

For publication

Cabinet, Committees, Overview and Scrutiny and Outside Bodies arrangements for 2023/24

(GV160)

Meeting:	Cabinet
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Cabinet portfolio:	Governance
Directorate:	Corporate
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1.0 Purpose of the report

- 1.1 To make recommendations to enable the implementation of changes to Cabinet, Committees and Overview and Scrutiny arrangements to respond to the Local Government Boundary Review findings.

2.0 Recommendations

- 2.1 That following the borough election 2023, the Leader of the Council reviews Cabinet and Cabinet Portfolios. This should include the consideration of ceasing the Assistant Cabinet Member roles.
- 2.2 That the Leader submits the nominations for Cabinet and confirms portfolios for noting at the Council's Annual Business Meeting in May 2023.
- 2.3 That Cabinet recommend to Full Council a change in Cabinet frequency from every three weeks to monthly.
- 2.4 That Cabinet recommend to Full Council the following changes to Committee size:
- Planning Committee - reduce Planning Committee places from 15 to 12 (20% reduction).
 - Licensing Committee - reduce Licensing Committee places from 14 to 12 (15% reduction). Split between two groups rather than three.
 - Appeals and Regulatory Committee - reduce Appeals and Regulatory Committee places from 14 to 12 (15% reduction). Split between two groups rather than three.

2.5 That Cabinet recommend to Full Council the adoption of a two Scrutiny Select Committee model and the division of responsibilities.

2.6 That Cabinet recommend to Full Council the revised list and allocation of places to outside bodies.

3.0 Reasons for recommendations

3.1 To respond to the challenges of the reduction in Council size from 48 members to 40 following the Local Government Boundary Review which will be implemented at the May 2023 borough election.

4.0 Report details

4.1 Background

The Local Government Boundary Commission for England is a parliamentary body established by statute to conduct boundary, electoral and structural reviews of local government areas in England. The Commission is independent of government and political parties. It is directly accountable to the Speaker's Committee of the House of Commons. An electoral review examines and proposes new electoral arrangements for the whole local authority. These are:

- The total number of councillors to be elected to the council: council size
- The names, number and boundaries of wards
- The number of councillors to be elected from each ward

4.2 The Commission has a statutory duty to review every English local authority 'from time to time'. It has been over 20 years since the last electoral review for Chesterfield Borough. In addition, since the last review in 1998 due to an uneven pattern of housing numbers and population growth across ward areas, there were a number of wards which are either plus or minus 10% from the average elector ratio.

4.3 Following extensive consultation the Local Government Boundary Committee Review for Chesterfield Borough Council has been completed and accepted by Parliament. The new electoral arrangements will come into force at the next scheduled elections for Chesterfield in May 2023. Key changes include:

- A reduction in Council size from 48 elected members to 40
- The average number of electors per councillor will rise from 1,633 to 1,960 based on the reduction in councillor numbers and then rise year on year to 2,108 by 2027 due to housing and population growth
- Move from 19 wards to 16 wards with almost all ward boundaries being changed

4.4 Due to these changes coming into force from May 2023, now is an opportune time to undertake a light touch review of Cabinet, Committee and Overview and Scrutiny arrangements.

4.5 Cabinet Size

Chesterfield Borough Council currently has a Cabinet size of nine. This includes the Leader, Deputy Leader, six portfolio holders and the Leader of the Opposition. With the current Council size of 48, 19% of members are on Cabinet. With a Council size of 40 this increases to 23%. CIPFA nearest neighbour group comparison indicate that the mean average percentage of elected members on Cabinet is 21% and the median is 18%. 23% would be slightly higher than the average but not unusual. In addition to the core Cabinet, Chesterfield Borough Council also has provision for up to two Assistant Cabinet Members, although only one of these roles is currently utilised.

4.6 We are not recommending a reduction in core Cabinet size due to several factors raised with the Local Government Boundary Commission during our council size submission:

- Our current service provision is mainly delivered in-house and this includes the management of just under 9,000 council homes, an industrial and commercial property portfolio worth over £130 million, innovation centres, sport and leisure facilities, two theatres, two museums, tourist information centre and markets
- Extensive strategic economic, community and operational partnership structures requiring significant portfolio holder engagement
- Chesterfield is the North Eastern Derbyshire sub-regional centre for the night-time economy, shopping and access to key health services. It is also a sub-regional centre for employment, commerce and industry providing over 52,000 people with employment, 21,000 of whom are daily inbound commuters

These factors significantly increase the workload for portfolio holders when compared to many in district councils.

4.7 We are however recommending that the political leadership following the 2023 borough election cease the provision for Assistant Cabinet Members to reflect the change in Council size. We are also recommending that the portfolio responsibilities are reviewed as there have been a number of changes since the last election which have created some overlap areas and in some cases and uneven distribution of duties.

4.8 Cabinet frequency

Cabinet currently meets on a three weekly cycle, with Joint Cabinet and Employment and General Committee meeting on a six weekly cycle. However due to the need to avoid Derbyshire school holidays and to respond to

business need the cycle very quickly becomes out of sync and has led to a lot of confusion for report authors, members and is challenging to administrate.

4.9 An alternative used by many local authorities (including the majority of our Cipfa nearest neighbour group) is to have a monthly Joint Cabinet and Employment and General Committee, followed directly by Cabinet with an additional Cabinet meeting in either January or February due to the volume of business at that time of year. The ability to hold additional Cabinet meetings due to urgency and business need would remain.

4.10 Committees

The following committee sizes are currently in place:

- Planning Committee – 15
- Licensing Committee – 14
- Appeals and regulatory Committee - 14
- Employment and General Committee – 6
- Standards and Audit Committee – 6
- Overview and Performance Scrutiny Forum – 16
- Community, Customer and Organisational Scrutiny Committee – 8
- Enterprise and Wellbeing Scrutiny Committee – 8

4.11 There are 87 committee places on core committees, the 20% reduction in council size has a significant impact on the number of committees each member needs to attend. In addition, elected members have other duties including consultative committees and representing the Council on outside bodies. It is also important to note that elected members currently represent an average elector per councillor number of 1,659, this will rise to around 1,960 in May 2023 and keep rising to around 2,027 due to population growth. Due to these factors the current number of committee places is considered to be unviable post the May 2023 election.

4.12 The following recommendations are being made to reduce committee places to reflect (where possible) the reduction in Council size:

- Planning Committee - reduce Planning Committee places from 15 to 12 (20% reduction).
- Licensing Committee - reduce Licensing Committee places from 14 to 12 (15% reduction). Split between two groups rather than three.
- Appeals and Regulatory Committee - reduce Appeals and Regulatory Committee places from 14 to 12 (15% reduction). Split between two groups rather than three.
- Employment and General Committee – no change
- Standards and Audit Committee – no change

4.13 Overview and scrutiny

Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

4.14 Mandatory powers and functions include:

- Any member of an overview and scrutiny committee has the right to refer a relevant matter to the committee. In England, this provision does not apply to matters concerned with planning and licensing, or to “any matter which is vexatious, discriminatory or not reasonable to be included in the agenda
- Overview and scrutiny committees may hold inquiries and produce reports. Meetings are subject to the normal rules for public admission
- Overview and scrutiny committees have the power to ‘call in’ decisions made by Cabinet. They may then review a decision and recommend that the Cabinet reconsiders it

4.15 Overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt. There are a variety of approaches to scrutiny across the country and we have tried a number of approaches at Chesterfield Borough Council since 2000/2001.

4.16 Currently there are three overview and scrutiny committees:

- **Overview and Performance Scrutiny Forum** – 16 committee places (made up from the two scrutiny committees). The committee meets bi-monthly and provides a corporate and co-ordinating role, it has an overview of the work of the other two committees and agrees its own work programme which includes policy, performance, finance, partnership working, asset management, risk management etc.. The chair rotates between the Chairs of the other two scrutiny committees.
- **Community, Customer and Organisational Scrutiny Committee** – This committee has eight committee places and meets bi-monthly. The committee considers issues across a broad range of subjects including health and wellbeing, community safety, tourism, customer services, markets, cultural services, outsourced and shared services
- **Enterprise and Wellbeing Scrutiny Committee** – This committee has eight committee places and meets bi-monthly. The committee considers issues across a broad range of subjects including housing, care for vulnerable people, business and economic development, sustainability, waste management, sport and leisure

- 4.17 Overall, 32 places are allocated to overview and scrutiny, however elected members taking places on either Community, Customer and Organisational or Enterprise and Wellbeing scrutiny committees automatically become a member of Overview and Performance Scrutiny Forum so it is 16 members filing 32 places. The number of scrutiny places is high compared to the Cipfa nearest neighbour group. The mean average number of places is 21 and the median average is also 21. A wide variety of scrutiny models are used across our nearest neighbour group, but the most common are a one Scrutiny Committee approach or two committees (one internally and one externally focused or multiple committees based around Council Plan priorities).
- 4.18 Since the development of this scrutiny model in 2015 there have been significant changes around council responsibilities, structures and partnerships. With the current approach to scrutiny can cause confusion across the responsibility areas across the three committees causing challenges around administration and work programming. With the reduction in Council size, 32 scrutiny places is considered to be unsustainable, however overview and scrutiny is an important check and challenge point within the Council. Overview and Scrutiny meetings have traditionally taken place in the evening (unlike other committees) so provide an opportunity for elected members who have caring commitments or work commitments during the day to still engage effectively in committee responsibilities. It is therefore important that there are a significant number of committee places allocated to this work.
- 4.19 We are recommending that the number of Overview and Scrutiny Committees is reduced from three to two. The overall number of overview and scrutiny places will decrease from 32, but there is an opportunity to increase the actual number of members engaged from 16 to 20 which helped to increase overview and scrutiny oversight and provide much needed evening committee places.
- 4.20 Authorities utilising the two Overview and Scrutiny Committee approach (often called Scrutiny Select Committees) divide the substantive responsibilities between them, often utilising one committee for internal/ corporate focus and one for community focus. Each committee can action requests and hearings for 'Call In' of executive decisions. These would be allocated to the appropriate committee based on topic area.
- 4.21 A draft diversion of scrutiny select committee responsibilities is attached at Appendix 1. Overview and Scrutiny responsibilities would need to be approved by Council.
- 4.22 By making all the changes suggested to committees including overview and scrutiny, committee places will reduce by 20% (18 places), this is in line with the 20% reduction in Council size.
- 4.23 Outside bodies

In May each year, members are appointed by the council to serve on a range of outside bodies. These include voluntary organisations, local government associations and companies. In some cases, the persons appointed will be council representatives, i.e. they will be expected to represent the council's views at meetings, and look after the council's interests. On other bodies, members will be nominees, i.e. their main responsibility will be to the organisation to which they have been appointed. In some cases, there will be a link between the activities of the organisation and those of the council. In such cases, the member's knowledge of council affairs will be useful, but the affairs of the outside body must take priority when the member is acting as a member of that body.

4.24 Outside bodies can generally be categorised into five categories:

- Consultative Committee and working groups
- Partnerships
- Sector support agencies
- External organisations which we contribute financially towards or offer significant in-kind support
- Miscellaneous

4.25 There are currently 107 places on outside bodies, that is 2.1 per current elected member and 2.6 per member after the May 2023 election, which presents a significant challenge for members to resource. Over the last few years the outside bodies list has generally been rolled over one year to the next with limited checks around current status of the groups.

4.26 Outside bodies have now been reviewed to assess which are no longer operating or do not link into the Council's activities and programmes. The updated list of outside bodies and allocations are attached at Appendix 2. This recommendation reduces outside body places have reduced from 107 to 88 – a reduction of 19 places (18%).

5.0 Alternative options

5.1 Retain the current arrangements. This would mean that the majority of non-Cabinet members would need to attend at least three committees plus Council compared to the current two. The confusion and challenges around administrating Cabinet and Overview and Scrutiny would continue.

6.0 Implications for consideration – Financial and value for money

6.1 The Assistant Cabinet Member roles currently attract a special responsibility allowance of £4,066 each. Removing these roles would create a saving. All other special responsibility allowances would remain pending the next independent remuneration panel review due to report to Council in December 2023.

7.0 Implications for consideration – Legal

- 7.1 Allocations to committees is undertaken under regulation 14 of the Local Government (Committees and Political Groups) Regulations 1990.
- 7.2 The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

8.0 Implications for consideration – Human resources

- 8.1 None.

9.0 Implications for consideration – Council plan

- 9.1 The review of portfolios and Scrutiny remit should include consideration of Council Plan priorities.

10.0 Implications for consideration – Climate change

- 10.1 The review of portfolios and Scrutiny remit should include consideration of Climate Change priorities.

11.0 Implications for consideration – Equality and diversity

- 11.1 The review of portfolios and Scrutiny remit should include consideration of Equality and Diversity priorities.
- 11.2 By increasing the number of places for evening committees (overview and scrutiny) there are increased opportunities for elected member who have caring responsibilities or work commitments during the day to engage in committee roles.

12.0 Implications for consideration – Risk management

Failure to respond to the changes following the local government boundary review will cause an unsustainable workload for elected members.	H	H	Cabinet frequency and review of portfolios recommended. Reduction in committee places recommended. Review of outside bodies has refreshed and reduced outside body commitments.	M	L

Decision information

Key decision number	1165
Wards affected	All

Document information

Report author
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Background documents
These are unpublished works which have been relied on to a material extent when the report was prepared.
None
Appendices to the report
Appendix 1 – Scrutiny Select Committee Responsibilities
Appendix 2 – Outside bodies