

REPORT FROM: CORPORATE DIRECTOR

TO: COUNCIL

DATE: 19th MAY 2022

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COUNCIL GOVERNANCE ARRANGEMENTS

PURPOSE OF REPORT

To consider a change in the Council's system of governance from a Committee system to a Leader/Cabinet form of Executive.

FOR DECISION

If the Council wishes to change to a Leader/Cabinet form of Executive governance then it should resolve as follows:

1. That, pursuant to Sections 9K, 9KC and 9L of the Local Government Act 2000 as inserted by the Localism Act 2011, the Council hereby resolves to change its governance arrangements to a Leader/Cabinet form of Executive with effect from the 2023 Annual Council meeting.
2. That the Corporate Director submit a further report on the detailed implementation of the new governance arrangements.

1. At the Annual Council meeting in May 2017 the Council resolved to change from an Executive to a Committee form of governance. The change took effect at the Annual Council meeting in May 2018. At the request of the Leader of the Council this report considers a change back to an Executive with effect from Annual Council in May 2023.
2. As a result of changes brought in by the Localism Act 2011, councils now have freedom to change their governance arrangements. The change to a Committee system locked the Council into that form of governance for five years from the date of resolution to do so. It is now five years since the May 2017 resolution and so it is open to the Council to resolve to change again. The earliest the change could take place is at the Annual Council meeting in 2023.

3. If the Council does resolve at this meeting to make the change it is locked into that decision for five years. It would not be possible to reverse or change the decision in the meantime as that would in effect be taking a decision to change again.
4. The proposal is to move to a Leader/Cabinet form of Executive. The Council would appoint the Leader who would then appoint 2-9 other members of the Cabinet. The Council would also appoint the Deputy Leader.
5. An Executive Leader is viewed as having considerable authority to represent or commit his/her council at meetings with other councils, Government and the outside world.
6. The Leader can allocate portfolios to the Cabinet members with or without individual decision making powers.
7. An Executive form of governance is fundamentally different to a Committee system as regards decision making.
8. Subject to call in, an Executive has the authority to get on with taking decisions and managing the Council within the framework set by the Council. Only where there is a proposal to go beyond that framework i.e., to change or depart significantly from a framework policy or incur significant expenditure outside the approved budget, is it necessary for the matter to go to full Council.
9. An Executive form of governance must have Scrutiny arrangements in place including a Call In procedure to review decisions, though the final decision remains with the Executive.
10. Regulations define in detail what are executive functions. Non-executive functions are essentially those of a regulatory nature such as development control and licensing and other committees would need to be appointed to deal with these.
11. A move to a Leader/Cabinet will require a review of the scheme of Members' Allowances, in particular around special responsibility allowances.
12. A change to a Leader/Cabinet would require a significant re-write of the Constitution. The fully revised Constitution would need to be worked up in time for approval at the Annual Council meeting in May 2023.
13. When a council decides to change its governance arrangements it is required to publish a statement explaining the change and make this available at its offices for public inspection. Notice of this would be given in the local press and on the Council's website.

IMPLICATIONS

- Policy:** The Council's current policy is to have a Committee form of governance; the move to an Executive would be a fundamental change to the policy.
- Financial:** The change is expected to be broadly cost neutral, but further consideration would be given to this as the detailed implementation is developed.
- Legal:** The Local Government Act 2000 as amended by the Localism Act 2011 enables the Council to change its governance arrangements.

Risk Management: None arising directly from this report.

Health and Safety: None arising directly from this report.

Sustainability: None arising directly from this report.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report.

Appendix

None

Background papers

None