

CABINET

18TH APRIL 2012

REVIEW OF THE COUNCIL'S EXECUTIVE AND COMMITTEE ARRANGEMENTS

Joint Report of the Chief Executive and the Director of Commercial and Corporate Services

1.0 Purpose of the Report

- 1.1. To ask Council to note the Leader's proposals to revise the Cabinet Portfolios and to recommend Council approves revisions to the support arrangements for Cabinet, the number of Scrutiny Committees, the strengthening of leadership arrangements for Area Committees and disestablishment of Personnel and Appeals Committees as the first part of an overall review of current governance arrangements

2.0 Description of Decision

- 2.1 That Council is recommended to;

- a) Note the Leader's decision to revise Cabinet portfolios, with effect from Annual Council, by reducing the number of Cabinet Portfolios from ten to eight (retaining the three current Leadership Portfolios) and revising Portfolio remits accordingly and to approve changes to Committees to take effect from Annual Council
- b) Approve changes to support arrangements for Cabinet, the number of Scrutiny Committees, Personnel Committee, and to strengthen the leadership of Area Committees, as follows;
 - i. Establish the role of Policy Support Member (five Members) to provide additional support for members of Cabinet.
 - ii. Reduce the number of Scrutiny Committees from seven to one with one Chairman, one Vice Chairman and six Scrutiny Lead Members.
 - iii. Establish five additional roles to support the Chairs and work of the Area Committees and confirm that in each Area Committee there will be one Vice Chair, Lead Area Member with responsibility for 'Place' matters and an Alternate Vice Chair, Lead Area Member for 'People' matters.

- iv. Disestablish Personnel Committee with relevant executive decisions to be made by Cabinet and alternative arrangements to be established for exercise of those functions that are not to be the responsibility of the Executive.
- v. **Disestablish Appeals Committee arrangements following consultation upon options for an alternative appeals mechanism.**
- vi. Authorise the Head of Law and Governance to amend the constitution to reflect the revised arrangements.

3.0 Introduction/Background

- 3.1 The proposals set out in this report represent a comprehensive refreshing of the Council's main Executive and Committee arrangements. This is considered necessary in order to ensure that they are structured and operate in a way which will enable the Council to seize the opportunities – and meet the challenges – which will present themselves at a time of major change for local government and the Council itself.
- 3.2 The Council's profile and position within the region and beyond is stronger than ever before. Its community leadership of the City has developed steadily with major successes including the launch of the City's first ever Economic Masterplan and future challenges including the need to discharge its community leadership role for Public Health in April 2013 fully and well.
- 3.3 Internally, the Council has embraced change in a practical, pragmatic way. The Sunderland Way of Working has enabled the Council to cope with serious financial pressures whilst at the same time continuing to develop and improve service quality. The first wave of Responsive Local Services activity has, for instance, demonstrated that devolved decision-making and stronger local influence on services can achieve better outcomes for local people at the same time as achieving significant efficiencies in operation.
- 3.4 The Community Leadership Programme has continued to place Members at the centre of the organisation's continued development. Proposals set out below are, for instance, intended to reinforce their unique contribution to the practical improvement of front line service activity.
- 3.5 Proposals contained within this report are also designed to retain the best of what has worked from the current system and blend it with the best elements of a new model intended to support the Sunderland Way of Working and to enable the Council to embrace the significant challenges and opportunities which it faces as Sunderland's Community Leader successfully.

4.0 Current Executive and Committee Structures

4.1 Aside from their roles on the full Council and within political parties, Members currently carry out their roles across four main 'domains'

Cabinet: Cabinet carries out the Council's executive role. It sets policy (or advises Council on major policy), holds budgets and makes decisions within its executive powers. In practice, executive decisions are made by Cabinet as a whole, rather than by delegation of decision making powers to individual Cabinet members.

Overview and Scrutiny: The Overview and Scrutiny role is designed to support the work of the Council by providing a means for Members to:

- review and scrutinise decisions taken by Cabinet;
- consider aspects of the performance of the Council;
- assist in research, policy review and development;
- ensure that the interests of local people are enhanced by effective collaborative working with other organisations operating in the City

There are currently seven Scrutiny Committees.

Area Committees: The City is organised into five Areas, each made up of between four and six Wards:

- West Sunderland
- East Sunderland
- North Sunderland
- Coalfields
- Washington

Area Committees currently consider reports on the delivery of Council and other main services and consult with local people and organisations about this delivery. They also act as investment decision making bodies for the Strategic Investment Plan, the Strategic Initiatives Budget and Community Chest budgets.

Other main Committees: The Council has a number of other main committees of a regulatory nature or which retain some central executive function. 'Regulatory' is a term commonly used by Councils to describe those committees which deal with business that cannot be dealt with by the Cabinet (the Executive), or that the Council has agreed should not be carried out by the Executive. Examples are quasi-judicial functions such as licensing and planning.

The City Council's other main Committees are

- Planning and Highways Committee
- Development Control Committees (three in number)
- Regulatory Committee
- Licensing Committee
- Personnel Committee, Appeals Committee and Appeals Panels

5.0 The Rationale for improvement

5.1 The Council currently stands at a critical point in its development as both Community Leader and a major provider and enabler of public services. Proposals described in this report are designed to ensure that the Council's Executive and Committee arrangements are set up in a way which will enable the Council to :-

- i. Manage an increasingly complex, challenging and fast developing policy agenda - which includes potentially significant decentralisation and devolutionary themes - by strengthening the capacity of Cabinet and enabling it to play a stronger Community Leadership role within the city and on key outside bodies.
- ii. Maintain the momentum of the Sunderland Way of Working as the Council strengthens its community leadership role by working with new partners and a wider range of service deliverers to achieve better services, better value for money and better outcomes for local people.
- iii. Meet increasing public expectations at a time of diminishing resources through Responsive Local Services and the Council's wider programme of decentralisation to Areas.

5.2 Proposals are principally designed to strengthen and re-focus key elements of the Council's Committee and Executive arrangements which will be most critical to delivery of these objectives:

- Strengthened Cabinet support arrangements will be of fundamental importance in enabling the Council to further develop its community leadership within the city – including on key emerging agendas such as public health - and region. Proposals are also designed to reinforce practical linkages between Cabinet and Areas in order to ensure that decentralisation proceeds as smoothly and effectively as possible.
- Strengthened Area arrangements are designed to provide an effective governance framework for an increasingly wide range of important services and functions which will be decentralised to Area level. Importantly, proposals relating to the creation of Area Boards for Place and People will provide the opportunity for local Members to have a direct influence upon the services concerned. This will improve the targeting and customisation of services and therefore their responsiveness to local communities and efficiency of operation.
- Re-focussed scrutiny arrangements will provide more responsive timely and targeted scrutiny policy reviews, maximising the effectiveness of Members' time commitment to this important assurance function.
- Refreshed streamlined and simplified arrangements for decision making on Personnel policy and operational issues.

5.3 Proposals are based upon the wishes of Members – as expressed through surveys, interviews, workshops and other consultative activities – for increased influence over key services which impact upon the quality of life of the people and communities which they serve. Proposals have therefore been designed to give local Members maximum influence over key services in the most efficient way.

6.0 Proposed Improvements

6.1 Proposed updating of the Council's current Executive and Committee arrangements is therefore intended to enable the Council to deal with an increasingly challenging and fast-changing policy context and to enable effective delivery of the next stage of the Sunderland Way of Working which features a commitment to:

- devolved decision-making on the widest range of appropriate services to the most appropriate level
- strengthened influence of local Councillors - representing local people - in the design, delivery and review of these services
- the identification and development of an increasingly broad range of opportunities for achieving key service outcomes using alternative methods.

6.2 Proposals relate to Cabinet, Scrutiny, Area and one other main committee function initially, with further consideration of the roles and structure of remaining main committees likely to result in a second phase of proposals in due course.

6.3 **Cabinet:** The Leader proposes to reduce the number of Portfolios from ten to eight, to retain the current Leadership Portfolios (Leader, Deputy Leader and Cabinet Secretary) and to align remaining Portfolios with future Directorate, Responsive Services and Public Health priorities.

6.4 It is also proposed to strengthen support for Cabinet in discharging its strategic community leadership responsibilities within the City, region and wider, by creating five Policy Support Member positions and allocating one of these to each non-Leadership Portfolio. Policy Support Members will build up a strong working knowledge of the Portfolio remit which will support effective business continuity as well as greater Council presence on key outside bodies. Policy Support Members will also have a defined Area dimension to their role and will assist the Deputy Leader and Cabinet Secretary, working with Area Committee Chairs, to introduce and embed new area arrangements designed to promote effective decentralisation.

- 6.5 **Area Committees:** it is proposed to strengthen the leadership capacity of Area Committees by introducing an Alternate Vice-Chair for each Area Committee and by allocating Place and People responsibilities to each of the then two Area Vice-Chairs. Area Vice-Chairs will be required to chair the proposed Area Boards, one for Place, one for People, in each Area. They will therefore be at the practical forefront of the Council's decentralisation agenda and will have principal and direct responsibility for overseeing governance of an increasingly broad range of front line services operating as part of the 'roll out' of Responsive Local Services. Area Committee Vice-Chairs will deputise for the Area Committee Chair.
- 6.6 **Scrutiny Committees:** it is proposed to reduce the seven current Scrutiny Committees to one Scrutiny Committee with one Vice Chair and six Scrutiny Leads.
- 6.7 It is proposed that the remits of Scrutiny Leads reflect Directorates, together with a Lead responsibility for Skills, Economy and Regeneration, for Responsive Local Services and for Health, incorporating the Council's legal requirement to ensure effective scrutiny of developments in the health arena including the Health and Well Being Board. It is intended that each Scrutiny Lead will be responsible for delivering two main studies each year and that Member time invested in Scrutiny is used to greatest effect.
- 6.8 It is also proposed to establish a Scrutiny Panel made up of all non-Executive Members, from which individual Members would be allocated to one or more Scrutiny themes.
- 6.9 **Other Main Committees:** it is proposed to disestablish Personnel Committee with all executive decisions to be made by Cabinet and establish alternative arrangements for exercise of those functions that are not to be the responsibility of the Executive.
- 6.10 It is also proposed to disestablish the current Appeals Committee and Panel arrangements and to consult upon appropriate alternative appeals mechanisms.
- 6.11 A review of other remaining main Committees will be undertaken in due course.
- 6.12 It is proposed that the improvements described above be recommended to Annual Council for introduction from the date of Annual Council (May 16th 2012) and that the Head of Law and Governance be authorised to amend the constitution to reflect the revised arrangements. Proposed disestablishment of the Appeals arrangements will be implemented at the earliest point in the municipal year following appropriate consultation. Current arrangements will continue until that time.

7.0 Reasons for the Decision

7.1 Approval for these proposals will ensure that the Council's overall Executive Committee structures are configured in a way which will

- i. enable Cabinet to manage an increasingly broad and complex agenda most effectively
- ii. support increased devolution of decision-making on the widest range of appropriate services to the most appropriate level
- iii. strengthen the influence of local councillors in the design, delivery and review of these services

7.2 Proposals are intended to strengthen the Council's capacity at a critical time in its development as Community Leader, as the Sunderland Way of Working matures and embeds within the organisation and as a fast moving national policy agenda continues to throw up major opportunities and challenges for the Council and City.

8.0 Alternative Options

8.1 The following options were considered as part of this process

- i. **Retain Cabinet in its current size and form.** This option was rejected as it would not align Portfolios sufficiently with key emerging challenges and responsibilities facing the Council and City. Nor would this option provide Cabinet with the additional capacity it will require to support smooth and effective moves towards increased decentralisation as described above.
- ii. **Retain Area Committee leadership structures in their current form:** This option was rejected in view of the need to strengthen current capacity within Area Committees to take on significant additional roles and responsibilities associated with the Council's proposals for increased devolution of decision-making to the Area level.
- iii. **Retain all Scrutiny Committees in their current size and form.** This was rejected for three main reasons.

Firstly, overall proposals are designed to place a clear emphasis upon the need to deliver a decentralisation agenda in an effective manner. This would have clear implications for the role and capacity of Cabinet and Area Committees and these would therefore be prioritised for further clarification and strengthening (respectively).

Secondly, practical management of decentralisation is also likely to require significant additional Member input to the set up, ongoing operation and regular review of enhanced area arrangements. It is therefore considered important to prioritise attention principally upon strengthening Cabinet and Area Committee support arrangements. This would have direct knock-on implications for the focus of Scrutiny and how it should operate in the future. The preferred option was selected in view of its capacity to accommodate key legal and other requirements, to maintain the high level of effectiveness achieved by Scrutiny but to do so in a more focused, streamlined manner.

Thirdly, the preferred option also reflected the stronger local scrutiny role envisaged for both Area Boards and Area Committees.

Retain Personnel Committee in its current form

This option was rejected as it does not maximise the efficiency of arrangements by positioning Member and managerial responsibilities appropriately to facilitate effective decision-making.

9.0 Impact Analysis

9.1 Equalities

Proposals, especially those relating to strengthening of the governance framework for Responsive Local Service activity, are designed to make important front line services even more responsive to the needs, priorities and preferences of the varied and numerous communities the Council serves. Working with Area Boards, Area Committees will have responsibility for strengthening the Council's connection with all local communities, both geographic and communities of interest and for reflecting their priorities in more responsive service planning and delivery.

9.2 Privacy Impact Assessment

Proposals have no additional implications for the protection of privacy of the public.

9.3 Sustainability

Proposals are intended to refresh Executive and Committee arrangements in order to meet both known and emerging opportunities and challenges facing the Council. Proposed arrangements will be reviewed as necessary to ensure that they continue to reflect the Council's main priorities.

Any potential issues of financial sustainability will be the subject of consideration by the independent Remuneration Panel.

9.4 Reduction of Crime and Disorder – Community Cohesion / Social Inclusion

Proposals to strengthen Area Committees and to intensify their focus on local issues, principally through Area Boards, will complement the work of Local Multi Agency Problem Solving Groups in promoting improved safety and reduced fear of crime in Areas.

10.0 Other Relevant Considerations or Consultations

(a) Financial Implications

The significant changes proposed in this report will have financial implications as the number of Portfolios and their responsibilities change and as a consequence of new approaches to Area governance in support of decentralisation. It is therefore proposed to submit proposals for consideration by the independent Remuneration Panel for its consideration at the earliest opportunity.

(b) Employee Implications

There are no significant or immediate implications for employees resulting from these proposals. Area Committees will meet less frequently but have a more complex agenda and Area Board support responsibilities. There will be fewer Scrutiny Committees but significant Scrutiny Working Group activity. A review of this situation will be undertaken in the light of practical experience over the first few months of operation of new arrangements.

(c) Legal Implications

Proposals to amend the committee structure and Cabinet support arrangements will require the approval of full Council.

(d) Policy Implications

Proposals are designed to refresh the Council's Executive and Committee arrangements in order to deliver both current and emerging policies.

(e) Implications for Other Services

All Directorates have been consulted on proposals during the preparation of this report.

(f) Project Management Methodology

N/A

11.0 Background Papers

Current Council Constitution
Cabinet Portfolio Directory