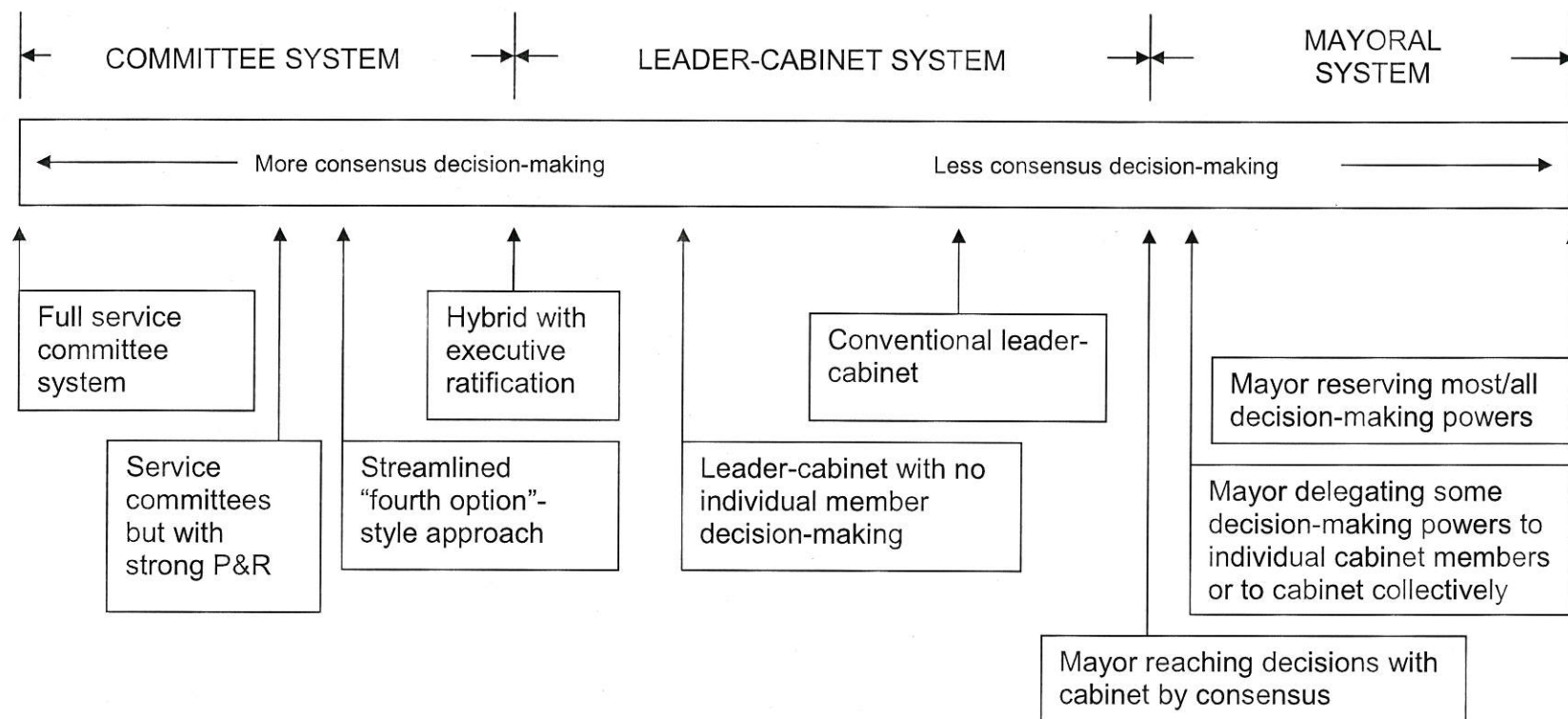


Governance models as a spectrum

The "weak leader" and "mayor and council manager" options (no longer available) are omitted for simplicity.



Musical chairs: Appendix 2

Case study authorities in detail

We have sought evidence both from councils planning to change in 2012, and those considering a change in 2013 or later. Because proposals and possibilities are still being developed in many places, and public plans have not necessarily been published, we have anonymised all of the authorities to whom we have spoken. Also, because proposals are being discussed only internally in many authorities, we can't guarantee that we have a full and complete picture of all councils in England considering a change.

We have identified only three authorities who are changing their arrangements in May 2012 (one other, Council L, is moving to a "hybrid" arrangement that will technically still be classed as leader-cabinet). However, many of the others are thinking about changing in May 2013 or possibly May 2014. A relatively significant number of councils appear to be keeping their powder dry, while they consider the success or otherwise of other authorities who are making their move earlier.

Council A is a unitary authority. Here, members are keen to explore the possibilities arising from the new powers in the Localism Act. However, current governance arrangements mean that the authority would need to conduct a referendum in order to make changes. It's possible that the issue will be revisited in May 2012, with a referendum being held in November prior to a change in May 2013. However, the dynamics created by the fact that that the authority is currently led by an executive mayor make this a subject of some delicacy. If Council A does change its governance arrangements, there will still be a separate scrutiny function of some kind.

Council B is a unitary authority. Since the Localism Bill was introduced there has been significant cross-party support for a return to the committee system, and the decision was made to adopt new forms of governance in May 2012. Member and officer groups have been working on the plans since November 2011.

The council will have six or seven service committees (which will meet on a roughly six week cycle), three regulatory committees and two scrutiny committees. One scrutiny committee will take responsibility for health issues, adult social care, and broader 'well-being' matters – the other will take on other responsibilities including crime and disorder. Scrutiny committees will meet much

less frequently than they do now but a broader use of task and finish groups – which members have always found valuable – will be made. Scrutiny itself will consciously take more of a partnership-focused approach to work (although this approach has not been explicitly referenced in the constitution). Scrutiny itself will become more of a policy and improvement function than it is at the moment, with T&F groups being commissioned by scrutiny committees, and by service committees. Task and finish is seen as a key means to develop policy on otherwise contentious areas of policy (Council B is run by a minority administration).

It is possible, under the new system, that there could be more delegation, in future, to officers than there is at the moment. For now, powers of delegation to officers is staying much the same as it is now.

Council B recognises the need to think about business planning as part of the new arrangements, and a new forward planning system is being brought in. The current plan is for a relatively high volume of decisions to be dealt with immediately prior to the change under existing arrangements, to ensure that workload on new structures is less, for the first few weeks, than it might otherwise be, to enable new systems to bed down.

Council B will “review and revise” the arrangements once they have been in operation for a year.

Council C is a county council. Its majority party has been committed to a return to the committee system since 2009. Council C will, in May 2012, put in place a committee system which closely reflects the pre-2000 committee system. It consists of nine service committees, with a co-ordinating policy committee for strategic decisions. These committees will meet six-weekly (with the policy committee meeting monthly) and will take decisions on any issues that do not deal with “day to day operational matters”, which will remain delegated to senior officers.

There will be little or no delegation directly to chairs of committees – instead, each committee will have its own work programme, which it will develop so as to ensure that reports pass to it at the right time, when decisions need to be made. This involves close discussion with corporate directors over their own programmes.

An officer group has been meeting fortnightly since late 2011 to put the plans into place and draft terms of reference for the committees, financial regulations and constitutional amendments are being prepared, and will be put to Full Council in late March.

There will be no separate scrutiny committee. Instead, the policy committee will take on scrutiny’s statutory functions – where scrutiny happens it will be ‘external’

in nature. The policy committee itself will be the primary strategic decision-making forum of the authority – the number of Full Council meetings will decrease, with FC being used mainly for statutory business such as budget approval, appointment of committee chairs and so on.

Unlike Council B, there are no plans to “review and revise” the arrangements after a year.

Council D is a unitary council, in an area that was subject to a recent local government reorganisation. It is currently in the early stages of considering a move to the committee system, as part of a wider review of governance. A 15 member councillor-level working group has been formed to set out some possible options, starting by examining the scope and whether independent people should be involved.

There are differing views at Council D (amongst the member corps) about whether to change governance arrangements. The council has a large number of members and hence many councillors feel that a “return” to the committee system would be worthwhile. Some councillors feel that scrutiny is ineffective. There is great enthusiasm for bringing back large numbers of issues, currently delegated to officers, to member forums for decision, but no agreement of whether or how this might happen.

Delegation has been discussed, insofar as any changes might have any impact on nascent approaches to localism in the area. A wish to delegate decision-making more to local bodies and people may affect the power and remit of service committees. Also relevant is an external review being carried out into development control committees and internal consideration of standards matters.

Members are keen to carry out an initial review fairly swiftly, to agree options and then to proceed to detailed planning. There is felt to be a need to have the detail of any new system in place well before next year, when elections are being held.

Council E is a unitary authority and one of the 12 “core cities” holding a referendum on an executive mayor in May 2011. Members have expressed an interest, should the referendum go against the mayoral model, to move to a committee system. However, detailed plans for what such a system might look like have not been articulated by members, or further developed.

Council F is a unitary authority that has already, within the current law, established a committee system that makes decisions which are then ratified by the executive. They have described this as a “transitional” phase, which ensures that they continue to comply with the Local Government Act 2000, until the Localism Act comes into force.

Council F has never operated single-member decision making – decisions have always been made in full Executive meetings. As a result, council projects and programmes are designed to dovetail with committee cycles already.

Under transitional arrangements, service committees – on which members of the executive, opposition lead members and backbenchers all sit – consider a number of items (no more than 6 or 8). Following agreement, at the end of the meeting there is a formal meeting of the Executive (which only requires a quorum of two to meet) where the decisions are ratified. The minutes of this Executive meeting are published the next day to allow time for call-in.

There are three service committees – People, Policy and Places. They meet about once every six weeks. It is not anticipated that significant changes to the committee structure will happen once the committee system is formally adopted (expected in May 2013) but one principal change that is being explored is the possibility of enhancing the role played by full council, as a forum for decision-making. The only other change will be the removal of the Executive meetings immediately following service committees meetings (as they will no longer be necessary).

For the moment, scrutiny committees remain a part of the system, although a number of members are interested in abolishing them entirely. However, it is possible that if they are recast – perhaps to make the call-in process more public facing, or engage more with partnerships – they could have a role to play in the new system.

The plan is to review the operation of these current, transitional arrangements between now and late 2012. Members will take a lead in this oversight. Steps will then be taken to move to a committee model in May 2013.

Council G is a unitary authority. It has been working initially through a member working party, and later through an executive advisory group and joint officer/member working party to develop and test proposals for change.

Members first started thinking about options for change in October 2010. The proposals for change have been set in the context of very clear objectives about what the changes are seeking to achieve and through a recognition that any structural changes will need to be accompanied by changes in behaviour.

The proposals have been developed in order for full Council in April 2012 to decide if it wishes to adopt a new model of governance from May 2012 that in summary would establish four cross-cutting committees, a Strategy and Resources Committee and a single scrutiny committee to focus on the statutory roles of health and wellbeing, flood risk, crime and disorder and in other areas only in exceptional circumstances. These changes are accompanied by changes to the current system of delegations, financial regulations the standards regime and forward planning. Other regulatory committees will not change at this time.

Consultation is taking place with the public and partners. A programme of councillor and officer learning and development is being put in place to support the changes and there is a commitment to review all the arrangements after a six month period.

Council H is a unitary authority which neighbours Council J. There has been significant enthusiasm amongst a large number of members to return to the committee system (ie a fully-fledged return to the pre-2000 system rather than a 'streamlined' or 'hybrid' model) but instructions have not yet been given to officers to prepare more detailed proposals. It now seems more likely that there will be a move to change in May 2013. For internal political reasons, the leadership is likely to change its view on a transition – at the moment there is a certain amount of ambivalence but this may change in the coming months to more vocal support.

It is likely, when it comes to pass, that any change will be to a hybrid or streamlined model rather than a fully-fledged pre-2000 committee system. Officers anticipate a firm decision being made in October or November 2012. Because this may not leave enough time for a 2013 change, it seems more likely that Council H will make the change in May 2014.

Council I is a unitary authority created following a recent local government reorganisation. A member working group, comprised of members from all parties and performing a variety of different roles, has been convened to work out exactly what new governance arrangements might entail. This follows a recent notice of motion at a recent Full Council meeting to "return to the committee system".

The member working group has definitely ruled out the mayoral model but everything else is still being discussed. Members are keen to improve governance, accountability and checks and balances, and there is some concern that outright change may "throw the baby out with the bathwater". Some members, though, are keen to make a change immediately.

One third of the council's members have direct experience of the committee system and not many are clamouring for a return, but there is dissatisfaction with the way that the cabinet system operates, suggesting that issues relate more to culture than they do to structure.

Council J is a unitary authority which neighbours Council H. It has been considering a move to the committee system, but has not made a formal decision yet. Alternative proposals have been developed which could see the scrutiny function being bolstered in order to enhance the involvement of backbench members in council business, but discussions on all these matters are still at a very early stage.

Council K like Council F, Council K has also established a service committee-style model of decision-making within the terms of the Local Government Act 2000. However, Council K has had such a system in place for some years (it is a unitary authority, not a fourth option council). It is planning a formal adoption of a committee system but this will involve minimal constitutional changes.

Council L is a county council that plans to adopt a “hybrid” form of governance within the terms of the existing leader-cabinet model.

Following a decision to start looking at new arrangements in summer 2012, officer proposals were submitted to councillors in October 2011, pointing out that such a hybrid model would not need to be subject to the requirement for change in the Localism Act of being linked to council AGM. These were supplemented with more detailed plans in March 2012. The new arrangements are being brought in in April 2012.

There are a number of key aims for the establishment of the new hybrid system, which mainly focus on the involvement of non-executive councillors into the decision-making process.

The proposals will see the formation of six new Cabinet Committees – P&R (with responsibility for considering cross-cutting issues), Social Care and Public Health, Education, Communities, Environment Highways and Waste, and Economic Development. These committees will exist to carry out review of proposed decisions before they are submitted to Cabinet. They will meet five times a year, with Cabinet itself also meeting five times a year. Individual Cabinet Member decision-making will remain. Cabinet committees will be chaired by a “mixed economy” of executive and non-executive members. A scrutiny committee will take on certain statutory responsibilities.

Council L’s members have recognised the value of work carried out by “select committees” and the new system will allow both Cabinet committees and the scrutiny committee to establish such committees as subs. The officer report states that, “there would be a need for the Cabinet and the Scrutiny Committee to carefully plan and co-ordinate their work programmes around available resources”. Task and finish groups – which are informal, fall outside of the information access rules and consequently “contradict one of the stated intentions of the hybrid scheme, namely to promote democracy”. There will not be a role for such groups in the new system.

Council M is a shire district. It is considering the possibility of changing to the committee system in 2013, but recognises that it needs to find a system that meshes with its aim to become a “commissioning council”. Proposals are still at a nebulous stage, but it looks as though proposals will encompass a policy committee which will take strategic decisions, and two or three service committees that will take a role in management and monitoring of commissioned

services, making decisions within the 'envelope' decided by the policy committee. It is likely that there will be no separate overview and scrutiny function – O&S will be 'embedded' within the new committee arrangements, possibly in a similar way to that being adopted by Council C.

Council M plans the introduction of "shadow" arrangements for a new structure in the coming months, in order to make the process of transition more straightforward.

Council N is a shire district. In March 2012 it made the decision that it would make the transition to a committee system in May 2012. Officers have been tasked with drawing up detailed proposals although it is expected that a small member panel will have oversight of this process. As Council N's plans are being developed as we publish our research, we do not have any further details about committee structure, delegation, engagement of partners and so on.

Other authorities

We spoke to a number of other councils too. Some people thought it was possible that they would change their governance arrangements in 2013, but officers were waiting for further member direction on the subject. Some thought that 2014 would be a more realistic date. Many thought it was unlikely, in that there was not the critical mass of members in the authority to drive a governance change.

Why so few shire districts?

During the passage of the Localism Bill through Parliament, many commentators felt that most of the authorities who would take advantage of the opportunity to adopt a committee system form of governance would be shire districts, in part because of the perceived success of the streamlined committee system in "fourth option" authorities. However our research suggests that this isn't the case. Almost all the authorities we have been made aware of are counties and unitaries (apart from Council M, considering a post-2012 change, and Council N, planning to change in May 2012). Conversations we have had with a number of district colleagues suggest a genuine lack of interest in making a transition, with anticipated costs and a lack of benefit from making the change being the main reasons cited for sticking with the leader-cabinet model. This makes us confident that the lack of such authorities in our research is not down to selection bias.