

## **Review of New Governance Arrangements**

### **Governance Committee – 5<sup>th</sup> November 2013**

Report of Chief Officer Legal and Governance

Status: For consideration

Also considered by: Council – 1 April 2014

Key Decision: No

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**Executive Summary:** The Governance Committee is tasked with reviewing the new governance arrangements which were introduced at Annual Council in May 2013 in addition to looking at options such as the Committee System or a Hybrid Model requiring Secretary of State approval and to report back to Council by April 2014.

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### **This report supports the Key Aim of Effective Use of Council Resources**

**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Christine Nuttall Ext. 7245

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**Governance Committee Recommendation to Council:** To be reported at the Council meeting on 1<sup>st</sup> April 2014.

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**Reason for recommendation:** The Governance Committee is tasked with reviewing the new governance arrangements which were introduced at Annual Council in May 2013 as well as looking at options such as the Committee System or a Hybrid Model requiring Secretary of State approval and to report back to Council by April 2014.

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### **Introduction and Background**

- 1 On the 23<sup>rd</sup> April 2013 Council approved a proposed new governance structure following Members concerns with the previous structure in the following areas:  
  
Perception of remoteness/inaccessibility of portfolios; feeling of disengagement from influence and decision-making; lack of training and development (succession planning for future Cabinet members); and the need to streamline the system to match the resource available.
- 2 The approval was subject to detailed mechanisms being brought back to the Annual Council in May 2013 to enable implementation of the structure with a review of the new governance arrangements being undertaken and reported back to Full Council by April 2014. In addition, options requiring more detailed consideration, such as the Committee System or a Hybrid Model requiring Secretary of State approval, were to be investigated during the next municipal

year. The new governance structure was accordingly approved at Annual Council on the 14<sup>th</sup> May 2013.

- 3 This report reviews the new governance structure to date with additional reporting due to take place at the Governance Committee Meeting on the 13<sup>th</sup> March in time to report to Council on the 1<sup>st</sup> April 2014.

### **Review of the New Governance Arrangements to date**

- 4 At the Governance Committee meeting on the 10<sup>th</sup> July 2013 it was agreed that the Policy and Performance Manager (now the Head of Transformation & Strategy) should be asked to help develop a “First Impressions of the New Governance Structure” to be sent to all Councillors and key stakeholders in August 2013. The first draft of the questionnaire would be sent to Members of the Committee for approval prior to being distributed.
- 5 A draft questionnaire was circulated at the Governance Committee meeting on the 19<sup>th</sup> September 2013 where it was explained that the purpose of the survey was to ask Members their opinion of the current governance arrangements. The survey had been formulated from information received from Members on what they wanted surveyed.
- 6 Members agreed that some of the statements within the questionnaire should be reworded so that direct questions were asked.
- 7 The Committee considered the timing of the questionnaire and Members agreed that it should be circulated to all Members on or around Friday 25<sup>th</sup> October 2013 after all Advisory Committees had held their second meetings. Responses to be received by the 15<sup>th</sup> November 2013. It was agreed that it could be necessary to hold a meeting of the Working Group in December 2013 to consider the Governance Arrangement questionnaire responses.
- 8 The questionnaire as set out at Appendix A is to be duly circulated to all Members on or about the 25<sup>th</sup> October 2013.

### **Other options such as the Committee System or a Hybrid Model**

- 9 On the 9<sup>th</sup> March 2012 an e-mail letter was sent to the then Chief Executive setting out the Governance Arrangements available to Principal Councils in England under the Localism Act 2011. A copy of this letter is set out at Appendix B which explains that it would now be possible for a council to pass a resolution, to move to the committee system at its annual meeting in May 2012, unless the resolution specified an annual meeting in a later year. The letter also sets out the requirements to put proposals for some novel form of governance arrangements to the Secretary of State.
- 10 In September of this year the Monitoring Officer spoke with Kathy Billington who is the contact point at the Department for Communities and Local Government. Kathy Billington informed the Monitoring Officer that no Councils in England had put forward proposals to the Secretary of State to consider any novel form of governance arrangements. Even if proposals passed the requirements test that

have been set there would still need to be House of Commons approval and House of Lords approval to any novel form of governance arrangements.

- 11 Set out at Appendix 3 is a list of Councils in Kent and surrounding areas and shows the kinds of governance models adopted. All Councils in Kent are working under some form of Cabinet governance model. Only Tandridge District Council is working under the Leader and Committee System as a result of their population falling under the threshold for the previous requirement to change to the Cabinet system of governance.
- 12 If a resolution is passed that makes a change to a Committee system of governance then the local authority may not pass another resolution changing back to the Cabinet system until the end of the period of 5 years beginning with the date the original resolution was passed.
- 13 The Monitoring Officer also spoke with Kathy Billington about the timing of any resolution to change to a Committee system and the fact that the earliest that this could take place would be a year before the next District Council elections which would commit newly elected Members to a new governance structure upon which they had not been consulted. In addition, our Constitution at present sets out a requirement that “The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change from a Leader and Cabinet Form of Executive to Alternative Arrangements or Vice Versa.
- 14 However, there is nothing to stop present Members from making a recommendation to the newly elected administration in 2015 to consider changing to the Committee form of governance.

## **Key Implications**

### Financial

- 15 There does not appear to have been any adverse financial implications resulting from the new governance arrangements.
- 16 There could be financial implications as a result of changing to the Committee system of governance which at this point in time are not quantifiable.

### Legal Implications and Risk Assessment Statement.

- 17 As set out above.

### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

### **Conclusions**

We await the outcome of the survey entitled "Governance Arrangements – Members' Survey. This may be considered by a Working Group in December in order to make recommendations to the Governance Committee on the 13<sup>th</sup> March 2014.

Some work has taken place in relation to looking at other options such as the Committee System or a Hybrid Model and the practical requirements of this are set out within the report.

### **Appendices**

Appendix A – Governance Arrangements – Members' Survey

Appendix B – E-mail letter dated 9<sup>th</sup> March 2012 entitled "Localism Act 2011: Governance Arrangements Available To Principal Councils in England

Appendix C – List of Councils in Kent and surrounding areas showing the kinds of governance models in operation.

### **Background Papers:**

Localism Act 2011

Sevenoaks District Council Constitution

**Mrs Christine Nuttall**  
**Chief Officer for Legal and Governance**