

Consultation on options for Change in the system of Governance

Your chance to have your say

Consultation Document

Consultation ends 22nd September 2013

Foreword

The council are proposing to change their governance (or decision-making) system with effect from June 2014. I would like to hear your views on the proposals.

Barnet are currently operating an Executive system of governance. Under this system, the majority of decisions in the council are taken by the single-party Executive (or Cabinet) either in the Cabinet meeting or by individual Cabinet Members. The Executive are held to account for their policies and decisions by cross-party Overview & Scrutiny Committees. This system was imposed on the vast majority of councils with the introduction of the Local Government Act 2000.

New legislation (The Localism Act 2011) means local authorities can now choose which governance system they operate from the following options:

- a) Executive Arrangements (such as an elected mayor and Cabinet or a Leader and Cabinet);
- b) A Committee System; or
- c) Alternative Arrangements (as prescribed by the Secretary of State)

In January 2013, the Council passed a resolution to change the system of governance from an Executive (Cabinet) system to a Committee System from the Council's Annual Meeting in June 2014.

A Committee System would result in the abolition of the Executive (Cabinet) and Overview & Scrutiny Committees. Decisions would instead be taken in thematic cross-party politically proportioned committees. The full Council would play a more central role than is currently the case.

We are in the early stages of designing what the Committee system will look like. It is important that this form of governance works well for our residents, community and voluntary groups, businesses, other organisations in the borough and those that the council works in partnership with. I want to hear your views and ideas on the current system and the principles behind the new system to assist the council in developing options for the new governance structure.

The purpose of this consultation document is to explain in detail the approach the council has decided to take so that respondents can take an informed view when taking part in the survey. Please take the time to read this document in full as it explains the different options the council could take and then share your views by completing the enclosed survey. This can also be completed online at:

<http://engage.barnet.gov.uk>.

Your views will be reported to an Elected Member Working Group who will take in to consideration the findings from this initial phase of consultation to inform committee structure options. A further phase of consultation on proposed options for the decision-making system will then follow in the Autumn and I hope you will take part in that as well.

Yours sincerely

Councillor Richard Cornelius
Leader of the Council

Introduction

The council are considering options for the structure of a Committee System as a form of governing the council. We are keen to give everyone – regardless of whether they currently participate regularly in council decision making – this is an opportunity for everyone to have their say on our proposals before our structure is finalised.

Please take the time to read this consultation document in full which explains in detail the different options the council could take and then share your views by completing the survey online at <http://engage.barnet.gov.uk>, or returning the attached survey in the reply paid envelope.

The results of this survey will be reviewed and presented back to Members. Additional consultation will take place at a public meeting open to all residents and via a facilitated workshop with members of the Citizens Panel.

Before completing this survey

- Please read the information in this booklet in full before answering the pull-out survey
- You can visit <http://engage.barnet.gov.uk> and look in the local press for more information.

The consultation period will run until 9pm on 22 September 2013.

Confidentiality

To ensure personal information about you is secure, all of your answers will be treated in the strictest confidence and will be stored securely in accordance with the Data Protection Act 1998. The responses under the 'About You' section will only be used to review what different sections of the community think of our plans.

Unless you are responding on behalf of an organisation, you do not have to give us your name and you will not be personally identified.

Please complete the questions using block capitals and black or blue ink.

It is important that you read the accompanying information.

Section 1: Background

What is Governance?

Governance is how the council operates and makes decisions. It makes sure that decisions take public opinion into account, reflect and respond to the needs of local people and are transparent and accountable.

What is a Governance Review?

Recent changes in the law mean that councils can change their governance arrangements. This means that local authorities have the opportunity to review how they make decisions and the procedures that they follow to meet the challenges facing their communities.

This presents an excellent opportunity for Barnet Council to assess the effectiveness of its current arrangements and to explore how it can ensure that the decisions it takes are informed by public opinion, reflect and respond to the needs of local people and are transparent and accountable.

How do we currently take decisions?

In Barnet, most decisions are taken by the Executive or Cabinet (see below for a more detailed explanation of the Executive model of governance). Decisions taken by the Cabinet are termed as 'Executive Functions'. Other decisions (such as determining planning or licensing applications) are termed as 'Council Functions'.

Under a Committee System, all decisions currently classified as Executive Functions will no longer be taken by the Executive (or Cabinet) and will instead be taken by thematic committees. The discharge of Council Functions is likely to remain broadly the same as under the current system.

Why have we decided to change our Governance arrangements?

The Council at its meeting of 22 January 2013 passed the following motion:

"Council regrets the decision by Labour to enact the Local Government Act 2000 and to abolish a tried and tested system of governance moving to the Cabinet model of running the administration of the council.

Council welcomes the Localism Act 2011 and its provisions permitting a return to the "Committee System" and resolves to call upon the Constitution, Probity and Ethics Committee to devise alterations to the Constitution of the Council to replace the Cabinet, Cabinet Resources Committee, Business Management Overview and Scrutiny Committee and Budget and Performance Overview and Scrutiny Committee with suitable operating Committees to lead on policy, budgetary and operational matters, to further devise changes to full Council proceedings to ensure the involvement of all Members in the democratic control of the business of council.

Council appreciates that this will increase the workload and responsibilities of most Members but emphasises that at a time of budgetary restraint the changes must be cost neutral.

Council notes that the provisions of the Localism Act allow for changes to the system from an Annual meeting of the Council for a minimum of five years and asks officers and the Constitution Probity and Ethics Committee to bring forward proposals to enable early approval of such change to commence operationally from the Annual meeting 2014."

What is an Executive Model of Governance?

Under the previous legislation, councils were required, broadly, to adopt one of two forms of Executive governance:-

Leader and Cabinet (or Executive)

A Leader is elected by the Council

Elected Mayor and Cabinet (or Executive)

A Mayor is elected by local residents

In 2000, the Council chose Leader and Cabinet Executive arrangements.

The Cabinet makes decisions on key strategic issues and is responsible for implementing the agreed policies of the council.

The councillors in the Cabinet are appointed by the Leader of the Council. The Cabinet must comprise of at least two and up to nine councillors. Each councillor has a portfolio or responsibility for a particular council function, such as Education, Children & Families, or Housing.

What is Overview & Scrutiny?

In order to ensure that the Cabinet can be held to account for the decisions it makes, local authorities appoint Overview and Scrutiny Committees. These are made up of councillors who are not members of the Cabinet and sometimes include co-optees (individuals who are appointed on basis of their skills and/or experience). Their role is to assist the Cabinet with policy development and to scrutinise the decisions that the Cabinet is about to or has already taken.

Overview and Scrutiny Committees can call witnesses, ask detailed questions and will issue their report to the relevant decision maker. Scrutiny can challenge decisions of Cabinet and individual Cabinet Members by a process known as 'call in'. Scrutiny may also respond to specific requests from councillors. Overview & Scrutiny Committees can establish time-limited working groups to review and scrutinise specific issues.

Scrutiny also has powers to call other local public service providers (such as the NHS) to account for the services that they provide.

What is a Committee System of Governance?

Under a Committee System, the Cabinet and Overview & Scrutiny Committees would be abolished. Decisions would instead be taken by cross-party politically proportioned committees. The Council would appoint committees and set their Terms of Reference.

Committees receive briefings and commission reviews to develop council policy and make major decisions within their Terms of Reference. They are concerned with matters that must be dealt with at Member level and not with the day today administration of the Council which is the responsibility of the officers. Committees can be permanent 'standing committees', or temporary 'task and finish committees' which are commissioned to consider specific issues.

Who will be affected by the changes to the system of Governance?

It is likely that the greatest change will be for councillors who will, through moving to a Committee system, be increasingly involved in all decision making processes. Depending on the changes in relation to Public Participation and Engagement, there may be different ways in which residents can interact and engage with the democratic process within Barnet. Officers will need to review how they work with a new Committee System in terms of ensuring decisions are made by the appropriate Committee, and that they receive appropriate officer advice and support.

Section 2: Principles

In designing our governance structure, the council considers that the new arrangements should be guided by a number of key principles. We would like to know your views on these principles to make sure the future structure meets local needs.

Principle 1: Transparency

- Continuing to have an open and transparent decision making process
- Continuing to make public papers and background material available in a way that is useful and understandable to our residents

Principle 2: Accountability

- Ensuring that accountability is recognised as central to our approach to improvement and performance management
- Responding constructively when the council receives suggestions for change
- Ensuring that a system exists to review and keep up to date the Constitution and a process for problem solving around community issues

Principle 3: Inclusivity and Engagement

- Continuing to engage in a meaningful discussion with service users and other stakeholders about plans, policies and decisions
- Being clear about how service users and other stakeholders can influence plans, policies and decisions in advance, through public participation and engagement

Principle 4: Durability and Flexibility

- Ensuring that any system of governance is designed so as to aid timely decision making, being flexible to the needs of public and private sector partnership working
- Ensuring the governance system should be determined to endure any changes as government policy evolves
- Ensuring any system of governance should be cost efficient

Section 3: Proposed Structure Features

The council is considering different features for the new structure that meet the principles above and address the need for the Committee system to be in place for the next Annual Council. It is proposed that these principles will be incorporated into the design of the new structure and they are described below.

- Role of the Full Council – full Council will appoint committees to discharge its functions. There is discretion regarding the significance of the role of the full Council – it could be limited to adopting the budget and policy framework and ratifying decisions taken in thematic Committees, or be empowered to take decisions.
- Terms of Reference – the functions discharged by each committee and limits on their authority will need to be defined. Every council has the power to delegate, within limitations, any of its functions to another local authority, to a committee or sub-committee, or to an officer.
- Membership – committees will be appointed on the basis of political balance (directly related to the number of councillor from the different political parties). Some committees also appoint Co-opted Members (individuals who are appointed on basis of their skills and/or experience). A decision will be required on whether to continue this arrangement.
- Size of Committees – the number of members who sit on each committee will need to be determined.
- Role of the Chairman – Chairmen have additional powers such as having a second or casting vote where there is an equality of votes. They can also have a number of powers delegated to them to which enable them take decisions outside of committee meetings.
- Overview & Scrutiny – the council will need to determine what aspects (if any) of Overview & Scrutiny work that it may want to retain in a committee system. The legislation requires that a Health Overview & Scrutiny Committee is retained.
- Call-in arrangements – under the current system Overview & Scrutiny Members can ‘call-in’ an executive decision. If a decision is called-in, it cannot be implemented until scrutiny of the decision has taken place. The council will need to decide whether a procedure to call-in a decision should be retained in a Committee System and, if so, how.
- Task and Finish Groups – these groups, operating under Overview & Scrutiny committees, are often used to assist in policy development and to examine specific issues of public concern over a limited period of time. The council will need to determine whether aspects of task and finish groups are retained in a Committee System.
- Delegations and Urgency Procedures – the council will need to decide the extent to which it delegates decision-making to officers and/or committee chairmen outside of meetings, particularly in cases of urgency. Under a Committee System, there is less scope to delegate decision-making to committee chairmen which could result in an increased amount of committee business.
- Public Participation and Engagement – residents currently interact with the council’s decision making process through the Public Participation and Engagement Rules. The Committee System review will consider any improvements suggested as part of this consultation process.
- Member Allowances – a revision of Committees will require a revision to the member allowance scheme.