

28 January 2015		ITEM: 14
Council		
Constitution Working Group – Governance Review		
Wards and communities affected: None	Key Decision: Not applicable	
Report of: Fiona Taylor, Head of Legal and Democratic Services and Monitoring Officer		
Accountable Head of Service: Fiona Taylor, Head of Legal and Democratic Services and Monitoring Officer		
Accountable Director: Graham Farrant, Chief Executive		
This report is public		

Executive Summary

On 22 October 2014 a motion was considered and unanimously agreed by the Council which instructed the Constitution Working Group to carry out a governance review, in order to judge the need for the committee, cabinet, mayoral, or hybrid forms of governance from May 2015 onwards (Minute No.66 refers).

In the course of debating the motion, the Leader of the Council suggested that an item on the Constitution Working Group be brought back to the next meeting of the Council and that a small budget be allocated to the group so that they could investigate thoroughly the advantages and disadvantages of different forms of governance with similar size authorities.

This report therefore seeks the agreement of the Council to the composition and membership of the Constitution Working Group, and, the allocation of a small budget to the Group, in order that it can then proceed with the review it has been tasked to undertake.

1. Recommendation(s)

1.1 That the Constitution Working Group comprise of 8 Members, to be drawn from each of the political groups represented on the Council, as set out below:

- **3 members of the Labour Group**
- **3 members of the Conservative Group**
- **1 member of the UKIP Group**
- **1 member of the Independent Group**

- 1.2 That, subject to the agreement to recommendation 1.1, Group Leaders be invited to inform Council of their nominations to the Constitution Working Group**
- 1.3 That the nominations of each of the political groups to the available seats on the Constitution Working Group be approved.**
- 1.4 That a budget of £5,000 be allocated to the Constitution Working Group to enable it to properly investigate the advantages and disadvantages of different forms of governance amongst similar sized authorities.**

2. Introduction and Background

- 2.1 On 22 October 2014, the Council acknowledged that the current form of governance in Thurrock, an executive Leader and Cabinet model, had been in place for some time and that it was good to review systems to see where any improvements could be made in order to improve local democracy, scrutiny, efficiency and decision making.
- 2.2 It was agreed that the best and most appropriate vehicle to conduct the review would be the Constitution Working Group, who could investigate thoroughly the benefits and disadvantages of all forms of governance and then report back to the Council with their recommendations.
- 2.3 Members were in agreement that the operation of different forms of governance within similar size authorities to Thurrock should be examined. The Review is therefore likely to involve visits and communication with similar size local authorities (to be determined by the Constitution Working Group) who operate according to a range of governance arrangements. Therefore, as suggested by the Leader of the Council, it is recommended that a budget of £5,000 be allocated to the Working Group to enable them to undertake this work.
- 2.4 The Localism Act 2011 enables local authorities to decide on their own form of governance whether an executive model (Leader and Cabinet system), a Directly Elected Mayor and Cabinet model, a non-executive Committee system, or adopt an alternative arrangement – although any alternative proposal must be approved by Government.
- 2.5 Changing its governance arrangements is a significant decision for any council and has a considerable number of implications. However, the choice allowed by the Localism Act 2011 has prompted a number of local authorities (including Cornwall Council, Cambridgeshire County Council, Stroud District Council, Nottinghamshire County Council and Kent County Council) to evaluate the benefits and disadvantages of both executive and non-executive governance arrangements and move to a different form of governance.

- 2.6 The Constitution Working Group will be asked to consider the practicalities of changing the governance systems and to factor in any necessary consultation periods into its findings or recommendations to Council.

3. Issues, Options and Analysis of Options

- 3.1 The Council is recommended to establish the Constitution Working Group with a membership of 8. This is so that the Group includes members of each of the political groups represented on the Council and it is felt that a greater number of members would provide sufficient capacity for the Group to undertake the work required, including visits to other local authorities.
- 3.2 The Constitution Working Group is not required to adhere to the rules of political balance in respect of its composition and membership.
- 3.3 An important feature of the review will be to see if improvements can be made to the current governance arrangements at Thurrock, for example the Overview and Scrutiny process, in order to strengthen democracy, decision-making, accountability and transparency under the current Cabinet and Leader model. This will be for determination by Members of the working group and officers during the course of the review.
- 3.4 If a change of Governance Arrangements is recommended by the Constitution Working Group, which is subsequently agreed by Council, no further governance change would be permitted within 5 years, unless the later resolution is approved in a referendum.
- 3.5 Officers are currently preparing an information pack for Members of the Constitution Working Group which will be circulated in advance of its first meeting to enable the working group to start its review without delay.
- 3.6 A draft timetable and work programme will also be prepared by Officers in advance of the first meeting of the Working Group as an initial starting point for discussion, comment and agreement.
- 3.7 The Constitution Working Group and its Review will be supported by Legal and Democratic Services.

4. Reasons for Recommendation

- 4.1 The Council is recommended to establish the Constitution Working Group, as set out in the report, and appoint the nominated members to represent each political group to enable the Working Group to undertake a review of governance arrangements and make any recommendations to the Council.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Group Leaders have been consulted in respect of the recommendations in the report.
- 5.2 The findings and recommendations of the Constitution Working Group will be referred back to full Council for consultation and debate.
- 5.3 Should a change of governance arrangements in Thurrock be recommended by the Working Group a full proposal will be included in order to detail how the required consultation with residents should take place.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Governance Review will promote good governance in Thurrock. The community impact of changing the form of governance will be examined as part of the review and how the different governance options allow the public a voice in decision-making.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

In conducting the governance review the Constitution Working Group is expected to incur nominal costs, for example in order to cover travel and subsistence expenses for a group of Members and Officers to visit a number of similar size local authorities to examine their governance arrangements and determine best practice.

For this purpose, the Working Group have been allocated a budget of £5,000 that will be administered by the Head of Legal & Democratic Services, or their nominated representative.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal

The Localism Act 2011 enables local authorities to decide on their own form of governance. Councils have a responsibility to ensure that decision-making is as effective as it can be and decision making should critically benefit from the perspective of all councillors, but also be accountable, and involve the

public. In undertaking the Governance Review the Constitution Working Group is expected to help promote and foster good governance in Thurrock.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development & Equalities
Manager**

The work of the Constitution Working Group in undertaking the Governance Review will be expected to examine the strengths and weaknesses in the way that the council involves the public in all major decisions in order to improve and promote good governance in Thurrock. The findings of the working group will be reported back to Council and will specify any specific diversity and equality implications and proposals to consult. Any proposals to change to governance arrangements in the Borough must be open for consultation.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

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