

REPORT OF THE LEADER OF THE COUNCIL

CHANGE TO COUNCIL GOVERNANCE ARRANGEMENTS

Purpose of the Report

1. To seek approval to change the Council's governance arrangements from a committee system of governance to the executive system (Leader and Cabinet model) and to approve the necessary documentation and constitutional changes required together with a delegation to the Monitoring Officer to make any consequential amendments to other parts of the Constitution.
2. To make the necessary practical arrangements to bring the new system of governance into effect including notifying the public and partners regarding the Council's decision via the necessary public notice, establishing a post of Statutory Scrutiny Officer and convening a meeting of the Independent Remuneration Panel to consider Councillors Allowances for the new system.
3. To authorise the Governance and Ethics Committee, through the established Members Working Group, to keep the new arrangements under review with a formal review after 12 months from their implementation.

Information and Advice

4. The Local Government Act 2000 required the vast majority of principal local authorities to adopt executive arrangements. The County Council operated as a Leader and cabinet model until May 2012. At that time, the Localism Act 2011 gave all local authorities the power to decide for themselves which governance model best suited their local circumstances and a small number of Councils decided to make the change from executive arrangements back to the old Committee system of governance. Nottinghamshire was one of those Councils which reverted to the Committee system as soon as the legislative powers allowed for it.
5. In a report to Council on 23 September 2021 the Council voted in principle to move from the Committee system of governance to an Executive Leader and Cabinet Model. At the same time the Chief Executive was authorised to undertake detailed work, in consultation with a members' working group established for the purpose, to bring forward proposals for such a change in the model of governance for the Council.

6. The Levelling Up White Paper, published on 2 February 2022, includes an invitation for all nine county areas to begin negotiating devolution deals, including Nottingham and Nottinghamshire and other areas across the East Midlands. The Government's aim is for a number of these deals to be agreed by Autumn 2022. The White Paper also commits that by 2030 every part of England which wants one will have a devolution deal with powers at or approaching the highest level of devolution.
7. The White Paper sets out a Devolution Framework detailing the types of powers and functions which will be considered at three levels. Level 3 deals offer the opportunity to devolve the greatest level of powers, flexibilities, and funding from government to our local area. Work is ongoing, in collaboration with partners, to explore the potential for a Level 3 Mayoral Combined Authority to maximise the benefits to our regions and achieve better outcomes for local people through much needed additional investment and ensure that we are not left behind as the government progresses deeper devolution deals with other areas.
8. The devolution proposal template to be submitted to government requires information to be provided on the Council's leadership and governance model. A strong leader and cabinet model gives the Council maximum flexibility and leaves the Council best prepared for any form of devolution. The new governance model proposed to Full Council in this report would not prevent the Council continuing to pursue the highest level of devolution deal with its partners, in negotiation with government, to maximise the potential opportunities and benefits available for local residents and businesses, whilst leaving other devolution options open to the Council. The final devolution deal will be brought to Full Council for consideration and approval.
9. The current administration of the Council, now working to implement its 10-year vision for Nottinghamshire set out in the Nottinghamshire Plan, believes that an executive form of governance leads to more efficient and effective decision making with clearer accountability. Furthermore, it would enable the Council to better respond to the fast-moving pace of change which is a feature of modern life and ensure delivery of the ambitions for local people and local businesses set out in the plan.
10. Officers have been able to identify only one upper tier Shire County as having a Committee system. From research conducted across 36 Councils, some 75% operate a Leader and Cabinet model, 14% a mayoral system and only 11% operate the Committee system. Locally, all but two of the local District and Borough Councils in Nottinghamshire operate the Leader and Cabinet system. Both Broxtowe Borough Council and Newark and Sherwood District Council have also taken decisions to move to a Leader and Cabinet model and are in the process of finalising their arrangements with a view to implementation in May at their respective annual Council meetings. Therefore, Nottinghamshire is currently an outlier.

Members Working group

11. A member's working group was established following the decision by Council in September, to review options and develop detailed proposals for consideration by Full Council. The group comprised the Chairman and Vice Chairman of the Governance and Ethics Committee together with the Business Managers, or an alternative nominee, from each of the political groups of the Council and the Council's non-aligned member. The working group has met 8 times in the period since September, first discussing principles and themes of work and later reviewing draft documents as they were brought forward for discussion.

12. The proposals have been developed in light of statutory and best practice guidance. The formal arrangements and operation in practice in local district councils and constitutional arrangements in comparable county council's from across the country have also informed the work of the member working group and development of the proposals for the County Council.
13. This Council is historically familiar with executive arrangements, having operated them from their introduction under the Local Government Act in 2000 until May 2012 when the Council decided to return to the Committee system. The previous arrangements have also helped to inform the development of the new arrangements but have had to be updated to reflect legislative and other changes since the County Council last operated an executive system.
14. The documents which form the arrangements for the proposed new system of governance were circulated in full for consideration by the working group and members asked to provide feedback from political groups to the working group. The Opposition and majority groups have also received separate briefings from the Monitoring Officer and Deputy Monitoring Officer on the proposals which have been developed through the members working group. Feedback from these briefings has been discussed at the Group Leaders Meeting and amendments made to the final proposals to reflect these discussions.
15. The proposed arrangements have also undergone independent external legal review to ensure they comply with the relevant legal requirements.
16. The work was divided into phases as shown in the table below, with phase 1 being the critical documents which make up the main Council arrangements under the new system of governance.
17. In Phase 2 of the process, there will be a need for further consequential changes to a variety of other sections of the Council's Constitution, including but not limited to the following:
 - a. Employment Procedure Rules
 - b. Protocol for Councillor and Officer relationships
 - c. Officers Code of Conduct
 - d. Members Code of Conduct
 - e. Travel and Accommodation Policy
 - f. Members Scheme of Allowances
 - g. Protocol for involvement in Outside Bodies

It is envisaged that such changes will be merely consequential in nature, replacing the old body of Council which relates to the relevant content with the new body of Council responsible for those functions etc. In the event that such changes involve any other material changes these will be brought back to Council at the May meeting, otherwise they will be amended under a general delegation to the Monitoring Officer to make consequential amendments to update the Constitution.

18. Phases 3 and 4 of the process focus largely on the practical arrangements to successfully implement and sustain the new system of governance in the longer term, including training, guidance and creating consistent procedures which are aligned with Corporate Leadership Team and each Department's Senior Leadership Team arrangements. Phase 4 includes

various aspects which would be the focus of review over the first 12 months following implementation.

Critical Path/Phased approach			
Phase 1 (March) Key Arrangements	Phase 2 (March-May) Consequent changes	Phase 3 (May – July) Go live: Transition	Phase 4 (to May 23) Implement/Review
Terms of reference	Employment PR	Decision Log	Members Code
Cabinet Procedure Rules (PR)	Officer/Member relations code	Scrutiny Training and planning	Operational effectiveness
O&S PR	Officer Code	CLT consistency	Procedure issues
Council/C'ttee PR	Travel & Accom Policy	Further guidance and training	Key Dec Thresh
Budget and Policy Framework PR	Outside Bodies Protocol	Report writing guidance	Call-in process review
Financial Regs	Guidance & Training	CLT feedback	O&S review
Urgency PR	Council diary and legal notice published	Role descriptors	
Access to info PR	Forward plan	Conflicts protocol	
Officer Delegations	CLT approach		

Consultation

19. In addition to the relevant documentation being developed, following the in-principle decision in September, the Council undertook some public engagement/consultation during January/February. A short questionnaire was released via the Council's website which was communicated through the following channels:

- (a) Social media via Twitter (51,000 followers) and Facebook (26,000 followers)
- (b) My Notts App via a push notification to 15910 users 486 of which opened the notification.
- (c) An email bulletin to all 116,245 subscribers to the Council's Email me system, followed by a "latest news" update to subscribers to that service which together resulted in 1325 unique clicks to access further online information and a link to the short survey.

The above linked to a page on the Council's website which received 2,250 views during the period of the consultation and 537 clicked into the survey form itself.

20. Despite the coverage above, the number of people who chose to respond to the consultation was limited, resulting in just 402 responses. The number of responses received represents fewer than 0.07% of people eligible to vote within Nottinghamshire and less than that in some areas of Nottinghamshire.
21. A summary of the responses is that, based on the information available to them at that stage, 28.36% of respondents (114 out of 402) agreed with the proposal to change governance arrangements from a committee system model to a leader and cabinet model. 11.69% of respondents had no firm view (47 out of 402). 59.95% of those who responded disagreed with the proposal (241 out of 402).

22. Of those who agreed with the proposals the positive themes were that the system would improve efficiencies in the decision-making process, such as reducing duplication and result in more streamlined and speedier decision making.
23. The themes emerging from the comments left through the process suggest that of those who disagree with the proposals people felt the Leader and Cabinet system can be less democratic, lack transparency and concentrates power in the hands of the fewer people, that it would result in less debate on key decisions, and allow fewer voices from across the political spectrum to be heard and result in less area representation and that there should be cross party representation in the model proposed.
24. As mentioned in the last report to Council, although in times past a view has been expressed that the Committee system of governance may offer the most democratic form of decision making, there is another school of thought which believes that, correctly operated, executive systems of governance can provide for greater individual accountability for decisions taken by those who exercise executive power.
25. Although the views of those people responding to the consultation are clearly important considerations when reaching a decision, it is worth noting that a significant majority of Councils and Central Government operate a Leader and Cabinet system which is set out in legislation. If the system were inherently undemocratic, it would mean that the vast majority of the Councils in the country were operating undemocratic systems. Instead, the likelihood is that there is concern about the potential for a system to be operated in an undemocratic way. However, the law requires a series of checks and balances to be in place to provide for democratic accountability and to ensure that decisions taken either individually or collectively by Cabinet Members are open to relevant scrutiny and in some cases may be called-in and examined for procedural compliance.
26. Linked to the exercise of executive power are the structures of scrutiny which exist to hold the executive to account by those Councillors who do not form part of the Executive (or Cabinet). Through the member working group the Council has developed proposals for robust scrutiny and call-in arrangements. This includes the roles of Vice Chairmen of the Overview and Scrutiny Select Committees being offered to opposition members and members being able to attend Overview and Select Committees and speak with the permission of the Chairman. All members will also be able to attend and ask in advance to speak at Cabinet on a matter on the agenda for consideration. This will be at the Leader's discretion. This approach is in line with that adopted by a number of other councils operating executive arrangements, including other local councils.
27. As well as undertaking public engagement regarding the changes, the Chief Executive also wrote to key partners and other local government agencies in late September notifying them of the Council's intention to change governance systems and has received no responses to that communication.
28. Consultation has taken place with the recognised trades unions through the Council's Joint Consultative and Negotiating Panel and at the time of writing no further comments have been received regarding the proposed change. It has been agreed with the recognised trades unions that regular meetings will be held with the Cabinet Member for Personnel to provide the opportunity for trade union colleagues to raise any issues and that ad hoc meetings will be arranged on request.

29. The Council must take into account the responses received in this consultation process in reaching a decision on whether to proceed with the proposed change in governance arrangements.

Proposed Model

30. Under executive arrangements following the Leader and Cabinet model, a leader is elected by the Council for a term determined by the Council itself, usually until the next scheduled County elections, or 4 years. Once the Leader is appointed the selection of the number and remit of the Leader's Cabinet is a matter for them. Depending on how the Leader wants to operate the system they can choose to appoint between 2 and 10 Cabinet Members, including the Leader. They can also determine whether decisions can be dispersed and taken by Cabinet Members individually or taken collectively as a Cabinet sitting together.
31. The proposals at this time are for a Leader with 9 other Cabinet Members, largely mirroring the current Service Committee remits to ensure familiarity and create continuity under the transition to the new system. The Cabinet would be made up as follows:
- a. Leader
 - b. Deputy Leader (Cabinet Member for Transformation)
 - c. Cabinet Member for Business Management
 - d. Cabinet Member for Adult Social Care and Public Health
 - e. Cabinet Member for Children and Families
 - f. Cabinet Member for Communities
 - g. Cabinet Member for Economic Development and Asset Management
 - h. Cabinet Member for Finance
 - i. Cabinet Member for Personnel
 - j. Cabinet Member for Transport and Environment
32. Approval of the Council's Budget and Policy Framework which comprises the annual budget and a number of key policies and strategies remain the responsibility of the Full Council, whilst decisions in respect of other major policy changes or new policies outside that framework would sit with Cabinet collectively. In addition, certain responsibilities known as Local Choice Functions can be allocated as the Council determines between either the executive or the other parts of the Council. The allocation of these functions is set out in the Council, Cabinet and Cabinet Member Terms of Reference document at Appendix 11. Some officers are also authorised to take a range of executive and non-executive decisions but will not be able to take key decisions, except in cases of urgency or in local or national emergencies.
33. As mentioned above, under executive arrangements there must be overview and scrutiny arrangements put in place to enable effective scrutiny of decisions made by the executive. The proposals here are for a main Overview Committee responsible for scrutinising the operation of the Chief Executive's Department, cross cutting issues such as finance and for hearing any decisions which are called -in for review before their implementation. In addition to the above, 3 service related select Committees would cover the scrutiny of departmental service delivery as well as some statutory scrutiny requirements relating to crime and disorder and flood management. Separate to the above would be the continuation of the

Council's statutory Health Scrutiny Committee with responsibility for scrutinising the operation of the health systems across Nottinghamshire.

34. A number of ordinary Committees will remain to discharge duties which cannot be undertaken by the executive. These include Planning and Rights of Way Committee, Pension Fund Committee, Governance and Ethics Committee and the statutory Health and Wellbeing Board. There will also be the same joint committees as currently. The Economic Prosperity Committee which is attended by the Leader of the Council becomes an executive joint committee.
35. A summary of the attached appendices is included as Appendix 1 which briefly explains each document. A diagram of the proposed new structure is set out at Appendix 2 of this report and a list of all committees, and their size is attached at Appendix 15.
36. The documentation under Phase 1 comprising the main facets of the new arrangements effectively sets out the revisions to the Council's Constitution, including a number of new procedure rules which would bring the new system of governance into effect. They are attached to this report at Appendix 2 onwards and are as follows:

- Appendix 2 - Diagram of new Council Decision Making Bodies
- Appendix 3 - Introduction to how the Council works
- Appendix 4 - Executive Arrangements and Cabinet Meeting Procedure Rules
- Appendix 5 - Budget and Policy Framework Procedure Rules
- Appendix 6 - Overview and Select Committee Procedure Rules
- Appendix 7 - Access to Information Procedure Rules
- Appendix 8 - Procedure for taking urgent decisions
- Appendix 9 - Revised Council Procedure Rules
- Appendix 10 - Revised Committee and Sub-Committee Procedure Rules
- Appendix 11 - Council, Cabinet and Cabinet Member Terms of Reference (including Local Choice Functions)
- Appendix 12 - Revised Committees Terms of Reference
- Appendix 13 - Revised Scheme of Delegations to Officers
- Appendix 14 - Revised Financial Regulations
- Appendix 15 - Committee seats and frequency of meetings

Next steps including training and resourcing

37. Any significant change to the Council's formal governance arrangements must occur at a specified "change time" which is at the Council's annual meeting in May. In advance of such a change a resolution of the Full Council to make the governance change is required. As soon as practicable after that resolution the Council must publish a notice and make documents available to inspection by the public which set out how the change will be brought into effect.
38. The new arrangements will also require the development of a Forward Plan (to provide the necessary advance notice as part of public transparency regarding Key Decisions) and also a Delegated Decision Record to capture relevant decisions taken by the Executive. These are in the course of preparation and will be available on the Council's Committee Management System via the Council's website in order to underpin the new system of governance. Relevant changes will also be made to the Council's democracy pages on the

website to explain the new system in general terms and to link to the relevant information pages regarding decision making and the Constitution.

39. Once approved by Council it is proposed that a programme of training and development is rolled out for both members and officers involved in the decision-making process to ensure understanding of and compliance with the relevant legal requirements as well as embedding cultural change in respect of the revised approach. This programme will start in April, but it will continue through the period of transition until Council breaks for the summer recess in July. It is envisaged that further raining will be available on an ongoing basis as part of normal induction and development for both Councillors and officers alike.
40. At this stage the key components of training are expected to cover are:
 - a. Training for all members – familiarisation with the differences in the leader and cabinet model compared to the Committee system
 - b. Training for Cabinet Members working individually and collectively
 - c. Training for Scrutiny Committee Chairmen and Vice Chairmen
 - d. Training for wider scrutiny Committee members
 - e. Training for Corporate Leadership Team and other senior officers both in supporting Cabinet Members and supporting Scrutiny Chairmen/Committees
 - f. Training for Governance Officers within Democratic services
 - g. Training for key officers supporting Cabinet Member decision making (Delegated Decision log and Forward Plan)
 - h. Training for key officers supporting scrutiny activity
 - i. General awareness and familiarisation training for all officers involved in the decision-making process
 - j. Revised report writing training
41. One of the requirements of the new arrangements is for the Council to have a dedicated and suitably skilled and experienced Statutory Scrutiny Officer to support and advise members and officers and ensure effective operation of the scrutiny and call-in aspects of the new governance structure. Given the importance of the effective operation of scrutiny arrangements in any form of executive arrangements, it is proposed that a new post be established within the Democratic Services Team with immediate effect which fulfils this role. The post is in the process of being evaluated and will be recruited to as soon as possible following any decision to progress with the change in governance system.
42. In terms of other resources required for the new system, it is currently envisaged that existing staff within Democratic Services will be retrained in order to acquire additional skills in the field of scrutiny support. This will be in addition to undertaking new tasks around the maintenance and publication of both a Forward Plan and a Delegated Decision Record both of which are legal requirements under the new system, to provide transparency in respect of executive decision making. However, although the overall number of Committees will be reduced, these resources will also still be required to support a number of existing Committees, joint Committees, statutory Panels and Boards which will continue to operate in the new arrangements.

43. Beyond Democratic Services, each Department has identified existing resources within their structures where staff will be trained to perform additional responsibilities around decision making and support to both Cabinet Members and Scrutiny Committees as part of their responsibilities.
44. Adequate resourcing is considered to be a critical factor in the success of any system of governance. The resources required to effectively perform all duties connected with the new system will be kept under review as the new model of governance beds in to ensure adequate skilled and knowledgeable staff whilst identifying opportunities for improved efficiency and effectiveness.
45. The Members Working Group, under the leadership of the Chairman of Governance and Ethics Committee, has committed to keeping the operational effectiveness of the Constitution under a process of review for the first 12 months of operation. This will ensure that any concerns about how the system is operating can be raised and discussed in a cross-party environment and the members Working Group can meet from time to time to consider those issues and recommend any potential changes to address them. It is expected that this work will not begin in earnest until the Autumn to give time for the new system to settle in.
46. Beyond this, it is proposed that the Constitution be reviewed at least once every 4 years after the main County Council elections.

Other Options Considered

47. The Council could decide that it does not wish to proceed with a change to the system of governance, but this has previously been agreed in principle by Full Council. No system of governance is perfect, and all systems have relative merits and flaws. The important thing is to choose a system of governance which most effectively meets the needs of the Council, its functions, and the public whom it serves and is appropriate for the circumstances of the time. The proposed arrangements have been developed by a cross-party member working group and reflect a range of views from across the Council. The content of the documents has been created, through the member working group, by looking at various other Council's arrangements, the previous executive arrangements at NCC and best practice as well as reviewing the relevant legal requirements, statutory and other guidance. Members should carefully consider all of the available information when reaching their decision.

Reasons for Recommendations

48. The perceived benefits of the executive system are that it allows swifter and more decisive decision making, allocates clear lines of responsibility to identified lead members and collectively to an executive cabinet and that there are appropriate mechanisms to ensure transparency and to scrutinise decisions both before and after decision making, including a role for all those in scrutiny roles in terms of supporting policy and budget development.
49. Further rationale for the proposed change is that a move to an executive system of governance would bring the County Council into line with all of the other Councils across Nottinghamshire, and more widely, thereby creating greater consistency and ease of operation across the tiers of government. Although the Committee system of governance is

often said anecdotally to be a more democratic and transparent system of governance as it offers cross party politically balanced decision making with scrutiny through that process, that does not seem to be reflected in the number of Councils across the country which choose to operate that model.

50. The strong leader and cabinet model would provide maximum flexibility and leave the Council best prepared for any form of devolution whilst allowing it to continue working with partners to negotiate a Level 3 devolution deal with government to maximise the benefits for local people and businesses.

Statutory and Policy Implications

51. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability, and the environment and where such implications are material they are described below. Appropriate engagement has taken place by notifying the public and other stakeholders of the Council's intentions and inviting comments via the Council's website. Further information will be provided to both public and stakeholders via the requisite public notifications after the decision of Full Council. Appropriate advice is being provided at each stage as the proposals are developed.

NHS Constitution

52. The NHS and Social Care systems are undergoing a period of change with the advent of the Health and Care Bill, whose requirements are now expected to come into force in July 2022. The proposals within the Bill currently envisage an Integrated Care System (ICS) which will operate through an NHS-led Integrated Care Board on which the County Council will have membership, and which will be supported by an Integrated Care Partnership, bringing together a wider set of system partners. The proposed changes to the Council's system of governance should have a neutral impact on its relationships across the health system in Nottinghamshire, however Cabinet Member/s are likely to provide Council membership on the Integrated Care Partnership (ICP) and senior Officers are likely to be members of the Integrated Care Board (ICB). Further changes to the Council's governance arrangements may be required to reflect the detail of the legislative changes when more is known about them. Where these do not take the form of minor consequential changes falling within the delegation to the Monitoring Officer, a further report will be brought to Full Council outlining the amendments required to give effect to the Council's responsibilities under the new statutory arrangements.

Data Protection and Information Governance Implications

53. None currently identified.

Financial Implications

54. As referenced in paragraph 41 a new post of Senior Scrutiny Officer will be required within the Democratic Services Team in order to meet the statutory requirement for a designated scrutiny officer under Executive arrangements. The post will be up to a maximum salary of

£45,648 at the top of the potential salary bands, depending on the final outcome of the job evaluation process. The budget approved at Full Council in February included provision within contingency for this post. The recommendations in the report include the necessary budget transfer from contingency to the Democratic Services budget.

55. The Council will need to make changes to its Committee Management System (CMIS) in order to enable publication of a Forward Plan and Decision Log in line with statutory requirements. These changes can be accommodated within existing budgets.
56. A changed system and the roles for elected members within that system will require Councillors' remuneration to be reviewed against those new arrangements. If Council approves the new arrangements, a meeting of the Independent Remuneration Panel (IRP) is required, to enable them to make recommendations for consideration by the Council at its annual meeting in May.
57. The IRP would focus on how many roles were eligible for Special Responsibilities Allowances (SRAs) in the same way that they did for the Committee structure introduced after the May 2021 elections. The number of roles which may be likely to attract SRAs will reflect the number of roles within the new system including Leader and Cabinet members, Chairs and Vice Chairs of Overview and Select Committees and the Health Scrutiny Committee, the Chairs and Vice Chairs of continuing Committees and spokesperson roles in political groups. Although the intention remains to keep such costs within a broadly similar cost envelope as previously, the exact amount for the various roles and their remuneration will be recommended by the Independent Remuneration Panel. It will be a matter for Council to consider those recommendations and determine the final Councillors' Allowances Scheme.

Human Resources Implications

58. These are set out in paragraphs 41 to 43 above. Given the imperative to move quickly to support any new scrutiny system in readiness for the implementation date in May, it is envisaged the Senior Scrutiny Officer post will be filled initially via agency/locum routes. Longer term the recruitment would be for a permanent post and this would be undertaken in line with the Council's usual recruitment and employment policies and procedures.

Public Sector Equality Duty implications

59. Changes to the Council's governance arrangements are considered to have a broadly neutral effect. It is not considered that they would give rise to a disproportionate impact on any particular individuals or communities as the proposed system is legally compliant and has been developed in line with statutory guidance and best practice to ensure the relevant checks and balances within the system are in place. Accessibility arrangements for information about Council decision making would be largely the same as under current arrangements. The Cabinet Member for Personnel has been allocated responsibilities for oversight of Equalities across the Council and compliance with Equalities legislation is covered as one of the Council's decision-making principles. An Equality Impact Assessment has been undertaken in connection with this matter. The Council must have due regard to its public sector equality duties in reaching a decision.

Smarter Working Implications

60. Council, Cabinet and Committee meetings would continue to be held in public and systems for broadcasting public meetings will continue under the proposed system of governance, pending any changes in legislation which may permit remote “virtual” meetings to be held in future.

Safeguarding of Children and Adults at Risk Implications

61. Under the Council’s Committee system, the Council’s responsibilities as a corporate parent are kept under review by the Children and Young People’s Committee. As that Committee would not exist under a Leader and Cabinet Model it is proposed that the Council creates a Corporate Parenting Panel to enable issues relating to the Council’s wide ranging corporate parenting duties to be monitored. The form that such a panel would take is yet to be determined but will need to be an appropriate forum to enable relevant stakeholders to have a voice in how the Council is fulfilling its corporate parenting responsibilities.

Implications for Service Users

62. Any system of Council governance will continue to put the people the Council serves at its heart. The services which service users receive should be unaffected by any change in governance model that may be approved, and all decisions would be required to be taken in accordance with the law and requirements set out in the Constitution. Service Users will continue to have the same rights in respect of service delivery and to complain to the Council under the Council’s complaints procedures. They will remain able to raise issues with their local divisional County Councillor as currently.

RECOMMENDATION/S

- 1) That Council approves a change to the Council’s governance arrangements from a committee system of governance to the executive system (Leader and Cabinet model) to be implemented with effect from the Council’s annual meeting on 12 May 2022.
- 2) The detailed documents setting out the main elements of the changed system appended to the report at Appendices 2 – 15 be approved.
- 3) To inform the public and partners as appropriate of the Council’s decision by the Chief Executive placing a public notice of the decision with a link to the documents giving effect to the arrangements as soon as reasonably practicable.
- 4) That the Independent Remuneration Panel (IRP) be convened in order to consider the Council’s changed governance arrangements and to make its recommendations to Council regarding a revised Councillors Allowances Scheme.
- 5) The staffing establishment of the Democratic Services Team be increased to include a post of Senior Scrutiny Officer and the necessary budget provision transferred to the Democratic Services budget and the post recruited to as a matter of priority.

- 6) That the Monitoring Officer be authorised to make any necessary corrections, clarifications, and consequential amendments to the Council's Constitution to bring the new arrangements into effect and where these are material changes that relevant sections of the Constitution be brought back to the annual meeting in May for approval.
- 7) That the Members Working Group, reporting to Governance and Ethics committee as appropriate, be authorised to maintain an overview of the operation of the new arrangements during the first year of executive arrangements and to make any suggested proposals for change to the Governance and Ethics Committee for recommendation to Full Council.

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Leader of the Council

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Constitutional Comments (HD 22/3/2022)

63. Council has the authority to consider the recommendations set out in the report. A formal resolution of the Council is required to effect a change in governance arrangements and such a report must be accompanied by relevant details regarding how the change would be brought into effect. A public notice must also be made notifying the public of the change and providing access to the documents setting out the changed arrangements

Financial Comments (NS 22/3/2022)

64. When Full Council approved the Budget for 2022/23 in February it included a provision in contingency to cater for the financial implications for the additional roles that may be required for the proposed change in governance arrangements as set out in this report. As the process change will be reviewed during the year any additional financial implications identified will be subject to further approval.

HR Comments (GME 21/03/2022)

65. The relevant employment policies and procedures have been followed to ensure appropriate consultation has taken place with the recognised trade unions through the agreed forum, Central Joint Consultative and Negotiating Panel. The Council's agreed recruitment policy will be followed to appoint to the Senior Scrutiny Officer role once the role has been formally evaluated. The Council's managed service provider, REED will be engaged to identify suitable candidates to fill the role on an initial temporary basis whilst the permanent recruitment exercise is undertaken. Training on the revised governance arrangements will be provided for Members and all officers required to operate the new system.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Equality Impact Assessment
- Local Government Act 1972 and Local Government Act 2000 (as amended) (published)
- Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2095 (as amended) (published)
- Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012/2089 (as amended) (published)
- Openness of Local Government Bodies Regulations 2014/2095 (as amended) (published)
- Centre for Public Scrutiny – Practice Guide 4 – June 2014 – Key Decisions and Powers of Call-in (published)
- 2019 Statutory Guidance on Overview and Scrutiny in local and combined authorities (Ministry of Housing, Communities and Local Government) (published)

Electoral Division(s) and Member(s) Affected

- All