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Governance Committee

Tuesday, 23rd March, 2021 at 5.30 pm
via Remote Video Link

Councillors: Andrew Baldwin (Chairman)
Toni Bradnum (Vice-Chairman)
Karen Burgess
Philip Circus
Frances Haigh
Tim Lloyd
Christian Mitchell
David Skipp

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 6
To approve as correct the minutes of the meetings held on 14 December 2020 and 1 February 2021. <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
3. Declaration of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
5. Review into Policy Development and Advisory Groups	7 - 24
To receive a report from the Director of Corporate Resources	
6. Urgent Business	
Items not on the agenda which the Chairman of the meeting is of the opinion	

should be considered as urgent because of the special circumstances

Governance Committee
14 DECEMBER 2020

Present: Councillors: Andrew Baldwin (Chairman), Toni Bradnum (Vice-Chairman), Karen Burgess, Philip Circus, Frances Haigh, Tim Lloyd, Christian Mitchell and David Skipp

Also Present: Councillor Tony Bevis

GO/18 **MINUTES**

It was noted that in Minute GO/16 there was a minor grammatical error in the last sentence of the first paragraph. With this amendment, it was agreed that the minutes of the meeting on 13 October be approved and signed by the Chairman at a later date.

GO/19 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/20 **ANNOUNCEMENTS**

There were no announcements.

GO/21 **REVIEW OF THE POLICY DEVELOPMENT ADVISORY GROUPS**

The Director of Corporate Resources introduced Members to the findings of the Policy Development Advisory Group (PDAG) review.

The two HDC graduate trainees that helped undertake the review provided the Committee with a detailed breakdown of responses from Members and Officers to the survey and interviews that had been carried out.

The key findings had been that those in minority parties felt they had little influence on reports that were taken to PDAGs for discussion and that all policies and reports would benefit from being taken to PDAGs earlier.

The Committee decided that the presentation should be taken to the Overview and Scrutiny Committee before any decisions are made.

GO/22 **REPRESENTATIVES ON OUTSIDE BODIES**

The Monitoring Officer presented the Committee with a full list of outside bodies to which appointments are made as requested at the previous meeting of the Governance Committee.

The Committee agreed to change the wording in the Constitution to reflect the current practice of the Leader, in consultation with Cabinet, the Leader of the Opposition, Leaders of Minority Parties and Independent Members being responsible for these appointments. The Committee also felt that any appointments made should strongly consider which Member would have a keen interest in the work done by the outside body and, where possible, have experience in the particular field of work regardless of their political party.

The Monitoring Officer in consultation with the Chairman would finalise the wording to be put into the Constitution.

GO/23 **FEASIBILITY STUDIES - REVIEW OF KEY DECISION CRITERIA**

The Monitoring Officer presented her review of the Key Decision criteria as required through a motion of Full Council.

The Monitoring Officer concluded that a Constitutional change that would make any proposal for a feasibility study, appraisal, out-line plan or the like, which might lead to a project with a value of over £250,000, even if it of itself does not involve expenditure of £250,000, a Key Decision would not benefit the Council.

The Committee noted the findings of the Monitoring Officer and decided to make no changes to the Council's existing Key Decision Framework.

GO/24 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 7.00 pm having commenced at 5.30 pm

CHAIRMAN

Governance Committee
1 FEBRUARY 2021

Present: Councillors: Toni Bradnum (Vice-Chairman), Andrew Baldwin, Karen Burgess, Philip Circus, Frances Haigh, Tim Lloyd, Christian Mitchell and David Skipp

GO/25 **ELECTION OF CHAIRMAN**

Councillor Baldwin was duly elected as Chairman of the Governance Committee for the remainder of municipal year 2020- 21.

GO/26 **DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

GO/27 **CHANGES TO THE CONSTITUTION FOR IMPLEMENTING THE FAST TRACK PLANNING APPLICATION PROCESS**

The Monitoring Officer reported that the Head of Development requested a change to the Constitution to allow for the delivery of Fast Track Planning Application for Householders. This would require a change to the Constitution in Part 3.2.2 Functions of Planning Committee, to reduce the call-in period where a Local Ward Member requests it from 35 days to 21 days.

Members raised concerns over how these fast track applications would be highlighted in internal communications to allow Local Ward Members to easily identify them.

After careful consideration Members concluded that this report needed to be deferred to allow officers to include a standard method for highlighting fast track applications.

RESOLVED

That changes to the Constitution for implementing the Fast Track Planning Application Process be deferred to allow time for officers to amend the report to include the views of the Governance Committee.

GO/28 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 6.28 pm having commenced at 5.30 pm

CHAIRMAN

Report to Governance Committee

23 March 2021



DECISION REQUIRED

Review into Policy Development and Advisory Groups

Executive Summary

The report provides an overview of the consultations which were carried out with Officers and Councillors on Policy Development Advisory Groups (PDAGs.) The report also includes a subsequent range of suggestions for improvement. The Governance Committee are recommended to consider the suggested options in this report and discuss the next steps.

The options aim to improve PDAGs by ensuring they have a clear focus on policy development and hope to encourage a shift which enables an earlier involvement for PDAGs in the policy development process. This aims to increase their influence and the contribution they can have on council policy.

Recommendation

The Governance Committee is recommended to consider and discuss the following options as possible ways to improve Policy Development Advisory Groups:

- i) Remove the requirement for Contract Award Cabinet Reports to be taken to Policy Development Advisory Groups
- ii) Remove the requirement for Policy Development Advisory Group views to be included in Cabinet Reports
- iii) Encourage earlier involvement of Policy Development Advisory Groups in the policy development process
- iv) Split Policy Development Advisory Group agendas into policy development items and service update items.

If adopted, the first 3 options would require a change to the Constitution, in paragraph 4b.12 principally, but also in paragraph 4b.14. Please see the suggested changes to the constitution in section 8 of the report.

Reasons for Recommendations

- i) Feedback received during the consultation shows that the majority of those surveyed would like to see some form of change to how PDAGs operate.

- ii) The reasoning behind the proposed options is to maximise the value and influence PDAGs have within the council. This could be achieved by involving them earlier in the policy development process, focusing their agendas on issues they can directly influence and clarifying their function as development of policy.

Background Papers

- LGA Peer Challenge 2019
- 19/20 Governance Statement
- Horsham District Council Constitution

Wards affected: ALL

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Background Information

1 Introduction and Background

- 1.1 The Council introduced Policy Development Advisory Groups (PDAGs) in their current form as part of the 2016 Governance Review. A number of successful models in comparative local authorities were identified, such as Tunbridge Wells and Seven Oaks, and these were adapted for use at Horsham District Council.
- 1.2 The introduction of PDAGs solved issues associated with the previous Advisory Group model. They enable good councillor involvement, whilst ensuring councillors were informed and allowed recommendations on policy to be made to the relevant cabinet member.
- 1.3 The 2020 Annual Governance review tasked the Governance committee to review PDAGs in their current form following the 2019 LGA Peer Challenge.
- 1.4 The 2019 LGA Peer Challenge outlined the following potential issues with PDAGs:
 - PDAGs *“could undermine the role of Overview & Scrutiny”*
 - *“Added additional work”* for officers
 - *“There is some potential for duplication of work”*
- 1.5 The 19/20 Governance statement highlighted *“potential overlaps and conflicts between Policy Development Advisory Groups and Overview and Scrutiny Committee.”*
- 1.6 Both recommended a review be conducted to investigate these potential issues and consider options for improvement. The results would then be received and considered by the Governance Committee. The review has been subsequently carried out by officers under the guidance of the Director of Corporate Resources.
- 1.7 A questionnaire was made available to all councillors and key officers, with group discussions and individual interviews all taking place throughout November 2020.
- 1.8 These methods invited respondents to share their views on PDAGs, outline whether they would like to see changes to the system and explored the issues outlined above in paragraph 1.4 and 1.5.

2 Relevant Council policy

- 2.1 The Corporate Plan 19/23 includes point 5.3: *“The Council continues to provide quality, value for money services that people need throughout the 2020s.”* Exploring ways to potentially improve the Council’s policy development process will support the continuation of quality, value for money services in the Horsham district.

3 Outcome of Consultations

- 3.1a The results of this review are based on consultation with Councillors and Officers. All Councillors and Lead Officers were given the opportunity to respond to a questionnaire. In total 39 questionnaires were completed, from 23 Councillors and 16 officers - a full breakdown of respondents can be seen in Figure 1.

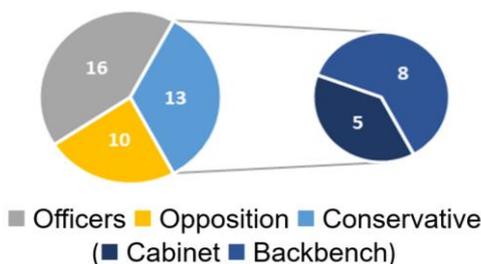


Figure 1 Questionnaire responses

- 3.1.b Alongside the questionnaires, 8 people were interviewed including: officers of SLT, cabinet members, members of overview and scrutiny and backbenchers from the ruling and opposition groups. There were also several group discussions including Managers Forum, Overview and Scrutiny and Governance Committee.

3.2 Summary of feedback

- 3.2a The survey responses showed that PDAGs are really valued at the council. They're valued by officers and councillors, for their updating ability and policy development role.

- 3.2b However, the majority of respondents wanted to see changes to the PDAG system. Respondents gave suggestions on how PDAGs could be altered in order to improve them, rather than calling for extensive change to the system.

- 3.2c Key feedback centred on clarifying the purpose of PDAGs and streamlining their focus on policy development. It was also suggested that earlier involvement in the development process would increase the influence and contribution PDAGs can have on developing council policy. There was also specific mention of contract award reports; members are unable to influence this legal process, therefore it was suggested that the requirement of these reports to be discussed by PDAGs could be removed.

- 3.2d A full breakdown of survey responses can be found in appendix 1.

- 3.2e A number of common themes were also discussed during interviews as part of the consultation, these included: the variation between PDAGs due to chairing style and portfolio, the relationship between Overview and Scrutiny and PDAGs, alternative models in comparator local authorities and the written materials produced for PDAGs.

- 3.3f As part of the consultation, preliminary results were taken to the Governance Committee. It was suggested that Overview and Scrutiny should also comment on the options for improvement. A summary of the responses received can be found in appendix 2.

4 Details of Proposal

4.1a A number of options for improvement have been developed, drawing on the feedback received during the review period. This includes the survey responses, interviews, group discussions and written submissions.

4.1b The aim for these options are to achieve:

- A clear focus on policy development
- A route to enable and encourage earlier PDAG involvement and subsequently increase their influence

4.2 Removing the requirement for PDAG views to be included on all Cabinet Reports

4.2a There is often a range of views rather than a consensus reached during PDAGs, therefore this range is difficult to portray in the cabinet report. As advisory groups PDAGs help the Cabinet member develop their thinking, but they do not need to reach a conclusion or consensus.

4.2b Removing this requirement would help avoid confusion that the PDAG is 'a call over' for policy decisions, this role is reserved for Overview and Scrutiny. This would require a change to paragraph 4.b 12.b of the Constitution.

4.3 Encourage Earlier PDAG Involvement on Policy Development

4.3a Matters are often taken to PDAGs too late in the process for any likelihood that change may occur, and, in effect, have begun to take the form of 'policy approval' rather than 'policy development'. Paragraph 4b.12.b of the Constitution may have led to this, and therefore would require a change in order to encourage this shift.

4.3b Taking items to PDAGs earlier in the policy development process may involve additional training and communications to adapt the planning for PDAG agendas.

4.4 Removing the requirement for Contract Award Reports to go to PDAGs

Councillors cannot alter the outcome of a Contract Award Report, as they are unable to influence the legal process. Presenting contract award reports to PDAGs may have contributed to some Councillors thinking they are unable to influence items which are brought to them. If agreed, this would require a change to paragraph 4.b 12 b of the Constitution.

4.5 Structure PDAG Agendas to show the distinction between Service Update & Policy Development

4.5a PDAG agendas could be split into 'policy development' and 'service updates' to allow them to continue their role of influence and information.

4.5b Policy discussions could come first on a PDAG agenda to allow Councillors not as interested in updates and questions to leave.

4.5c This may reduce officer preparation time for PDAGs, as update items can be briefer and policy discussions more detailed.

5 Next Steps

- 5.1 The Governance Committee will receive this report and discuss the options.
- 5.2 If the Governance Committee were minded to adopt any of the options, specifically those requiring changes to the constitution, the recommendation would be made to Full Council for approval.

6 Other Courses of Action Considered but Rejected

- 6.1 Throughout the consultation there were several other options suggested by Councillors and Officers. While they had support from more than one respondent, they were rejected due to other implications or conflicting responses. These options included:

6.2 The removal of PDAGs entirely

This was supported by a very small minority of respondents. It was rejected for two reasons: firstly, the vast majority of respondents supported PDAGs in principle. The majority of those who wanted change indicated they should stay in an improved form. Secondly, PDAGs are relatively new as they were implemented 5 years ago, and therefore it would be premature to make extensive changes to the system.

6.3 Formal votes in PDAGs

PDAGs are not formal committees and do not approve or reject policy. They help inform the Cabinet member on policy matters. Formal votes could confuse the function of a PDAG.

6.4 Formal reports being submitted in advance of PDAGs

This would push PDAGs in the direction of being a formal committee. PDAGs are intended to be informal, and providing prior information where necessary should remain at the Cabinet Member and Officer's discretion.

6.5 The ability for backbench members to submit questions and agenda items

The principal role of a PDAG is to advise the relevant cabinet member on their portfolio and therefore they retain control over the agenda. Backbench members are able to request the Cabinet Member or Lead Officer add items to the agenda, but it should remain at their discretion.

7 Resource Consequences

- 7.1 None of the options presented will lead to an increase in costs, as any additional training can be contained within existing budgets.

8 Legal Considerations and Implications

- 8.1 It is a legal requirement for the Council to comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and have a Constitution. It is the responsibility of the Monitoring Officer to monitor and review the operation of the Council's Constitution to ensure that the aims and principles of it are given full effect and to make recommendations for ways in which the Constitution could be amended in order to enable decision to be taken efficiently and effectively.

8.2 As set out in the proposal, these options would require a change to the Council's Constitution, principally paragraph 4b.12 b but also potentially changes to section 4b. 14. Examples of potential changes are set out below:

8.3 **Suggested amendments to 4b. 12 b**

Reports on Key and Cabinet Member non-key decisions ~~will detail the views of the Policy Development Advisory Group that considered the matter and~~ will set out the details and outcome of any consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

8.4 **Suggested amendments to 4b. 14**

a) The purpose of each Policy Development Advisory Group is to advise the relevant Cabinet Member on those functions (including ~~all~~ forthcoming key and non-key decisions) as described in part 3 of this constitution where warranted.

b) A timetable of six Policy Development Advisory Group meetings per Group per year will be agreed and published at Annual Council.

c) Policy Development Advisory Group meetings will be chaired by the relevant Cabinet Member. In the absence of the relevant Cabinet Member the Policy Development Advisory Group will be chaired by the Leader of the Council, or otherwise in accordance with Article 7.3b.

d) Meetings of the group will be subject to a quorum of three (including the Cabinet Member).

e) The agenda for the Policy Development Advisory Group will be at the discretion of the relevant Cabinet Member and/or Proper Officer. Members of the PDAG may request agenda points however their inclusion remains at the discretion of the relevant Cabinet Member and/or Proper Officer.

~~e) f)~~ f) The Proper Officer will publish an agenda and notes for each meeting of Policy Development Advisory Groups on the Council's website.

~~f) g)~~ g) Visiting Members may attend Policy Development Advisory Groups and may speak at the discretion of the Chairman.

~~g) h)~~ h) A record of the views of Policy Development Advisory Groups will be created, subject to Part 4b 12b of this constitution.

9 **Risk Assessment**

9.1. Clear guidelines and expectations will be needed going forward if changes were to be made based on any of the suggested options. Guidelines, training or practical changes would involve further consultation with Officers and Councillors to ensure it was effective and to avoid inconsistency, complication or additional workload.

10 **Procurement implications**

10.1 Removing the requirement for Contract Award reports to be taken to PDAGs will involve a change to the procurement process. This will not make any changes to the contracts awarded as PDAGs do not currently influence this. Early stage discussions about contracts can still go to PDAG where appropriate.

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Appendix 1: Feedback from PDAG survey and other consultations

- 1.1 Question 1 asked respondents to define the function of a PDAG in their own words. There were reoccurring themes among the given answers, with ‘the ability of backbench members to advise and influence cabinet members’ appearing most frequently. ‘The use of PDAGs to keep backbenchers informed as to the activities of the council in that portfolio’ followed as the second most frequent.
- 1.2 The second question was then adapted for a Councillor version and Officer version. Both were asked to rank the functions of a PDAG from one to five in the order of significance. These functions are derived from discussions with members and officers, as well as from the Constitution.

A mean average was taken of the scores to identify which aspects were most commonly ranked high, see table 1 & 2 and figure 1 & 2 below. The function of ‘allowing councillors to influence and advise decision makers’ was ranked the top in both samples.

Table 1: Ranking the Functions of PDAGs. Mean Average scores from Councillors	Mean average ranking
Allows councillors to influence and advise decision makers	3.5
Keeping backbenchers informed as to what is happening within the council	2.9
Allows councillors to represent their ward to decisions makers	2.6
Engage back benchers in debate	2.6
Allows backbenchers to engage with officers	2.1

Table 2: Ranking the Functions of PDAGs. Mean Average scores from Officers	Mean average ranking
Allowing members to advise on and influence policy & Projects	3.6
Allowing officers to gage the political response to a decision or activity	2.9
Allowing members to feedback ward specific concerns to officers & decision makers	2.8
Keeping members informed of what is going on in the council	2.6
Allowing members and officers to engage with one another	2.3

Figure 1: Mean Average rank among Councillors

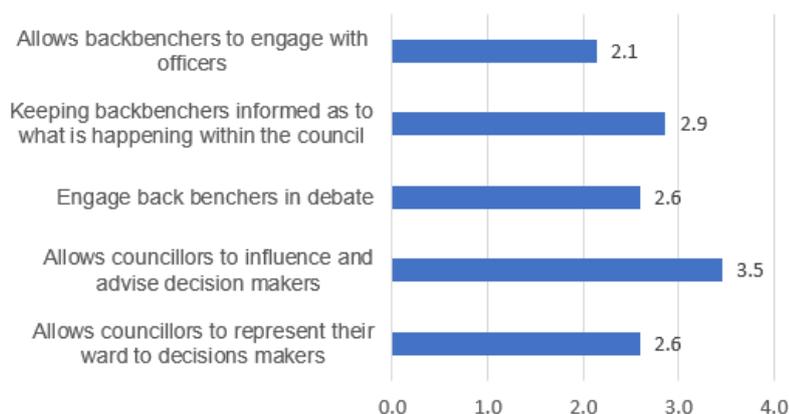
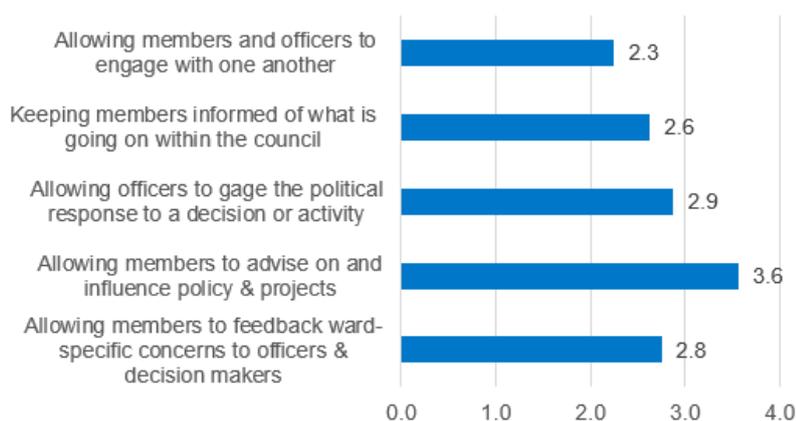


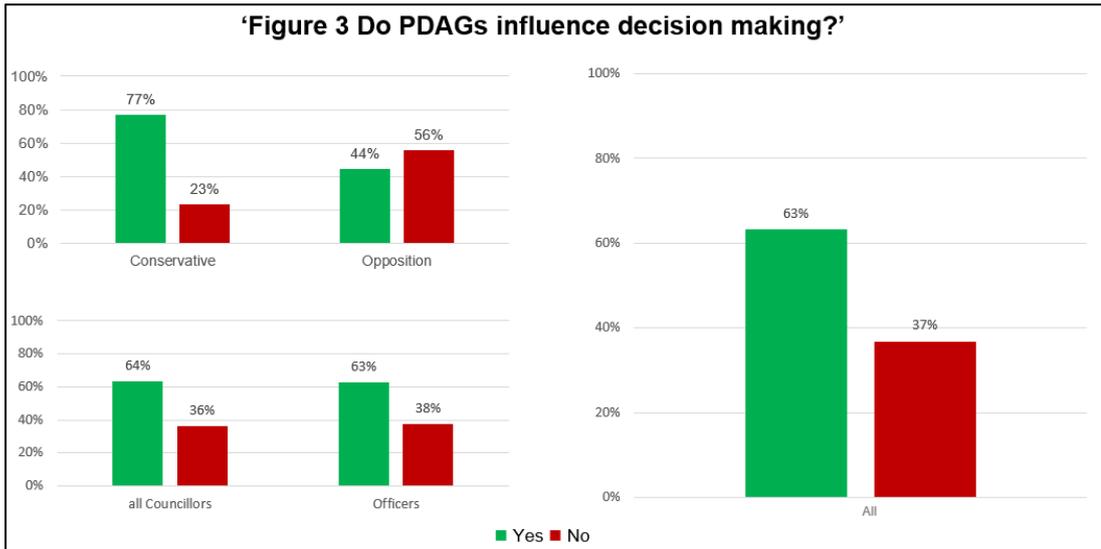
Figure 2: Mean average ranking among Officers



1.3 The later questions were the same for both Councillors and Officers and are shown in the tables and graphs below. Several of the sections allowed for comments to be made and these have been summarised below each table.

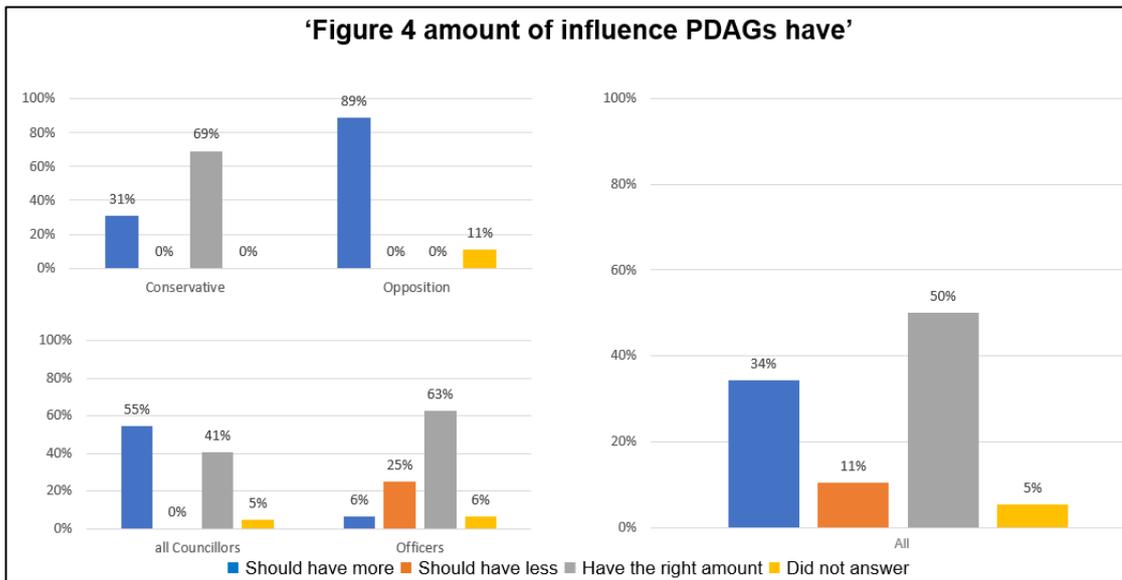
1.3a

Table 3: Do PDAGS have influence on decision making? (% of respondents)	Yes	No
Ruling group	77	23
Opposition	44	56
All Councillors	64	36
Officers	63	38
All Respondents	63	37



1.3b

Table 4: Amount of influence PDAGs have (% of respondents)	Should have more influence	Should have less influence	Have the right amount of influence	Did not answer
Ruling group	31	0	69	0
Opposition	89	0	0	11
All Councillors	55	0	41	5
Officers	6	25	63	6
All Respondents	34	11	50	5

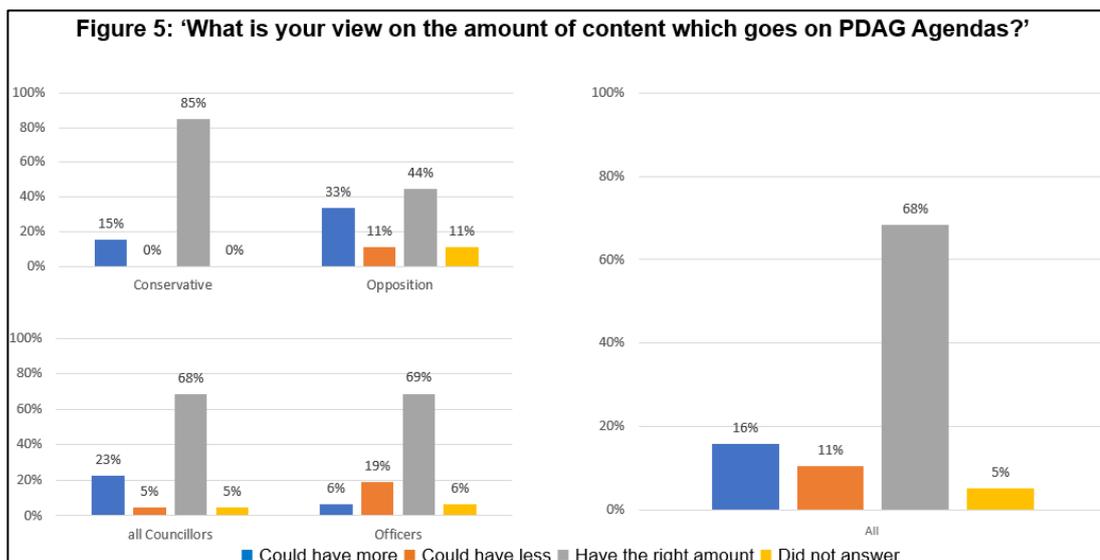


Respondents who were satisfied with the level of influence tended to leave the comment section blank therefore the summary of results is skewed towards those who wanted it to have more influence.

In summary of the comment section for this question, the recurring themes were around the lack of influence PDAGs have, with many councillors feeling decisions had already been made by the time they got to PDAGs. Several officers referenced Contract Awards that go to PDAGs as a result of passing the value threshold, despite there being no ability for councillors to influence these at this stage.

1.4

Table 5: Amount of content on PDAG agendas (% of respondents)	Could have more Content	Could have less Content	Have the right amount of Content	Did not answer
Ruling group	15	0	85	0
Opposition	33	11	44	11
All Councillors	23	5	68	5
Officers	6	19	69	6
All Respondents	16	11	68	5



Again, several respondents chose not to leave a comment, however of those who did there comments on the type of content which go to PDAGs. Comments were again made on contract awards, and how some items were just informative. There was support & opposition as to if this was wanted.

There were a small number of comments in relation to the structure of the agendas and a few members asked for more information on agenda items in advance or to receive full reports.

1.5 Strengths of a PDAG

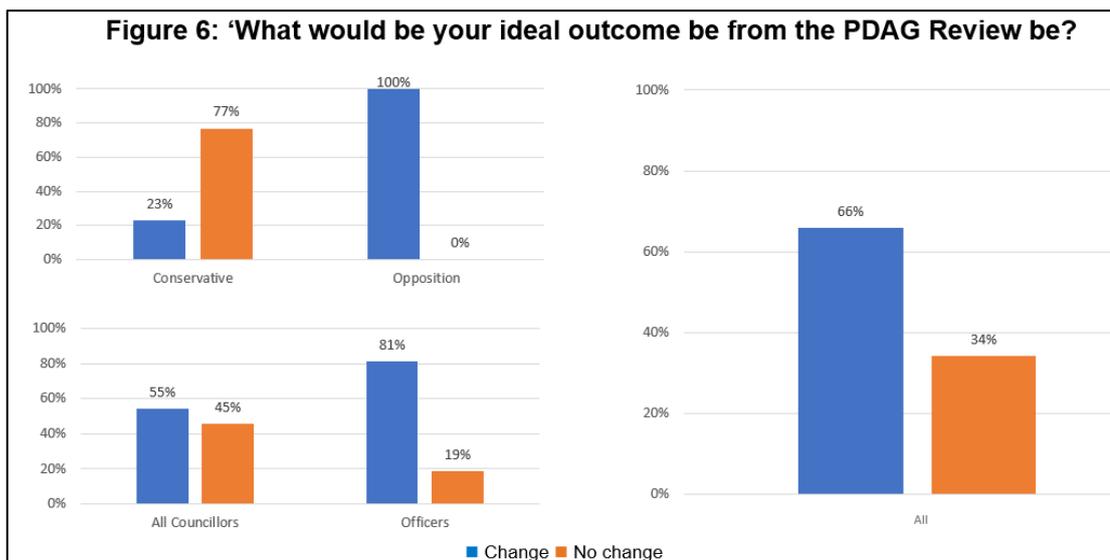
This had several reoccurring themes with the most common responses pointing to the ability to influence policy, provide information on council activities, engage in cross party discussion and allow for Officer/Councillor interaction beyond just Senior Officers and Cabinet.

1.6 Weaknesses of a PDAG

Again, there were several reoccurring themes in the responses to this question. The most common response was the lack of influence PDAGs have. Responses suggested that decisions had already been made before they got to the PDAG. Responses also included comments on the variety of chairing styles and meeting structures between different PDAGs. These comments were echoed in several of the interviews where there were discussion around the chairing styles. Some interviewees felt this was partly due to the different content that comes to each portfolio and others felt this variety is necessary for the cabinet member to get the most out of their PDAG. Lastly, there were some responses which commented on the lack of information prior to the meetings.

1.7

Table 6 Desire for change (% of respondents)	Change	No Change
Ruling group	23	77
Opposition	100	0
All Councillors	55	45
Officers	81	19
All Respondents	66	34



1.8 If change, how?

Theme taken from response:	Number of respondents
would like the PDAGs to focus more on policy matters	9
would like the views of the members of the PDAG taken into account more	7
would like the PDAGs to be involved earlier in the decision making process	6
wanted to retain general updates for Councillors on the portfolio	5
wanted contract award reports to not go to PDAG because Councillors cannot change the outcome at this stage	3
would like either more information in advance or the chance to go away, reflect and comment later ¹	3
raised issues about Overview and Scrutiny ² 1x concerned it was weak but didn't think the PDAG caused this 1x wanted to ask questions of Cabinet members and did not think this would undermine Overview and Scrutiny	2
mentioned the structure of PDAGs 1x felt it should be clearer they are to discuss policy development 1x said they needed more structure but wasn't specific how	2
mentioned attendance at the PDAG adding delay into projects	2
wanted clarity about who they could tell about the discussions	1
Councillor wanted to be able to raise non-agenda issues with the Cabinet lead in the meeting	1
<p>1. This was echoed in interviews with some Councillors asking for full reports in advance or information prior to the meeting.</p> <p>2. This was echoed in the interviews where several interviewees suggested that the roles of PDAGs and Overview and Scrutiny needed to be clearly defined and any conflict or duplication explored.</p>	

Appendix 2: Outcomes of Consultations with Overview & Scrutiny – 25th January

- 1.1 Overview & Scrutiny decided written submissions were the most effective way to comment on the options for improvement. Table 1 shows a summary of the 3 written responses which were received. Where additional information has been provided responses have been paraphrased.

Table 1

Suggestion	Support	Mixed	Against
Removing requirement for Contract Award to be seen by PDAGs	1 supporter	1 Mixed*	1 against
Removing requirement for every cabinet report to go to PDAGs	0 Supporters	1 Mixed**	2 against
Removing requirement for PDAG views to be included in all cabinet reports	2 supporters	0 mixed	1 against
Split Agenda into policy & update	2 supporters	0 mixed	1 against
<p>* A level of discretion is required for each item depending on its complexity. This suggestion may enable cabinet members to avoid scrutiny on their portfolio</p> <p>** Not too concerned but would like sight of the contract award reports before the meeting, instead of presentations.</p>			

- 1.2 There were a number of other themes explored in the commentary of the written responses, these included:
- How to increase backbencher influence on council policy
 - Information provided on PDAG items prior the meeting
 - The relationship between O&S and PDAGs
 - The necessary guidance if agendas were split in to policy discussion and service updates.

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Appendix 3 Outcomes of Consultations with Cabinet Members and Policy Development Advisory Group Chairs

1.1 Cabinet Members who chair PDAGs were consulted on the options for improvement. Views of Cabinet Members were mixed, a summary of comments can be seen in Table 1:

Table 1:

Option	Comments
Removing the requirement for every Cabinet Report to go to PDAGs	There was support from several Cabinet Members to remove the requirement that everything needs to go to a PDAG. It was suggested that items which go to PDAGs should be focused only on policy development. Therefore, there was support for amending the constitution on this point.
Involve PDAGs earlier in the policy development process	There was support from several Cabinet Members on items going to PDAGs earlier in the process. It was also suggested that as well as taking items early to PDAGs, they can also be taken just before Cabinet too.
Removing the requirement for Contract Award reports to be taken to PDAGs	It was highlighted that Contract Award reports going to a PDAG is a feature of current workload rather than intention.

1.2 Other commentary highlighted Cabinet Members support for PDAGs and how they enjoyed them. It was also mentioned that if PDAGs continue to become more like committees then this may undermine the role of Overview & Scrutiny.

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