

Briefing Note - Notice of Motion – Executive Arrangements

Annual Meeting of the Maidstone Borough Council

22 May 2021

1. Background

- 1.1 Executive arrangements were considered by Democracy and General Purposes Committee in January 2021 as part of the consideration on Governance models. The issue arose for consideration as one of the workstreams from the Local Government Boundary Review decision taken by Democracy and General Purposes in November 2020. This note captures the relevant elements of the January 2021 report to Democracy and General Purposes Committee in relation to Executive Arrangements.

2. Legislative Context

2.1 The Localism Act 2011

The Act amended the Local Government Act 2000 to allow the Council to adopt one of the following forms of governance:

- (a) Executive arrangements;
- (b) A Committee system;
- (c) Prescribed arrangements (to be set out in regulations by Secretary of State); or
- (d) The Localism Act also allows local authorities to make alternative proposals to the Secretary of State as long as the proposed governance arrangements meet the following conditions:
 - That they would be an improvement on the arrangements already in place at the authority;
 - That they ensure the decisions taken by the authority are done in an efficient, transparent and accountable way; and
 - That the arrangements would be appropriate for all local authorities, or particular type of local authority, to consider.

2.2 Process for Changing the Governance Arrangements

- (i) The Localism Act specifies in order to change their governance arrangements, local authorities must:-
- Pass a resolution to change their governance arrangements, setting out the date it will take effect and details of change;
 - As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection; and
 - Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.
- (ii) Having passed a resolution and complied with the publicity requirements above, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place "at the relevant change time" which is defined as:-
- (a) The first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed; or
- (b) A later annual meeting of the local authority specified in that resolution.

Any change to a new scheme would be a 5 year commitment to that model.

3. Governance Models Brief Summary

3.1 Executive Model

Under executive arrangements strategic decision-making powers lie with a small number of elected members – 'the Executive' (Cabinet and cabinet members) with the executive making the majority of the member decisions (usually controlled by the largest political group). Decisions are also delegated to officers as set out in the constitution. Overview and Scrutiny acts as a check and balance on the executive's decisions through call-in and the committees are responsible for developing policy through proactive scrutiny. Non-executive committees such as Planning, Licensing and (a form of) Audit Governance and Standards would be retained.

3.2 Committee System

The system we have at present. A Committee system involves groups of councillors from all parties/groups sitting as committees in political

balance to make decisions as delegated by Council. Most of the committees present in the Council's current committee structure would remain in the Committee system including Planning and Licensing Committees.

4. Timetable to Achieve Motion

The motion indicates any new arrangements should be in place for the Annual Meeting in May 2022.

If passed the motion would express the intention to change from the Committee system and instructing the development of the new model by the Democracy and General Purposes Committee.

Timetable

Meeting/Activity	Date	Purpose
Council consider motion and instruct D&GP Committee	May 2021	Agree intention to change governance model on AGM May 2022 and the process for creating the new model i.e. give to Democracy and General Purposes
D&GP (through preferred method and involving Councillors and Group Leaders etc.)	June – September 2021	Develop the new model
Council	October 2021	New Model approved by Council and resolution to move to a new governance system passed
Publication of Proposals	October 2021	Publish Detailed Proposals and required notices
Officers reporting to D&GP	October 2021 to March 2022	Develop Constitution
Officers	October 2021 onwards	Officers to develop staffing to support new arrangements ready for May 2022
Panel	January - March 2022	Members Allowance Scheme reviewed
Council	April 2022	Approve Constitution and members Allowance Scheme
Council	May 2022	New arrangements in place

5. Link to the Local Government Boundary Review

A decision to change the model to executive arrangements would have an impact on the Local Government Boundary Review as the model of Governance and its implementation is a consideration in the Council's size

proposals to the Local Government Boundary Commission. The Council's decision on its preferred size will be taken in December 2021.

Resourcing for work on the new arrangements will also overlap with resourcing for the Local Government Boundary Review. Delivering both is achievable but resource implications will be reviewed if the motion is agreed.

6. Links

Democracy and General Purposes Committee – 11 November 2020 – [Democratic Representation Boundary Review](#)

Democracy and General Purposes Committee – 27 January 2021 – [Governance arrangements](#)