

Local Government Act 1972

Local Government Act 2000

Localism Act 2011

**DECISION MAKING
ARRANGEMENTS
MAY 2019**



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Legal basis to LG decision-making

- Local Government Act 1972
 - Basic legal structure for reorganised local government
 - Council can delegate to Committees or officers
- Local Government & Housing Act 1989
 - Implemented Widdicombe changes re. conduct
 - Proportionality of Committee membership
- Local Government Act 2000
 - Separation of executive and scrutiny functions
 - Executive models of governance - single party decision-making
 - Elected Mayors OR Leader and Cabinet
- Local Government & Public Involvement in Health Act 2007
 - Modification of 2000 Act
 - Strong Leader and Cabinet
- Localism Act 2011
 - Option to return to committee system



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Localism Act 2011

- An authority must operate a permitted form of governance:
 - Executive arrangements OR
 - Committee system OR
 - Prescribed arrangements
- 2 permitted forms of executive arrangement:
 - Elected Mayor
 - Executive Leader and Cabinet
- Can change form of governance by resolution of full Council
 - Majority vote
 - No longer requirement for referendum - but can hold one
- Must give public notice of change
- Change comes into effect at next Annual Meeting



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Different governance systems

- Elected Mayor
 - Decision-making by Mayor
 - Council elected separately - and scrutinises executive Mayor
 - Model preferred by Government - now and pre-2010
- Leader & Cabinet
 - Decision-making by Leader and Cabinet
 - Part of Council - elected Councillors
 - Cabinet is single-party decision-making body
 - Rest of Council scrutinises executive Leader and Cabinet
 - Model preferred by most local authorities
- Committee System
 - No executive
 - Decision-making by Committees of Council
 - Cross-party - proportional to party strength
 - Tradition pre-2000 model
- Council - March 2012
 - review of models of governance requested
 - report to full Council during municipal year



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Decision-making in Reading

- Adopted Leader and Cabinet model, 2001
- Council - October 2010
 - Adopted Indirect Leader and Cabinet model from May 2011
 - Re-affirmed, May 2012
- Council - May 2013
 - Committee System

Council

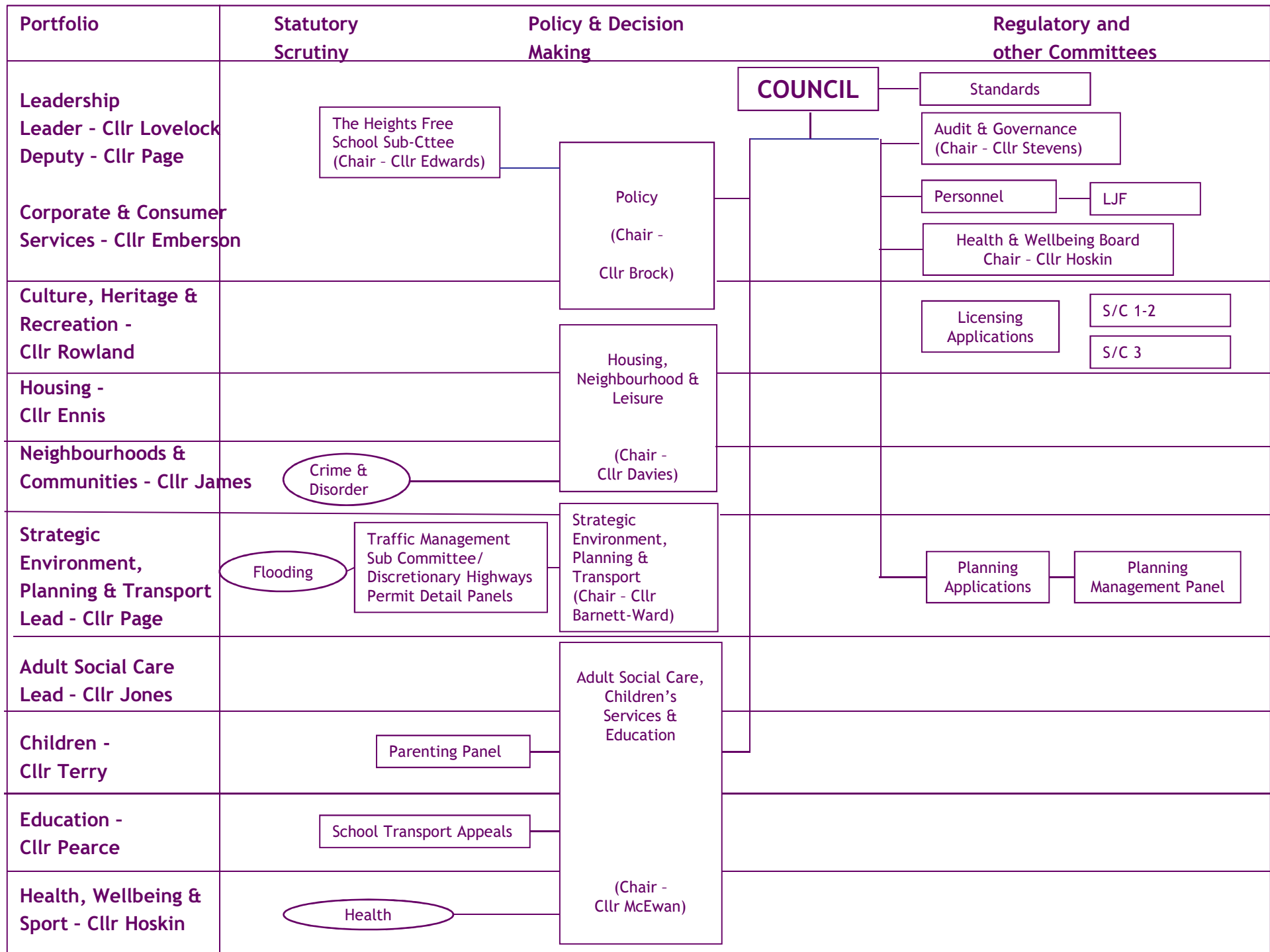
- Sets the policy and budget framework for the authority
- Approves plans and strategies
- Sets strategic vision and corporate objectives
- Responsible for the constitution
- Elects Leader

- Mayor -
 - Chairman of the Council
 - Elected as first item of business at Annual Meeting
 - Casting vote to break tied votes



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Committees of Council

Standing Committees (Article 7)

- Policy Committee
 - Mapledurham Playing Fields Trustees' Sub-Committee
- Adult Social Care, Children's Services & Education (ACE)
- Housing Neighbourhoods & Leisure (HNL)
- Strategic Environment, Planning & Transport (SEPT)
 - Traffic Management Sub-Committee

Regulatory Committees - deal with applications from individuals (Article 8)

- Licensing Applications
- Planning Applications

Other Committees (Article 8)

- Personnel Committee
 - Local Joint Forum
- Audit & Governance Committee
- Standards Committee
- Health & Wellbeing Board



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Committee System

- Set up under SS101 and 102 of Local Government Act 1972
- Cover full range of Council decision-making
 - No artificial split between executive and non-executive decisions
- Cross-party bodies - proportional to Group strength on Council
 - Chair and Vice-Chair appointed by Council from majority group
- Access to Information provisions apply
- No need for separate Overview & Scrutiny Committee to scrutinise executive



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Policy Committee (1)

Committee

- Oversight of strategy, policy, budget
- Covers all services in Corporate Resources Directorate, and Development and Cultural Services (in DENS)
- Voluntary sector grants
- Economic development and regeneration
- Community cohesion
- Corporate land, buildings and assets
 - Including where Council is Trustee
- Overview of service performance and improvement across all Council services
- Partnerships and joint arrangements - LSP (Community Strategy), LEP, Reading UK CIC, City Deal, Cultural Strategy, Reading Compact, Coroner, Berkshire Record Office
- Community Call for Action, petitions and external scrutiny
- Decisions cutting across service committee areas
- Decisions between committee meetings and on urgency basis



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Policy Committee (2)

Consultative Bodies

- Access and Disabilities Working Group
- Alliance for Cohesion & Racial Equality
- Arts Forum
- Civic Board
- Reading Compact Group
- Town Twinning Group



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Adult Social Care, Children's Services & Education

Committee

- Covers Council's personal services - Adult Care, Children's Social Care, Education, School Improvement
- Schools - involvement of Church and School Governor representatives
- Safeguarding responsibilities for children and adults
- Partnerships and joint arrangements - Children's Trust, Post-16 joint arrangement
- Community Learning and Skills Advisory Board - New Directions
- Health scrutiny

Consultative Bodies

- Older People's Working Group
- Parenting Panel
- SACRE
- School Admission Forum



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Housing, Neighbourhoods & Leisure Committee

Committee

- Covers “place” services of Council - Housing & Neighbourhoods, Planning, Development and Regulatory Services, Transportation, Community Safety
- Green and Clean environment - streetcare, parks, sport
- Partnerships and joint arrangements - Community Safety and NAGs, waste disposal (Re3)
- Crime and disorder scrutiny

Consultative Bodies

- Arts & Heritage Forum
- Cultural Partnership Board



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Strategic Environment, Planning & Transport

Committee

- Covers planning, highways and transport services of Council
- Focus on strategic environment and climate change
- Partnerships and joint arrangements: RUAP, Berkshire Local Transport Body
- Flood prevention scrutiny

Traffic Management Sub-Committee

Consultative Bodies

- Cycle Forum



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Regulatory Committees

- Planning Applications Committee
 - Committee under S101 of LGA 1972
 - Development Control - individual applications
 - Exercises planning functions in Functions & Responsibilities Regulations
 - Planning Management Panel
- Licensing Applications Committee
 - The Council's licensing committee under S6 of Licensing Act 2003 - personal and premises licences
 - Sub-Committees 1 and 2
 - Also operates under S101 of LGA 1972 - other licences
 - Sub-Committee 3
 - Exercises licensing functions in Functions & Responsibilities Regulations



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Audit & Governance Committee

- The Council's Audit Committee as recommended by Audit Commission and CIPFA
- Committee under S101 of LGA 1972
- Functions:
 - Audit activity - internal audit strategy and reports
 - Regulatory framework - contracts, financial regulations, risk management
 - Accounts - treasury management, sign-off of accounts, external auditor's report
 - corporate governance
- Chaired by opposition Councillor

Personnel Committee

- Committee under S101 of LGA 1972
- Staff employment functions under S112 of LGS 1972
- Appointment and dismissal of senior staff
 - Officer Employment Procedure Rules
 - Personnel Panels
- Appeals Panel under Disciplinary or Grievance Procedures
- Local Joint Forum
 - Management / trades union negotiation and consultative body



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Standards Committee (1)

- Localism Act 2011
 - Ended statutory requirement of LGA 2000
 - Duty to promote and maintain high standards of conduct by members
 - LAs must adopt local Code of Conduct and arrangements to deal with complaints about Councillors
 - May appoint Standards Committee as part of arrangements
- Standards Committee
 - Committee under S101 of LGA 1972
 - Part of Council's arrangements to deal with complaints made about the conduct of Members under S28(6)(b) of Localism Act 2011
 - Terms of reference cross-refer to local Member Code of Conduct and the seven principles of public life (Nolan)

Standards Committee (2)

- Promotes high standards of conduct by Councillors
 - probity and propriety of all aspects of Council business
 - Compliance with local Member Code of Conduct
- Assists members to observe Code of Conduct
- Local hearings of local investigations
 - But no longer any specific statutory sanctions
- Cross-party membership -
 - plus 1 co-opted, non-voting non-Councillor (independent Member)
- Leader may not be a Member
- Independent person - not on Committee



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Health & Wellbeing Board

- Set up under S194 of Health & Social Care Act 2012
 - must be treated as committee under S102 of LGA 1972
 - Membership prescribed in 2012 Act
- Subsequent Regulations allow Councils to disapply proportionality and access to information provisions of standard local government legislation
 - so in Reading:
 - Officer members do not have voting rights
 - Restricted Councillor membership defined by office held - opposition Councillors may attend as observers
 - Voting membership = 4 Councillors, 1 Local Healthwatch, 2 CCG representatives (must be named)
- Exercises public health functions of authority as set out in 2012 Act
- Joint arrangement for public health in Berkshire - Bracknell = lead authority

Overview & Scrutiny (1)

- Statutory role - set out in Local Government Act 2000 and Local Government & Public Involvement in Health Act 2007
- Broad - can include
 - Policy formulation and review (“Green Paper” role)
 - Pre-scrutiny
 - Post-scrutiny - holding Cabinet to account for implementation
 - scrutinising other bodies providing public services locally
- Related directly to scrutinising the executive - no need to have separate arrangements with a committee system (but can do)
- Should not normally involve review of decisions of other Committees
- Scrutiny is not an alternative to normal appeal procedures
- Should enable councillors to represent views of their constituents
- Statutory power to scrutinise health authorities
- Statutory overview and scrutiny function of crime and disorder (Police & Justice Act 2006)
- Overview and Scrutiny Procedure Rules - in Part 4 of Constitution



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Overview & Scrutiny in Reading

- No separate Overview & Scrutiny Committee
 - No call-in of executive decisions
- Statutory scrutiny functions exercised by Committees responsible for the services:
 - Health - ACE
 - Crime & Disorder - HNC
 - Flood risk management - SEPT
 - Other local public service providers - Policy
 - Policy may also scrutinise services covering more than one Committee
 - Full Council may also commission scrutiny exercises
- Committees must resolve that they are operating in O&S mode
 - Then S025 will apply
- Overview and scrutiny via task-and-finish groups
 - Time-limited
 - Reporting back to Committee / Council
- Audit & Governance Committee (see above)



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Leadership (1)

- Local arrangement - not underpinned by Local Government Act 2000
- Leader
 - Elected for each Municipal Year at Council AGM
 - Leads majority group, and chairs Policy Committee
- Deputy Leader
 - Appointed at Council AGM
 - Lead Councillor with own portfolio
 - Deputises for Leader in his/her absence or at his/her request
- Lead Councillors
 - Appointed at Council AGM to provide political oversight and leadership of portfolio areas
 - Report to relevant committee(s) on performance
- All may be removed from office - and replaced - by successful motion to Council (simple majority)



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Leadership (2)

- Lead Councillors - majority group members of Policy Committee
- Portfolios
 - Adult Social Care
 - Children's Services & Families
 - Corporate & Consumer Services
 - Culture, Heritage & Recreation
 - Education
 - Health, Wellbeing & Sport
 - Housing
 - Neighbourhoods
 - Strategic Environment, Planning & Transport
- Lead Councillors - general responsibilities
 - Political oversight and leadership of portfolio
 - Collective oversight and leadership of Council
 - Public spokesperson for portfolio area
 - Presenting reports to service committee, policy Committee and Council
 - Answerable for service performance in portfolio area to committee and Council



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Responsibility for Functions

- Article 13 of Constitution
- Functions exercised and delegated under S101 of LGA 1972
 - Can be delegated by full Council to a Committee / Sub-Committee
 - Can be delegated by Council or Committee to an officer
- Cannot be delegated to individual Councillors - therefore Leader / Lead Councillors cannot take decisions on behalf of Council
- Some functions reserved by law to full Council - see Article 4
- Full Council sets authority's budget and overall strategic direction
- Committees may set policies, plans and strategies for functions delegated to them (Policy if function cuts across committee areas)
- Operational decisions can be delegated to officers - but not key decisions
- Officer delegations set out in Delegations Register
 - Made to Director / Head of Service



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Advisory and Consultative Bodies

- Not executive - cannot make decisions
- Multi-party - and mostly open to public
- Often with external membership too
- No formal procedures
- Reporting lines to relevant Lead Councillor

- Partnership bodies
- Education bodies
- Consultative bodies
- Equality target groups
- Member-officer bodies

- Reviewed April 2011
 - Merged with relevant Partnership bodies
 - Less formal model - specialist interests - focus for consultation

- Safer Community Forums



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Full Council only Functions (1)

These cannot be delegated to committees or officers

- Adoption or approval of specified plans and strategies
- Adopting the budget and plans for the control of borrowing and investments, and capital expenditure
- Determining the authority's minimum revenue provision
- Determining the scheme and amounts of Councillors' allowances
- Adopting new constitution and any changes
- Appointing committees and making joint arrangements with other Councils
- Authorising applications to the Secretary of State for transfer of housing stock
- Approving the Council's Development Plan(s)
- Approving the Council's Pay Policy Statement
- Health scrutiny referrals to the Secretary of State, Health Regulator or NHS Commissioning Board



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Full Council-only functions (2)

These also cannot be delegated to committees or officers

- Making or confirming appointment of Chief Executive
- Changing the Council's scheme of elections
- Reorganising community governance
- Changing the authority's governance arrangements
- Adopting local Member Code of Conduct
- Changing the name of the authority
- Conferring title of Freeman



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Key Decisions

- Local definition - see Article 13
- Key decisions involve:
 - incurring expenditure or making savings which is/are significant having regard to the Council budget for the service or function in question
 - decisions which have significant effects on communities living or working in two or more wards
- In Reading, “significant” means
 - the value to the Council in terms of income or expenditure exceeds £500,000, except where such expenditure has already been approved as part of the Council’s revenue or capital expenditure budget or plan
 - the value to the Council in terms of savings exceeds £250,000 except where such expenditure has been approved as part of the Council’s revenue budget



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Significant (2)

- It involves:
 - closure of a service or an establishment within a service
 - externalisation of a service or a substantial part of it
 - variation to the Council's budget including, virement or additional expenditure, of more than £500,000
 - partnership agreements and joint contracts
 - CPOs
 - bids for substantial funding from other bodies
 - major Traffic Regulation Orders
 - admission to maintained schools
 - appointments to outside bodies (annual schedule)
 - a decision not in accordance with, or to vary substantially, an approved policy plan or strategy

Budget and Policy Framework (1)

- Procedure Rules in Part 4 of Constitution
- Full Council is responsible for setting the authority's budget framework , and strategic objectives and vision
- Full Council must also adopt or amend those policies, plans and strategies reserved to it by law
- Committees and officer with delegated functions must operate within the approved budget, and the Council's Financial Regulations.
 - Policy Committee will monitor the budget at least quarterly
- Committees may amend, modify, vary or revoke policies, plans or strategies for functions for which they are responsible, and adopt new ones - so long as they are consistent with the budget framework
- The Monitoring Officer and S151 Officer (Head of Finance) are the arbiters on what constitutes the Council's policy and budget frameworks, and any views expressed by them must be reported to the Committee when it takes its decision



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Budget & Policy Framework (2)

- 3 or more Councillors may ask MO / S151 Officer whether a decision to be taken is in accordance with the budget or policy framework
 - Request must be in writing
- MO / S151 Officer must report query - and their advice - to next responsible committee
- Decision cannot be taken by officer under delegated powers - must go to committee
- Full Council may cancel any decision taken by a committee under delegated functions under S023
 - Subject to six month rule

Access to Information

Access to Information Procedure Rules - in Part 4 of Constitution

ACCESS TO AGENDAS AND REPORTS

- Copies of agenda and reports must be open to inspection by members of the public at least 5 clear days before the meeting UNLESS
 - the meeting is convened at shorter notice - they should then be available immediately
 - if an item is added to an agenda already available, copies must be available from the time the item is added

MEETINGS

- Meetings to be held in public
- Press and public may be excluded where it is likely:
 - Confidential would be disclosed (link to DPA)
 - Exempt information would be disclosed (resolution required)
 - Advice would be given by a political advisor (resolution required)
 - It is necessary to maintain orderly conduct of the meeting
- A resolution regarding exempt information must state the relevant category of information in Sch 12A LGA 1972 (see Procedure Rules)



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Constitution

- Required by Local Government Act 2000 (Section 25)
 - as part of executive arrangements
 - Retained following adoption of committee system
- Approved by Council, 19 June 2001
 - updated annually
 - Major revision, 2013, when committee system adopted
 - On public folders
 - Copy given to new Councillors
- Available for public inspection at Civic Offices receptions and in Libraries
- On web site and intranet - hyperlinks



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