officers can manipulate and direct.

Committees end up dealing with smaller issues.

### Present System

#### Pros:

External witnesses giving evidence to the council.  
Efficient and effective system.  
Cabinet decisions are transparent and clear.

#### Cons:

We have too many councillors who all need a role would be more effective if we reduced the number.

If a review does not fit with the executive agenda its findings will be ignored.

Pre-meets stop debate at Cabinet meetings.

### Improvements:

Does not make sense to put overview and scrutiny together. It should be split, scrutiny is looking at and challenging the executive and should be run by the opposition. Overview is an opportunity to look at strategic topics in detail

Would be in favour of an elected Mayor, failing that a cabinet system with less members (35) and single member wards.

## **Interview with former Councillor Mike FitzGerald**

Brought notes with him outlining views about improvements to the current system.

## **Overview and Scrutiny Evolved at Maidstone**

First let me say I fought strenuously to ensure overview was given its rightful place in the scrutiny process, and indeed raised the issue at full council gaining cross party support.

Early governance has changed, much has been dismantled and I would ask that Members take time to look back and take notice of what made Maidstone so successful in the early years of overview and scrutiny.

## **Training**

The Local Government Act of 2000 and the introduction of overview and scrutiny brought with it an unprecedented change in the role of elected members. The skills needed under the old political arrangements, while still useful, were not enough in themselves to enable Councillors to fulfil their new role in conducting policy reviews, monitoring cabinet decisions and getting the most from witnesses. Training became a must and it is interesting to recall that we worked with RADA enterprises to gain skills in questioning witnesses.

## **Kent-Wide Initiatives**

Great emphasis has been placed on partnership working. Witnesses included the Police, Fire and Rescue, KCC, Other Districts, Parish Councils, Youth Forum, Mobility Forum, Environment Agency and many more. Joint working groups were formed, like the health scrutiny with Tunbridge Wells, and a Youth Scrutiny was introduced and the committee presented to Full Council.

## **2003 Best Practice**

Maidstone was regarded as a recognised leader in the field of overview and scrutiny. It was cited as an example of best practice in the ODPM report carried out by INLOGOV. There was a whole page of accolades with quotations from the Institute for public Policy Research, CIPFA, IDEA, Parish Councils, Residents. These are fully reported on page 27 of the 2002-3 Scrutiny report when the then Chief Executive wrote – 'word of our achievements in Maidstone continues to spread and throughout the year we have been visited by other local authorities looking to learn.

## **Overview and Scrutiny Changes and Cuts**

Maidstone mainly because of its annual elections seems to indulge in change and cutting of the Overview and Scrutiny offer. It allows annual change to be considered and removes continuity seeking to rush all business to conclusions while limiting the sharing and follow up of some of the excellent work produced by committees.

I have always recognised the need to address savings, but cuts should not be made first before we review options. Members should first and look for alternatives ways of delivering a service before making decisions to cut.

This review of Governance, I see, as giving Members an opportunity to consider whether the changes/cuts were too severe, or the right one. Have changes reduced member input while isolating even eliminating back bench views being heard?

## **What has been most effective?**

The really successful element of Overview and Scrutiny was the Cabinet Member Decision meeting. This gave the opportunity for any member to first raise issues with the Cabinet Member and then to attend a meeting with others to argue for major changes or minor amendments. A cabinet member was much more likely to listen in advance of making their decision whereas once a decision has been made they will stubbornly reject change.

Calling-in the decision being the only option left.

## **What service is cost effective?**

The cost of call-in this is not inconsiderable and delivers little or no change at such a late stage of the process whereas the cost of the Cabinet Member meeting delivers better sharper cross party decision making that shows empathy to the process and saves in most cases the costs of call-in.

## **The Number of Committees**

There are a number of models all that work successfully and Members can decide what best serves Maidstone and is cost effective. What matters is that the selected model allows for small sub-groups of member to respond to current issues outside of the major pieces of work being undertaken. This makes for timely governance.

### **Issues for Members to consider**

1. Bring Back the Cabinet Member meetings.
2. Many more Overview and Scrutiny meetings to be held outside the Town Hall
3. More Overview and Scrutiny meetings to be held in the daytime.(Some members may require substitutes).The public cannot send substitutes when they are unable to attend in the evening.
4. What happened to the Youth Scrutiny? We need to encourage providing democratic opportunities to the young and give them a platform to air their views.
5. Consider Overview and scrutiny committees using 'social return on investment' to measure social value. This can measure what matters.
6. Review opportunities for joint Overview and Scrutiny meetings with KCC, other districts, police, small business, Town Centre Management, voluntary and community groups, Chamber of Commerce.
7. Taking Overview and Scrutiny reports to Full Council to allow recommendations to be debated.
8. Sharing final reports to a much wider audience.
9. Scrutiny Chairman and Vice Chairman to personally drive any report and be an active part of preparing the draft report for the committee.
10. Leave adequate time to respond to immediate issues

### **Current Issues where Scrutiny could influence decisions**

Purple Flag: Did the extra mobile toilet swing the balance - should a permanent solution be provided.

Urban Neighbourhood Planning

The future of the Town Hall

Revisit the need for a Tourist information Centre

Is senior management top heavy

Is Town Centre Management really reflecting the Business and shoppers needs?

## Appendix C - Interview Notes

How many Sex establishments should we support?

Does Urban and Rural Maidstone really work?

How will the changes in Public Health effect Maidstone

How will the Cuts in Adult Services impact on Charities and their services

Will commissioning of services bring in the big boys and exclude local provision?

Should the transport Strategy re-visit the need for a bypass?

Why not bring back the Big Debate to support decision making

What's happening to LEP funding?

Art irrespective of where you live

The place of Public Libraries in the community

What are the really essential Youth Services?

Mike FitzGerald

No less passionate.

## **Written Evidence from Cllr Moss**

### **Governance**

The recent Corporate Services committee briefing was useful and I give my feedback having had the time to consider what we were told.

It is apparent that the Leader/Cabinet system has advantages in that it provides timely decisions made by well briefed executive members.

The Scrutiny system has been successful in the past but there are current concerns about its effectiveness. In particular members feel they have little input in decision making. They have little contact with Cabinet members and indeed a Cabinet member commented he felt isolated.

In the early days of Scrutiny some useful and beneficial projects were completed. Scrutiny is a victim of its own success and the success of council policies brought about by the need to save money. However there are still projects which could benefit from a scrutiny enquiry. It must not be forgotten that scrutiny has the important function of reviewing executive decisions.

### **A Solution**

Scrutiny committees should reflect the executive member's portfolio. Cabinet members should attend Scrutiny meetings (it is appreciated that sometimes this will not be possible).

There should be an item on the agenda 'Briefings and questions to Cabinet member'. This would give the Cabinet member the opportunity to discuss ideas as they are formulated and for members to question matters within the portfolio. Such a system would give members more involvement (and would mean most members would be a member of scrutiny) and the Cabinet member would have the benefit of member's advice. Some cabinet member decisions are purely formal and would not need discussion but in more contentious matters discussion before decisions can be an advantage. It should not be forgotten that there are other avenues to affect decisions, for example by use of 'call in'.

These suggestions make minimum changes to our present system which has generally served us well over the last 11 years. However these proposals do address the main concerns of members. It might be that comments will be made on the cost, as ideas such as one scrutiny committee could be cheaper, but it would not involve a great proportion of the members. The cost should not be an issue as the advantages of involvement; better consultation and spin off of a better informed membership would make a more effective council.

I commend these ideas to members. One last comment, 'It is members who determine policy and officers who implement it'. I do have concerns that often scrutiny committees prefer micromanagement rather than looking at wider strategic issues.

Brian Moss

Corporate Services Committee.

**Alison Broom – Chief Executive:**

Has experience operating under the committee and system and the cabinet system, and experience with high-profile and highly politicised decision making.

The political make-up will ultimately impact on the governance arrangements – a single majority will ultimately influence the decision making and strategic landscape of the Council.

From an Officers perspective there needs to be clear decision making – having the right information and being able to bring that to the decision maker.

There needs to be a clear understanding (constitutional) between an officer decision and a member decision.

The transition from a committee system to the cabinet system altered the balance of decision making.

Under the committee system, a committee could have a clear scope of their role and responsibility; collaborative working arrangements were in place between the 'lead' officer and the committee chair/vice.

Under a majority ruling leadership discussions on the strategic focus and view of the Council was generally conducted in the political group behind closed doors.

No matter the political landscape, it should not make decision making unfair. There is a clear distinction between:

- Making a decision; and
- Getting to a decision;

Improving member involvement and engagement requires members to have the right appetite for pre-decision scrutiny.

[In response to members expressing the scrutiny has little influence/impact]

Focus on the things you can influence. Is scrutiny choosing the right decision to look at – identification of work for scrutiny.

The committee system does not provide pre-decision scrutiny unless you defer.

From an Officers perspective the cabinet system is not necessarily quicker – but if urgent/important decisions need to be made they can be.

Suggestion that the group could conduct a 'test run' of any recommendations to see how they may work.

**David Edwards – Dir. of Change, Planning & the Environment:**

Has experience of both the committee system and the current cabinet system, and also experience as a previous manager of scrutiny.

In the committee system additional time, resource and information was spent with the groups prior to going to the committee for a decision. Experience suggests that the system resulted in slower decision making. However, it did involve more members.

At the time of moving to the cabinet system it was thought that decisions were being made by few. Member briefings were issued at the time of shifting from committee to cabinet system to create member debate and increase awareness.

Committee would often by-pass cross cutting issues (those that impacted on other service committee or the Council as a whole). There was also a disproportionate time spent on the operational aspects of the business.

The current system provides increased accountability. From an Officer perspective the Cabinet member is a clear point of contact, with the accountability and responsibility to make the decision. Decisions can be made swiftly; however, strategic decisions can be taken in time.

Improvements to the system:

- The size of the Cabinet is considered to be appropriate – and it's scope for responsibilities are fair;
- It's **overview** & scrutiny – reduce the membership of O&S committee to 1, with the support of working groups;
- Utilise expertise of the member, and improve passion;
- Employ a level of flexibility over the Committee – could rethink the format, allow more innovative and creative officer reports and interviews;

At the same time officer needs to get better at distinguishing between what is a member briefing and what is a member discussion, particularly with feedback from member workshops and discussion.

Is there enough officer involvement – could officer consider proactively engaging members and scrutiny?

## **Zena Cooke – Dir. of Regeneration & Communities**

Has experience of the committee and cabinet systems of governance.

Member's participation is not dictated by changing the process and procedures; it is about how Officers and Members interact – with support from working groups and group leaders.

The most effective arrangements, in experience, have been where there is a strong culture for member development and particularly pastoral support for new members - where member development is treated the same as officer / organisational development.

Consideration needs to be given a more proactive induction to include service inductions as well as political

There is a distinct difference between members feeling engaged, and member being engaged. A key challenge, is in identifying those members that want to do more and engage, but who do not know how to.

In experience, the Committee system did not engage all members.

Members need to maintain but take ownership of continuous professional development (CPD). We can be more proactive around inducting new members, introduce service inductions as well as senior politician inductions.

There should be absolute clarity over our role (the Council) and the roles of the Group Leaders and Groups.

Members need the confidence and knowledge to be able to know what questions to ask; and to know what levers they can pull in order to get involved.

All the mechanisms are there, changing the governance arrangements would not necessarily have a bearing on that – we should refine what we have.

Previous experience of OSC: They had a spine of key decisions supported by a task and finish groups which added to the work programme. These groups involved members from outside OSC and drew on their experience and knowledge. This allowed the interests of Members to be addressed.

Consideration could be given to linking member core competencies with member's allowances.

As an organisation we need to have the right support mechanisms in place to enable Members to fulfil their role.

If these are in place we could easily support fewer overall Members – and reduce them from 55.

Conclusion: Keep what we have, but make it better. Focus on the process, rather than the structure.

## **Paul Fisher – Head of Legal Services**

Has experienced the committee and cabinet system of governance.

Based on both systems at Maidstone it is not possible to compare like with like. During operation of the committee system the Council was always politically balanced. The Council became majority ruled very soon after adopting the Cabinet system. Therefore adoption of the committee system could result in something similar.

One of the key experiences with the committee system was that you could never be sure that a decision could be reached, or what the outcome would be. Many decisions resulted in deferral.

In times of political disagreement the Officers can often be the battleground. There was bullying of Officers during the previous system.

### Cabinet system:

#### Strengths

- More likely to actually get a decision made (speed of process);
- There is clear responsibility and accountability (certainty);

#### Weakness

- Do not get the debate, and if you do, the decision maker will still make the decision;
- There are no representations being made against decisions makers;

Training: Too much too early? Training needs to be better programmed.

### **Scrutiny:**

**Pre-decision scrutiny is not being used properly; it is the only way to really influence decisions;**

**Post-decision scrutiny is not having the impact – decisions are not being changed;**

**Members need to be responsible for call-in and be mindful of why;**

**Members need to be proactive and get in early to be involved in decisions;**

**Quality of chairmanship – need better understanding of their role;**

- Cabinet agreed to the review of post scrutiny decisions – what happened to it?

**Neil Harris – Head of Democratic Services:**

Has experienced working under the committee system and the cabinet model.

“The current system provides better transparency and accountability”

Committee System:

In the committee system it was difficult to determine *who* made the decision – there were also a lot of deferred decisions resulting in delayed decision making.

One way to address accountability would be to implement a clearer record of decisions – this could be achieved easily through the Democratic Services support – similar to that of Planning Committee.

The committee system resulted in the creation of ‘one-off’ advisory groups – which were sometimes used (or *could* have been used) to divert Member attention to ensure that the usual business could be conducted.

Whatever system the Council adopts it is important for there to be clear Terms of Reference, and clarity over what are delegated decisions and what are member decisions.

A hybrid model will lead to confusion over the accountability of decisions – and will required more resources to support and deliver.

Of the current 55 Members, 19 have experienced the old committee system style of governance. The rest have not.

Moving to a committee system could disengage members further, and actually put them off.

Other considerations:

- Members develop – how to use the democratic tools in order to influence a decision – not all Members are aware of what they can do be involved and influence decision making
- Encourage members to get involved
- Reminders – bite sized, must be accessible
- Co-option to working groups?

**Possible Improvements to the current system – SCRUTINY FOCUSED:**

- **Reduce Scrutiny from 3 committees to 1**
- **Improve collaboration between Cabinet and Scrutiny**
- **Improve accountability and follow-up of scrutiny recommendations / actions**
- **Have a system to capture scrutiny recommendations, to record both the recommendations and the actions taken**