

Committee Model Working Group

Friday 27th January 2023



Report of: Director – Legal and Democratic Services

Title: Decision-making under the current Mayor and Cabinet model of governance

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

This report provides an overview of decision-making under the current Mayor and Cabinet Model of governance, and it summarises key legal and constitutional matters which relates to the current governance arrangements.

The report identifies a number of matters for the Committee Model Working Group to consider as part of the preparations for the Committee Model of governance.



1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers how decision-making currently works under the Mayor and Cabinet model of governance, including an overview of the key legal and constitutional matters which relate to the current arrangements. The report identifies a number of matters for the Working Group to consider as part of its preparations for the Committee Model of governance.

The Working Group will need to make recommendations about the matters raised in this report. Those recommendations, together with recommendations from other meetings of the Working Group, will be reported to Full Council in due course, where a final decision will be taken regarding the arrangements for the Committee Model of governance.

2. Detail of report

Under the Mayor/Cabinet Model of governance, decision making is categorised as either an Executive Function or a Non-Executive Function. Executive Functions are those functions that are exercised by the Mayor/Cabinet, whereas Non-Executive Functions are those functions that are reserved to Full Council or are delegated by Full Council to committees of the Council. Executive and Non-executive functions are also delegated to officers. This report focuses on the discharge of executive functions by the Mayor and Cabinet under the model of governance that is currently in place at Bristol City Council.

The Mayor/Cabinet Model of governance provides for executive decision-making by the Directly Elected Mayor, who in turn appoints Cabinet members and delegates responsibility for decision-making in specific policy areas to those Cabinet members. They are known as portfolio holders. The current Cabinet portfolios are as follows:

Mayor Marvin Rees – lead on Planning, City Design and Bristol One City
Councillor Craig Cheney, Deputy Mayor – Finance, Governance and Performance
Councillor Asher Craig, Deputy Mayor – Children Services, Education and Equalities
Councillor Ellie King – Public Health, Communities and Bristol One City
Councillor Helen Holland – Adult Social Care and Integrated Care System
Councillor Nicola Beech – Strategic Planning, Resilience and Floods
Councillor Tom Renhard – Housing Delivery and Homes
Councillor Don Alexander – Transport
Councillor Kye Dudd – Climate, Ecology, Waste and Energy

Formal decision-making by the Mayor and Cabinet is done at Cabinet meetings, which usually take place once a month. The majority of decisions taken by Cabinet are key decisions (defined as savings or expenditure over £500,000, or decisions which have a significant impact on two or more wards in the City). There are also reports which are taken to Cabinet where no formal decision is required, for example quarterly performance monitoring reports – such reports are noted by Cabinet. Appendix A includes a summary of decisions taken by Cabinet between June 2021 and May 2022, how the

decisions align to the directorates within the Council, which of the above portfolios the decisions fall into and the type of decision.

The Mayor has also delegated executive decisions which are not key decisions to officers and the detail of those delegations is set out the Officer Scheme of Delegations. There are also arrangements relating to decision-making by Area Committees.

Under the Mayor/Cabinet Model of governance the Mayor has specific responsibilities under the Council Procedure Rules in respect of Member Forum and Public Forum and will answer questions from Councillors and members of the public at Full Council meetings. The Mayor may also ask Cabinet Members to respond to questions.

The Mayor and Cabinet Members are regularly briefed on matters that fall within their respective portfolios. These may be matters that subsequently become formal Cabinet reports, but also include Officer Executive Decisions, service performance reports and risk management. The Working Group will have a presentation at its meeting about the decision pathway for Cabinet decisions and how Cabinet Members are briefed on matters within their portfolios.

3. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

The legal rules relating to the operation of the Mayor/Cabinet model of governance are prescribed by legislation and those rules have been built into the Council's Constitution to recognise the distinction between executive and non-executive functions. The Council will need to consider how these functions will be discharged under the Committee Model of governance, in particular how those functions that are currently discharged by the Mayor/Cabinet will be discharged through Policy Committees.

The current arrangements for decision-making by the Mayor/Cabinet are set out in the Mayor's Scheme of Delegation of executive functions in Part 3 of the Council's Constitution. This includes the arrangements for decision-making by the Mayor, Cabinet Members, Officers and Area Committees.

The distinction between executive and non-executive functions does not exist under the Committee Model of governance. Whilst there are a number of matters that must be reserved to Full Council under the Committee Model of governance as prescribed by the Local Authorities (Committee System) (England) Regulations 2012 it is anticipated that all other functions will be delegated by Full Council to committees or to officers.

The current arrangements for scrutiny are set out in the Overview and Scrutiny Procedure Rules. If the Council decides to adopt similar scrutiny arrangements under the Committee Model of governance, then the detail of how those arrangements should be discharged is set out in the Local Authorities (Committee System) (England) Regulations 2012. From a scrutiny perspective, at the very least, the Council will need to ensure that it has arrangements in place to enable the scrutiny of health, flood risk management and community safety.

There are also a number of procedural rules within the Council's Constitution which relate to the discharge of executive functions under the Mayor/Cabinet Model of governance. These are the Budget and Policy Framework Procedure Rules, the Executive Procedure Rules and the Overview and Scrutiny Procedure Rules.

All of these rules will need to be reviewed and consideration given to which elements of these arrangements the Council would like to see reflected as part of the Committee Model of governance.

4. Matters for the Working Group to consider

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

- As the Council will no longer have a Directly Elected Mayor, the Working Group needs to consider whether there will be a Leader of the Council and a Deputy Leader of the Council and if so, what functions and responsibilities they have, recognising that Full Council can only delegate formal decision making to committees or to officers, not to individual Councillors.
- How functions will be discharged under the Committee Model of governance is a key consideration for the Council. Whilst this will be the subject of a future meeting, the Working Group may wish to make some initial observations on how the functions currently exercised by the Mayor/Cabinet will be discharged, for example the number and types of Policy Committees and the functions that will be discharged by those committees and/or delegated to officers.
- Whilst there is no legal threshold for decision-making by committees under the Committee Model of governance, the Working Group will need to consider what criteria should be put in place for decision making by committees, for example criteria similar to the key decision threshold under the Mayor/Cabinet model of governance.
- To ensure transparency in decision making under the Committee Model of governance, the Working Group needs to consider whether similar processes that exist under the Mayor/Cabinet Model of governance should be adopted. For example, will Policy Committees publish a Forward Plan, what will be the arrangements for emergency decision-making, will officer delegations be exercised in consultation with the relevant Committee Chair and will delegated decisions by officers continue to be published.
- Whilst the final approval of the Council's budget and policy framework will be reserved to Full Council under the Committee Model of governance, the Working Group should consider the processes that will need to be in place for the development of the Council's budget and policy framework and where those responsibilities will sit in the new committee structure.
- Whether the Council wants to put in place scrutiny arrangements similar to those under the current Mayor/Cabinet Model of governance will be the subject of a future meeting. However, the Working Group may wish to make some initial observations on the approach to scrutiny under the Committee Model of governance.
- Any arrangements for local decision-making, for example a review of the current procedures for S.106/CIL expenditure through Area Committees, will need to be considered. This will also be the subject of a future meeting, although the Working Group may wish to make some initial observations on local decision-making.
- The arrangements for Public Forum and Member Forum at Full Council and also at Policy Committees will need to be considered by the Working Group. For example, will questions in Public Forum and Member Forum at Full Council be directed to the Chairs of the relevant

committee under the Committee Model of governance.

- The Working Group will need to consider how to reflect the work that is currently done outside of formal meetings in the Committee Model of governance. For example, what arrangements will be put in place for briefing Chairs of Committees, agenda planning for Policy Committees and decision-making by officers through consultation with Chairs of Committees.

To summarise, the Working Group may wish to frame the discussion of the above matters around the following questions.

- a. Will there be a Leader of the Council, and if so, what functions and responsibilities will they have?
- b. Will there be a Deputy Leader of the Council, and if so, what functions and responsibilities will they have?
- c. How many policy committees will the Council have and what functions will they have?
- d. What criteria will be in place to determine whether decisions will be taken by policy committees (e.g. a threshold similar to the key decision threshold)?
- e. Will policy committees publish a forward plan of decisions?
- f. What arrangements will be in place for emergency decision-making?
- g. What arrangements will be in place for decision-making by officers, including consultation with chairs of policy committees?
- h. Will officer delegated decisions be published?
- i. What arrangements will be put in place for the development of the Council's budget and policy framework?
- j. Will the Council have a scrutiny function?
- k. What arrangements will be in place for local decision-making?
- l. How will Member Forum and Public Forum work at Full Council and policy committee meetings?
- m. How will agenda setting and briefings for chairs of committees work?

There may be other matters arising from this report that the Working Group may also wish to comment on.

Appendices:

Appendix A – Cabinet decisions overview June 2021 – May 2022

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None