

Council

25 March 2021



	Change to a Committee System of Governance
Purpose of the report	To make a decision
Report Author	Victoria Statham Group Head of Corporate Governance
Recommendations	<p>To resolve to cease operating the existing Leader and Cabinet form of governance and implement a Committee System model of governance to take effect from the Annual Council Meeting on the 27 May 2021</p> <p>To adopt the transitional arrangements as set out in this report</p> <p>To authorise the Group Head of Corporate Governance to make the necessary changes to those parts of the Constitution not presented in the recommendations from the Member's Code of Conduct Committee references from the Cabinet to the relevant Committee and from the Leader and Deputy to the Committee Chair and Vice Chair as appropriate.</p>
Reason for Recommendation	To ensure that the Council can take forward the paving motion for a change in the Council's governance arrangements.

1. Background

- 1.1 On 30 July 2020 this Council resolved: "to implement a change in decision-making governance arrangements, comprising the cessation of the current Leader and Cabinet model of governance and the implementation of a Full Committee model of governance. This is to be developed during 2020 with a view to the arrangements taking effect at the earliest opportunity, but no later than the commencement of the next Council Municipal Year in May 2021, subject to a legally and constitutionally robust process. The changes are to be debated and agreed by the Council."
- 1.2 The statutory requirements for the change are set out in the Localism Act 2011. To change from a cabinet system to a committee system, a local authority must:
 - (a) Pass a resolution to change the governance arrangements;
 - (b) As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection by the public;

- (c) Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation; and
 - (d) Once the resolution to change the governance arrangements has been passed and the publicity requirements complied with the authority is required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place at the first annual meeting or later annual meeting as specified in that resolution. Transitional arrangements may be required to bridge any gap between the previous arrangements ending and the new structure beginning.
- 1.3 At the Council meeting on the 22 October 2020, the Council resolved to (1) adopt the objectives to achieve the desired change; (2) recognise this as a flagship project; (3) to allocate the indicative budget; and (4) to proceed with the timetable to ensure public consultation and adoption at the 2021 Annual Council Meeting. The report presented to that Council meeting is at Appendix A.
- 1.4 The objectives adopted are



- (a) **Accountability** – responsibilities and accountability about who does what should be clear, within the Council and to residents;
- (b) **Credibility** – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals;

- (c) **Transparency** – the decision-making process should be open and transparent to Members, officers and to the public;
 - (d) **Collaboration** - decision making should be collaborative across parties and less combative;
 - (e) **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision-making.
- 1.5 In order to progress the move to a Committee System form of governance in line with the objectives, a Committee System Working Group was established with membership of all the group leaders for all groups within the Council. Since the establishment of that working group, that group and officers have worked extensively to produce recommendations on the key issues to give properly informed consideration to formally resolve to move to a Committee System with effect from the next Annual Council Meeting.
- 1.6 On the 10 December 2020 an update was presented by the Working Group to the Council on progress to date and it was resolved by the Council to (1) approve the proposed committee system structure; and (2) approve the content of the public consultation questionnaire. The report to the Council is at Appendix B.

2. Proposed Committee structure

- 2.1 On the 10 December 2020 the Council approved a proposed committee structure of:
- (a) 5 service committees comprising of Corporate Policy and Resources, Environment and Sustainability, Planning Strategy and Economic Development, Community Wellbeing and Housing and Neighbourhood Services.
 - (b) 4 Regulatory/administrative committees being Audit and Standards, Planning, Licensing and Administrative.
- 2.2 Attached at Appendix C is the proposed structure approved at the 10 December 2020 Council meeting. Since that approval the Working Group has further considered the structure and agreed that the Audit and Standards Committees should not be combined but kept separate in acknowledgment of their differing remits and to ensure that members on each committee have the relevant skills. It was agreed that an Independent Member should be appointed to the Audit Committee. Additional areas of responsibility that had not been allocated to a committee in December 2020 were identified for inclusion in the remit of the Administrative Committee.
- 2.3 Attached at Appendix D is the revised Committee System structure recommended for adoption.

3. Role of Leader and Deputy Leader

- 3.1 The roles of the Leader and Deputy Leader in a Committee System of governance are different to those which apply to an executive system of governance. The Leader and Deputy Leader will be appointed annually at the Annual Council Meeting. The revised role is set out in the amended Article 6 of the constitution.

4. Constitutional amendments

- 4.1 A report is to be presented to the Member's Code of Conduct Committee on the 17 March 2021 seeking a recommendation to the Council for the adoption of the changes to the Constitution required to operate a Committee System.
- 4.2 The proposed changes to the Constitution detail the terms of reference of the new committees and the procedures for the operation of that system. This is based on the decisions taken by the Committee System Working Group.
- 4.3 The amendments to the Constitution are a separate item on the Council meeting agenda.
- 4.4 Due to the short project timetable the constitutional changes recommended by the Members Code of Conduct Committee are restricted to the amendments required to enable the Committee System to operate. A further review of all the other provisions of the constitution will take place in due course and will be presented to Council for consideration. It is therefore requested that the Council authorise the Group Head of Corporate Governance to amend references from the Cabinet to the relevant Committee in those sections of the constitution not being presented to the Council under this report.

5. Transitional Arrangements

- 5.1 Transitional arrangements are made under Section 9L(3) of Schedule 2 of the Localism Act 2011. The following transitional arrangements are proposed to ensure the smooth transition from the Cabinet System to the Committee System:
 - (a) The final meeting of the Cabinet will take place on the 19 May 2021, after which the decisions will be published in accordance with existing practice.
 - (b) The call-in period as set out in the Constitution will apply to the decisions not deemed urgent or which are not subject to the approval of the Council.
 - (c) If required, a one-off call-in scrutiny committee will be held on the 27 May 2021 (at 13:30) constituted under the current arrangements.
 - (d) In the event that a decision is referred back to its decision maker at the one-off call-in scrutiny committee the decision maker is required to make the decision at an extraordinary Cabinet meeting which, if required, is scheduled for 14:30 on the 27 May 2021.

6. Publication requirements

- 6.1 The Local Government Act 2000 provides that as soon as practicable after the Council has passed a resolution to change the form of its governance arrangements, it must:
 - (a) Secure that copies of the document, setting out the provision that are to have effect following the resolution, are available at its principle office for inspection by members of the public; and
 - (b) Publish in one or more newspaper circulating in the area, a notice which:
 - i) States that the authority has resolved to make a change in its governance arrangements;
 - ii) States the date on which the change is to have effect;

- iii) Describes the main features of the change;
 - iv) States that copies of the document setting out the provisions of the arrangements that are to have effect following the resolution are available at the council's principle office for inspection by members of the public; and
 - v) Specifies the address of the Council's principle office.
- 6.2 Due to the Council's offices being closed due to the pandemic the documents will be placed at the Council's principle office as required by the legislation and will be published on the Council's website.
- 6.3 Appendix F is the document setting out the provisions to have effect and the newspaper notice to be published.
- 7. Financial implications**
- 7.1 These were set out in the October 2020 Council report. The recruitment for the resources within Committee Services have been finalised and the team is in place to operate this system.
- 7.2 The consultancy requirements have been obtained within budget.
- 8. Timetable for implementation**
- 8.1 Following the resolution the Local Government Act 2000 provides that the earliest date by which a change in governance form may be implemented is following the Annual Council Meeting.

Background papers: There are none

Appendices:

Appendix A – Council report dated 22 October 2020

Appendix B – Council report dated 10 December 2020

Appendix C – Proposed structure as at 10 December 2020

Appendix D – Proposed structure for adoption

Appendix E – Document setting out provisions to have effect and newspaper notice