



Rochford District Council

REPORT TITLE:	Adoption of the Committee Style of Governance
REPORT OF:	Monitoring Officer

REPORT SUMMARY

This report proposes that Rochford District Council (RDC) changes its style of governance from the Leader and Executive model to a committee system. A Council can resolve to change its governance model at any point by a simple majority vote, but the change can only be implemented at the annual council meeting. The Centre for Governance and Scrutiny (CfGS) recommends that there is a period of at least six months between the decision to change governance models and the implementation date to allow sufficient time to make the constitutional amendments and support the organisational change. Therefore, this report recommends that the committee system is implemented with effect from the annual council meeting in May 2024.

If the resolution is passed the Council will be 'locked-in' to the revised governance model for a minimum period of five years, unless a further change is agreed by referendum.

The report sets out the benefits of adopting a committee style of governance, which are predominantly:

- Increased involvement of all elected members in decision-making;
- Politically proportional decision-making across all committees;
- Returning more decision-making power to the full Council.

The report also indicates some options for 'hybrid' arrangements which could be adopted in the interim period between the resolution and the implementation date during the 2023/24 municipal year.

RECOMMENDATIONS

- R1 – That the Committee System model of governance is adopted by Rochford District Council with effect from the Annual Council meeting in May 2024.**
- R2 – That the Constitution Working Group is instructed to consider and make recommendations to Full Council on the composition and terms of reference of committees by December 2023.**
- R3 – That the Independent Remuneration Panel is instructed to review the Scheme of Members' Allowances in light of the revised model of governance and make recommendations to Full Council by December 2023.**
- R4 – That the Monitoring Officer, in consultation with the Constitution Working Group, redrafts the Council's constitution to fit a committee system of governance and presents the revised constitution to Full Council for adoption by March 2024.**

SUPPORTING INFORMATION**1.0 REASONS FOR RECOMMENDATIONS**

- 1.1 Following elections on 4 May 2023, RDC continues to be a council of no overall political control. In order to ensure that all political groups are proportionately represented on all decision-making bodies of the Council, it is recommended that the Council adopts a committee system of governance.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The following options have been considered:
- 2.1.1 Retain the existing leader and executive model of governance with no alterations to the way in which it currently operates – i.e. no change. This option is not recommended as there is a clear desire to change the current model of governance amongst a number of the political groups represented on the Council.
- 2.1.2 Retain the leader and executive model of governance with additional measures to engage with all members of RDC. A disadvantage of the leader and executive model is that councillors who are not members of the executive can feel uninvolved with and disengaged from key strategic decisions affecting the council. A way of retaining the efficiencies and accountabilities of a leader and executive model, whilst involving the wider council membership,

would be to agree additional measures that would provide the opportunity to engage in executive decision-making. This option is not recommended as it is likely to result in a non-politically balanced group of members still taking executive decisions.

- 2.1.3 Adopt a committee system model of governance. This would ensure that all decision-making bodies of the council were politically balanced and would be appointed by the Full Council. It is not recommended that all decision-making would be undertaken by the Full Council as this would overburden the workload of councillors, therefore the model would require a number of committees to be created which would have delegated decision-making responsibilities from the Full Council. This report does not seek agreement of the actual structure of a committee system at this stage, as that would be for the Full Council to determine the committee structure and appoint Councillors to those committees at the Annual Council meeting. This is the recommended option.
- 2.1.4 Seek permission from the Secretary of State to adopt an alternative model of governance. If the Council did not consider a committee system of governance appropriate, it may wish to look at a 'hybrid' style of governance under the 'alternative model' approach. However, this option is not recommended at this stage.

3.0 BACKGROUND INFORMATION

- 3.1 All councils operated a committee system of governance until the introduction of the Local Government Act 2000 which enabled councils to adopt a 'executive' style of governance. The Local Government and Public Involvement in Health Act 2007 amended the 2000 Act, introducing the 'strong leader' model. This act required all councils to adopt an executive form of governance, except for district councils with a population of less than 85,000 which were permitted to retain the committee system. RDC resolved to adopt a leader and executive model of governance on 24 April 2008, with effect from the 2008/09 municipal year. The Council had previously operated an 'Executive Board' under the committee system during the 2007/08 municipal year.
- 3.2 The Council was subsequently 'locked-in' to the leader and executive model of governance for a period of five years, expiring on the date of the annual council meeting in May 2013. The Council is now permitted, if it wishes, to amend its adopted model of governance. The Centre for Governance and Scrutiny (CfGS) recommends that any decision to alter an authority's governance model should be taken at least six months before the proposed implementation date to enable sufficient time for officers and councillors to

design the new system and provide appropriate cultural change management¹. However, this is not a statutory requirement.

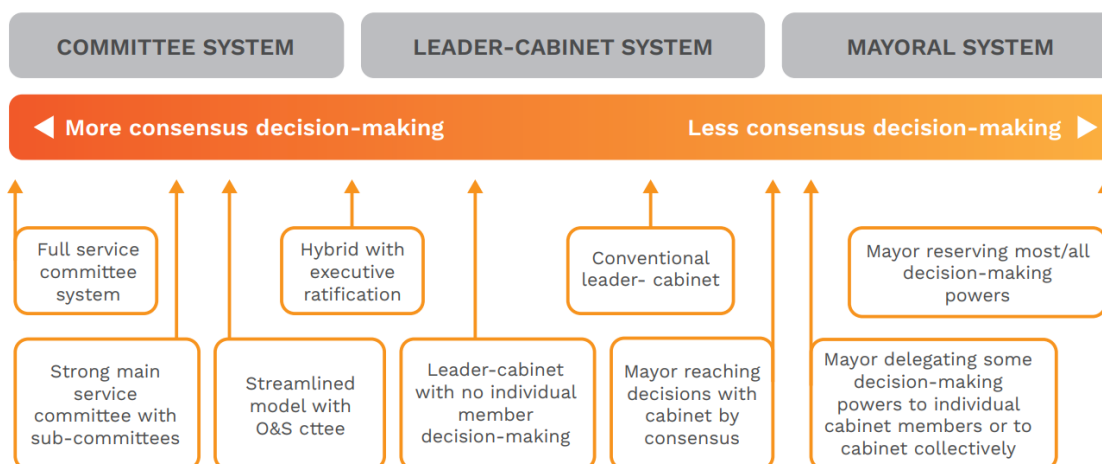
3.3 The Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011, enables local authorities to adopt one of four models of governance:

- 1) Elected Mayor and Executive Cabinet
- 2) Leader and Executive Cabinet
- 3) Committee System
- 4) Alternative option proposed by the Council (requires Secretary of State Agreement)

3.4 Where an authority adopts an executive or cabinet model of governance, decision-making is separated into Council functions (those functions which must not be the sole responsibility of the executive), local choice functions (which may be allocated to the Council or the executive) and Executive functions (all other matters are determined by the executive unless explicitly reserved to the Full Council by statute or resolution)². The Articles and Part 3 of the RDC constitution set out the existing functions and responsibilities for Council and Executive.

3.5 The CfGS considers that these available options can more accurately be described as a ‘spectrum’ with a greater or lesser degree of consensus decision-making depending on the option chosen:

Figure 1 – Governance models on a spectrum³



¹ “Rethinking Council Governance for the 20s”, Centre for Governance & Scrutiny, page10 <https://www.cfgs.org.uk/wp-content/uploads/CfGS-Rethinking-council-governance-SINGLE-PAGES.pdf> Governance Models

² The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

³ “Rethinking Council Governance for the 20s”, Centre for Governance & Scrutiny, page 8

It is apparent, therefore, that within all models there can be varying degrees of autonomous or consensus decision-making depending on the scheme of delegation agreed by the Full Council.

- 3.6 The CfGS is of the view that no one system of governance is intrinsically better than any other and that the authority's culture around governance is more important than the model it employs. Therefore, when choosing a governance model it is important that the culture of the organisation is taken into account and the aspirations for decision-making. Some of the factors of effective governance to consider are:
- The way that the Council involves the public in major decisions.
 - How information about decisions is published and used.
 - How we forward plan our programme of work.
 - The relationship between officers and councillors.
 - The relationship between decision makers and the wider council membership.
 - Accountability and scrutiny.
- 3.7 A number of political groups represented at RDC have indicated a desire to return to a committee system of governance. It could be argued that this is the most appropriate system for a council in a position of no overall political control as it is the only system where all decision-making bodies of the council are required, by law, to be politically balanced. This system can also be considered more representative of the council as a whole, as all political groups will be proportionally represented in all decision making.
- 3.8 Under a committee system, all delegated authority to take decisions stems from the Full Council. There is no individual decision-making authority given to the Leader or any other Councillor, unless expressly delegated by Full Council. The Full Council, therefore, needs to agree the composition and terms of reference of each of its committees having careful regard to the level of decision-making that it wishes to delegate. Another benefit of the committee system could be seen as the ability to reserve the maximum amount of decision-making to the Full Council. However, it is essential that the Full Council effectively uses committees to ensure that the Full Council itself is not overburdened by business.
- 3.9 There is no specific rule on the number of committees that a council can appoint, however due regard will need to be given to the workload of each committee, the number of councillors available to sit on those committees and the officer resource required to support the committees. The Constitution Working Group will need to consider the right committee structure for RDC and make recommendations to the Full Council. In doing so, it must have regard to the following:

- The Council is required to have the following committees by law:
 - Licensing / Regulatory (s.6 Licensing Act 2003)
 - Standards (s.53 Local Government Act 2000)
 - Although it is not a legal requirement to appoint an audit committee, the Council is required “to ensure that its financial management is adequate and effective and that it has a sound system of internal control which facilitates the effective exercise of its functions”. Part of these internal control arrangements are to appoint an audit committee.
 - It is strongly recommended that the Council appoints and delegates authority to determine planning applications to a Planning Committee.
 - It is strongly recommended that the Council appoints at least one scrutiny committee.
 - There are certain functions that the Full Council cannot delegate to a committee (Local Authorities (Committee System) Regulations 2012).
- 3.10 It is widely considered that there are some disadvantages to the committee-system including slower and more bureaucratic decision-making, increasing the workload of councillors in terms of meeting preparation and attendance and therefore reducing their capacity for place and community leadership, and the removal of the requirement to publicise key decisions. However, these can be mitigated through careful management of the committee structure.
- 3.11 If the Council resolves to move to a committee system there will be some consequential work required included determining the committee structure (via the Constitution Working Group), amending the Constitution (Monitoring Officer) and reviewing the scheme of members’ allowances (Independent Remuneration Panel).

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial impact of this decision will be dependent on the number of committees the Council decides to create. If the overall number of committees and the number of meetings per municipal year stays the same as the current system there will be no adverse financial impact. If the number of committee meetings increases, it can be assumed that an additional Democratic Services Officer would be required for every two committees added. Further financial impact information will be presented to the Council when the recommendations of the Constitution Working Group are brought forward.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has powers to determine its own governance arrangements at any point in the electoral cycle under Part 1A, Chapter 4, s.9K of the Local Government Act 2000 as amended by the Localism Act 2011. Any changes must take effect on the date of the next annual council meeting.

- 5.2 The authority is ‘locked in’ to any revised governance arrangements for a period of five years from the date that the resolution to adopt those arrangements was made unless a further change is agreed by referendum. (Part 1A, Ch.4, s.9KC(4) Local Government Act 2000).
- 5.3 Following a resolution to amend governance arrangements, the Council must publicise the change by making available, for public inspection, documents explaining the new arrangements and advertising the change in one or more newspapers published in the area. The Council will also need to make the relevant amendments to its own constitution.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 As indicated in paragraph 4, the agreed committee structure will determine the staff resource implications. There will be limited ICT implications as RDC already operates a digital committee management system. We will continue to encourage the use of digital agendas and reports, whilst ensuring that councillors still have access to paper copies for accessibility reasons. RDC is also reviewing the audio-visual equipment in use at its meetings to ensure better sound quality and to enable the Council to livestream its meetings.
- 6.2 The Council needs to consider the right venue for its meetings moving forward; ensuring that the location of meetings is accessible to members and the public (both physically and virtually), that the venue is available for the use of the council at short notice and that the solution is cost effective. This issue will be considered by the Full Council in future discussions concerning the RDC’s assets.

7.0 RELEVANT RISKS

- 7.1 The principal risk related to this report is that the Council does not have adequate governance arrangements and could potentially make unsound or unlawful decisions. This risk is unlikely to occur, but would have significant impacts. The risk will be mitigated by the Council adopting a recognised system of governance (the Committee System) rather than an ‘alternative’ and untested governance model. Furthermore, the work of the Constitution Working Group will ensure that the Council’s system of committees is robust and Councillors and Officers will receive all necessary training to ensure that they are able to effectively operate within the revised system. The Monitoring Officer will retain the overall statutory responsibility for ensuring that the Council’s governance arrangements are sound.

