

**CONSTITUTION TASK GROUP held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 6.00 pm on 3 MARCH 2005**

Present:- Councillor P A Wilcock – Chairman.
Councillors C M Dean, V J T Lelliott and A R Row

Also present: Councillor A Dean

Officers in attendance:- A Bovaird, S McLagan and M T Purkiss.

CTG41 APOLOGIES

Apologies for absence were received from Councillors E J Godwin and A R Thawley and M J Perry.

CTG42 MINUTES

The Minutes of the meeting held on 17 February 2005 were approved as a correct record and signed by the Chairman.

CTG43 OVERALL OPTIONS FRAMEWORK

Alasdair Bovaird circulated a discussion document setting out the key features of different forms of political management and highlighting the options which Uttlesford could consider. A copy of the paper is appended to these Minutes.

CTG44 COMMITTEES AND TASK GROUPS

At the last meeting of the Task Group it was decided that this meeting would focus on how Committees and Task Groups could operate.

Sarah McLagan circulated a chart showing where decisions were currently made and where they could be taken in the future. The chart looked at a range of functions including major public issues, statutory functions, strategy making, policy-making, progress/feedback, scrutiny/overview and performance monitoring.

Councillor Wilcock suggested that one option could include no change to the overall structure but would concentrate on fundamental changes to where and how decisions were made. Councillor A Dean said that it was important to have a mechanism which moved things along to a decision and gave an example of the travel plan item which had been delayed through being put to a number of Committees.

There was general consensus that the principle of decisions being taken at the lowest feasible level should be supported but there would need to be trust and cooperation to ensure that this worked well. It was also important that the various roles within any structure were clearly understood by all and that every element of the structure should have a real and clear purpose. It was

also important that all Members were kept informed of what was being considered by the different structures within the Council and it was felt that this could be achieved through improved Member/Officer contact and an enhanced Members' bulletin. It was the view of Members at the meeting that working on Task Groups was far more effective and satisfying than routine committee work.

Members were aware that any significant increase in the number of meetings could not be sustained by the current establishment and Mick Purkiss circulated a paper which illustrated that the Democratic Services Team had serviced 221 meetings in the past twelve months.

Alisadair Bovaird suggested that the Task Group were of the opinion that Strategic and Operational Policy should be cascaded down positively from the top and operational decisions should be taken at the lowest feasible level. He said that further work would be required on definitions and layers and some case studies could be included to illustrate how decisions were taken now and how that process could be improved in the future.

It was agreed that the work on the issues surrounding Committees and Task Groups should continue at the next meeting on 7 April 2005.

The meeting ended at 7.30 pm.

Constitution Task Group – Overall options framework

The Legal Framework

The Council's constitution is governed by the Local Government Act 2000 which required councils to adopt one of a series of new forms of political management.

Main options

- Directly elected mayor with cabinet
- Directly elected mayor with council manager
- Leader with cabinet

Alternative arrangements

Councils with a population of 85,000 or fewer in 1999 also had the choice to opt for the 'alternative arrangement' of a streamlined committee system. Uttlesford, along with 58 other authorities, chose to adopt these alternative arrangements.

Features of alternative arrangements

The requirements of alternative arrangements councils in their constitutions can be summarised as:

| | |
|-----------------------|---|
| Full council | setting the policy framework and approving the council's budget based on proposals from policy committees; |
| Committees | no more than five committees (other than regulatory and area committees) with delegated functions to execute the policy framework and to propose policy and budgets to the council; |
| Overview and scrutiny | one or more overview and scrutiny committees to hold the policy committees to account in public and to assist them in policy development and review, involving external stakeholders. |

Cabinets

The key features of a cabinet system are:

Membership

- Cabinets can have single or multi-party membership
- Cabinet members must be elected councillors
- In a directly-elected mayor model, the mayor appoints the cabinet;
- In a leader and cabinet model the constitution might allow the leader to appoint the cabinet, or provide for the cabinet to be elected by the council

Powers

- Cabinet members have individual portfolios
- Individual cabinet members take executive decisions within their portfolios

The Council

In all models, the full council:

- Decides the constitution (subject to the provisions for referendums on the creation of a directly elected mayor)
- Decides the policy framework
- Decides the budget
- Appoints the Chief Officers

Committees and/or the cabinet must act within the framework set by the council.

Overview and Scrutiny

The responsibility of Overview and Scrutiny taken together must encompass the full range of the councils activities – but the council may choose to have one or more than one such committee.

The remit of O&S can include:

- Review and development of policies
- Making policy and budget proposals to the council
- Reviewing proposed executive decisions
- Call in or review of decisions before they are implemented
- Performance monitoring and review
- Scrutiny of other local organisations, including health services

Making choices in Uttlesford

The first question is do we wish to revisit the decision to adopt alternative arrangement? On the assumption that the answer to that question is 'no' then a series of other questions follow:

- Who/what body should make executive decisions? How many such bodies should there be? How should delegations be divided?
- What is the role of overview and scrutiny?
- How can the local area dimension be addressed?

Executive Decision Making

Executive decisions are those which are required to further the execution of council policy.

- In a cabinet model, executive decisions are made by the portfolio holder.
- In a committee system, executive decisions are made by the relevant committee.

It is possible to have a single executive committee without that becoming a cabinet model.

Committee Responsibilities

Committees are often, but need not be, based on service management structures within the council.

They could also be structured around a number of other factors:

- Policy themes;
- Geographic areas;
- Client groups;

It is not the job of committees to manage services – that is the role of officers. Committees role is to determine policy (within the framework set by council), agree and propose budget allocations, make decisions on the execution of policy and to review the effect of the policy and its execution on the community.

If different elements of the political structure are to be based on different factors (for example, one set based on services and another based on geography) then they should be performing distinct functions if confusion is to be avoided.

Service Based

The current committee structure is service-based, but due to the organisation restructure the committees no longer align with service structures. An alternative was put forward at the member workshop which many found to be similarly anomalous.

The council's services are grouped in three main types.

| | |
|-------------------------|---|
| Front-line | Customer Services |
| Professional/Specialist | Housing services Development Services Environment and culture services |
| Resources/Governance | Human Resources Strategy and Performance Corporate Governance Finance and Asset Strategy |

It would be feasible to replace the existing five committees with a new five based on the above with committees for customer services, housing, development services and environment and culture, with a fifth for resources and governance.

Or

A set-up of three committees based on client types might lead us to a three committee model with committees for services which relate to individuals (customer services, housing, parts of environment and culture); for services which are principally concerned with land use and the physical environment (development services, the rest of environment and culture); and a third for the inward-facing services concerned with organisational development (those grouped as resources/governance above).

Policy themes

It is all but impossible to construct a series of policy themes which cover the whole of the council's activities, but which do not have significant overlaps. If such an approach were to be adopted then some candidate themes for committees might be:

- Organisational improvement
- Community engagement and involvement
- Economy and sustainability
- Health and well being

There are others

Such a structure would hang on a clear distinction in the minds of both officers and members as to the distinction between setting policy and managing services and how policies constructed in such a framework would be translated into service actions. In all models consideration would need to be given to the extent of officer delegation if workloads were to be appropriate for each committee.

Or we could have a single executive board

There are advantages to having a single executive board.

- Unlike a cabinet, it would retain collective public accountability for executive decisions
- Decision making could be quicker
- Reduced officer workloads in supporting other committees could release resources to support other arms of the structure such as scrutiny and task groups
- Executive board decisions would be subject to call in and scrutiny
- Decisions could be, if desired, subject to council ratification unless urgent.

Overview and scrutiny

It is arguable that in a system where all decisions are made in public there is no need for a separate scrutiny arm.

However, legislation requires it, so we have no choice. Rather than knowingly create a redundant piece of machinery we need to make best use of the requirement. Of the six elements of O&S role, only the first two are duplicated by the function of executive committees.

Elements of successful scrutiny might include:

- A vigorous, but constructive, review of robust and timely performance measures;
- The opportunity to call in executive decisions;
- 'critical friend' engagement with other agencies serving Uttlesford communities;
- An annually-agreed programme of policy review leading to authoritative conclusions and recommendations on policy or budget to the council.

This list suggests, in turn, two other requirements:

- Some dedicated officer support to the scrutiny function which can provide the necessary rigour in the investigations undertaken by scrutiny;
- A particular area of policy which is under development by the executive arm should not be simultaneously (or near simultaneously) subjected to review by scrutiny.

In an ideal world, members involved in scrutiny would not also be involved on the executive side, but whether such a distinction is deliverable would depend on the committee model which emerges.

Addressing the area dimension

In considering opportunities for a more local structure within the council's machinery there are two questions to be considered:

- What area boundaries should be identified?
- What role would the forums perform?

Boundaries

In responding to the first question, there seems to be some consensus on a three-area breakdown. Those areas would be:

| | |
|------------|---|
| North | Saffron Walden and the wards of Newport, Littlebury, Wenden Lofts, the Chesterfords, Ashdon, the Sampfords, Wimbish & Debden, Clavering |
| East | Great Dunmow, Thaxted, Stebbing, Felsted, the Rodings, Barnston & High Easter, the Eastons |
| South West | Stansted, Birchanger, Stort Valley, Takeley & the Canfields, Elsenham & Henham, Broad Oak & the Hallingburys, Hatfield Heath |

The 'membership' of these three areas would be:

| | | |
|------------|----|----------------------|
| East | 13 | (LD 10, Con 3) |
| South West | 13 | (LD 8, Con 3, Ind 2) |

Role

The council's scale, resources and organisation could not sustain a wholesale devolution of service or regulatory responsibilities to an area structure.

However, a worthwhile role could be made up of:

- Acting as an area-based forum for the scrutiny of service delivery as experienced in the area;
- Acting as a conduit for representation of local views to the executive arm;
- Being the nucleus of a civic forum for the local area, perhaps involving town and parish councils, local business and voluntary organisations;
- Possibly having control or at least involvement in prioritising certain locally-specific budgets, service prioritise or grant allocations.

Putting it all together

The organisation has limited resources and we cannot sustain an overweening structure. Similarly we cannot afford to make decisions which command clear support or which have not been effectively scrutinised. Nor, given that we have significant pressures as a community to deal with so cannot afford needless delay, duplication or confusion in decision making.

A structure of frequent council meetings, five executive committees, two scrutiny panels, three area forums would not be sustainable even for a short while.

On the other hand, one in which council set an annual policy framework and work programme, with a single executive committee an overarching performance review and scrutiny panel and three area forums would allow effective officer support to be in place for all elements of the structure.

There are obviously other points available between these extremes. In drawing conclusions on the overall structure, members need to balance:

- Effective decision making
- Quick decision making
- Consultation and engagement with the public
- Clear accountability
- Member involvement
- The 'cost' of the structure
- Effective scrutiny

No structure can deliver all of the above to equally high levels.