

Motion to Full Council – 23 July 2013

The possibility of a transition to a Committee System in May 2014

Motion proposed by Councillor Jefferson Horsley and seconded by Councillor Simon Coles

Taunton Deane Borough Council notes the provisions in the Localism Act 2011 which now enables English Local Authorities to operate a different form of governance including a Committee system from their Annual Meeting. It further notes that the resolution to start to operate a different form of governance must be made at a meeting in advance of their Annual Meeting in order to be implemented from the aforesaid Annual Meeting.

Taunton Deane Borough Council therefore believes research should begin now to consider the possibility of a transition to a committee system in May 2014 after weighing up the advantages and disadvantages of such a system and comparing it with the current “Stong Leader – Executive” model.

Taunton Deane Borough Council therefore instructs its officers to prepare such a report for its 8 April 2014 meeting ahead of Annual Council to be held on 8 May 2014 in such a manner that the options are clearly set out for Members to decide to adopt Governance by Committee should it so decide at that meeting.

Briefing note on Change to Governance Arrangements Under the Localism Act 2011

Background

The Localism Act was introduced on the 15 November 2011 with the aim of improving freedoms and flexibility for Local Government as part of those freedoms and flexibilities are the provisions to allow local authorities to change their governance arrangements and to enable them to return to a Committee system from operating executive arrangements.

Commencement orders have now been issued that have brought in some of the powers to allow local authorities to do this. Further regulations have been issued and work can now be done on how to set up a Committee system.

Process

In order for a local authority to be able to change to a Committee system the Council must pass a resolution in order to enable the change.

The Council must then make available copies of all of the relevant documents detailing the changes as soon as possible as well as advertising it in at least one local newspaper.

It should be noted that once the resolution has been passed to agree these changes no further change can occur again for five years.

Any change will take effect at the first annual meeting after the resolution has been made or at any specified annual meeting if not the next one following the decision. This means that it will not take effect until next May now.

It is also understood that no change can occur in an election year, that is a decision in the April to take effect at the Annual Council in the May.

What's to come

Further regulations have now been released that set out the relevant parts of Schedule 2 to the Act and these establish:-

1. The functions of any Committee that are non-delegable;
2. Cases/actions that are non-delegable;
3. Any action in connection with the discharge of any function that is non-delegable.

If a function etc is non-delegable then it must be carried out by the Full Council and Section 101 of the Local Government Act 1972 may not apply.

In addition, the Council will have to decide whether or not it has one or more Overview and Scrutiny Committees but the way the regulations are drafted it appears that we are being guided that there should be Scrutiny Committees.

What the Committee system could mean

There would be no Cabinet/Executive.

We would need to have a Policy and Resources Committee which would be chaired by the Leader.

There would be a number of managerial Committees, which in turn could also have sub-committees and Scrutiny Committees will be a choice.

Other considerations to be taken into account:-

The system is generally resource intensive for professional officers and Democratic Services staff.

More evening meetings for officers which is likely to lead to increased claims for overtime and therefore increased costs, not to mention the facilities staff unless there is a move to day time meetings or late afternoon meetings.

There is a danger of officers not getting sufficient time to get the 'day job' done, therefore there will need to be clear prioritisation on what work needs to be done and what will not.

We would still need regulatory committees such as the Planning Committee and Licensing Committee.

More Members would have a role in the council although this may lead to more special responsibility allowances therefore further increasing the cost of the system.

A re-write of the Council's Constitution would be required.

Proportionality would be governed by the Local Government and Housing Act 1989 and will be decided based on our current numbers. The Policy and Resources Committee will need to be looked at in terms of how it recommends the budget, so numbers will be an issue. However it will depend on the number of Committees and number of members of those Committees.