

County Council

Report Title:	Review of the County Council's Governance Arrangements
Meeting Date:	25 May 2017
Lead Councillor(s):	Councillors Trevor Beckwith, Sandy Martin, Colin Noble, Penny Otton, Joanna Spicer and Jane Storey
Local Councillor(s):	All
Director:	Deborah Cadman OBE, Chief Executive
Assistant Director or Head of Service:	Tim Ryder, Assistant Director (Scrutiny & Monitoring) and Monitoring Officer
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Brief summary of report

1. On 30 June 2016, the County Council considered the following Motion proposed by Former Councillor Mark Ereira and seconded by Former Councillor Bill Mountford:
2. *This Council recognises that the Localism Act 2011 gives it the opportunity to implement a more inclusive and engaging system of governance. This Council requests that the Constitution Working Party works up detailed proposals for the operation of new systems, ready to be considered and decided upon in principle at the May 2017 AGM, or at the earliest possible Full Council meeting thereafter and no later than September 2017, prior to any public consultation. If agreed by Council at that time, any new system of governance would be implemented from May 2018.*
3. The County Council decided to task the Constitution Working Party with drafting proposals for revised governance arrangements. The Working Party has met several times to discuss alternatives, and has been informed by the Monitoring Officer's research.
4. The Working Party consisted of Councillors Trevor Beckwith, Sandy Martin, Colin Noble, Penny Otton, Joanna Spicer and Jane Storey and Former Councillors Michael Gower and Bill Mountford.

Action recommended

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| <ol style="list-style-type: none"> 5. It is recommended by the Constitution Working Party that the County Council: <ol style="list-style-type: none"> a) retains the current Leader and executive model as defined within the Local Government Act 2000; |
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| <ul style="list-style-type: none">b) introduces a system of Cabinet Committees as described within the report; andc) agrees that the detailed proposals, including a review of existing scrutiny and regulatory committees, will be prepared in consultation with the Leader of the Council and the political group leaders and reported to Council on 20 July 2017. |
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Reason for recommendation

- 6. While retaining the leader and cabinet model as defined within the legislation, this hybrid approach will deliver a more transparent decision making process, where more councillors will have the opportunity to be involved in policy development and influence decisions made.

Alternative options

- 7. The County Council could decide to move to the committee system as defined within the legislation, or to retain the current arrangements.

Who will be affected by this decision?

- 8. All councillors, staff and residents of Suffolk.

Main body of report

Legislation

- 9. The County Council has operated with the current leader and executive (cabinet) model since this was included as one of the options within the Local Government Act 2000. The other options were for a directly elected mayor and executive (cabinet) or a directly elected mayor and council manager.
- 10. The Localism Act 2011 includes the option for local authorities to change to a committee system if such a resolution was passed. Any change would be implemented from the date of the Council AGM following the resolution, and Council could not pass a further resolution to change the arrangements for another five years.

Proposals

- 11. The fundamental decision is whether to change from the current leader and executive (cabinet) model to a committee system. The Constitution Working Party, having considered alternatives operated by other local authorities and evaluated the advantages and disadvantages, has decided not to recommend the committee system but has a number of proposals to adapt the current arrangements.
- 12. In retaining the leader and executive model, Cabinet remains as the key decision maker.
- 13. The proposal is that there would be a number of Cabinet Committees, the exact number to be determined by the Leader of the Council, in consultation with the other political group leaders, after the Leader has announced the Cabinet Members and their responsibilities at the AGM. The Cabinet Committees could be theme or priority based, or focussed on the specific responsibilities of Cabinet Member(s).

14. The Cabinet Committees would be consultative and advisory committees of the Cabinet. Each Cabinet Committee would be able to consider and make recommendations on the functions of the Council that are the responsibility of the Cabinet Member(s) for matters within the Committee's remit. The Committees could be advised by expert witnesses, partners and stakeholders if necessary. Local member(s) would also be able to make representations if appropriate to the topic under discussion.
15. The Cabinet Committees would also consider and either endorse or make recommendations on statutory key and significant decisions to be taken by the Cabinet Members either collectively or individually. The Cabinet Committees would not be decision making bodies.
16. The Cabinet Committees would be politically proportionate through local choice, but as they would not be statutory committees there is no legislative requirement for proportionality.
17. Agendas and papers would be published on the County Council's website and the public would normally have access to meetings.
18. The Chairman of each Cabinet Committee would be nominated by the Leader but must then be elected by the Committee. The nominations would normally be for a Member of the Administration but not the Cabinet Member.
19. The Cabinet Committees could have 12-15 members, but this will be discussed with the political group leaders. The size of the Cabinet Committees would be flexed to ensure that all political groups are represented as appropriate, dependent on the number of seats held and the availability of councillors to attend.
20. The Cabinet Committees would be expected to meet a minimum of 4 times per year, but this could be increased if necessary so as not to slow down the decision making process.
21. The relevant Cabinet Member(s) would usually attend meetings and the Cabinet Committee would also expect senior managers to attend and answer questions.
22. The agenda planning meetings would ensure that all items from the key decision forward plan were listed, as well as other relevant items plus those from officers (e.g. response to consultations).
23. The future work programme would be on the agenda for each Cabinet Committee and this would give the opportunity for committee members from all political groups to propose items for future discussion.
24. It is likely that any pre-scrutiny of future policy would take place at the relevant Cabinet Committee rather than at Scrutiny Committee (but see below).
25. There would still be a Scrutiny Committee, as this is a statutory requirement, and the Committee would generally review items post-implementation, as well as any other items. It could, of course, also conduct its own pre-scrutiny if it wished, in accordance with statute. The Health Scrutiny Committee would also remain.
26. The Scrutiny Committee would also continue to consider call-ins of Cabinet decisions. A separate proposal is also made to allow Scrutiny Committee to hear from external witnesses and other stakeholders when considering Call-in applications (as is the current practice).

27. The Cabinet Committees and Scrutiny Committee would also have the ability to create task and finish groups for particular topic areas, should they consider it necessary. It should always be borne in mind that there are resource implications for these groups and so there should be clear benefits from establishing these.
28. The procedures for County Council meetings to remain as at present apart from one change. Of the current hour allocated for Questions for Cabinet Members, half of that time will be for questions that are not submitted in advance.
29. It is also proposed that the Education and Children's Services Scrutiny Committee will no longer be required (as, under the new arrangements, much of its work would now take place within a Cabinet Committee or the main Scrutiny Committee), and that the Rights of Way and Development Control Committees should be merged as there is insufficient business to warrant two committees. The remit of other committees will also be reviewed.
30. With regard to costs, within Democratic Services it is estimated that 0.6 fte would be required to provide the appropriate support to each Cabinet Committee. There may be some reductions in support to scrutiny committees and changes to other committees which would absorb some of the additional requirement.
31. Additional resources may also be required from within directorates in order to provide information for and attend Cabinet Committees, and to attend and inform any task and finish groups.

Process

32. If agreed in principle by the County Council, the detailed proposals would be worked through by the Leader of the Council, leaders of other political groups, and the Constitution Working Party. Detailed recommendations, including changes to the Constitution and an explanation of additional costs, would be made to the County Council on 20 July 2017.
33. Any proposals would also be subject to an Equality Impact Assessment, the results of which would be included in any report to the County Council.
34. The new arrangements would be reviewed by the Constitution Working Party after an agreed period of time, perhaps 12 months.

Sources of further information

County Council Constitution - <https://www.suffolk.gov.uk/council-and-democracy/the-council-and-its-committees/the-constitution/>