

**Committee:** Council

**Agenda Item**

**Date:** 30<sup>th</sup> September 2010

**8**

**Title:** Executive Arrangements – towards Cabinet Government

**Author:** John Mitchell

Item for decision

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## Summary

1. The Council is one of the few Councils to retain a Committee structure. The minutes of the Consultation Working Group were discussed at the last Council meeting in June when it was resolved that the Council continue to explore an appropriate model of decision making through the Constitution Working Group and a series of workshops with a view to the matter being debated at the Council meeting on 30 September.
2. The Constitution Working Group met on 12<sup>th</sup> July (minutes attached) to discuss types of Executives and these were explored further at workshops on 22<sup>nd</sup> July and 15<sup>th</sup> September 2010.
3. if Members agree the principle of an Executive form of government than the principle will need to be agreed at an extraordinary meeting of the Council, for which a date of 19<sup>th</sup> October is proposed.

## Recommendation

That Members decide whether to agree the principle of an Executive form of Government. If Council is so minded then Officers are instructed to bring proposals to an extraordinary meeting of the Council on 19<sup>th</sup> October 2010.

## Financial Implications

The estimated cost of implementing the recommendations can be absorbed from current budgets but the ongoing costs will not be known until the Council adopts a model for an executive. Adopting an Executive model of decision making will alter the roles and responsibilities of some Members and therefore a review of the Members Allowances Scheme will be required. The nature and number of committee meetings will change which could have an effect on administrative costs and Members' travel expenses. Although any increase in cost is unlikely to be significant, and there may even be a saving, it would be appropriate to adopt an objective of cost neutrality or better as a condition of adopting the new structure.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Workshop presentations 22<sup>nd</sup> July and 15<sup>th</sup> September.

## Impact

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Communication/Consultation	Consultation started on 4 March 2010 with a press release and advert in local newspapers. A leaflet was produced and sent to partner organisations and parish councils with a letter asking them to comment. The leaflet included a link to information on the Council's website, and also included a telephone number and dedicated email address for those wishing to comment. An invitation to comment was sent to every household via Uttlesford Life, and invitations to comment were also made at the Community Forums. The consultation period ended on 31 <sup>st</sup> May but comments received after then were also taken into account.
Community Safety	None
Equalities	An impact assessment will be required for the proposed extraordinary Council meeting on 19 <sup>th</sup> October if Members agree the recommendation
Health and Safety	None
Human Rights/Legal Implications	The Council's constitution will need to be changed
Sustainability	None
Ward-specific impacts	All
Workforce/Workplace	Changes to the working patterns and practices of Committee Support officers will be required

## Situation

- 6 In summary, an Executive would replace the three policy Committees with Cabinet meetings comprising up to nine Portfolio-holders together with the Leader. The Leader would appoint the cabinet, and is required to prepare a forward plan for the forthcoming four months, updated monthly, so that

Members and the public are aware of the key decisions that the executive will be making. The Executive would be able to deal with most matters with the exception of the following:

- 7 Setting the overall policy framework; approving the budget formulating a plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision, approving Development Plan documents; approving a Crime And Disorder Reductions Strategy; Licensing Authority policy statements (liquor, entertainment, late night refreshment and gambling) and regulation such as development control and licensing.
  
- 8 There would therefore need to be a stronger scrutiny and overview function than at present, which, together with licensing and development control, would remain to be handled by Committees. While that is the basis of cabinet government there are many variations and permutations of functions that can be adjusted to suit local circumstances. Uttlesford Council has a culture and tradition of vigorous and disciplined debate, seeking consensus on decisions wherever possible. There is no reason why that culture would stop with the introduction of a suitably modelled cabinet.
  
- 9 The advantages and disadvantages of Cabinet and Committee working are summarised below as an "aide-memoire". These are derived from the opinions expressed in consultation, by the CWG and at the workshops. Perhaps the most frequently expressed is finding a role for all members who want one.

<b>Advantages of Executive</b>	<b>Advantages of Committee</b>
<p>More responsive to changing events</p> <p>More responsibility for portfolio holders to drive policy and direction by presentation of reports</p> <p>More checks and balances through enhanced scrutiny and review</p> <p>Common system of government with partner authorities</p> <p>Meetings held in public</p> <p>Opportunities for other Members and guests to inform debate</p> <p>Better foundation for shared service working with other councils who share the same model</p>	<p>Has the advantage of familiarity</p> <p>All Members are involved in the decision making process</p> <p>Meetings held in public</p> <p>Opportunities for other members and guests to inform debate</p> <p>Officers present reports</p> <p>Delegation to officers enabling Committees to concentrate on major items</p> <p>Key issues such as budgets, corporate policy and Planning policy will continue to be determined by full Council</p> <p>Regulation such as development control</p>

<p>Greater confidence for portfolio holders in representing the Council</p> <p>Key issues such as budgets, corporate policy and Planning policy will continue to be determined by full Council</p> <p>Regulation such as development control and licensing will continue as they are now in Committees</p>	<p>and licensing are in Committees</p>
<p><b>Shortcomings of Executive</b></p>	<p><b>Shortcomings of Committee</b></p>
<p>Finding a role for backbenchers</p> <p>Perception of decisions behind closed doors</p> <p>Concentration of power</p> <p>Not accountable</p> <p>Not transparent</p> <p>Less of a role for town and parish councils</p> <p>Less scrutiny of decisions</p> <p>Lack of opportunity for debate</p>	<p>Slow system that cannot respond to a changing world</p> <p>Few councils operate a committee system and it is not easy to interpret government policy which is predicated around a cabinet model</p> <p>Need to refer to other committees slows process and can inhibit policy direction</p> <p>Not an obvious role for town and parish councils in current structure other than DC</p> <p>Weak scrutiny because Committees think they provide their own</p> <p>Officer-led</p>

<b>Cabinet shortcomings</b>	<b>How they may be addressed</b>
Finding a role for all members	Regulatory committees will continue as will scrutiny and review committee(s), the role of which will of necessity be enhanced. Working and Task Groups will continue. The role of the area forums could be enhanced
Perception of decisions behind closed doors	Cabinets are held in public. Fears that decisions could be open to whipping are equally applicable to the committee system. Elected Members will have a far greater role in the formulation and presentation of policy. Cabinet may invite members and guests to participate in debate. The forward plan will ensure full awareness of forthcoming decisions, and the opportunity to participate
Concentration of power	Checks and balances will be built into the system. "Pre-scrutiny" of initiatives will increase of necessity, allowing for community engagement in decision making
Not accountable	All Members will remain accountable to their electorates and will engage during their terms of office as they see fit
Not transparent	As above. Transparency of decision is not necessarily built in to the committee system and this is a cultural issue. Failure to make transparent decisions will have ultimate sanction in the courts, through the inspection of the planning process and the Ombudsman and Audit Commission, as it does now.
Less of a role for town and parish councils	The involvement of town and parish councils would continue as at present. Most engagement takes place through the DC Committee and the area forums. Enhancement of that involvement is an issue whichever route the Council takes
Less scrutiny of decisions	Scrutiny would be enhanced

Lack of opportunity for debate	All major policy decisions would continue to be dealt with by full Council, and the regulatory committees (which regularly attract the highest numbers of members of the public) would continue.
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10 If the Council were to move towards a cabinet model then views expressed at the workshops suggested that it should display the following characteristics:

- offers a role for all members
- enhances the Council’s tradition of consensual decision making
- is easily understood
- is adaptable
- gives confidence through transparency
- Demonstrates cost neutrality or better

11 The above are suggestions which members may wish to consider and embellish. It is the Chief Executive’s opinion that if a cabinet system is not favoured than a radical review of the current system will need to be put in place – it cannot be right for example that the decision making process of the council effectively shuts down between June and September as is now the case.

### Risk Analysis

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating actions</b>
Failure to comply with statutory requirements.	1 – there is an awareness of statutory requirements	2 – could render the decision making process ultra vires	Through the Council’s Monitoring Officer, ensure that the necessary procedures are followed.
Retaining committee system will hinder partnership and shared services	Dependent on outcome of debate	4 – confusing and inconsistent governance arrangements would be a disincentive for councils to partner with UDC, leading to financial	Adopt an executive model

		difficulties for the Council	
Cabinet model may not work	1 – it works elsewhere	2 – the model can be changed	Adapt the model as problems arise, support legislation that allows for flexibility of arrangements
Retaining committee system will bind the council for 4 years	4 – legislation will prevent a change to cabinet until the 2015 council elections	4 – the council will suffer reputational damage	Adopt an executive model

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.