

Council – 16th July 2018

Notice of motion - Changing governance arrangements

A notice of motion has been received from Councillors S. Coughlan, D. Coughlan, Shires, Ward, Jeavons, Chambers, Jukes, Robertson, Hussain, Underhill and Nawaz as detailed below:

“Council notes that:

- Under the Localism Act 2011, the Council has the ability to move from the current system of governance to a committee system.
- This change could involve more Councillors in the decision-making process without compromising the efficiency of the process.
- Several Councils have returned to a committee system and others are looking at this option.
- Such a process can still retain, and be consistent with, other features such as scrutiny and call-in, and need not necessarily mean any significant increase in the number of committees overall.

Council therefore requests Cabinet to establish a review group, comprising all parties and appropriate external representation, to examine the case for a return to the committee system and to report, with recommendations, to a future meeting of the Council.”

The Localism Act 2011 gives flexibility to Councils to choose their own governance arrangements. This includes the option of adopting a committee system. Under the committee system, a local authority is able to decide how its functions, i.e. the powers given to it by central government, are delivered.

The Localism Act 2011 specifies that in order to change from a Cabinet system to a Committee system, local authorities must.

- Pass a resolution to change their governance arrangements.
- As soon as practicable after passing the resolution, make the new arrangements available for inspection by the public.
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.

In the case of a move from a Cabinet system to a Committee system this must take place at the first annual meeting after the resolution to make the change is passed. The Act also specifies that if the Council passes a resolution under the Act to change governance arrangements, it may not pass another resolution to change from one form of governance to another for 5 years unless a referendum is held on the issue.

Overview and scrutiny

The Act is clear that a local authority with Committee based governance may appoint one or more Committees as the authority's overview and scrutiny committee or committees. There is a specific requirement to review and scrutinise flood risk management functions and carry out scrutiny of health and crime and disorder. Councils who choose not to have scrutiny committees must specify how these will be scrutinized, either by the full council or by one of its committees. The Secretary of State has power to make regulations about the function, composition and procedure for overview and scrutiny committees in a Committee system.

Summary

Operating under a Committee system is a very different model of decision making compared with Executive arrangements. Decisions are taken at cross party Committee meetings and this will require the organisation to review how it engages with and supports members. Once the system is changed the Council will not be able to change from a Committee system for a further 5 years unless a referendum is held.

Tony Cox
Head of Legal and Democratic Services

6th July 2018