

Governance Committee
9 September 2019
Part I
Notice of Motion - System of Council Governance
Report by Director of Law and Assurance

Summary

The Committee is asked to consider a notice of motion on the Council's governance system submitted by Dr Walsh to the County Council meeting on 19 July 2019.

Recommendation

That the Committee considers whether or not to support the call for a return to the committee system, for submission to the Council on 18 October 2019 for debate.

Proposal

1. Background and Context

- 1.1 Dr Walsh submitted a notice of motion on the governance system used by the County Council. At its meeting on 19 July 2019, the Council agreed to refer the motion to the Governance Committee for consideration, before debating the motion in October. The text of the motion is as follows:

'The County Council has been found 'inadequate' by HM Inspectorate, in respect of the Fire and Rescue Service, as well as in its provision of Children's Services by Ofsted, where the Government has appointed a Commissioner to run the service. The Member of Parliament for Mid Sussex has written to the Secretary of State for Housing, Communities and Local Government expressing his "grave concerns about the governance of this authority" and asking him "to investigate why things have gone so wrong".

It is abundantly clear to all that there is a systemic failure of political leadership of West Sussex County Council encompassing all our major services, and further evidenced by the high turnover rate of most senior officers at Director level including Chief Executive over the last few years, and the churn of Cabinet Members.

The Council therefore resolves to scrap the current Cabinet system of governance, where most major decisions are taken either by individual Cabinet Members, or occasionally by the whole Cabinet, and to replace it with a Committee-based system, where all councillors play a part in decision making, and for this to be in place by May 2020.'

- 1.2 The committee system is a method of decision-making where a collective group of elected members meet, debate proposals and make decisions, usually in the public domain. Committees are usually politically proportionate. The Chairman of a committee would usually oversee the business of the committee, lead on agenda planning and would have a second or casting vote to resolve tied voting. Committees meet around every two months with published agendas and reports containing recommendations. This method of governance was the predominant method in local government for many years.
- 1.3 The Local Government Act 2000 introduced new systems of governance, including the Leader and Cabinet model for executive decision-making, which was adopted by the County Council and most other local authorities. The committee system was abolished for all but the smallest local authorities. The main aims of the new approach were to speed up decision-making and to identify accountable elected members for areas of council responsibility and to make the system more easily understood by the public.
- 1.4 The County Council implemented the executive and scrutiny model in 2000 and adopted individual decision-making by the Leader and Cabinet Members, making full use of the flexibilities of the Act. The County Council also implemented a proactive scrutiny function of politically proportionate scrutiny committees to sit alongside cabinet member decision-making and provide public scrutiny of major decisions prior to their determination by a cabinet member in addition to the facility to 'call-in' decisions that had not been previously scrutinised.
- 1.5 The Localism Act 2011 amended the Local Government Act 2000 to enable local authorities to revert to the committee system, either if the council itself agreed this, or if a petition of at least 5% of the electorate of West Sussex was received asking the Council to change its governance arrangements.
- 1.6 The Governance Committee considered governance options in January 2012, after the publication of the Localism Act 2011. At the time, the Committee considered that the cabinet system had a number of advantages over the previous committee system, as an efficient, fast decision-making process with clear lines of accountability that could be easily understood and that the scrutiny arrangements provided an effective mechanism for holding the executive to account and enabling all members to influence decisions as they developed.
- 1.7 The Leader and Cabinet executive model is still the most common governance arrangement in local government. Of the 26 two-tier county councils, two operate the committee system. Norfolk County Council went back to the committee system but has since reverted to the Leader and Cabinet executive model. One neighbouring unitary authority, Brighton and Hove City Council, uses the Committee system.

2. Proposal

- 2.1 The Governance Committee is asked to consider the motion and discuss its merits. It should then make a recommendation to the Council on whether or not the motion should be accepted.

- 2.2 The Notice of Motion suggests a link between Governance and service outcomes and quality. The Committee may wish to consider whether such a link is valid or whether other factors apply. The Notice also refers to a turnover of senior staff although the link to governance is not made. There is a reference also to the frequency of changes to cabinet members. That is not necessarily a product of governance and member turnover could just as easily affect committee membership and chairmanship.
- 2.3 It will be for the Committee to decide what factors should be considered when deciding whether a particular governance model is preferable. Such factors could include:
- The timeliness of decision making
 - The benefits and disbenefits of single member accountability
 - The involvement of more members in decision-making
 - Clarity of decision making for residents
 - The resources required to support any model
 - Openness or transparency provided by any model
 - The best way of ensuring the greatest level of elected member influence on decisions and policy making
 - The role of full Council in any system
 - What may make for 'good' decisions
- 2.4 Whilst not specifically included in the Notice of Motion the Committee may also wish to consider whether any changes to the current system should be considered short of its replacement with another model. The Committee is reminded however that there is to be a review of scrutiny at a future meeting of the Committee and following the work of a member panel.

3. Resources

- 3.1 There would be likely resource implications from changing the system of governance, which will be investigated if Council agrees the motion in October. This would include the number of special responsibility allowances and their scope, which would have to be reviewed by the Independent Remuneration Panel if the Council decided to change to the Committee system.

Factors taken into account

4. Consultation

- 4.1 None.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Changes to the system of governance could disrupt current plans and arrangements and lead to delays in decisions.	Increased use of urgent action procedures by officers may be needed during any transition period.

6. Other Options Considered

6.1 None.

7. Equality Duty

7.1 Not applicable as this relates to an internal matter only at this stage.

8. Social Value

8.1 Not applicable as this relates to an internal matter only at this stage.

9. Crime and Disorder Act Implications

9.1 Not applicable as this relates to an internal matter only at this stage.

10. Human Rights Implications

10.1 Not applicable as this relates to an internal matter only at this stage.

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Background Papers

None