

OVERVIEW & SCRUTINY COMMITTEE

Changing to a Committee System 16th October 2019

Report of the Democratic Services Manager

PURPOSE OF REPORT

To advise of the process for changing from the existing Cabinet system to a Committee system of governance.

This report is public.

RECOMMENDATIONS

(1) That the Overview and Scrutiny Committee note the content of the report.

1.0 Introduction

1.1 At the last meeting of the Committee, held on 18th September 2019, a request was made to report back to the Committee upon the process for changing from the existing Cabinet system to a Committee system of governance.

1.2 This report provides details of this process.

2.0 Legislation

2.1 The Local Government Act 2000 introduced four governance options for councils. These were: -

- Leader working with a Cabinet;
- Directly elected executive mayor;
- A council manager working with a directly elected mayor;
- Or a committee system.

The fourth option was normally only open to shire districts with populations of less than 85,000. This option was not open for this Council as the population for the district is over 85,000.

2.2 The Local Government and Public Involvement in Health Act 2007 amended the 2000 legislation, with the directly-elected mayor model unchanged, but with the mayoral and council manager model abolished in England. The legislation also replaced the Leader and Cabinet executive model with the Leader and Cabinet Executive (England) model which requires councils operating this option to adopt the 'strong Leader' model.

2.3 Amongst other things, the Localism Act 2011 removed the 'fourth option' but all councils, and not just the smallest district councils, were given the additional option of adopting a committee system.

- 2.4 Under the committee system a local authority is able to decide how its functions (the powers given to it by central government) are delivered. It is possible for full council to make all of its decisions, or it can delegate certain responsibilities to a committee, sub-committee or an officer. There is no limit to the number of committees that may be created specified in the legislation. Further authorities are able to discharge their functions jointly with other authorities or to decide that certain functions will be discharged by another authority. The legislation does not prescribe how local authorities adopting a committee system should structure themselves and allows them choice over whether they should have one or more overview and scrutiny committees.

3.0 Change from the Cabinet System to a Committee System

- 3.1 The Localism Act specifies that, in order to change from a Cabinet system to a Committee system, local authorities must:

- Pass a resolution to change governance arrangements;
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection;
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for having passed a resolution and complied with the publicity requirements above.

If Councillors wish to pursue a change of governance the process will be to put a motion to full council. An officer briefing note will then be prepared setting out any particular risks, legal and financial/resource implications. It is anticipated that the implications would be many and far-reaching as this would be a fundamental change to the Council's governance structure.

4.0 Implications

- 4.1 Whilst it is not within the scope of this report to go into detail – that would be much larger piece of work, it is expected that implications of changing to a Committee system would include:

1. Constructing a new Constitution – this would require both Councillor and officer input over a number of meetings and would likely require expert consultancy advice, as with the recent review of the Constitution, when Bevan Brittan were engaged to provide legal advice.
2. Officer time – particularly Legal and Democratic Services officers, to develop the new arrangements, cover meetings and provide advice and training throughout the process.
3. Budgetary – a budget would be required for the work required to be done to effect the change including any consultancy fees.
4. Climate emergency – when considering all new pieces of work Councillors should also consider issues impacting on the climate emergency. A committee system may bring with it additional meetings requiring longer opening times for the two Town Halls using additional power, etc.

5.0 Way Forward

- 5.1 If Councillors wish to pursue a change of governance the process would be to put a motion to full Council. An officer briefing note will then be prepared providing more information. The Council's Constitution – Part 3 - Council Rules of Procedure advises on how to put a motion forward for consideration.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety,
Sustainability and Rural Proofing):**

No direct impact from this report.

LEGAL IMPLICATIONS

The requirements of the Council's Constitution (Council's Constitution – Part 3 - Council Rules of Procedure) and the Localism Act 2011 will need to be met. If Councillors wish to pursue a change of governance the process will be to put a motion to full council. An officer briefing note will then be prepared to accompany the motion of provide advice and information for councillors when considering the motion.

FINANCIAL IMPLICATIONS

This will be a sizeable piece of work. If a motion is put before full council the officer briefing note will inform of the anticipated costs of changes to the governance system.

With no resource available the estimated cost will need to include costings for outside consultancy work, which will be necessary to produce a whole new Constitution and help members decide a new governance framework. There will be additional costings for holding additional meetings to consider the way forward and cost of publication of the new system. Also additional work will be required to ensure that the updated Constitution is made available on the Council's intranet and internet site(s).

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services,
Property, Open Spaces**

Staff resources will be required to take this matter forward. Training will also be required for Councillors and Officers on the new processes, if adopted. There will also be IT resources in order to update the Council's webpages.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

DEPUTY MONITORING OFFICER'S COMMENTS

The Deputy Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

<https://www.cfps.org.uk/wp-content/uploads/Rethinking-Governance.pdf>
<https://www.lgiu.org.uk/wp-content/uploads/2014/12/Changing-to-a-committee-system-in-a-new-era.pdf>

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