



Governance Task Group

**Tuesday, 28th January, 2020 at 2.00 pm
in the Meeting Room 2-1 - Second Floor, King's Court,
Chapel Street, King's Lynn**

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Officers Report** (Pages 2 - 6)

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Comments from KLACC

The Chair welcomed Councillors Devereux and Moriarty and Terry Huggins to the meeting.

Councillor Devereux introduced the item and explained the work which had been carried out so far. A Task Group had been set up to look at the Governance arrangements which lead to a workshop in November, organised by Terry Huggins, for all Councillors.

Councillor Kemp – Would like to see KLACC with its own budget to enable the Committee to be more proactive. The Committee was supposed to function as a Parish Council for King's Lynn but doesn't have a budget. The status of the Committee needed to be upgraded.

Councillor John Collop – It has been a problem that the Committee was just a Consultative Committee. The Committee has always had to request funding from Cabinet as it did not have its own budget. It was frustrating that the Committee could not spend its own money.

Cllr Howman – The Committee's Terms of Reference needed to be revised, and should be given the same power as a Parish Council. The Committee needs to be reviewed, modernised and restructured.

Councillor Kemp – The Committee needed to be forward thinking and the structure did need improving. The area would be benefitted if the Committee could have a capital budget, for example health infrastructure. She made reference to the Millennium Agreement at NORA.

Councillor Jo Rust – She understand the issues that had been raised relating to KLACC, but this was governance arrangements overall and was wider than just this Committee. She added that there was no longer an overwhelming majority and now was the opportunity to consider alternative governance arrangements.

Terry Huggins – Need to know reasons why things are not working.

Councillor Howman – There was not an adequate representation on Cabinet – someone from King's Lynn should be on it. KLACC was supposed to represent people but had no delegated powers or budget.

Councillor Bone – want to help people in his ward. With a Committee system it would be more individual than party driven. There was now more debate at full Council meetings.

Councillor Jones – being a new member in May, he did not know how the two systems would work. He considered that Cabinet should have a more proportionate representation.

Terry Huggins explained that the change to a Committee system would be massive. Some local authorities had reintroduced a Committee system but was different from a traditional committee system.

The Chair added that some frustrations he was aware of related to issues from full Council being referred to Cabinet.

Councillor Mrs Wilkinson reminded the Committee that when Labour was in control and a Committee system was used previously, there were opposition Chairs. She considered that there should be more workable arrangements.

Terry Huggins explained that nothing had been decided, work to date had focused on what needed to be fixed. He added that there was no single model and it was about designing what worked best for this Council.

The Chair added that the Mayor was normally decided by the ruling group. Many people felt that it should be decided on the length of service. Another issue related to outside bodies and the fact that people should be appointed on expertise and not what political party they were from.

Councillor Moriarty explained it was in 2002 when Labour brought in the Cabinet system.

Councillor Hudson considered that equal representation was needed from different groups. All decisions should go to full Council. Minutes needed to be more detailed – she did not have enough time to go to all the Panel meetings.

Councillor Moriarty – in last few years, Council made the decision to change the way of taking minutes. Recording of meetings was being considered and could come forward.

Councillor Howman – CPP was a toothless entity. Cabinet Scrutiny Committee was chaired by the opposition and worked well. There needed to be effective scrutiny.

Councillor Kemp explained that she served under a Committee system and was fairer and included a greater mix of people. She welcomed audio recording and live streaming of meetings.

Councillor Tyler – should a local political party have to follow a national party.

Councillor Bambridge referred to the last set of E&C minutes and added that people did get comments recorded. The onus was on Councillors to look at meetings and go along to meetings. Councillors could ask for something to be minuted.

Terry Huggins – Thank you for comments. You can send an email with further points ensuring that you explain why something is not working and a solution.

Councillor Moriarty suggested that the Committee looked at minutes from the Task Group published on mod.gov for background.

Councillor Devereux thanked the Committee for their comments.

The Chair thanked Councillors Devereux, Moriarty and Terry Huggins for attending the meeting.

Governance Comments from Cllrs
Jan 2020

Cllr Kemp

The Borough Council's Governance Review, which I am a member of, has just consulted, at my request, with the King's Lynn Area Committee (KLAAC) and here are the radical improvements that I think would really improve the way the Borough Council works :-

1. Let's return to the Committee System - it is fairer, more representative and has better informed outcomes, as decisions are made by all Councillors, not just by a few. The Council and residents would benefit so much more from the experience and expertise of everyone they elect.
2. If the Cabinet System is to continue, a multi-party Cabinet, reflecting the political proportions of the Council, would better reflect the electorate's mandate.
3. Setting up a Cabinet Scrutiny Committee, would improve the working of the Council by specifically shining a spotlight on Cabinet decisions.
4. KLAAC's role is really the Town Council for Lynn. But it is currently Cinderella to the Cabinet and has no money of its own to spend. Going forwards, KLAAC needs to manage its own budget, and initiate its own capital projects. Devolution of decision-making from Cabinet to KLAAC would be a really positive democratic step going forward.

Cllr Joyce

The original reasoning behind the introduction of the executive arrangements was to make the elected administration more transparent and accountable, thereby freeing up more time for non senior members of the council to be active within the communities they represent. This may have some merit in urban areas, but in more rural areas it is very difficult for elected councillors to be active across the community they represent. In two tier authority areas one councillor may represent a county council division with 20 miles between places and another totally separate area at the district council. It is clear in two tier areas it can be more difficult to be active in communities, because of the geography.

If the community work envisaged by the Government is faced with at times seemingly insurmountable obstacles no less is true with the Cabinet system where much is dependent on the abilities of individual members of the Cabinet. In any group of people there will be some stronger or weaker than others. A significant drawback to the Cabinet system is the selection of the individual Cabinet members. Too often this resembles a beauty pageant rather than a careful independent assessment of ability. In theory the selection of members of the Cabinet is done by all members of the council. In practice it is done by either the council leader or by the majority group members. When selection of Cabinet members is carried out by the council leader it is the case that only a strong leader will choose those who will question his perspective, whereas a weak leader will select only those who will tow the line to be members of his Cabinet. Too often councils end up with a weak leader. Because there is little, if any, opposition to the will of the council leader, he himself becomes dependent on the officer corp. Thereby destroying the entire premise behind the Cabinet system, as the puppeteer is not the marionette who is in theory the one to be held to account.

The option of having a cross party Cabinet does exist. Under the legislation a Cabinet is excluded from the rules of Widdecombe. And a cross party Cabinet does have merits in that there is likely to be challenge within the Cabinet, in addition to backbench councillors from all groups maybe better informed. This option appeals to minority political groups much more than to majority groups. However, it has the distinct disadvantage in that the council is

acting in a similar way to an imperialist power by taking the "best brains" from all groups it leaves the Opposition much weaker than it ought to be.

In a Cabinet system scrutiny is of paramount importance, because it is the defence the executive has to avoid poor decisions. At KLWNBC councillors are expected to have the conflicting roles of policy development and scrutiny while sitting in the one panel. The old adage a dog can not serve two masters rings true. One of these conflicting roles will take precedence over the other.

Previously KLWNBC had a separate Cabinet Scrutiny Committee which could have before it any decision of the Cabinet, and any decision taken under delegated powers by an individual Cabinet member. This negated the need for a call-in due to secondary legislation (S.I. 2012 No 2010) allowing any member of a council to place an item on the agenda of a scrutiny committee. It was chaired by a member of the Opposition chosen by the committee itself. Until May 2015, there was an inbuilt Opposition majority which was confirmed by a nem com vote at annual meetings of the council. Its major drawback was it was restricted to Cabinet decisions and delegated decisions. Some members of CSC refused to accept the Cte was there to scrutinise preferring instead to make political capital. Some Cabinet members did not fully engage, and the council is still feeling the effects. For example, answers given to questions regarding NWES were at best poor. The Chair of the LDF Task Group failed to attend when the LDF was on the agenda. The scrutiny of other areas of the council's work and where the council had a legitimate interest were seldom, if ever, pursued by the other panels.

In the old style committee system the councillor who was the individual to be held to account for an area of policy was not specifically identified. Often the Chair of the committee would be the individual to explain the committee's decision. But it was always the decision of the committee and not the Chair who made the decision. This is a fundamental difference between the Cabinet system where the portfolio holder is the person making the decision and responsible for all policy in his portfolio. In many instances the policy that the department operate is no more than custom and practice. Yet the portfolio holder is to be held to account regarding this custom and practice "policy". In the Cabinet system it's not clear how the portfolio holder would be able to change the policy with immediate effect if it were necessary. The option being to take the policy to Cabinet and refer on to Council. In the old committee system a report would be written bringing forward a policy that would be confirmed or amended. But confirmed, or amended, the department would then be able to operate the policy from a position of strength referring back to it should a challenge come in.

Possibly due to the flaws in panels, under the Cabinet system, that are purported to help develop policy some councillors fail to fully engage or engage at all. In the old committee system councillors became more specialist and would engage in policy matters. One of the main reasons for this engagement was because even if the majority disagreed with the individual's premise, he would get a hearing and be part of the decision. Something which is not available under the Cabinet system. As one councillor became more knowledgeable on a subject other councillors would initially seek his advice, because it was seen as being more independent and more readily available. This meant it was much easier to work across party lines to improve the situation for local residents. Where as under the Cabinet system any councillor from the majority group who even speaks to a member of the Opposition is seen as a threat and possibly a traitor by some of the senior members. Similarly any member of the Opposition who speaks to a member of the Administration is seen as a traitor. This divide and rule by senior members of the political groups is easy to police under the Cabinet system, but impossible under the old committee system. Divide and rule serves only an elite by working against the best interest of residents.

Cllr Jo Rust

Thanks you for attending the KLACC meeting last week and providing us with some information regarding the governance review and also for taking some of the feedback that was given in the room.

Kathy, thanks for offering to collate the feedback we provide as individuals.

I would first like to acknowledge that the comments made by Cllr Lowe, at the end of that session, were correct; if i was not a member of the opposition party I would be unlikely to complain about the current setup with governance. I acknowledge that my view is mainly based on being a member of the smaller opposition group. However, it stands that following the scrutiny training I underwent as a councillor, it is clear that the current system does not provide for robust scrutiny of decisions that are made.

Observations and comments are these:

Is there any member representing a King's Lynn town centre ward on the cabinet? If not, the people in this area are not receiving full representation as those making decisions are unlikely to be cognisant of the issues they face in their myriad of smaller communities. In my ward alone there are at least 4 different communities that experience issues pertinent too them but not the estate up the road, for example.

The current system doesn't allow for the ideas, thoughts or suggestions of the opposition parties to be seriously considered; they're dismissed out of hand almost immediately. If we can get. Something to cabinet it feels like a win!

This could be overcome by having, as was the case previously I understand, a member of the opposition as chair of the different panels. This would provide for greater scrutiny even if the idea didn't then get voted for or taken up. It would also allow members represented by those in opposition to feel their councillor was able to move forward with matters they themselves might have asked to be raised.

Another suggestion is to have a multi party cabinet that fully reflects the make up of the council. This would enable the council to demonstrate its willingness to work in a collegiate way cross party.

I do think a more individually tailored structure could work as long as the opposition parties could properly scrutinise. Even if we couldn't overturn a leading party decision as we still don't have the numbers, but able to know we'd had a proper voice and proper scrutiny would at least go some way to evidencing a properly functioning elected body.