

Subject: CHANGE TO COMMITTEE SYSTEM  
Report to: COUNCIL - 21 DECEMBER 2015  
Report by: INTERIM CHIEF EXECUTIVE OFFICER

### **SUBJECT MATTER/RECOMMENDATIONS**

1. To approve the creation of a committee as described in the report
2. To settle the terms of reference of the committee
3. To approve the proposed budget for the change in governance
4. To require the Governance Committee to formulate proposals, which are as far as possible, cost neutral.

Does this report raise any legal, financial, sustainability, equality, crime and disorder or human rights issues and, if so, have they been considered?	Issues	
	Legal	Yes
	Financial	Yes
	Risk	Yes
	Sustainability	Yes
	Equality	No
	Crime and Disorder	No
	Human Rights	No
	Every Child Matters	No

### Background

At its meeting on November the Council resolved to change its form of governance from Leader and Cabinet to Committee System as provided for under the Local Government Act 2000 ("the Act")

### Next Steps

In order to implement this decision by the chosen date of 16 May 2016 the authority will need to resolve upon its proposed committee structure, number of committees, membership numbers, terms of reference etc.

Under the Act the authority must draw up proposals for the change which must include—

- (a) a timetable with respect to the implementation of the proposals,
- (b) details of any transitional arrangements which are necessary for the implementation of the proposals,

Copies of the proposals must be available at the Town Hall for inspection by members of the public at all reasonable times, and published in one or more newspapers circulating in its area

- (i) states that the authority has drawn up the proposals,
- (ii) describes the main features of the proposals,
- (iii) states that copies of a document setting out the proposals are available at the authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
- (iv) specifies the address of the authority's principal office.

Please note that this is not a consultation exercise but merely a notification to the world at large of the governance changes.

#### Governance Committee

Members are recommended to appoint a committee of the council with the specific task of drawing up the necessary structural arrangements for the committee system. The committee will be politically balanced and on present council membership a nine member committee will comprise members from the Conservative, Labour, UKIP and Independent Groups in the ratio of 3-3-2-1.

The Governance Committee will need to meet on a sufficiently frequent basis to move the process forward and be in a position to make final recommendations to Council in March/April.

It is worth emphasising that the constitutional arrangements based upon the committee system form of governance are not fixed at that point in time – changes can be made to the nuts and bolts of the system as long as that is within the committee system legal framework. No doubt members will wish to review the working of the new constitution at a suitable point following implementation, i.e. December 2016, so any amendments can be made to fit into new financial year and be covered in budget process.

#### Terms of Reference for the Governance Committee

The Governance Committee will require terms of reference and the following are recommended to members:-

1. To identify the number and names of individual committees and how they will relate to the other committees of the Council.
2. To identify the broad roles, responsibilities of those committees, including role of the chairman.

3. To identify whether, and to what extent, each will have the power to take decisions on matters within their area of responsibility.
4. To identify whether there will be an Overview and Scrutiny Committee, and if not, how the Council's limited statutory scrutiny duties will be met.
5. To identify whether there will be a mechanism for matters decided or to be decided by a committee to be referred to the full Council or any other committee for reconsideration.
6. To consider where there are perceived difficulties with public consultation and engagement, how, if at all, this can be addressed within the new committee system arrangements.
7. To consider the Scheme of Delegation both from Council to committees and from committees to officers.
8. To consider how the committee system will demonstrate accountability of decisions taken.
9. To review the potential costs associated with the committee system arrangements.
10. To consider a procedure and criteria for urgent decisions when it would be not practical for a meeting to be convened.
11. Speaking rights by members of the public at committee meetings.
12. The role and establishment of working groups and sub committees

#### Matters for consideration by the Governance Committee

As a part of the Committee's task there will be consideration required as to whether a two tier Committee system is desirable. A defined range of matters will be reserved for Full Council, with all the Committees having decision-making powers. There could also be a Policy and Resources Committee which may have a key role in the allocation of resources and in cross-cutting matters and provided strategic oversight and have greater financial and policy making powers than other service committees.

#### Pattern of Committees

Some committees currently exercising non - executive functions will likely be a part of the new structure, for example,

- Planning Committee

- Licensing and Regulatory Committee
- Licensing application panels (three member committees)

Other committees will then be set up to deal with matters currently dealt with by Cabinet.

#### Numbers of members and frequency of meetings

The new Committees could meet monthly or bi-monthly (once every two months) depending on cost and officer resources required. Members may wish to stipulate the objective that any proposals should be broadly cost neutral i.e. cost no more than the current system.

#### Council Leader

There will be in the new system be no Leader in the “Leader and Cabinet” sense but even prior to executive governance councils designated the leader of the largest party group to be a spokesperson for the council. This role would have no decision making powers (under the committee system no member can be delegated power).

Norfolk County Council has created such a role in its system of committee governance.

#### Delegations to Officers

As is the case at present much of the low level, operational, day to day decision taking will be delegated to officers. The change in governance gives the opportunity to review these as part of the current exercise.

#### External assistance.

It is proposed that an external adviser be engaged to speak to the Governance Committee and to work with members on formulating their wishes for the committee structure.

Members could also examine the arrangements of other committee system authorities and learn from their experience of the process. If site visits could be arranged then members may benefit from a first hand experience of a committee system authority.

It is proposed that John Cade Associate of the Institute of Local Government, University of Birmingham (InLoGov) carry out some facilitation work for the members. Mr. Cade also works with the Centre for Public Scrutiny and was also engaged by Norfolk County Council to provide the same assistance when that body changed from an executive to a committee system of governance.

### Costs

The proposed budget for external facilitation is £5,000. In addition to those costs it is proposed that the Council's solicitors nplaw be asked to provide additional work over and above the current stakeholder agreement. This will be to cover advice and drafting required for the change in governance. A total allocation of £15,000 is therefore recommended for one-off expenses connected with the change in governance.

### Members' Allowances

The current Scheme of Members Allowances is based on an evaluation of roles and functions under the current executive governance structure, with Special Responsibility Allowances (SRA's) taking account of individual responsibility and accountability. The 2003 Members Allowances Regulations require the adoption of a scheme of allowances before the start of the year in question. This will be required to be considered as part of the process of change of governance.

### **RECOMMENDATIONS**

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