

<b>Report to:</b>	<b>Council</b>
<b>Date:</b>	<b>22 November 2021</b>
<b>Title:</b>	<b>Review of Lewes District Council Governance Changes</b>
<b>Report of:</b>	<b>Head of Democratic Services</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	<b>To review the Democratic Governance changes at Lewes District Council in accordance with the approved Council resolution in February 2020.</b>
<b>Officer recommendation(s):</b>	<p><b>(1) To note the recommendations of the Governance Working Group that no changes be made to the current governance arrangements at Lewes District Council.</b></p> <p><b>(2) To note that a training and development session would be scheduled for the membership of the Policy and Performance Advisory Committee, to assist it in making best use of all of its functions.</b></p> <p><b>(3) To note the various opportunities for elected members to participate in the democratic process, as set out at Appendix 1 to the report.</b></p>
<b>Reasons for recommendations:</b>	<b>To recognise that the current governance structure at Lewes District Council continues to maintain the necessary decision-making transparency, efficiency and accountability and enable a broader cross-section of members to have meaningful input into the democratic process.</b>
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## **1 Introduction**

- 1.1 As a result of two motions approved by Full Council in February and November 2018, officers were asked to bring an options paper to a future Council meeting to propose a revised governance structure which best provides transparency, openness and democracy, having regard to associated costs and benefits. Further, a cross-party Governance Working Group was created to assist and strengthen this work.

- 1.2 A considerable amount of detailed research was undertaken by that Working Group into all the various structure options (executives, committees, and hybrids) and as part of that research, information was gleaned from 15 local authorities who had departed from executive structures and changed to committee or hybrid structures. Members were extremely mindful of the need to gather information from others whilst retaining focus on the specific needs of Lewes District Council, having regard to the culture of this Council and its communities.
- 1.3 The Working Group considered potential structure options for Lewes District Council which included cost implications as well as the democratic pros and cons. In total, 8 structural options (including executive, committee, and hybrid models) were considered in detail and tested against the three objectives that the Working Group had agreed for this project. As a result, a shortlist of 3 final options were chosen to take forward and discuss in detail with party groups on the Council. The final structure that was proposed emerged as the preferred option across all groups on the Council.
- 1.4 A report was presented to Full Council with the final proposed structure for consideration. At its meeting on 24 February 2020, Full Council passed the following resolution:
- (1) That Council approves the deletion of the Scrutiny Committee and the creation of a new Policy and Performance Advisory Committee as summarised in paragraphs 4.2 to 4.4 of the Council Report and in accordance with the articles, procedure rules and membership set out in Appendices 4, 5 and 6 to the Council Report.
  - (2) That Council approves the definitions for scrutiny call-in of Cabinet decisions as set out in paragraph 16.4 of the proposed Policy and Performance Advisory Committee procedure rules in Appendix 5 to the Council Report.
  - (3) That Council approves the adoption of revised debating rules in respect of motions as summarised in paragraph 5.6 and set out in Appendix 7 to the Council Report.
  - (4) That the Monitoring Officer be authorised to make the necessary substantive changes along with any other technical changes to the Constitution in order to give effect to the above decisions; and
  - (5) **That the democratic governance changes agreed above all come into force from the start of the 2020/21 municipal year (May 2020) and be reviewed after a full municipal year in operation.**
- 1.5 By May 2021, the governance changes agreed by Full Council had been in operation for a full municipal year and therefore in accordance with its fifth resolution, a review was required to be undertaken.

## **2 The Governance Working Group Membership and Objectives**

- 2.1 A Governance Working Group was reconvened on 14 September 2021 and comprised a new membership of Councillors Banks, Boorman, Davy, Manley (apologies sent), Robinson and Saunders. The officer project lead was Simon Russell (Head of Democratic Services), with input from Sarah Lawrence (Senior Committee Officer), Nick Peeters (Committee Officer) and Philip Brown (Property Lawyer).
- 2.2 The Working Group revisited the three objectives set for this project by its predecessor which were:
- a. To ensure that the governance structure enables all elected members to have sufficient opportunity to input into the Council's democratic decision-making process.
  - b. To ensure that the governance structure enables LDC to function with democratic transparency, efficiency, and accountability.
  - c. To ensure that the governance structure can be properly supported within realistic resource levels.

## **3 Discussions on debating rules in respect of motions at Full Council**

- 3.1 The Governance Working Group first considered the adoption of revised debating rules in respect of motions at Full Council. A previous project undertook a modernisation review of how Full Council meetings operated. One of the elements that had been agreed by previous group leaders was to require proposed amendments to motions to be submitted by a deadline in advance of the meeting. This was not entirely welcomed, and feedback indicated that current Members preferred that the Council reverted back to being able to table amendments during motion debates at the meeting.
- 3.2 The current option that was approved at Full Council in February 2020 enabled the tabling of amendments during debate in relation to motions and required a fresh debate and vote on each amendment as and when they are tabled. This meant that any Members who had already contributed to the substantive debate could make a further contribution on the amendment debate.
- 3.3 The Group discussed the arrangements and unanimously supported the retention of the current debating rules in respect of motions at Full Council and recommended **no changes**.

## **4 Discussion on Policy and Performance Advisory Committee (PPAC)**

- 4.1 The Group then discussed the implementation of the Policy and Performance Advisory Committee, which replaced the previous Scrutiny Committee and whether it was achieving the objectives set out at section 2.2 of this report.

4.2 The key aspects of operation for PPAC are:

- A membership made up of non-executive members, chaired by an opposition group and balanced to political proportions. All other non-executive members would be able to act as substitutes for other members of their own groups, enabling fluidity of attendance, dependent on an elected member's interest in a particular item of business.
- Meeting agendas are split into two distinct parts, firstly covering policy input/development and secondly covering performance review.
- The committee input into all/any key matters due for decision by Cabinet and committee meetings were now programmed to meet in each cycle and in close proximity to Cabinet to maximise this opportunity.
- At each meeting, the Committee identify key decision matters on the Forward Plan for consideration at the following meeting.
- Performance Review was primarily focused on the quarterly performance reports submitted to the relevant scheduled meetings.
- The statutory call-in powers of scrutiny are retained.
- The ability to create Review Panels for detailed work was retained.
- The ability to invite and/or require the attendance of Executive Members and Senior Officers was retained.
- Intended work in respect of Review Panels and any other identified matter for consideration over and above the core policy and performance work will be identified on the annual work programme.

4.3 As part of the discussion, the Group received statistics from PPAC's first municipal year in operation, detailing its relationship with Cabinet and the decision-making process. This included how many Cabinet reports had been supported in full, how many reports were referred to Cabinet with amendments and how many had been accepted or partially accepted etc.

4.4 It was accepted by the Group that there would always be differing views from the membership of PPAC on upcoming Cabinet decisions as part of a healthy discussion, and that ultimately, its resolved recommendation to Cabinet would not necessarily be accepted. Within the governance structure, Cabinet is responsible and accountable for taking executive decisions.

4.5 As part the discussion around potential areas of improvement, it was identified that not all elected members might be aware of the various options and opportunities already available within the existing structure to participate in the democratic process. It was agreed that this information be highlighted, and this is set out at **Appendix 1** to this report.

- 4.6 It was also agreed that PPAC would greatly benefit from a future training and development session to assist it in making best use of all of its functions. The session would be arranged by Democratic Services and would be communicated to the membership in due course.
- 4.7 Following discussion, the Group agreed that within the current governance structure, the implementation of PPAC was an improvement over its predecessor and overall achieved the objectives set by the previous Governance Working Group. At this stage the Group supported a recommendation that **no changes** be made to the current governance structure.
- 4.8 It is important to note that any future changes to the Council's governance structure would be subject to the approval of Full Council. Although no changes were recommended at this stage, the current governance structure would continue to be monitored and the Governance Working Group could reconvene as when the need arises.

## **5 Consultation**

- 5.1 Following a meeting of the Governance Working Group, it was agreed that the membership of the PPAC would be given an opportunity to send any feedback on its current format. No adverse comments were received and support for further training was welcomed.
- 5.2 This finalised report has been the subject of consultation with all Party Groups and Corporate Management Team.
- 5.3 As a result of the above consultations, no objections to the proposals in this report have been received.

## **6 Financial appraisal**

- 6.1 As no changes are proposed to the current governance structure, there are no additional financial implications to consider. Any additional training for PPAC would be met within the existing training budget.

## **7 Legal implications**

- 7.1 The Council's existing executive arrangements are a permitted form of governance under section 9B of the Local Government Act 2000. The way the Council has given effect to those arrangements complies with the obligations in chapter 2 of that Act.

## **8 Risk management implications**

- 8.1 As no changes are proposed to the current governance structure, there are no additional risks to consider. The governance structure would continue to be monitored to ensure it continued to meet the set objectives.

## **9 Equality analysis**

9.1 There are no equality implications directly arising from this report.

## **10 Environmental sustainability implications**

10.1 There are no environmental sustainability implications arising from the proposals in this report.

## **11 Appendices**

- Appendix 1 – Options for Democratic Process participation

## **12 Background papers**

- [Lewes District Council Full Council Report \(February 2020\) – Governance Review Report](#)