Fylde Council

Stocktake on Committee Governance Arrangements

Commentary by John Cade, Institute of Local Government Studies, University of Birmingham

1. Background

   1.1 Following your recent voluntary Peer Group Review I was asked to take a strategic view on the operation of your Committee arrangements.

   1.2 In agreeing to undertake this review I asked that every Member of the Council should have the opportunity to express their views to me. I met with 21 Councillors in the course of meetings over the evening of 1st September and all-day on the 2nd September 2016. I also had two telephone conversations with Councillors who were not around during those days.

   1.3 I also met with your Chief Executive and his Management Team.

2. Context

   2.1 Both Members and Officers said to me that whilst the transition from Executive to Committee Governance arrangements had not been without some tensions the "wheels had not come off" and a working system was in place.

   2.2 I would first of all want to endorse this and say that this comment does not do justice to the work which has clearly gone into providing efficacious Committee arrangements.

   2.3 It is inevitable, however, that everything will not slot automatically into place straight away and I would like to make four suggestions for your consideration.

3. Four Considerations

3.1 Relationship between Finance and Democracy Committee and your three other Programme Committees

3.1.1 Whilst the Council meeting will ultimately agree your policy framework and budget a Committee needs to oversee its preparation and to "hold the corporate ring".

3.1.2 Prior to the Local Government Act 2000 which introduced Executive arrangements and when Committee structures were universal, practically all Councils would have a Committee called something like a Policy and Resources Committee to ensure a corporate approach to policy and budget making.

3.1.3 Understandably, Councils who, since the Localism Act 2011, have reintroduced Committee arrangements have hesitated about setting up a Policy and Resources Committee, fearing that this would act and be viewed as Cabinet by another name. But in practice they all have a Committee - the name is less important - that carries out the role of ensuring that a silo approach does not develop with each Committee committed to its own interests but not always seeing the corporate perspective.

3.1.4 From comments made to me it is clear that the Finance and Democracy Committee is taking on this role and is more a Strategic than Programme Committee. But there are different perceptions about how it is going about this. Some Members, for example, thought it was taking practically all finance decisions, leaving the other Programme Committees to be "just talking shops".

3.1.5 I believe the Finance and Democracy Committee should be recognised as the overarching Strategic Committee of the Council, including in its membership the other

Committee Chairmen to ensure that all aspects of the Council's work are represented.

3.1.6 At the same time it is essential to underline that the three Programme Committees can take their own decisions on areas within their terms of reference for which they have budget provision. Only if they are making proposals outwith their budget does the matter need to be taken to the Finance and Democracy Committee.

3.2 Development Management Committee

3.2.1 A number of Councillors expressed the view that there was confusion both about the title of this Committee and its role.

3.2.2 I can understand this confusion and also agree that in this very sensitive area of planning there could be worries about potential conflicts of interest.

3.2.3 To resolve this I would suggest that you put the operational decisions into a Planning Committee – a well understood title – and take the policy matters into the Finance and Democracy Committee.

3.2.4 I appreciate that this will increase the workload of the Finance and Democracy Committee but the issues around the Planning framework and Local Plans are so important to a Council like Fylde that they need this corporate attention.

3.3 Urgency Provisions

3.3.1 Whereas under Executive arrangements individual Cabinet Members can take decisions themselves; in a Committee system it is only the whole Committee which can take a decision. Committee Chairmen do not have individual decision making powers.

3.3.2 The issue then arises of what arrangements are in place if a decision needs to be taken before the next Committee meeting.

3.3.3 The only two options are to summon a Special Committee meeting or arrange for its delegation.

3.3.4 The norm is for urgent decisions to be delegated to an Officer(s) who takes the decision in consultation with the Chairman of the Committee and any other named Member. The decision is then reported to the next meeting of the relevant Committee explaining the reason for urgency.

3.3.5 Councils in the past have got themselves in difficulty by still believing that Committee Chairmen can take decisions and matters have been taken to them for a decision. It is really important that both Members and Officers are clear on how urgent matters are to be dealt with.

3.3.6 I know you may not anticipate many urgent decisions needing to be taken but I would suggest you consider giving delegated power to your Chief Executive for him to take genuine urgent decisions in consultation with the relevant Committee Chairman.

3.4 <u>Working Groups</u>

3.4.1 As I have found with other Councils, cross party Working Groups (or Task and Finish Groups) are seen by Members as very effective ways of addressing particular issues.

3.4.2 The role of cross party Working Groups was raised with me by Members across all Political Groups and these should be used where necessary.

3.4.3 Cross party Working Groups established by a Council Committee and serviced by Council Officers provide the opportunity for:

(i) Members to be made aware of the challenges and able to make suggestions for dealing with them.

(ii) Developing Member to Member and Member to Officer working relationships.

(iii) More openness and transparency and with the absence of a Scrutiny Committee to demonstrate inclusivity.

4. <u>In Sum</u>

4.1 You have successfully made the transition from Executive to Committee governance.

4.2 I am grateful for your ready engagement with me on how you feel things are taking shape.

4.3 In the light of these comments I make the above four suggestions which I would be happy to discuss further with you.