

New Executive Model

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Head of Policy, Communications and Governance
Lead Officers and Report Authors	Angela Woodhouse, Head of Policy, Communications and Governance Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report outlines the proposed model developed by the Democracy and General Purposes working group.

Purpose of Report

Decision

This report makes the following recommendations to this Committee: That

1. The Executive Model outlined at 3.3 is recommended to Council for adoption at the next Annual Meeting of Council in 2022;
2. Council also be asked to approve the next steps as per the timetable set out paragraph 2.4 and section 7 of this report;
3. Council be asked to approve the use of reserves to fund the work required to review and redraft the constitution; and
4. The working group continue to operate and review the redrafted significant parts of the constitution prior to Democracy and General Purposes consideration for recommendation to Council for adoption.

Timetable

Meeting	Date
Democracy and General Purposes Committee	8 September 2021
Council	29 September 2021

New Executive Model

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Any change to governance arrangements would need to ensure there were effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Any change to governance arrangements would need to ensure there were effective decision-making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
Risk Management	Covered in the risk section at 5.	Head of Policy, Communications and Governance
Financial	Changing governance arrangements could have financial implications both in terms of member remuneration, the support and advice required to change (i.e., drafting a new constitution) and staffing required to support the change as well as potentially additional ongoing cost to provide and support the new model.	Section 151 Officer & Finance Team

	<p>It is proposed that the cost for the new constitution will be met from reserves.</p> <p>Proposals for any budget growth required will be considered as part of the process of setting a budget for 2022/23.</p>	
Staffing	<p>The proposed model will lead to an increase in the staffing support required from democratic services as there will be an increase in the number of committees and meetings in the model proposed. Committees are appointed by Council and as such may be subject to change.</p>	Head of Policy, Communications and Governance
Legal	<p>The Localism Act 2011 amended and inserted Part 1A of the Local Government Act 2000. The provisions enable a Council to operate one of three permitted forms of governance:</p> <ul style="list-style-type: none"> (a) Executive arrangements; or (b) A committee system; or (c) Arrangements prescribed by the Secretary of State. <p>The executive arrangement may consist of a 'executive' leader and cabinet under the 2000 Act, section 9C(3); or the directly elected mayor and cabinet model of governance under section 9C(2). The executive may not exceed 10 members of the Council, to include the Leader and/or Mayor.</p> <p>The executive arrangement of a Council must include provision for the appointment of one or more overview and scrutiny committees to review and scrutinise executive decisions made, or other action taken – LGA 2000, section 9F.</p> <p>The 2000 Act divides the functions into Council functions, local choice and executive functions. The allocation of functions is prescribed under the Local Authorities (Functions and Responsibilities)</p>	Head of Legal Partnership

	<p>(England) Regulations 2000 (as amended). Anything not listed in these regulations is an executive function.</p> <p>The Council is required to have an up-to-date written Constitution setting out how the Council conducts its business, who takes which decisions and how to work with the Council. The Constitution should contain the Council's Standing Orders, the Code of Conduct, information required by the Secretary of State and other information as the Council considers appropriate – section 9P LGA 2000.</p> <p>The proposals in this report and the appendix are in accordance with the statutory requirements.</p>	
Privacy and Data Protection	No impact	Policy and Information Team
Equalities	The recommendations do not propose a change that will require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Head of Policy, Communications and Governance
Crime and Disorder	No implications	Head of Policy, Communications and Governance
Procurement	There will be a need to procure external legal advice to assist with the development of the constitution.	Head of Policy, Communications and Governance
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and none have been found.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 At the Annual Council meeting on 22 May 2021, the following motion was approved:

“(1) That Council agrees, in principle, to revert to executive arrangements from its next Annual Meeting for the municipal year 2022/23 onwards.

(2) That Council recognises the substantial work required to bring forward final proposals, to review interim arrangements and other aspects of member involvement.

(3) That Democracy & General Purposes Committee be requested to consider the matters outlined in (2) and put a proposed executive arrangements model to Council for adoption in order to allow the executive arrangements to be adopted to meet the principle agreed in (1).”

2.2 At the 30 June 2021 meeting of this Committee, it was agreed that a Working Group would be formed to develop the new executive arrangements. The Membership for the Governance Arrangements Working Group (the Working Group) was as follows:

Councillor Purle (as Chairman)
Councillor Blackmore (as Vice-Chairman)
Councillor Perry
Councillor English
Councillor M Rose

From the second meeting of the group Councillor Munford was invited to attend any future meetings as a non-voting working group member. This ensured all groups could contribute to the design of the new discussions.

2.3 The Working Group has met on four occasions, with minutes taken for the first three meetings as the fourth focused on feedback from the Member Survey only. The appendices to the report include the minutes of the group’s meetings at **Appendix A**.

Approach and Timetable

2.4 The timetable for developing a new executive model of governance is set out below:

Meeting/Activity	Date	Purpose
Council consider motion and instruct D&GP Committee	May 2021	Agreed intention to change governance model on AGM May 2022
Working Group	July –August 2021	Develop the new model
D&GP Committee Meeting	8 September 2021	Approve model for recommendation to Council

Council	29 September 2021	New Model submitted for approval by Council for implementation at the AGM in May 2022
Publication of Proposals	October 2021	Publish Proposals and required notices
Working Group	October 2021 to March 2022	Develop Constitution
Officers	October 2021 onwards	Officers to develop staffing to support new arrangements ready for 1 May 2022
Panel	January - March 2022	Members Allowance Scheme reviewed
DGP	March 2022	Recommend constitution to Council
Council	April 2022	Approve Constitution and members Allowance Scheme

2.5 The working group have taken an inclusive approach to developing the model seeking engagement from all groups in the review and as part of this approach created a survey for all councillors on the new model. The survey ran between the 5 to the 19 August with 32 Councillors taking part, and the results are attached at **Appendix B**. A Member Briefing was arranged on 2 September 2021 to ensure councillors were fully briefed on the new model proposed and had the opportunity to raise concerns and ask questions regarding the new model. Members of the Working Group were also expected to update their respective political parties throughout the model's design process.

3. AVAILABLE OPTIONS

3.1 There are as ever a number of options open to the Committee:

- a) Agree the proposed model as set out in 3.3
- b) Amend the model
- c) Request the working group redesign a new model

It should be noted that as Council has already formally resolved in principle to change to an executive model as of the Annual General Meeting in May 2022, retaining a committee system of governance has not been put forward as an option.

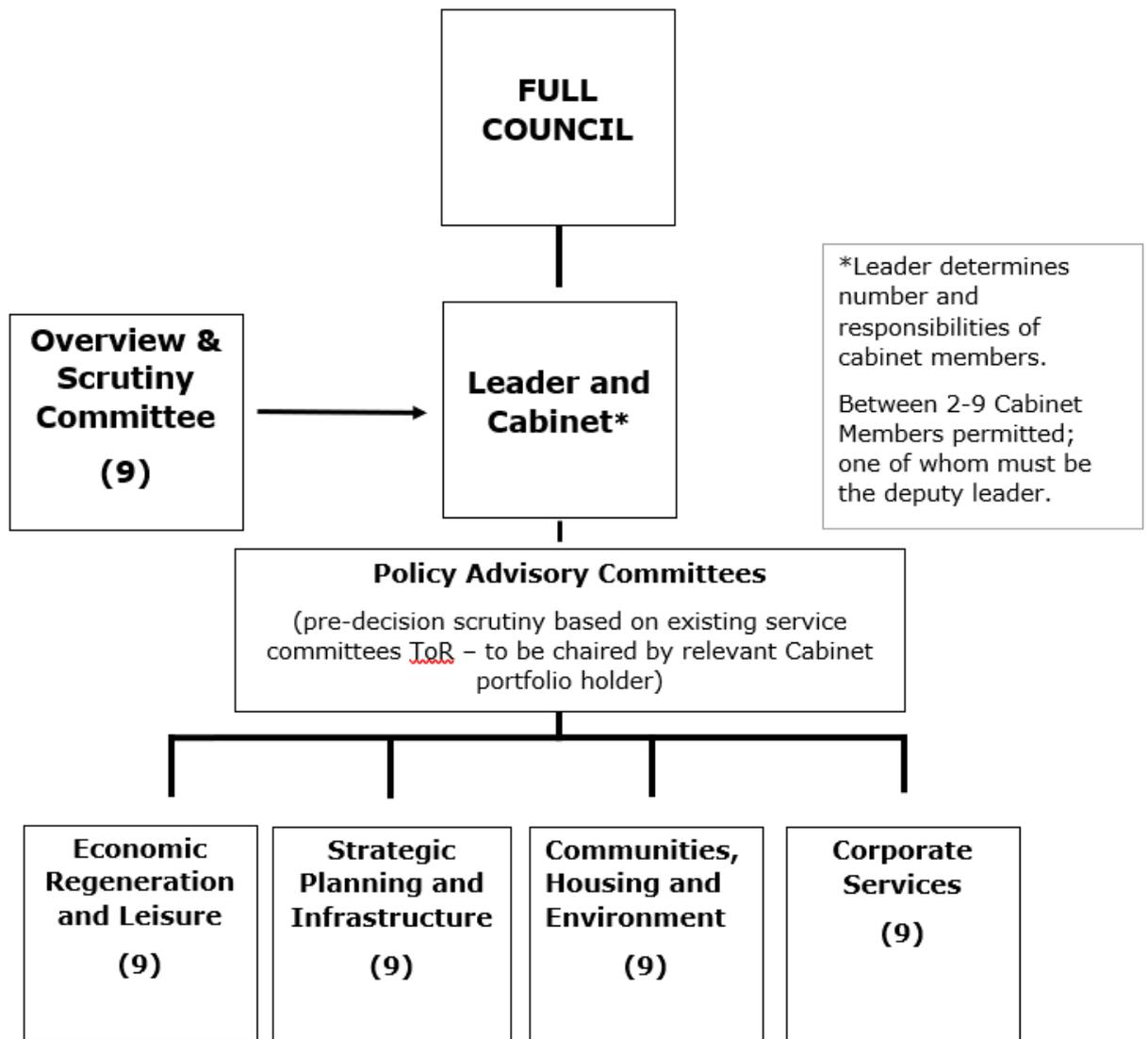
3.2 The Working Group considered a number of principles that would be important in the new model and subsequent constitution:

- Member inclusivity throughout the decision-making process
- Increased transparency of decision making
- A member led decision making process; and
- Increased pre-decision scrutiny

3.3 A model has been developed to meet the principles above with the addition of Policy Advisory Committees (PACs) aligned to portfolios to ensure greater

member involvement at a pre-decision stage. As there are four PACs proposed only one overview and scrutiny committee (OSC) has been included in the model. The proposal is for nine councillors to be on each PAC and nine councillors on the OSC with the size of the Cabinet and nature of portfolios to be determined by the Leader of the Council. All Cabinet decisions, except those outlined in point 3.12 (individual or collective), are proposed to be subject to pre-decision scrutiny at the relevant PAC. A decision-making flow diagram is included at **Appendix C** for information.

Diagram of New Executive Arrangements



*This diagram does not include regulatory/statutory/other Committees such as; Audit, Governance and Standards, Licensing, Planning, Crime and Disorder Committee, Appointment Sub-Committee, Democracy and General Purposes Committee.

Detailed Overview of the Model

Cabinet

- 3.4 Under Section 9(C) of the Local Government Act, there can be between 2-9 Cabinet Members to include the Deputy Leader of the Council but excluding and decided by the Leader of the Council. The Leader of the Council chairs the Cabinet, appoints its members and assigns portfolios to individual Cabinet members.
- 3.5 In considering the results of the Member Survey, an Executive comprising 9 Cabinet Members was the preferred option. The mean value was 6.13. As stated above the remit and number of cabinet members is determined by the Leader of the Council.
- 3.6 The working group believed that having Deputy Cabinet Members would be useful, this was supported by 77% of respondents to the Member survey. From the comments in the survey regarding deputies there appears to be a misunderstanding of the role of a deputy, as a deputy cabinet member would not be a formal part of the Cabinet or able to take decisions. Appointing Deputies would be at the Leader's discretion.
- 3.7 The working group also considered the decision-making process and whether in the new model there would be individual decision making by portfolio holders as well as collective decision making through Cabinet. The survey identified that 73% of respondents agreed that the model should allow for both individual and collective decision making. It was clarified that the constitution could set out thresholds for decision making to ensure clarity on which decisions would be taken collectively and which could be taken at an individual level. The Comments from Councillors suggest transparency of decision making should be paramount when decisions are taken collectively or individually. There was also recognition of the need for speed and flexibility in decision making when appropriate:

"The Cabinet needs to work as effectively and efficiently as possible. Sometimes it will need to be able to act fast and be accountable."

Policy Advisory Committees

- 3.8 The four Policy Advisory Committees (PACs) proposed would mirror either one or more of the Cabinet Member Portfolios, depending on the number of the latter. These Committees would be appointed by Council and subject to the political balance rules. The Terms of Reference for each PAC would provide the flexibility required to respond to any changes in the portfolios during the municipal year and will be considered during the writing of the constitution. As portfolios change the terms of reference of these Committees may be updated by Council.
- 3.9 Pre-decision scrutiny will be undertaken by the PACs prior to decisions being taken by the Cabinet or Cabinet Members. The majority of respondents to the survey indicated that both key and non-key decisions should be reported to PAC prior to decision making. Any recommendations made by the PAC on decisions would not be binding for the decision maker but should be taken into account as part of the decision-making process.

- 3.10 It is proposed that PACs will be chaired by the lead Cabinet Member to increase the transparency of the decision-making process and guarantee increased communication between the PAC members and the Executive to reflect the guiding principles of the proposed model. The working group expressed a desire to ensure that the rights of visiting members were retained and that there should also be the opportunity at the discretion of the chair to allow public participation in PAC meetings. This will provide inclusivity to the model and retain existing measures within the Council's current governance system that work well.
- 3.11 The increase in pre-decision scrutiny and involvement of a wide-range of Councillors in the decision-making process is intended to reduce the number of 'Call-In's exercised by the Overview and Scrutiny Committee.
- 3.12 The PAC would consider all decisions except inclusion of those items within an Administration Programme presented by the Leader to Full Council at the Annual Meeting each year. This programme would include selected issues, akin to a manifesto, which with the agreement of full Council, would be acted and decided upon by the relevant Cabinet Member or Cabinet collectively.
- 3.13 84% of the respondents to the Member Survey thought that four PACs was the correct number. 87% of respondents agreed with the PACs being assigned terms of reference to match the Cabinet portfolios.
- 3.14 Of the 26 Councillors that answered the question on PAC membership, 12 thought nine was a suitable number. Alternative suggestions included 8, 10, 12, 13 and 15 Members.

Overview and Scrutiny

- 3.15 In-light of the introduction of PACs to carry out pre-decision scrutiny only one overview and scrutiny committee (OSC) has been included in the model. This meets the legislative requirements.
- 3.16 The OSC would be able to conduct review work and policy development as required. The Working Group has emphasised the importance of co-opting Members or external representatives as non-voting members when required of this Committee due to either experience or position, to increase the effectiveness of this work. This is supported through the results of the Member survey, as shown in the comments in **Appendix B**.
- 3.17 The working group identified that the OSC should be chaired by a Councillor not of the administration as was in place in the previous executive arrangements. This was supported by 81% of respondents to the Member Survey.
- 3.18 As the Council had previously operated under executive arrangements, the rules and procedures for OSC and councillor call for action would be reconsidered in accordance with the timescale stated at 2.4 to assess its applicability in the new model.

3.19 Of the 21 respondents that answered the question on a suitable membership number for the O&S Committee, nine was the most stated preference. Alternatives included 11, 13 and 15 Members.

Public Engagement

3.20 The Working Group in its considerations supported the level and types of public engagement that the Council facilitates and wished to retain this in the new model. This includes but is not restricted to public questions, public speaking and petitions. The exact arrangements would be considered during the writing of the new constitution, but consideration was given to preventing the same and/or similar questions from being asked repeatedly.

3.21 The working group supported the full recording of the question-and-answer session in the minutes, with the continuation of allowing virtual attendance for the public as well as in-person attendance supported. This is in line with the principles outlined by the group to ensure transparency.

3.22 The results and comments from the Member Survey display a largely positive response to retaining the current public engagement methods. There was a lower figure of 61% of respondents that thought public speaking at Cabinet Meetings would be appropriate.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The Committee is recommended to approve option a) which is the model as set out in 3.3 for adoption by Council. The working group have developed the model at 3.3 through a cross party group and sought to engage with as many councillors as possible to ensure there is consensus on the proposed executive model. The model proposed meets the requirements for greater member involvement and inclusivity in decision making. When surveyed 68% of respondents identified they agreed in principle with the model proposed.

4.2 If the model proposed by the working group is not agreed and a new model is required then the timetable at 2.4 will be affected. In this scenario, it is likely that the working group would be tasked with creating a new model to be presented to this Committee on 10 November 2021, to be approved by Council on 8 December 2021. This would present a challenge to both the Working Group and Staff in completing the remaining work by April 2022. This would also impact the submission to the Local Government Boundary Commission on councillor numbers where governance has to be taken into account.

5. RISK

5.1 There are a number of risks associated with changing the Council's governance arrangements. Various actions are proposed in the report to mitigate risks including seeking external legal support in the development of

the constitution and training for Officers and Members on the new arrangements.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Working Group considered the importance of councillor involvement and participation in the development of the new model. They expanded membership of the group to include the independent group and all group members were expected to feedback information on the groups progress to their own groups.
- 6.2 To maximise councillor involvement a survey was commission on the model with options for comments on various aspects of the model, this was sent out to all councillors, 32 of whom responded to the survey. A Member briefing on the new model is scheduled for 2 September and feedback received will be reported at this meeting.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Provided that Option a) is agreed, the timetable shown in 2.4 will apply. If the model is agreed by Full Council at the 29 September 2021 meeting, the proposals will be publicised as required by law.

Constitution

- 7.2 The working group would reconvene in October 2021 to begin the necessary work to develop the new Constitution. It is at the Committee's discretion as to how they wish to be updated. One option would for the Committee to be provided with significant parts of the constitution for approval after review and redraft at an interim stage. Or the Committee to allow the working group to consider the significant parts and be presented with the entire Constitution once completely reviewed and redrafted. It would then be recommended to full Council for approval at the 2022 Annual Meeting.

Training

- 7.3 If any Member wishes to undertake any training relevant to their role as a Councillor then this can be requested through Democratic Services. This was raised at the New Member induction but applies equally to pre-existing Councillors.
- 7.4 Both Councillors and Officers will need training and briefing sessions on the new governance arrangements and the constitution. Democratic Services has been considering how to provide the necessary training and support to Members in adjusting to the new arrangements. This can also include any training on aspects of the governance arrangements that are statutory, such as the Crime and Disorder Committee, depending on Councillor requirements.
- 7.5 Whilst there has been no definitive decision, it is preferred that various member briefings be held in the new Municipal Year on the structure and

decision-making process of the model. This training would include the Councillor 'Call for Action' facility which is a mechanism for individual Councillors to have a specific issue within their ward reviewed in great depth, provided that certain conditions are met.

- 7.6 There would be a follow-up session prior to or just after the Summer break of 2022. This would allow any areas where further training was required to become more apparent, and for Councillors and Officers to request information on specific areas of governance once the model has been operational for a few months.

Staffing

- 7.7 The Head of Policy, Communications and Governance will develop the current staffing arrangements within Democratic Services to support the new model. It is unlikely that this can be done within the existing budget for the department, any growth will be considered as part of the budget for 2022 onwards.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Notes of the Governance Working Group
- Appendix B: Councillor Survey Results
- Appendix C: Executive Decision-Making Flow Chart

9. BACKGROUND PAPERS

None