

CHANGE IN THE COUNCIL'S FORM OF GOVERNANCE

NEW ARRANGEMENTS

CONTEXT

The Local Government Act 2000 required that local authorities (except for smaller local authorities) cease to operate a Committee System form of governance and instead operate a Leader and Cabinet form of governance. This system of governance has accordingly been in place at Basildon Borough Council since 2001.

The Local Government Act 2000 (as amended by the Localism Act 2011) made provisions for a local authority to operate one of the following forms of governance: -

- Elected Mayor and Cabinet
- Leader and Cabinet
- Committee System

A local authority can accordingly change its form of governance by resolution of the Council.

At an Extraordinary Council Meeting held on 25 May 2017 the Council resolved to cease to operating the "Leader and Cabinet" form of governance and start to operate a "Committee System" form of governance from the earliest permitted time, which was the Annual Council Meeting held also on 25 May 2017, which immediately followed the Extraordinary Council Meeting.

The Council cannot change its form of governance again for a period of 5 years, unless approved in a referendum.

This document sets out the main provisions of the new arrangements for the Council's Committee System form of governance. Further details are set out in the Council's new Constitution, details of which have also been published on the Council's website.

Bala Mahendran
Chief Executive

KEY PROVISIONS OF THE COMMITTEE SYSTEM

Detailed below is a summary of the key provisions of the Council's Committee System form of governance: -

Full Council

No significant change to existing frequency of meetings or role and functions of Full Council, except some minor matters now incorporated within remit of the Policy and Resources Committee.

Committees

Most decisions on council functions are dealt with by politically balanced committees subject to the general oversight of Council. The main committees are:

- Policy and Resources
- Housing and Community
- Regeneration and Environment
- Infrastructure, Growth and Development

The Council has adopted and procedure rules for review of decisions made by the above committees in certain circumstances.

The Chairman of the Policy and Resources who is appointed annually by Council at the Annual Council Meeting fulfils the role associated with the 'Leader of the Council' but does not use the title of 'Leader of the Council'. The Vice-Chairman of the Policy and Resources assists and deputises as necessary.

The above committees are supported by other committees and sub-committees. The other committee's area more specialist in nature and include:

- Planning Committee
- Licensing Committee

The Council also has an Audit and Risk Committee and a Joint Standards Committee which, in different ways, scrutinise the performance of the Council and its ethical standards.

Role and Remit of Service Committees.

The following are classed as the 'service committees': -

1. Policy and Resources Committee
2. Housing and Community Committee
3. Regeneration and Environment Committee
4. Infrastructure, Growth and Development Committee

Service committees have power to deal with all matters within their remit as detailed in Part 3 of the Constitution with the exception of the following matters which are to be referred to Policy and Resources Committee: -

- Major policy changes or initiatives
- decisions which would have a direct effect on the majority of the Borough's residents;
- Asset management matters, including property acquisitions and disposals
- Compulsory purchase orders;

- Proposals that require virements of budgets within the committees remit of over £250k and all proposals that require virement of budgets between committee remits.

The Chief Executive and Monitoring Officer will determine the appropriate committee for issues to be considered and determined in accordance with the provisions in the Constitution. Where issues overlap across two or more committees, the Policy and Resources Committee will be asked to either advise on the relevant committee to deal with the matter, or take the decision themselves.

With regards to policies that need approval by Council and do not fall within remit of the Policy and Resources Committee i.e. Local Plan, Licensing Policies - these are to be recommended to Council from the relevant committee, and not go through the Policy and Resources Committee.

The Policy and Resources Committee will have additional functions of: -

- Overall responsibility for the financial and other resources of the authority and decisions significantly affecting this
- Developing and advising Full Council on the budget
- Employment related matters and miscellaneous functions that previously came within the remit of the Employment and General Purposes Committee
- Deal with proposals/recommendations on certain matters from committees as referred to earlier

The size of committees, membership and appointment of Chairmen and Vice-Chairman of Committees was approved at the Annual Council Meeting and is set out in Part 7 of the Constitution.

The frequency of ordinary scheduled meetings is to be as follows: –

- Policy and Resources – six weekly
- Other Service Committees – quarterly

In addition, committees to have the ability to: -

- establish sub-committees and working groups (but only after having sought advice from the Chief Executive on the proposals and having had regard to the available resource parameters).
- convene additional committee meetings if necessary

Members of the public have the right to attend meetings of the Council, its Committees and sub-committees except that part of a meeting where, for example, personal or confidential matters are being discussed

Sub-Committees

Sub-Committees can be established by either the Council or the relevant committee on the following basis: -

- Terms of reference of any such Sub-Committee its membership and the appointment of a Chairman and Vice-Chairman shall be settled at the time the sub-committee is established
- Membership of a sub-committee does not have to be from the parent committee
- Membership must be politically proportional
- Allocation of places is in accordance with wishes of political groups

The following sub-committees of the Policy and Resources Committee were also established at the Annual Council Meeting on 25 May 2017: -

- Commercial and Strategic Asset Acquisition Sub-Committee
- Staffing Matters Sub-Committee
- Urgency and Decision Review Sub-Committee

The size of the sub-committees, membership and appointment of Chairmen and Vice-Chairman of Committees was approved at the Annual Council Meeting and is set out in Part 7 of the Constitution.

Chairman and Vice-Chairmen of Policy and Resources Committee

The Chairman of the Policy and Resources Committee assumes the role of a 'Leader of the Council' in a Committee system but shall not use the title of 'Leader of the Council'. The roles and responsibilities of the Chairman of the Policy and Resources Committee, are as set out below:-.

- Provides a focal point for political leadership and strategic direction for the council
- Represents the interests of the council
- Ensures effective decision making, including working with all political groups to achieve, where possible, cross party co-operation
- Be the key political contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and internally for the council's management team
- Be the representative of the council, for example in its dealings with Central Government, other local authorities etc. and positively promote the Council within the media
- Promotes the long-term financial, business and economic stability of the Council

The Vice Chairman of the Policy and Resources Committee will assist the Chairman and assume full role of the Chairman of the Policy and Resources Committee, in their absence.

Chairman and Vice-Chairmen of Committees

The Chairman and Vice-Chairmen of Committees are appointed annually at the Annual Council Meeting

The role of Committee Chairmen is set out below: –

- Assumes the role of Lead Members relating to matters within the committees remit
- Ensure effective conduct of committee meetings
- Maintains a good understanding of the nature of the business of the committee and key issues within its remit
- Acts as a Council spokesman as appropriate on matters within the committee's remit, including responding to questions at Full Council relating to the business and functions of the committee, media enquiries etc.
- Maintains good communication with each other to ensure the co-ordination and efficient management of all committee activity
- Represents the Council in connection with matters within the committee's remit, for example other local authorities etc. and positively promote the Council within the media

The Council's arrangements and Constitution will be subject to regular review and updating as necessary.

FURTHER INFORMATION

Further information regarding the new arrangements can be obtained from:

Committee and Member Services
Basildon Borough Council
The Basildon Centre
St. Martin's Square
Basildon
SS14 1DL

Email: democraticservices@basildon.gov.uk

Tel: (01268) 207946

Further information is also available on the Council's website at www.basildon.gov.uk