

GOVERNANCE ARRANGEMENTS WITH INVITATION SPEAKER CLLR FRAN WILSON

Governance Committee – 20 October 2015

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

Executive Summary: The Governance Committee is tasked with continuing to investigate possible future Governance arrangements in general. Cllr Fran Wilson, Group Leader and Leader of Maidstone Borough Council, has been invited to speak to the Governance Committee on Maidstone Borough Council's decision to return to the committee system of governance.

This report supports the Key Aim of Effective Use of Council Resources

Portfolio Holder Cllr. Firth

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Recommendation to Governance Committee:

That Members continue to investigate possible future Governance arrangements in general.

Reason for recommendation: Following a recommendation of Council on 1 April 2014 the Governance Committee is tasked with continuing to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance.

Introduction and Background

1. Cllr. Fran Wilson, (Lib Dem) who is Group Leader and Leader of Maidstone Borough Council has been invited to speak to Sevenoaks District Council's Governance Committee on Maidstone's Borough Council's return to a Committee System of governance.
2. In May 2013 Sevenoaks District Council introduced new governance arrangements (sometimes referred to as a Hybrid Model) following Members concerns with the previous arrangements in the following areas:

Perception of remoteness/inaccessibility of portfolios; feeling of disengagement from the influence and decision-making; lack of training and development (succession planning for future Cabinet members); and the need to streamline the system to match the resource available.

3. Following implementation of the new governance arrangements a full review took place and was reported back to Full Council in April 2014. A Governance Committee Working Group was set up who reported back to the Governance Committee through out the municipal year. In that year two Member surveys took place which resulted in changes to the new system that had been implemented. In addition, during that period the option of returning to the Committee System was considered.
4. The present system that has evolved through the reviews of the new Hybrid Model has resulted in seven Cabinet Advisory Committees. Each Cabinet Advisory Committee comprises 12 elected Members appointed in line with political proportionality rules, including the relevant Portfolio Holder. Each Cabinet Advisory Committee's terms of reference are as follows:
 - undertake policy initiation and development;
 - consider such other matters as are referred to it by the Portfolio Holder;
 - at the request of either Cabinet or the Audit Committee carry out specific research and development projects and to submit recommendations to Cabinet;
 - develop and approve its annual work plan ensuring that there is efficient use of the Committee's time; and
 - the Cabinet Member be requested to provide a report to each meeting outlining their activities since the previous meeting any decisions they intend to take in the following three months.
5. The Scrutiny Committee has a fixed membership with all members of the Committee being independent of the Cabinet Advisory Committees.
6. The above so called Hybrid Model over the Committee System was chosen as the most appropriate system to overcome the concerns that had been expressed by Members. However, Annual Council in May 2014 resolved that the Governance Committee should continue to investigate future Governance arrangements in general in order to allow the newly elected administration in 2015 to consider future governance which this report aims to explore.

Perceived Advantages and Disadvantages of the Committee System and the Leader and Cabinet System

7. A decision as to whether or not to return to a committee system is a decision for Full Council. In considering the arrangements the following factors have been identified by other authorities considering change:

The Committee System

Advantages

- All councillors have a broader role as members of several committees and are directly involved in taking decisions provided wider representation of local interests.
- Themed committees enable more Members to become specialists in subject/service areas.
- Style of Leadership is consensual and all committees have cross-party membership.

Disadvantages

- Resources – the ongoing costs to support a committee system have been estimated to be higher by those authorities that have already looked into changing. There would also be a need for considerable officer and member time to be spent in preparing for and implementing a new committee system.
- If the Council agrees to move to a committee system and passes a resolution to this effect the change would take effect from the next Annual Council meeting that follows the resolution and then the local authority may not pass another resolution changing back to the Cabinet system until the end of the period of 5 years beginning with the date the original resolution was passed.
- Operating under a committee system will mean that the Independent Remuneration Panel (IRP) would need to review the new arrangements and make proposals for changes to Members Allowances.
- Operating under a committee system is a very different model of decision making as compared with executive arrangements. As a result the authority would need to review how it engages with and supports Members. New arrangements will need to be implemented which adequately support Members to operate effectively under the committee system.
- The speed of decision making can be slower.
- Committees are subject area based which could create silos with less strategic overview and involvement from other parts of the council.
- Potential increase in Member and Officer workload to reintroduce and support the committee system

Leader and Cabinet System

Advantages

- The system is more aligned to the Cabinet and Select Committee system of governance operated by central government which could make it more easily understandable to members of the public.

- A Cabinet can look at issues in the round and prevent decisions being taken in 'silo'
- Decision making is allocated to a relatively small group of councillors. This allows clarity of accountability and speed of decision-making. It also tends to mean that individual decisions are often subject to greater Member consideration by portfolio holders and collectively by the Cabinet informally than in a committee system.

Disadvantages

- Decision making powers are allocated to a relatively small group of councillors and it excludes other councillors from any real decision making except in regulatory functions and where major decisions have to be taken in Full Council.
- There is a perception that it is less democratic as not all councillors have the opportunity to be involved in decision making.
- There is also a perception that it is less consultative with scrutiny unable to successfully influence Cabinet decision making.

Other Councils

10. The leader cabinet system is seen in most English authorities and is the standard approach which the majority of councils currently operate.
11. All Councils in Kent are working under some form of cabinet governance model. Only Tandridge District Council over the border in Surrey is working under the Leader and Committee System as a result of their population falling under the threshold for the previous requirement to change to the Cabinet system of governance. However, Canterbury City Council returned to the Committee system at the Annual Council meeting in 2015 as well as Maidstone Borough Council.
12. A number of Councils in Kent including Sevenoaks District Council have adopted a Hybrid Model which overcomes some of the disadvantages associated with the Cabinet Model. This is still a Leader Cabinet Model and so does not require Secretary of State approval.

Key Implications

Financial

It is likely that there will be additional net cost implications if a change of governance to the Committee System were to take place. At this point in time no quantification of such costs has been made and there would be additional costs of preparing detailed proposals for which financial provision would need to be allocated.

Legal Implications

The Local Government Act 2000 gave effect to the Government's plans to change the way that local authorities made decisions. The central feature of the new system was a

division between executive elected members, who would make decisions and non-executive elected members who would scrutinise those decisions. The aim of separating the roles of executive and non-executive elected members was to improve efficiency, transparency and accountability. The Government gave local authorities three main alternative decision-making models:

- A directly elected Mayor and Cabinet;
- A Leader and Cabinet; or
- A directly elected Mayor and Council Manager

Sevenoaks District Council adopted the Leader and Cabinet Model.

The Localism Act 2011 gives Councils greater freedoms over their governance arrangements allowing them to choose which governance system they operate from the following options:

- Leader and Cabinet Executive;
- Mayor and Cabinet Executive;
- A Committee System;
- Other Arrangements approved by the Secretary of State

The Act is clear that a local authority with committee based governance arrangements may appoint one or more committees as the authority's overview and scrutiny committee or committees and so any desire to return to the Committee system of governance could include the elements of an authority's current scrutiny system.

Equality Assessment

The decision recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The Governance Committee through its working group has undertaken work to look at the practicalities and appropriateness of moving to the Committee System or a Hybrid model. The Hybrid model over the Committee System was chosen as the most appropriate system to overcome the concerns that had been previously expressed by Members.

Annual Council in May 2014 resolved that the Governance Committee continue to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance which this report aims to explore.

Background Papers:

[Local Government Association Guidance entitled "Rethinking governance".](#)

[Localism Act 2011](#)

[Cllr Fran Wilson publication "Committee system best for everyone"](#)

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