

Review of Democratic Structures Scrutiny Panel held on 13 October 2015 at 7.30pm



1. Present

Councillors: B A Smith (Chair), R G Burgess, I T Irvine, T Lunnon, K Sudan and K J Trussell

2. Apologies

Councillor Dr H S Bloom

3. Officers Present

Ann-Maria Brown (Head of Legal and Democratic Services)
Heather Girling (Democratic Services Officer)

4. Also Present

Mr J G Smith MBE, Honorary Freeman and Alderman

5. Disclosure of Interest and Whipping Declarations

There were no disclosures of interest or whipping declarations made.

6. Introduction to the Review, Background Information and to Consider the Draft Scope

The Chair welcomed Members to the first meeting of the Scrutiny Panel. The Head of Legal and Democratic Services provided an introduction and summarised the Council's position in terms of its governance arrangements.

The Local Government Act 1972 governed how local authorities should operate. Between 1972 – 2000, the function for decision making was the Committee System achieved by Full Council or delegated to committees/sub-committees or officers. The Local Government Act 2000, removed the Committee System for all but the smallest local authorities. The Act required councils to move to an Executive/Scrutiny Model. The Local Government and Public Involvement in Health Act 2007 required Councils to adopt one of two Models of Governance: directly elected Mayor; or a new style Strong Leader. The Council resolved to adopt the Strong Leader and Cabinet model. Under this system, Councillors elect the Leader from the membership of the Council for a four year term of office by a majority vote. The Leader then appoints (and can remove) Cabinet Members and assigns portfolio responsibilities to those Members.

The Leader appoints a Cabinet of a minimum of 2 and up to a maximum of 9 Members. The Leader decides how Executive Decisions are taken through a scheme of delegation either to the Leader, the Cabinet, Cabinet Member, Cabinet committee and/or to an Officer.

Under Executive arrangements, a Local Authority must appoint one or more Overview and Scrutiny Committees, such a Committee must have the power to review or scrutinise decisions taken by the Executive and submit reports to the Council or to the Executive.

The Localism Act 2011 allowed Local Authorities to choose which governance system they operate. There are now three governance options:

- Mayor and Cabinet }
- Leader and Cabinet } both known as Executive Arrangements
- The Committee System.
- Prescribed arrangements, to be approved by the Secretary of State.

The Head of Legal and Democratic Services added that it would be important to consider the issues (as documented in the Centre for Public Scrutiny (CfPS) 2014 '*Rethinking Governance*' guidance) as well as develop the scope for the review. The Panel was invited to consider assessing the current position of governance, to consider the key attributes for an effective governance system, consider the drivers for change and then consider improvements to the current system.

Panel Members held a discussion on some of the advantages and disadvantages of both Cabinet and Committee systems. However it was noted that all Members should be consulted and it was agreed that a short list of open ended questions would be devised for Members and Officers who would be consulted on an individual basis to obtain their views. Members would be split between Panel Members. **The Chair agreed to write to Group Leaders and Group Secretaries to inform them of the Panel's intention to commence consultation.**

The list of questions and Member allocation would be devised by the clerk and Head of Legal and Democratic Services ensuring a consistent approach.

Panel Members agreed that consultation should begin immediately once the Chair had emailed Group Leaders/Secretaries and upon receiving the questions. It was hoped the consultation could be completed by the next Panel meeting.

Panel Members queried whether partner agencies should be consulted but it was felt that the review should remain internal at present, but the opportunity to consult with partners who may be affected by improvements or a change in governance could be consulted at a later date.

It was suggested that a representative from Democratic Services attend the next meeting of the Panel to provide a verbal update on how the process and operations worked under a Committee structure (subsequently agreed Democratic Services Manager will attend).

It was noted that it would be important to look at improvements to the current system and aspects of the Committee and Mayoral system that could be accommodated to improve the current system. **Panel Members were requested to read the various documentation and identify any aspects that may be beneficial for improving the current system.**

It was acknowledged that should there be a fundamental change in governance arrangements, it would be key to estimate the timescales and costs required. It was noted that if a fundamental change in governance was considered, the Panel would need to be apprised of the appropriate timescales for implementation.

Some Members queried the public interest in the effectiveness of decision making. It was also noted that there was a distinction between aspects of the decision making process the public

were interested in and what decisions were taken in the best interests of the people of the town. It was recognised that the decision of the Panel needed to be in the best interests for Crawley.

It was felt that a site visit would be beneficial, both at an authority that had moved to a Committee system and also one that had completed a review but remained with the Cabinet model. **It was requested that the political make-up of the various authorities be sought to ascertain possible site visit locations.**

RESOLVED

That the Chair agreed to write to Group Leaders and Group Secretaries to inform them of the Panel's intention to commence consultation.

That a list of questions (for Members and Officers) and Member allocation be devised by the clerk and Head of Legal and Democratic Services ensuring a consistent approach to be issued to the Chair.

That Panel Members begin consultation immediately once the Chair had emailed Group Leaders/Secretaries and upon receiving the questions to ensure completion by the next Panel meeting.

That Panel Members be requested to read the various documentation and identify any aspects that may be beneficial for improving the current system.

That the political make-up of the various authorities be sought to ascertain possible site visit locations.

7. Further Meetings

The Panel agreed that:

- i) the next meeting be held on Thursday 26 November 2015 at 6.30pm (committee room B)
- ii) the third meeting be held on Monday 25 January 2016 at 6.30pm (committee room B)
- iii) the fourth meeting be held on Tuesday 23 February 2016 at 6.30pm (committee room B)
- iv) further meetings may be arranged dependent on the Panel's progress

8. Closure of Meeting

With the business of the Panel concluded, the Chair declared the meeting closed at 9.25pm.

B A Smith
Chair