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## NOTICE OF MOTION – MOVING TO A COMMITTEE SYSTEM

To: **Council – 10 July 2014**

By: **Interim Director of Corporate Services and Deputy S.151 Officer**

Classification: **Unrestricted**

Ward: **All Wards**

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**Summary:** **To consider a Notice of Motion submitted in relation to moving from a Cabinet system of governance to a Committee System.**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1. The following motion has been received from Councillor Driver in accordance with Council Procedure Rule No. 16:

“Council agrees that a report be prepared which examines the advantages and disadvantages of moving from the Cabinet system of governance to a Committee system and which also sets out the legal and organisational processes involved in making such a change. Council agrees that this report be placed on the agenda for discussion at the next meeting of the Council.”

#### **2.0 Options**

- 2.1 Council can agree to debate the motion;
- 2.2 Council can agree not to debate the motion, in which case the motion will fall.

#### **3.0 Corporate Implications**

##### **3.1 Financial**

- 3.1.1 None arising directly from this report, although it is expected that preparing the report requested above would consume a significant amount of officer time. Furthermore, any change in governance arrangements could have significant financial implications, because it would require the development of a new constitution, and might generate more frequent meetings requiring additional officer support.

##### **3.2 Legal**

- 3.2.1 Council Procedure Rule 16.3 states that the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 19 (*rules of debate*)

3.2.2 However, as only Council can adopt the motion on notice, the motion will fall if the Council does not agree to debate it.

3.2.3 By virtue of Part 1A to the Local Government Act (LGA) 2000 (as introduced by the Localism Act 2011) Councils can opt to have a committee system (with or without a scrutiny committee) in place of an executive system, providing that (where applicable) they still carry out statutory scrutiny functions relating to health, flood risk management, crime and disorder and in relation to other partners. They can also make proposals to the Secretary of State to make regulations to prescribe alternative governance arrangements.

3.2.4 In order to change from one executive model to another or from an executive to committee model, a council must, under Section 9KC LGA 2000: pass a resolution to change; make publicly available documentation setting out the new arrangements; and publish a notice in at least one local newspaper stating the date and main features of change. A council cannot pass a further resolution to change until five years have elapsed, unless the latter resolution is approved in a referendum.

3.2.5 The time when a council ceases to operate the former governance arrangements and commences operating new arrangements is (in the case where the move is neither from nor to a mayoral executive), the annual meeting of council following the resolution to change.

3.2.6 A council must hold a referendum on a change in governance arrangements in the following circumstances: if it resolves to do so; if its existing arrangements had been subject to a referendum; if it receives a valid petition from 5% of its registered electors to do so, or if the Secretary of State has directed by regulations or by order that it should do so.

### **3.3 Corporate**

3.3.1 Council Procedure Rule 16 provides the opportunity for Councillors to give advance notice of motions to be put to Council.

### **3.4 Equity and Equalities**

3.4.1 None arising at this stage.

### **4.0 Recommendation**

4.1 Council is invited to consider whether to debate the motion.

### **5.0 Decision Making Process**

5.1 It is for Council to decide whether or not to debate the motion, and if it does so, whether or not to agree the motion.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Paul Cook, Interim Director of Corporate Resources and Deputy S.151 Officer, ext 7617

### ***Annex List***

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***Background Papers***

<b>Title</b>	<b>Details of where to access copy</b>
None	

***Corporate Consultation Undertaken***

Finance	Paul Cook, Interim Director of Corporate Services
Legal	Steven Boyle, Interim Legal Services Manager and Monitoring Officer