

**CONSTITUTION WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 6.15pm on 23 NOVEMBER 2009**

Present:- Councillor A J Ketteridge – Chairman  
Councillors R H Chamberlain, C M Dean, E J Godwin, J E Menell,  
D J Morson, H S Rolfe and S V Schneider

Officers present:- J Mitchell (Chief Executive), M Perry (Assistant Chief Executive) and P Snow (Committee and Electoral Services Manager)

**CWG1 MINUTES**

The Minutes of the meeting held on 13 October 2009 were approved and signed by the Chairman as a correct record.

**CWG2 BUSINESS ARISING**

**(i) Minute CTG95 – Review of Area Panels**

Councillor Morson asked about the proposed review of area forums. It was explained that a review had taken place at Full Council meeting earlier this year, following consultation with parish councils and other interested groups. It was agreed to re-circulate the relevant papers for Members' information.

**CWG3 CHANGE TO THE COUNCIL'S CONSTITUTIONAL ARRANGEMENTS**

In introducing this item, the Chairman noted that there had been some discussion about revised constitutional arrangements at the previous meeting more than a year ago. Matters had now moved on so that most Government communications and those from the Local Government Association were aimed towards the relevant portfolio holder. The number of fourth option councils was in decline and Members attending conferences and similar events were expected to be empowered to take decisions.

The Council was constrained by current legislation which had the effect that any change to executive arrangements could only be introduced after the next district election provided that the necessary resolution had been passed by December 2010. He considered this was now necessary to ensure speedier decision making and better relations with our partners.

The Chief Executive said that an action in the corporate plan proposed a new and more effective committee structure. There were now only 47 fourth option councils in England and that number was reducing all the time. The main imperative in his view was to speed up decision making but this must be done in such a way that it remained inclusive and open to proper scrutiny.

He presented two options for consideration, as listed in the report. The first of these related to a directly elected mayor plus two or more elected councillors

appointed by the mayor and was not considered appropriate for this Council. He advised that the second option of an executive leader, appointed by the Council for a four year term, was the model best suited to a rural area such as Uttlesford. He was now looking for an indication from Members that the appropriate consultation should be undertaken. This would lead to a resolution to enable executive arrangements to be adopted from May 2011.

The report included an appendix setting out perceived advantages and disadvantages of operating a leader and cabinet system, and a suggested timetable for the actions needing to be taken before this could happen, including the necessary consultation.

Members asked a number of questions and each, in turn, gave their personal view of the proposal. Some of the concerns raised by Members included:

- That Members were being given no choice to continue with the present arrangements.
- The danger that Members without executive responsibilities would feel excluded from the decision making process.
- The role of scrutiny under new arrangements.
- The cost of introducing executive arrangements, including the impact on the allowances scheme.
- The size and structure of a cabinet at Uttlesford and whether there would be deputy portfolio holders.
- The accountability of decision making and the role of officers in relation to the portfolio holders.
- The importance of conducting full and proper consultation and defining how this would be carried out.
- The continuing role of area forums.
- The need to build in a means for individual Members to raise questions directly at cabinet meetings.

Councillor Rolfe thought that it should be possible for every Member to continue to sit on at least one committee under a cabinet system. He was generally supportive of the proposal as it was designed to speed up decision making. The new constitution should not exclude those Members in employment from portfolio responsibilities. It was also important to maintain the Uttlesford culture of inclusivity.

The Working Group discussed the continuing role of scrutiny and concluded that it was an essential component of operating executive arrangements and must be properly resourced to work effectively.

It was agreed that benchmarking with authorities of a similar nature was an essential element of planning for new constitutional arrangements. Fact finding visits would be made to some of these authorities; it was suggested, among others, that Braintree, Cambridge, Castle Point, Chelmsford and Rochford would be suitable councils for benchmarking purposes.

The Leader proposed adoption of the recommendation in the report, subject to the addition of benchmarking opportunities, and this was agreed.

RECOMMENDED to Council that:

1. the merits of changing the Council's constitutional arrangements be explored with a view to introducing an executive format based on an executive leader and cabinet model;
2. appropriate consultation be carried out with potentially affected parties such as parish and town councils, LSP partners and community forums;
3. the timetable for introducing executive arrangements from May 2011, as set out in appendix B, be approved; and
4. appropriate benchmarking be carried out as part of the preparation for introducing new arrangements.

The meeting ended at 7.05pm.