

---

Minutes of the meeting of the **Structural & Procedural Review Working Group** held on **20 June 2000** when there were present:

Cllr T G Cutmore  
Cllr D R Helson  
Cllr Mrs J Helson

Cllr C R Morgan  
Cllr P F A Webster  
Cllr Mrs M A Weir

### **VISITING MEMBER**

Cllr R E Vingoe

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs R Adams and G A Mockford

### **SUBSTITUTES**

Cllr T Livings

### **OFFICERS PRESENT**

P Warren – Chief Executive  
J Honey – Corporate Director (Law, Planning and Administration)  
R Crofts – Corporate Director (Finance and External Services)  
A Smith – Head of Administrative and Member Services  
G Brazendale – Committee Administrator

## **51 APPOINTMENT OF CHAIRMAN**

### **Resolved**

That Councillor C R Morgan be appointed Chairman of the Working Group.

## **52 MEMBERSHIP**

It was noted that Councillor Mrs J Helson had replaced Councillor V H Leach as a member of the Working Group. Councillor Leach would be a substitute member for the Liberal Democrat Group along with Councillor Mrs J M Giles.

## **53 MINUTES**

The Minutes of the meeting held on 28 September 1999 were agreed as a correct record and signed by the Chairman.

## **54 TERMS OF REFERENCE**

The Working Group's terms of reference, as agreed at Annual Council, were noted.

## **55 THE MODERNISING AGENDA – AN UPDATE ON THE LOCAL GOVERNMENT BILL – IMPLICATIONS FOR THE DISTRICT COUNCIL**

The Working Group considered the report of the Chief Executive which updated Members on the progress and content of the Local Government Bill. It concentrated on those aspects relating to new political structures and outlined details of the latest drafts of the guidance and regulations issued by Central Government on "New Constitutions for Councils" which would accompany the legislation once the Bill becomes an Act. Also highlighted were the main implications of the legislation for the District Council.

In his introduction to the report, the Chief Executive informed Members that draft statutory instruments for the Act's implementation had been received, together with a letter from the Department of the Environment, Transport and the Regions which explained that consultation on the draft guidance would be completed by 30 June 2000 with a view to the final guidance being issued in July. The Working Group was advised that the Government's intention still appeared for the Bill to be passed before the summer recess.

Examples of two methods by which consultations concerning the options for a new political structure could be effected were circulated at the Meeting for Members' information.

It was noted that the Act would require a review of Members' remuneration, since the present system of Members' attendances would be discontinued. The Corporate Director (Finance and External Services) reported details of payments that three other District Councils were intending to introduce, ranging from "basic" allowances to those payable to Committee Chairmen/Council leaders.

The Working Group was reminded that, when Members had previously considered the three model options for the new political organisation outlined in the Bill, a firm preference had always been expressed for the leader and cabinet option. Choice of this proposal was unanimously endorsed by the Working Group, provided that the Cabinet could be appointed by Council as a whole.

Members then gave detailed consideration to two organisational structures (copies of which are appended to these Minutes) which were based upon the leader/cabinet model. The second of the structures added a Partnership Committee to the decision-making framework. During discussion, the following main points arose:

- **The format of the Planning Committee.** It was recognised that, whilst involvement with the planning process was a fundamental component of Members' role, a review of the size and operation of the Planning Committee might be necessary at present. However, under whatever model option, the Planning Committee would continue to exercise executive authority.
- **Access to information.** The Working Group was anxious to ensure that the availability of information was not reduced for members. The Chief Executive emphasised that, for any proposed structure to work effectively, it was vital for the overview and scrutiny function to be strongly conducted. Officer advice and support to the Overview and Scrutiny Committees would therefore need to be good as for the Cabinet. It was noted that whilst, under the new system, individual Members of the Cabinet could make decisions, they would still be accountable to full Council, and the Overview and Scrutiny Committees. The achievement of a transparent decision-making process was a fundamental aim of the new proposals, and mechanisms for the urgent referral of decisions to Council for review were outlined.
- **Could Council decide that the executive as a whole should make decisions rather than individual Members?** There was nothing in the guidance received so far to suggest that this would be unacceptable, although it did appear contrary to the spirit of the legislation. The Cabinet would need to produce a forward work programme of matters it intended to consider, thereby enabling input by all Members
- The new framework could help to clarify the extent of Member and Officer delegation.
- The Overview and Scrutiny Committees could require the attendance of any Member and Officer to explain decisions.
- Members referred to the possible value of a "shadow" system alongside the existing structure for, perhaps, six months before any new system came in.

It was concluded, on a motion by Councillor Mrs J Helson and seconded by Councillor C R Morgan, that the Council should recommend adoption of the leader and cabinet option ( without inclusion of the Partnership Sub-Committee) in its public consultation although the other two options mentioned in the Bill would also need to be included and defined. It was also agreed that consultation should be conducted by means of "Rochford District Matters" although details could be made available to local newspapers. The Working Group noted the Bill's requirements relating to Members' remuneration and agreed to recommend that the Chief Executive be given delegated authority to establish an Independent Review Panel as soon as further detailed guidance was available.

## **RECOMMENDED**

- (1) That the leader with cabinet option be adopted as the Council's preferred option, of the 3 model structures, with appointment to the Cabinet to be agreed by full Council,
- (2) That a suggested organisational structure, excluding a Partnership Committee, be as shown at the appendix to these Minutes.
- (3) That public consultation on the three options be undertaken by means of "Rochford District Matters".
- (4) That the Chief Executive be delegated authority to establish an independent panel to review Members' remuneration once further guidance was available (CEX)

The Meeting closed at 9.14 p.m.

Chairman.....

Date.....

## APPENDIX

10.5.5



