

CHANGE OF GOVERNANCE ARRANGEMENTS TO A COMMITTEE SYSTEM

To: Full Council

Date: 11th December 2013

From: The Monitoring Officer

Purpose: To seek approval of the recommendation from the Constitution and Ethics Committee concerning the change of Governance Arrangements to a Committee System.

Recommendation: It is recommended that Full Council:-

- i) Approve the new Constitution for Cambridgeshire County Council in order to cease operating the existing form of governance and start operating the new committee form of governance from its Annual Meeting on 13 May 2014; and**
- ii) Authorise the Monitoring Officer, in consultation with the Chairman of the Constitution and Ethics Committee, to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.**

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1. BACKGROUND

Change of Governance Arrangements to a Committee System

- 1.1 The Localism Act (the Act) was introduced on 15 November 2011. The aim of the Act is to improve freedoms and flexibility for local government and to allow power to be exercised at the lowest practical level, close to the people who are affected by decisions. The Act contains provisions that allow local authorities to change the form of governance arrangements under which they operate.
- 1.2 The Act specifies that, in order to change from a cabinet system to a committee system, local authorities are required to :-
- Pass a resolution at Full Council to change their governance arrangements;
 - As soon as practicable after passing the resolution, make the provisions of the new governance arrangements available for inspection;
 - Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.

Having passed a resolution and complied with the publicity requirements above, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place “at the relevant change time” which, in the case of a move from a cabinet system to a committee system, is defined as:-

- (a) The first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
- (b) A later annual meeting of the local authority specified in that resolution.

The Act also specifies that if the Council passes a resolution under the Act to change governance arrangements, it may not pass another resolution to change from one form of governance to another (e.g. from a committee system back to a leader and cabinet system) for 5 years unless a referendum is held on the issue which supports such a change.

- 1.3 At its annual meeting on 21st May 2013, the Council resolved under the provisions of the Localism Act 2011:
- “(a) to change its governance arrangements and start to operate a committee system form of governance.
 - (b) that the relevant change time for Cambridgeshire County Council to cease operating the existing form of governance and start operating the new committee form of governance shall be at its Annual General Meeting in May 2014.
 - (c) to request the Constitution and Ethics Committee to work up detailed proposals for the operation of the committee system, to be considered at a future Council meeting, in advance of the May 2014 implementation date.”

- 1.4 At its meeting on 25 June 2013 the Constitution and Ethics Committee considered a report detailing the approach being undertaken in relation to the process and timescale for changing the County Council's governance arrangements following the decision of full Council on 21 May 2013. This process included a workshop for members of the Committee held on 28 August 2013 attended by 15 members and/or substitute members and a workshop for all members held on 10 September 2013, which was attended by 33 members.
- 1.5 Following these two workshops, the Constitution & Ethics Committee met on 8 October 2013 to consider and comment on a report detailing a description of the proposed new model of governance arrangements. The report also included key documents, in draft form, relating to a proposed preferred model of committee system to be adopted by the Council. The governance model reflected the comments and feedback generated by the two workshops as well as other informal consultation processes with Group Leaders and officers. At this meeting, "the Committee resolved:
- (a) subject to the points raised in the course of the meeting and the matters identified for further consideration at its meeting on 7 November 2013, to recommend the model shown in Appendix B of the report before Committee and associated documents to Full Council for approval on 11 December 2013.
 - (b) to authorise the Monitoring Officer in consultation with the Chairman of the Constitution and Ethics Committee to make minor consequential and any other amendments to the documents set out in the appendices necessary for or incidental to the implementation of the model shown in Appendix B of the report before Committee."
- 1.6 The Chairman of the Constitution and Ethics Committee attended a meeting of the Resources and Performance Overview and Scrutiny Committee on 23 October 2013 to respond to questions on the proposals developed by the Constitution and Ethics Committee.
- 1.7 The Overview and Scrutiny Management Group also considered the proposals at its meeting on 24 October 2013 and agreed to submit a recommendation to the Constitution and Ethics Committee, recommending a free-standing Committee be set up, charged with external health scrutiny.
- 1.8 The Constitution and Ethics Committee met on 7 November 2013 to consider and comment on a report detailing a response to the points raised in the course of its meeting on 8 October 2013 and the matters identified for further consideration. At this meeting, the Committee considered representation from the Chairman of the Overview and Scrutiny Management Group, on behalf of the Group, to review the proposed arrangements for Health Scrutiny. "The Committee resolved:
- subject to incorporating the changes agreed by Committee above, to approve the detailed proposals in the report before Committee for recommendation to full Council for approval on 11th December 2013.

- to authorise the Monitoring Officer in consultation with the Chairman and Vice-Chairman of the Constitution and Ethics Committee to make minor and consequential amendments to the documents set out in the appendices necessary for or incidental to the implementation of the model shown in Appendix B of the report before Committee.”

Information behind the Committee’s proposed recommendation for a new committee form of governance is contained in its reports and minutes available at the attached links set out in the source documents on page 5.

- 1.9 On 25 November 2013, the Council held an event to raise awareness amongst members of what a committee system would be like from the perspective of an elected member. The proposal for this event had come from the Local Government Association Peer Reviewers. The event was led by John Cade from the Institute of Local Government Studies and supported by the Local Government Association. Jayne Francis-Ward, Corporate Director: Policy, Planning and Corporate Services, Nottinghamshire County Council also attended to answer questions on the Nottinghamshire experience of converting to a committee system. A total of 41 members attended.

2. CHANGE OF GOVERNANCE ARRANGEMENTS – DRAFT CONSTITUTION

- 2.1 The Constitution and Ethics Committee is proposing five Service Committees (Adults and Wellbeing; Children and Young People; Economy and Environment; Health; and Highways and Community Infrastructure) generally aligned to the organisational structure of the council, but also based on current Cabinet and Adults, Wellbeing and Health Overview and Scrutiny Committee workloads. Each of these committees will have 17 members appointed on a politically proportionate basis. The Health Committee will also be able to co-opt district councillors, one from each of the five districts, as non-voting members of the Committee.
- 2.2 There will be an underpinning General Purposes Committee designed to provide a strategic overview, which will undertake some key cross cutting functions such as the preparation of the business plan for recommendation to Full Council for approval. The regulatory and other committees will remain largely unchanged apart from the Appointments and Remuneration Committee, which will be consolidated to include all relevant employment/staffing functions and renamed as the Staffing and Appeals Committee. The proposed structure, as recommended by the Constitution and Ethics Committee, is attached at **Appendix A**.
- 2.3 The draft Constitution recommended by the Constitution and Ethics Committee was published on the Council’s website on Friday, 22 November 2013. It is attached at **Appendix B** to the report for Council approval. At the request of the Chairman of the Committee, it was circulated electronically to all District, Town and Parish Councils in the county, with an explanation that Full Council was due to agree a revised Constitution in December 2013 for implementation in May 2014.

3. TRANSITIONAL ARRANGEMENTS

- 3.1 The process of moving from an Executive to a Committee system will necessitate some transitional arrangements such as that set out in the following paragraphs. Others may be presented to Council in the new year.
- 3.2 As part of its current way of working, Cabinet makes one-off delegations to individual Cabinet members in consultation with the relevant officer(s). In the past, updates on these delegations have been reported back to Cabinet quarterly. A final update is proposed for the last Cabinet meeting on 15th April.
- 3.3 For one-off delegations to individual Cabinet members still outstanding at this time, it is proposed that the delegations be transferred to the relevant Committee Chairman, in consultation with the relevant Executive and Corporate Directors. This is a transitional arrangement and would apply only to the one-off delegations identified as outstanding in the Cabinet report of 15th April.

Source Documents	Location
Reports to the Constitution and Ethics Committee of 25 June, 8 October and 7 November 2013	http://tinyurl.com/ccc-cec-250613 http://tinyurl.com/ccc-cec-081013 http://tinyurl.com/ccc-c-e071113
Report to the Resources and Performance Overview and Scrutiny Committee on 23 October 2013	http://tinyurl.com/ccc-rpos-231013

COUNCIL

General Purposes Committee

Adults & Wellbeing Committee

Children & Young People Committee

Economy & Environment Committee

Health Committee

Highways & Community Infrastructure Committee

OTHER COMMITTEES

- Audit & Accounts Committee
- Cambridgeshire Health & Wellbeing Board
- Constitution & Ethics Committee
- Pension Fund Board & PFB Investment Sub-Committee
- Staffing & Appeals Committee
- Service Appeals Sub-Committee

REGULATORY

- Planning Committee

JOINT COMMITTEES

- Joint Development Control for Cambridge Fringes
- Joint Development Control for Northstowe
- Local Government Shared Services Joint Committee
- Police & Crime Panel