

BABERGH DISTRICT COUNCIL

FROM: Chief Executive, on behalf of the
Political Leaders' Group

REPORT NUMBER **G120A**

TO: COUNCIL

DATE OF MEETING: 30 October 2007

PROPOSED REVIEW OF THE COUNCIL'S CONSTITUTION

1. **PURPOSE OF REPORT**

To enable Members to consider the need for a review of the Council's constitution, and to agree the arrangements for conducting any such review.

2. **RECOMMENDATIONS**

- 2.1 That a review be undertaken to consider the relative merits of the Council's current streamlined committee decision-making arrangements compared with a move to a Leader and Cabinet executive decision-making structure
- 2.2 That the Overview and Scrutiny (Stewardship) Committee be requested to add this review to their Work Plan for 2007/08
- 2.3 That, subject to any additional or alternative proposals arising out of further discussions at the Political Leaders' Group, as referred to at paragraph 5.7,a Constitution Review Member Task Group be set up comprising four members of the Overview and Scrutiny (Stewardship) Committee plus one Member from each of the three political groups, and supported by officers
- 2.4 That Council agrees the appointment of Members to the Constitution Review Task Group
- 2.5 That the Terms of Reference for the Constitution Review Task Group be as set out at Appendix (a).

3. **FINANCIAL IMPLICATIONS**

- 3.1 None arising directly from this report.

4. **RISK MANAGEMENT**

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Strategic Risk - Political Leadership & Governance: <i>Babergh has unusual political governance arrangements that could undermine its effectiveness in community leadership, partnership working and service delivery</i>	High	Critical	This report deals directly with the key mitigation measure i.e. a proposed review of Babergh's Constitution

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
<p>Strategic Risk - Local Government Review (incl. Suffolk Pathfinder): <i>Collaborative work with other Suffolk Councils to develop innovative improvements to governance and service delivery within existing three tier local government structures in Suffolk.</i></p>	High	Critical	<p>Strengthened constitutional arrangements to enable Babergh to position itself to exert full impact and influence on Pathfinder negotiations.</p> <p>Strong political leadership to drive forward this key county-wide partnership initiative and to reinforce key messages within Babergh.</p> <p>The current report deals directly with a key mitigation measure i.e. a proposed review of Babergh's Constitution</p>

5. **KEY INFORMATION**

- 5.1 Further to the Members' Seminar discussions on 11 June, and subsequent discussions within Political Groups, the Political Leaders' Group has requested that a report be submitted to this Council Meeting for Members to consider convening a Member Task Group to undertake a review of the Council's constitution.
- 5.2 Babergh's current constitution provides for political decision-making through "streamlined committee" arrangements. This is a minority arrangement available only to those councils whose population did not exceed 85,000 on 30 June 1999. All other councils are obliged by law to operate one of three executive decision-making arrangements, by far the most common of which is the Leader and Cabinet model. Indeed, a number of smaller councils that had the option to adopt streamlined committee arrangements still chose to adopt the Leader and Cabinet model.
- 5.3 Councils operating committee arrangements are, therefore, outside of the mainstream of local government arrangements in England and it is increasingly apparent that Government thinking and policy formulation presumes and favours executive arrangements rather than the alternative committee arrangements. In these circumstances, it is questionable whether councils operating streamlined committee arrangements can expect to exert anything more than a peripheral influence on Government thinking.

- 5.4 Moreover, of more immediate and local concern, PLG Members are conscious that the Suffolk Pathfinder discussions will increasingly test Babergh's current political decision-making arrangements, both in terms of our representation at meetings during the course of Pathfinder negotiations and, even more significantly, our effective contribution to the future enhanced "governance" arrangements for Suffolk that the Pathfinder partnership envisages.
- 5.5 In any event, there were underlying concerns that Babergh's current arrangements tend to lead to slow decision-making where accountability for decisions is not always as transparent to the public as it might be.
- 5.6 For all these reasons, a majority of PLG Members felt that there is a strong case for reviewing Babergh's current constitution and, particularly, for weighing up the relative advantages and disadvantages of this compared with Leader and Cabinet arrangements. Those majority views are reflected in the recommendations in this paper. Although the Leader of the Independent Group, Mrs Wigglesworth, remained to be convinced of the arguments in favour of a change to Babergh's current constitution, there was unanimous agreement amongst PLG Members that the issue should be placed before full Council for decision. It must be stressed that the recommendations in this paper are limited to agreeing the principle of a review, and the arrangements for achieving politically representative Member input into that review. They do **not** include any recommendation to adopt Leader and Cabinet arrangements, which would be a matter for full Council to decide only after proper consideration of all relevant issues and public consultation.
- 5.7 PLG acknowledged the remit of the Overview and Scrutiny (Stewardship) Committee to keep the Council's constitution under review, but also recognised the need to involve a wider body of Members. It was their preliminary view, therefore, that the Overview and Scrutiny (Stewardship) Committee should be invited to add this review to its Work Plan for 2007/08 and that a Task Group of, say, four Members of that Committee should be supplemented by a Member from each of the three political groups to undertake this review. That Task Group would report to Overview and Scrutiny (Stewardship) Committee, who would in turn make recommendations to full Council. PLG will be giving further consideration to the composition of the proposed Task Group at its meeting on 24 October, and any additional or alternative recommendations arising from that discussion will be reported at the Council meeting.
- 5.8 PLG felt that the terms of reference for any review should be explicit in concentrating exclusively on consideration of the relative advantages and disadvantages of Leader and Cabinet arrangements compared with Babergh's current arrangements and should not at this stage be reviewing either possible enhancements to the current committee arrangements or other executive models such as elected Mayor and Executive Cabinet. It was further felt that, if Babergh is to make any constitutional changes, these should be made as quickly as possible, and therefore that the Task Group should be asked to undertake a very focused review aimed at as early a completion as practicable, having regard to the need for the review to be informed by public consultation and also to any new legislative requirements contained in the Local Government and Public Involvement in Health (Act), if and when implemented. Suggested Terms of Reference for the Task Group are attached at Appendix (a).

6. **APPENDICES**

- (a) Draft Terms of Reference for the Constitutional Review Member Working Group

7. **BACKGROUND PAPERS REFERRED TO:**

None.

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PAPER G120A: PROPOSED REVIEW OF THE COUNCIL’S CONSTITUTION

APPENDIX (a)

CONSTITUTION REVIEW TASK GROUP

Draft Membership, Terms of Reference and Work Plan 2007/08

Membership	Subject to further discussion and recommendation Councillors:- 4 x Overview and Scrutiny (Stewardship) Committee Members; 1 x Member from each of the three Political Groups Officer support:- Pat Rockall, Chief Executive; Kathryn Saward, Principal Solicitor; Ray Amesbury, Senior Democratic Services Manager and/or Steve Ellwood, Committee Services Manager	
Date of First Meeting in Municipal Year: November 2007		
Functions of Task Group	Progress	
To undertake a review of the Council’s constitution that identifies the relative advantages and disadvantages of Babergh’s streamlined committee arrangements compared with Leader and Cabinet executive decision-making arrangements, with particular regard to the relevant key strategic risks identified for the Council.		
To map out a work programme that identifies the key elements of the review, including consultation with the public and other key stakeholders, and set a clear target date for completion of the review		
To develop arrangements that enable all Babergh Members to contribute to the review e.g. through questionnaires		

Functions of Task Group	Progress	
To secure broad Member awareness and understanding of the issues involved e.g. through discussions and updates at Members' Seminars and within Political Groups		
To learn from the experience of other councils who have adopted or changed to Leader and Cabinet arrangements e.g. by making arrangements to meet with Members of other councils		
To take account of any legislative changes that impact on the work of the Group e.g. the Local Government and Public Involvement in Health (Act), if and when enacted		
To have regard to other related issues e.g. the development of new governance proposals by the Suffolk Pathfinder partnership and seek to ensure the compatibility of recommendations and timescales with that related work		
To make final recommendations to the Overview and Scrutiny (Stewardship) Committee		