Musical chairs

Practical issues for local authorities in moving to a committee system

Centre for Public Scrutiny

accountability, transparency, involvement

Contents

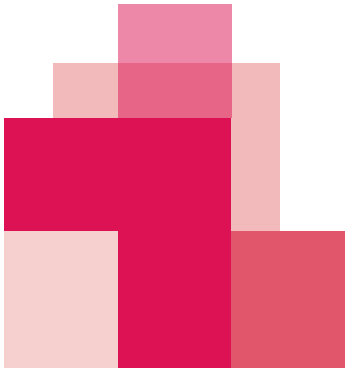
The Centre for Public Scrutiny

The Centre for Public Scrutiny is a small charity whose principal focus is on scrutiny, accountability and good governance, both in the public sector and amongst those people and organisations who deliver publicly-funded services.

We believe that accountability, transparency and involvement should be the foundations of planning and delivering public services.

Effective scrutiny and accountability can hold services to account and create opportunities for communities and decision-makers to improve the quality of services by producing solutions to problems together.

The Centre supports individuals, organisations and communities by sharing research and analysis of current and developing best practice through publications, consultancy and events. We also create and support networks and on-line forums. The bulk of our work focuses on local government and the wider localism agenda, but we also work extensively with and for health and social care bodies, and others such as police, park and fire authorities, housing associations and other housing management organisations, universities, regulators, Parliament and select committees and government departments.



Part A – Executive summary

This document is designed to help councillors and officers who expect to be actively involved in developing new governance arrangements where their authority chooses to adopt a "committee system" under the Localism Act 2011.

Council leaders, Chief Executives and other senior officers and councillors may feel that changing governance arrangements is an administrative exercise and that they do not need to be closely involved in this process. But there are some key issues from our research that highlight the need for senior politicians and managers to establish the framework for transparent, inclusive and accountable governance.

On the next few pages we present the key findings from our research. The rest of the report will explain how we reached these conclusions, and provide additional information which will go into more detail.

Key findings

- Four councils are moving from leader-cabinet to a committee system of governance in May 2012. Two are unitaries, one is a county and one is a shire district.
- Some councils are considering, or adopting, "hybrid" arrangements – suggesting that the choice of governance options is a spectrum with a huge amount of variation rather than a blunt choice between "committee" and "leader-cabinet".
- A number of councils – around a dozen – are holding fire on changing for the time being, waiting to see what the content of forthcoming DCLG regulations will be, and how the vanguard authorities' arrangements bed down.
- Some councils think governance arrangements are an internal, constitutional issue and that changing arrangements is an internal administrative exercise. This risks missing wider implications and impacts on planning and delivering services.
- Some councils think that changing governance arrangements will solve organisational and/or political problems or will result in "more democratic" governance. A focus on structure risks missing opportunities to think about cultures and values.
- Success will depend much more on the prevailing organisational and leadership culture in the organisation than the structure that is established – but this doesn't mean that structure isn't important.

Key messages

Be clear about the reasons and objectives for change – and evaluate against them

Council leaders and senior managers, cabinet members and other councillors may have different reasons for advocating change and different expectations about what change will achieve. All councillors need to have opportunities to articulate their reasons and expectations so that assumptions about different arrangements can be tested. Being clear about objectives for change allows councils to review how new arrangements are working – an exercise which will be crucial in ensuring that new arrangements are both robust and flexible. Being clear about culture and values will help councils assess how councillors can best add value to their communities and to the running of the council.

Get others involved – this is not just an internal "democratic services" matter

People and organisations outside the council will be impacted by changes to the way councils take decisions. The public sector has changed significantly since councils last changed governance arrangements - different approaches to service planning and delivery (for example through commissioning, partnership or collaboration) may significantly influence the style of governance councils adopt. Supra-local structures (such as partnership boards or shared services) may take time to adapt to a move to a committee system. Bodies that operated flexibly through individual member representation and decision making may find that consensus decision-making makes partnership working less responsive.

Discussions about governance cannot happen in isolation - some practical operational impacts may not be predictable by officers tasked with amending the council's constitution. We do not suggest that wholesale public consultation is necessary but this does not mean that discussions should be restricted to only a few councillors and officers. Inevitably, this will lengthen the period of time needed to put a new system in place, but it will help provide assurance that the benefits and risks of a new system have been tested.

Forward planning, and effective delegation, are vital

Our research shows that effective delegation to officers is crucial under a committee system – senior members and officers need to devote time to think about how this will work. Proper delegation will allow committees to consider only those strategic matters where they can add value. Forward planning – involving the creation of council-wide programmes and robust project management systems – will ensure that milestones for key projects dovetail with committee cycles, minimising the risk of delay and the need for the convening of "urgency' meetings. This may present a challenge in some places – CfPS is aware that Executive Forward Plans in many authorities are

viewed more as a bureaucratic requirement rather than as a tool to assist in decision-making. An open, transparent approach to forward planning in decision-making will make it easier for the authority's plans to dovetail with those of partners and will allow the views of citizens to be gathered and presented in a more influencial way. It will also ensure that overview and scrutiny can be planned to target those areas where it can add value, in the right place and at the right time.

There is a clear case for maintaining a "scrutiny" function

All the authorities we have looked at in our research have recognised the need to maintain a scrutiny function to deal with external issues such as health scrutiny, crime and disorder scrutiny and wider partnership issues. Only two councils out of the fifteen or so we have examined plan to dispense with a separate scrutiny committee.

Integrating "scrutiny" functions in to service committees may cause problems. We think it is better to consider the authority's approach to checks and balances overall within a changed governance structure. In this context, councils should be clear about what checks and balances service committees will employ to mitigate risks and drive improvements.

Citizens will need assurance that an "externally facing" overview and scrutiny function will be empowered to horizon-scan and investigate cross-cutting issues of community interest. In this context, close working between scrutiny and service committees would be valuable. Scrutiny's independence will need to be maintained, and the conversion to a new form of governance does not provide a prima facie reason to remove resources from scrutiny – particularly given that councils will continue to have specific statutory powers (over crime and disorder, health and other partners).

Part B – Context

1. Introduction

"I don't care how things are organised. They can have it on the basis of a committee system, on a cabinet basis, on the mayoral system. If they want to introduce it on a choral system with various members of the council singing sea shanties, I don't mind, providing it's accountable, transparent and open. That's all I need to know."

Eric Pickles MP, interview with Total Politics, 23 July 2010

1.1 Under the Localism Act 2011, local authorities in England[1] operating under executive arrangements[2] are being given the power to choose to move to a committee system form of governance[3].

1.2 This has been expressed by the Government (and by some in the sector) as a "return to the committee system"[4], but as this publication will demonstrate, a wholesale reversion to the pre-2000 system is neither practical or desirable because the policy and economic landscape is now very different from the last time councils took decisions through a service committee system. As we shall see, it is more likely that either a "streamlined" model (similar to the "fourth option" operated by some small shire districts) or a "hybrid" model (sharing some of the characteristics of both the leader/cabinet and committee systems) will be adopted.

1.3 CfPS's long-standing view about council governance is that no one option is necessarily "better" or "worse" than any other.. Good governance is about more than structures and processes – as we outlined in our "Accountability Works" research published in 2010. Political and organisational cultures, attitudes and behaviours are what make systems successful. Authorities seeking to change governance arrangements on the assumption that such a change will automatically make services more transparent, accountable and inclusive – whether for non-executive councillors or, more importantly, for the public – are mistaken.

1 Local government is a devolved matter in Wales.

2 Throughout this document we follow the legislative convention of using the phrase "executive arrangements" as shorthand for those councils operating two governance models – the strong leader and cabinet model and the executive mayor model.

3 The option is also being made available for authorities to adopt "prescribed arrangements" – other governance structures which will require the approval of the Secretary of State. No councils have yet proposed any such arrangements and as such they are beyond the scope of this research.

4 For example, a DCLG press release from September 2010, "Stunell tells councils they can return to the committee system as Whitehall steps out of local affairs", http://www.communities.gov.uk/news/corporate/1575584111

1.4 For some who have struggled with leader and cabinet systems, the option to change governance arrangements could provoke fresh thinking about the way that decisions are made and how local people can be better involved. It is possible that in such cases, authorities will be able to operate transparent, inclusive and accountable committee systems, just as many authorities run executive and mayoral systems with those attributes. But this is not guaranteed.

1.5 This research will explore how change might happen, with reference to the practical experiences of a number of authorities who are considering governance changes. It should be read in conjunction with CfPS Policy Briefing 4[5] (published late 2010) which explored some of the broader "pros and cons" to the adoption of the committee system – this publication does not tackle those substantive issues directly, and instead focuses more on the practical circumstances of transition. Hence, we suggest that the documents should be read together for a comprehensive view of the situation.

1.6 This report is divided into three main sections – the first provides context and background to the second, which delves into the practical issues being tackled by individual authorities. The third, and final, section draws out some key themes.

2. Background and the Localism Act

2.1 We provide more background on the committee system in our Policy Briefing no. 4, "Changing governance arrangements", published following the introduction into Parliament of the Localism Bill.

From the 1980s to the Local Government Act 2000

2.2 All English and Welsh councils operated under the committee system from the birth of modern local government in the Victorian era until they were obliged to abandon it in 2000[6], although some authorities piloted the cabinet and scrutiny model of governance from 1999 onwards. During the 1980s and 90s, many councils innovated with different, streamlined forms of the committee system, which involved fewer formal meetings, the wider use of delegated powers and more common use of task and finish groups to assist in policy development[7].

5 http://www.cfps.org.uk/publications?item=103&offset=0

6 With the exception of fourth option authorities and Brighton and Hove Council (which had to abandon it in 2008).

7 An oft-cited example is Kirklees, who pioneered the use of task-and-finish style policy development groups in the mid-1990s.

2.3 The proposals for local authorities to adopt entirely different models of working began to gather pace in the late 1980s, and over the course of the 1990s a large amount of research was carried out on preferred models, much of it commissioned by the Department of the Environment (then responsible for local government). The Audit Commission was, in the 1980s and 1990s, particularly vocal about the perceived shortcomings of the committee system. They, and to an extent the DoE, were concerned that decision making in committee was[8]:

- Unstrategic (ie councillors were involved in micro-management);
- Complicated (ie large numbers of committees);
- Slow (ie multiple sign-offs of key decisions, including sign-off at an overarching policy and resources (P&R) committee[9]);
- Prone to exclusive control by the majority party (ie all the committee chairs, from the majority party, acting as a de facto cabinet).

2.4 This was predicated on an assessment of the role that members performed on local authorities – as politicians, board members and representatives. It was felt that they could exercise influence over both policy and operational matters, but that they could contribute more by influencing policy. The report suggests that, "most operational management issues should be delegated to officers", but found that in many authorities, members and committees were swamped with an array of operational decisions because of an unwillingness to delegate decisions either to officers, or to individual members – an approach by which political management in many authorities approached sclerosis. The report memorably gave the example of one authority that convened 302 meetings a year, across 33 committees, just to deal with education matters.

2.5 This was a stark picture but not one, research acknowledged, which required a wholesale change in the structural approach – or one which necessarily reflected the practice of governance in many authorities. Some councils transacted business under the committee system effectively, as described in section 2.2 above.

8 This is a summary of some of the key arguments presented in "We can't go on meeting like this" (Audit Commission, 1990)

9 P&R, or policy and resources, committees were pre-eminent bodies that directed strategy for the authority, kept track of cross cutting issues and acted as a secondary forum for debate and agreement, beneath full council. They were often comprised mainly of the Chairs of the other committees of the council, and in effect acted as a quasi-cabinet style body, with the addition of opposition members. Councils with a strong P&R tended to have less active and frequent full Council meetings, and vice versa.

2.6 Moves towards structural change were continued by the Labour Government in 1997, and following the 1998 Local Government White Paper, were incorporated into the Local Government Act 2000.

Moving to executive arrangements: the leader-cabinet and mayoral systems

2.7 Most councils adopted a cabinet/scrutiny split in 2000 or early 2001, although small shire district councils with a population of less than 85,000 people were permitted to retain a "streamlined" committee system under the fourth governance option in the Local Government Act 2000[10]. In a small number of areas the requirement to consult local communities on future governance options led to the adoption of a directly elected mayoral system of governance. In all events the changes were designed to move members' involvement away from purely operational matters, and, through the "key decisions" framework and other means, onto more strategic issues.

2.8 There was, around the date of transition, significant disappointment that authorities were being compelled to change their arrangements when many were happy with the current system. This fed into ambivalence from many about the cabinet and scrutiny system, particularly during 2000-2005 (as research carried out by the Constitution Unit in 2004 demonstrates[11]). Although from 2005 onwards research carried out by CfPS demonstrated increasing success and effectiveness for the overview and scrutiny function, concerns about the effectiveness of scrutiny continued. These were notably expressed by the then Secretary of State John Denham, who in 2009 described scrutiny as, "the lion that has not yet roared"[12]. The extent to which these concerns are based on reality is very much a moot point[13].

2.9 These concerns were mirrored by worries about the possible reduction in openness and transparency in reserving important decisions to a relatively small Cabinet[14]. Cabinet was not subject to standard local government "access to information" requirements until 2002, an approach which in some authorities led to Cabinet meeting in private,

10 The other three original options were leader-cabinet, executive mayor and mayor and council manager. The third of these was removed in the Local Government and Public Involvement in Health Act 2007.

11 Sandford M and Maer L, "Old Habits Die Hard?" (Constitution Unit, 2004), http://www.ucl.ac.uk/spp/publications/unit-publications/107.pdf

12 In an address to the RSA; full text at http://www.thersa.org/__data/assets/pdf_file/0011/223796/John-Denham-MP-RSA-speech-text.pdf

13 Consistently, CfPS's Good Scrutiny Awards (publications on "Successful Scrutiny" for 2009, 2010 and 2011 are on our website, the most recent at http://cfps.org.uk/publications?item=127&offset=175) have demonstrated the scrutiny function delivering concrete improvements for local people; our annual surveys from 2004-2010 (a longitudinal analysis, "Joining the Dots" (2012) can be found at www.cfps.org.uk http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Joining_the_Dots_CfPS_Surveys_2003_10.pdf) back up this view.

14 Leach S, "Introducing Cabinets into English local government" 1999, *Parliamentary Affairs* 52(1): 77-93 contains some pre-reform comment on this issue.

itself leading to dissatisfaction with the wider member corps about the openness of the system. Cabinet decision-making was meant to have been held to account through tools such as the Forward Plan (FP) and call-in, but the FP in many authorities has not been used effectively to enable proper accountability[15], and call-in has (probably quite rightly) been sparsely used[16]. Call-in itself is a blunt tool that does not generally prove effective in changing decisions – backbench members have found it possible, and preferable, to exert influence using different means[17].

2.10 In many authorities, the lack of a structural solution in the Local Government Act 2000 and subsequent legislation for producing a more technocratic version of accountability (that is, one that relies on systems and processes to produce openness) has led to the adoption by overview and scrutiny of an approach to accountability that has transcended governance structures. Such a model works by adopting more "task and finish" working and trying to engage with the public, the executive and with partners outside of the formal confines of committee meetings. We have repeatedly demonstrated[18] that this has led to successes in many authorities. Where it has failed to work it is more than anything constrained by the organisational and political culture of the authority concerned – in particular the leadership style and behaviours of leading members and senior officers – rather than by inherent shortcomings in the principles of scrutiny themselves.

Small councils and the "fourth option"

2.11 Under the Local Government Act 2000, shire districts[19] with populations of under 85,000 could opt to take the so-called "fourth option" – the retention of a scaled-back, more streamlined committee system, with a scrutiny committee alongside it.

2.12 A relatively substantial number of such authorities chose the fourth option in 2000 but, as the last decade wore on, this number reduced. It should be noted that, for the most part, this was down to the creation of unitary local government in parts of the country rather than fourth option authorities (FOAs) themselves opting to adopt the leader and cabinet model.

15 An issue on which we expand in our publication, "A cunning plan?" (CfPS, 2011)

16 Our 2010 Annual Survey revealed that the average number of call-ins per council per year is two, although this figure does hide some substantial variation in individual authorities.

17 See "2010 Annual survey of overview of scrutiny in local government" (CfPS, 2011)

18 In particular in "Joining the dots" (CfPS, 2012), a longitudinal analysis of CfPS annual surveys from 2004 to 2010, which shows that scrutiny manages to secure the implementation of a high proportion of its recommendations, and in our annual Successful Scrutiny publications and Good Scrutiny Awards..

19 District councils in areas for which there is also a county council – unitary councils, whatever their size, were not able to take advantage of this option.

2.13 For those councils who have opted to keep it under this model, the committee system looks very different to the system in place prior to the year 2000. The LGA's Fourth Option Special Interest Group (FOSIG) commissioned research in 2007[20] which explored the development of governance in fourth option authorities (in particular, looking at the challenges they faced, and face) which noted that FOAs had, in the period from 2000 onward, chosen to streamline still further their committee structures.

2.14 Now, many FOAs make decisions in committee through the means of only a few service committees, supplemented by one (or more) overview and scrutiny committees. For example, in Oadby and Wigston there are two service committees which meet regularly both to receive monitoring reports and to direct policy. Their work is supplemented by an overview and scrutiny committee. In Babergh there is a single strategy committee supplemented by two overview and scrutiny committees. Craven operates with one policy committee and one scrutiny committee[21].

2.15 In all instances, and common to many FOAs, a far more substantial role is reserved to Full Council to debate and agree policy proposals – as such, Full Council in such authorities tends to meet more often than in authorities operating under executive arrangements, and considers more substantive items. It is by these means that all councillors are involved in the decision-making process, not necessarily exclusively through the existence of committees. In fact the argument could be made that bolstering the role of Full Council in authorities operating under executive arrangements could help to deliver many of the same policy objectives as a wholesale change in governance – if delivered alongside a realistic approach to culture change. We have not dwelt on the role of Full Council in this report for reasons of length, but it can and should be recognised as providing a critical opportunity for scrutiny, and a way for assuring accountability and transparency in the councils that use it as more than an opportunity for set-piece party-political debates.

In the Localism Act 2011

2.16 Under the Localism Act, any authority can opt to change its governance arrangements following a full council resolution. The change takes effect following the council AGM.

2.17 The previous requirement in the Bill that authorities could only make a governance change three days after the date of an ordinary election limited the number of councils able to make the change in May 2012 to 109. This requirement has now been removed and all local authorities in England and Wales will be able to change their arrangements in whatever year they wish.

20 "The Fourth Option: Traditional Values in a Modern Setting?" (FOSIG / Tavistock Institute, 2007): http://www.tavinstitute.org/pdf/reports/02_The_Fourth_Option.pdf

21 All these councils have separate arrangements for regulatory and quasi-judicial functions.

2.18 Under certain circumstances authorities will be obliged to hold a local referendum to confirm a change. They can do this voluntarily, or, for those who initially held a referendum to change to their current form of governance, a referendum will be compulsory. This primarily applies to the current dozen mayoral authorities.

2.19 Once governance arrangements change, councils will not be able to make another change for five years. However, if the change has been mandated by a referendum, governance arrangements cannot change for ten years. Where a previous governance change has been subject to a referendum, any proposal to move to a committee system must be as well.

2.20 DCLG have published regulations on the operation of overview and scrutiny in committee system authorities. Under the Act, committee system authorities "may" have an overview and scrutiny committee, and at least one of the councils we have looked at for this research is planning to get rid of all of their overview and scrutiny committees as a consequence.

2.21 While this research refers throughout to a "return to the committee system", it is important to note – as we shall explore later – that transition should not be regarded as "going back", but choosing to adopt governance arrangements using a committee model that meets contemporary local government challenges.

Part C – Main findings

3. General approaches

3.1 Around 40 councils in England are actively considering making changes to their governance arrangements (this does not include the 12 "core cities" being obliged to hold a referendum on an elected mayor). Of these, CfPS has previously estimated that around 15 will actually make the change in the near future. This is reflected in research carried out by the Local Government Chronicle in February 2012[22], suggesting that a "small but significant" number of authorities would opt to make the change. We now know that four councils are making the change in May 2012.

3.2 In their impact assessment[23], published at the same time as the Bill, DCLG considered that somewhere between 17 and 34 authorities would change governance arrangements using the powers in the Act.

3.3 Although the changes to the Act prior to commencement will now permit all authorities to change governance arrangements following their AGM (not just immediately following an election), the number of councils considering such a change does not appear to have increased as a result. In fact, a number of councils seem to be planning to consider the possibilities in more detail over the course of 2012/13, before making a possible change in May 2013. For this reason, councils making a change in May 2012 should be seen as a vanguard, preparing the way for a larger number of authorities to change over 2013 and 2014. Even so we do not anticipate that, by 2015, there will be more than 30 authorities that will have changed their system.

3.4 In conducting this research CfPS has spoken to officers in around 15 authorities, which are either considering a change in governance models, or have made a definite decision to do so and are drawing up detailed plans. We have been able to speak to elected members in some, but not all, of these authorities. We have also included a council, one of the 12 "core cities", that professes a wish to change to the committee system but which is being compelled to pursue a mayoral referendum, to examine some of the wider issues about governance change. Full (but anonymised) details of every council's approach can be found in the appendix.

22 LGC, 2 February 2011, at http://www.lgcplus.com/briefings/corporate-core/governance/small-but-significant-shift-to-committees/5040639.article

23 'Localism Bill: Giving councils greater freedom over their governance arrangements - Impact Assessment' (DCLG, 2011) http://www.communities.gov.uk/publications/localgovernment/localismgovernance

3.5 We have noted that almost all the councils considering a change to a committee system of governance are counties or unitaries. This demonstrates that, contrary to the views expressed by some prior to the passage of the Localism Act, it is not just small shire districts who are interested in this opportunity. Although our research has been anonymised, we can say that a disproportionate number of authorities in the south-east are considering a change. We carried out research nationwide, speaking to people at a range of national events, distributing calls for evidence via national mailing lists and contacting other national organisations and academics to get as comprehensive a picture across England as possible. There is nothing to suggest that this south-eastern focus is anything other than coincidence, as there is no structural issue or other public policy matter that might render authorities more likely to make the transition that is exclusive to this part of the country.

3.6 There are a mixture of different approaches being taken by councils. Some, such as Council C, favour outright return to the committee system. Others plan to build on transitional systems already in place (Council F), existing hybrid arrangements (Council K) or proposed hybrid arrangements (Council L) that will see a blend of elements of the cabinet and committee systems that may initially appear attractive, but which may actually be difficult to sustain in the long term.

3.7 We have not spoken to councillors in every authority because the focus of this research is on practical issues involved in transition which will be delivered by officers (in response to direction from councillors). However, our findings are informed by discussions with members in some of the authorities we have cited, and elsewhere.

3.8 Initially, we planned to consider the experience of these councils with the steps they went through (in most cases, in 2000) to adopt the leader and cabinet system. However, the circumstances of local government, and of individual authorities, has changed so much in the last twelve years that these kinds of comparisons may well be misleading.

3.9 In the end we decided to investigate and evaluate what authorities were doing under a number of key headings:

- Developing ideas – why and how to make the change
- Costs (transitional and ongoing);
- Practical operation under a new system
  - o Delegation (including issues around work programming)
  - o What happens at committee: decision making or pre-scrutiny?
- Partnership working;
- Continued scrutiny work;
- What will the finished system look like?

3.10 Of course, these aren't the only issues to consider, but they provide a useful series of practical matters that will influence how authorities operating a committee system will be run, both procedurally and in terms of culture, attitude and behaviours.

3.11 As we shall see, these issues don't have easy answers, but equally their potential complexity should not put authorities off from evaluating, and making improvements to, their governance arrangements.

4. Developing ideas: why and how to make the change

Why do it?

4.1 There are a number of reasons why people in some areas are enthusiastic about the adoption of a committee system. In most councils planning a change, members are the driving force, but in some, officers are equally keen. We set out in more detail what the pros and cons might be in Policy Briefing 4.

4.2 Every council is taking a different approach to governance change, and the reasons for making that change differ as well. However, there are some common themes that can be used to examine individual authorities in more detail.

- The move comes from a desire for backbench members to be more actively involved in decision-making[24];
- There is a prevailing view that a properly designed committee system will be just as swift for decision-making as the cabinet system[25];

24 This was a principle that all the councils considering a change that we spoke to referred to.

25 Council C believe this to be the case; Council F consider that their transitional system demonstrates the possibilities in practice.

- There is a view that scrutiny is somehow ineffective and unable to alter or influence executive decisions[26]. We should stress that a wide range of evidence suggests that this is by no means the case – in fact, scrutiny is able to demonstrate significant success in making concrete changes that affect people's lives – changes that would not otherwise have occurred[27];
- The move will allow all councillors to develop a detailed subject expertise, enhancing the "added value" of member decision-making[28];
- The move will enhance transparency and democracy in a more general sense, and will link councils, councillors and local communities closer together[29].

4.3 These reasons are reflected in views expressed by FOSIG on the commitee system. As we will see some of this reasoning is backed up by evidence but some is based on assumptions about how a committee system will, and should, operate. These assumptions may be correct, but they need to be tested – and such testing needs to recognise that different approaches will need to be adopted in different areas, and that there is no "one size fits all" option.

4.4 We would also suggest that any system must satisfy the requirements of accountability, transparency and inclusiveness – to the public as much as to all elected members.

4.5 Establishing why to make a change is a crucial step. It is only by doing this that a system can be designed to meet these aims, and for that system to be evaluated and assessed once in operation[30]. Changes in governance should be driven primarily by a desire to engage citizens more in the business of governing, but our research suggests that not many authorities have properly explored why they wish to make a change in governance arrangements and have not adequately tested the assumptions they have made. A number, such as Council L, have set out clear aims and objectives for a new system – while earlier drafts of their proposals did not make it clear how those aims and objectives influenced the final structure and approach to decision-making, later versions provide this clarity. This demonstrates the point that, for many, the development of new governance arrangements will be an iterative process.

26 This is a view that has been expressed by the leader of Council C, but is not a primary impetus for change in other areas.

27 As demonstrated both in our Annual Surveys of Overview and Scrutiny in Local Government, and in our 2009, 2010 and 2011 "Successful Scrutiny" publications, amongst others.

28 This is more of a prevailing reason in those councils that propose the establishment of more than a couple of service committees. For those councils adopting a more streamlined approach, this benefit would not come into play.

29 This was mentioned in passing by some of those we spoke to, but we were surprised that it was not more of a prominent theme. FOSIG certainly highlight their own strong views of the democratic benefits of the committee system.

30 As is proposed in the "review and revise" arrangements being developed by Council B.

4.6 One thing that we know for certain is that making a structural change of this type will not automatically solve all an authority's governance and decision-making problems. In some of the authorities considering a change, there seems to be a view that the committee system is intrinsically more "democratic"[31] and that moving to such a system will automatically resolve any reasons for political conflict, or organisational malaise in the organisation concerned.

4.7 We understand this view but, from our experience – and particularly from the research that has supported our "Accountability Works For You" framework[32] – we cannot support it. Structures are more the product of a prevailing culture, rarely the cause of it. If leader-cabinet in one authority sees a small group of leading members making decisions, shutting down dissent and seeking to control non-executive members, whether in their own group or the opposition, there is little to suggest that the same people will change their approach when they are committee chairs. Business under the committee system was not always run by consensus, just as business under leader-cabinet is not always run by diktat. Councils will have to be very careful about making loose assumptions about what is best for them based on this received wisdom. We say this not to pour cold water on councils considering such a change in governance; it is more a suggestion that those councils will need to accurately consider why they are making the change and, realistically, whether there are wider issues at stake – such as organisational culture – that will need to be resolved at the same time.

4.8 We do think that a change in governance can provide a key means to kickstart this wider debate about decision-making and member responsibility. If that debate happens, and a new committee model is developed based on its results, it could well lead to reinvigorated democratic processes within the council. But this is not guaranteed.

31 A view also held by FOSIG.

32 For which see http://www.cfps.org.uk/accountability-works-for-you

How to do it?

4.9 A common theme in most authorities that we have looked at for this report is that while there may have been initial enthusiasm for the adoption of new governance arrangements, little concrete action has been taken to develop ideas in all but a couple of councils. In many places debate has not moved much further on than an expression of interest – often arising from the backbenches – in pursuing a change. Where action is being taken, in many places this has been led by a member-level working group – in Councils B, D, G, I, L and M such a working group has either been established, or is about to be established. However, in some areas, officers are leading on the development of detailed proposals[33]. We think that, such is the nature of governance change, members must be directly involved in developing proposals in detail, not just signing them off. Naturally this may have an effect on the length of time it takes to put plans together, but getting a new system right is more important than doing it quickly.

4.10 Officers in many authorities anticipate that transition itself will take some time. In Council C, which made a firm commitment to change some time ago, plans have been under development for some months – it has been accepted that a great deal of prior planning is required. Council F have put in place what they describe as "transitional arrangements" – effectively, a shadow committee structure – in advance of a mooted change in May 2013. These transitional arrangements have been in place since May 2011. Council H anticipates that clearer member direction might emerge in October 2012 but even then that a realistic date for a change is likely to be May 2014. Council L, however, has managed to develop its proposals sufficiently, since late 2011, to put in place its hybrid arrangements in April 2012. It should of course be recognised that authorities going down the hybrid route can adopt such arrangements at any time – they are not limited to doing so at council AGM.

4.11 Council N decided in March 2012 that they would make the change in May 2012 – an extremely challenging timescale. While there is presumably confidence that the May deadline can be met, it will presumably require the dedication of a substantial officer resource to make this happen.

4.12 Council M envisages that there will be a period where new and old structures will co-exist, shadowing each other and easing the process of transition. Other councils that we have spoken to anticipate that, should a member-level commitment be made, work would have to start in autumn 2012 for a May 2013 start date even if no detailed transitional arrangements are planned.

33 We were told that, in a couple of councils, members had made a decision to adopt a committee system and had then "sent officers away to design it".

4.13 The realisation (save for Council N) that long lead times may be necessary to get things right may explain why, notwithstanding enthusiasm from a number of councils, our research suggests that few councils will choose to make a change in governance arrangements in 2012 (in a number of councils we spoke to, members had initially been keen to explore a change in 2012). A number of authorities told us that one of the reasons they were waiting until 2013 was because they were waiting for the publication of DCLG regulations about the operation of overview and scrutiny under the committee system. These regulations are being laid in Parliament to come into force on 4 May 2012, just a couple of weeks before council AGM in a number of authorities.

4.14 The design of new systems and arrangements will in all cases involve changes to the constitution; in many councils, such changes are accompanied by consultation periods. A useful analogy can be found in the change to the "strong Leader" model for executive arrangements, which most councils undertook in 2009/2010. Although a relatively minor change this did require planning, which suggests that it would be difficult to plan and deliver a new form of governance in an authority with less than six months' notice of political intent[34].

4.15 This timescale may need to be extended further if those from outside the council are to have a say in the decision. As we shall see, changes will have a knock-on impact on the council's approach to joint working (with other authorities, with other public sector bodies and with contractors) to engagement with the localism agenda and with bodies, such as community, town and parish councils, that reflect a grassroots sense of localism, and to the public at large. For the moment (and this may be a natural byproduct of the fact that plans are generally at an early stage) discussions seem to be limited exclusively to elected members within the authority concerned, and a few officers. Inevitably there will be a need to expand these discussions out to make the plans as robust as they can be, but it's difficult to see such steps being put in place at many of the authorities to whom we've spoken, who seem to regard it as an exclusively "internal" issue[35]. Some councils are looking at the committee system as part of wider discussions around governance – Councils A, D, E and J provide examples of this approach. It is a sensible one as it takes account of wider concerns within the council, but may not go far enough in bringing in people from outside the organisation, a point that we address later in this research when considering partnership working[36].

34 This is the rough length of time it has taken an officer working group in Council C to develop proposals.

35 Council C being the obvious example.

36 See section 8

4.16 This may produce problems in the longer term, as proposals are developed without regard to the needs or aspirations of a wider group of stakeholders, following a challenging timetable driven by a need or will to make governance changes in May 2012. This could yet happen for those authorities deciding to make a change in May 2013, if the decision to change is made too late and/or only a select group of people (members or officers) from within the council are involved in putting new structures in place. As we have seen, the adoption of hybrid arrangements could provide more flexibility on this point.

5. Costs: transitional and in the medium and long term

5.1 Any change in governance will naturally involve costs – the one off costs of making the transition, plus the potential for higher costs on an ongoing basis.

5.2 Only Councils B, C, F, G and L have developed their proposals sufficiently for an assessment of costs to be made. In all instances it has been concluded that there will be no negative effect from a change in the long term. This is because the number and frequency of meetings may not necessarily increase. Even in Council C's "full" committee system, a reduction in full council meetings, the abolition of the scrutiny function and the elimination of a range of informal briefing and advisory mechanisms mean that the proposals are expected to be cost-neutral. In Council L, proposals have been examined to ensure, in particular, that there is no impact on the Members' Allowances Scheme – Council L also propose to manage the number of meetings, and committee work programmes, so that cost implications are kept to a minimum. Although it is important that councils are concerned with "value for money", none of these assumptions take account of "social value" – is it good value for councillors to spend time in committee meetings rather than engaging with the public? On the other hand is scrutiny activity in the community that does not directly influence decisions good value?

5.3 It is difficult to compare costs from "fourth option" authorities, as they are by definition smaller and so do not provide a useful marker. Their internal arrangements perhaps also reflect a committee system that will be more streamlined than some councils undergoing a governance transition would be comfortable in making, given the range of services for which larger councils. We considered putting together an assessment of notional costs for illustrative purposes but considered that this would be of minimal use.

5.4 Ultimately, we think that the cost issue is, in fact, a red herring. With an aim of enhancing democracy, of improving accountability and transparency and a recasting of systems to match, looking at this purely as an issue relating to costs in Democratic Services is, we think, only to take a partial view. There will be knock on additional costs and savings across the council, and the area, which makes a calculation here difficult to reach, and not especially useful even when it has been made.

5.5 It is inevitable that democracy costs money and increased cost, even should it arise, is not a prima facie reason not to make governance changes. However, the issue of cost is also tied up in the issue of making best use of members' time. The Audit Commission research (and others, looking at the role of boards in other contexts[37]) has noted that there was a tendency under the committee system for councillors to focus too much on operational issues – not necessarily to the exclusion of strategic matters, but in such a way that those strategic matters necessarily occupy less member time. This is a theme that we have seen repeated on some overview and scrutiny committees, where time is spent considering too many reports for "noting", and for "information" (a problem which we highlighted in our publication on scrutiny work programming). Naturally this matter reflects back onto arguments around delegation, which we explore in more detail below.

5.6 One reason for the proliferation of items on OSC agendas, which we have observed in our work with councils, is that non-executive councillors feel "out of touch" with the operational aspects of councils. They feel that they know less about what is happening across the council than they did when all councillors received copies of all council papers. This could be regarded either as reinforcing the Audit Commission's view that councillors are too pre-occupied with operational issues or as reflecting a greater provision of support to executive councillors at the expense of non-executives. Either way, these are issues which can be resolved without a wholesale change in governance.

37 There is a useful overview of some general principles in research carried out by Audit Scotland ("The role of boards", Auditor General for Scotland, 2010, http://www.audit-scotland.gov.uk/docs/central/2010/nr_100930_role_boards.pdf). A more technical description can be found in the UK Corporate Governance Code, issued by the Financial Reporting Council (http://www.frc.org.uk/corporate/ukcgcode.cfm)

6. Committee decision-making in practice

6.1 Deciding how committees will actually operate initially seems complex. In truth, it is, but that does not mean that solutions necessarily need to be complex as well. Ultimately, the experience of fourth option authorities and of authorities considering a change in governance suggests that success here comes down to effective use of powers to delegate.

Delegation: introduction

6.2 Delegation is likely to be a sensitive issue, as authorities consider how to move to different models of governance. Council C has explicitly stated that all matters that do not relate to day-to-day operations will be decided in committee, with committee chairs having no powers delegated to them. In other places, specifically those operating "transitional" or "hybrid" arrangements like Councils F, K and L, significant delegated responsibilities will still sit with cabinet members and with Cabinet itself to make decisions outside committee, although those hybrid arrangements will (especially in Council F's case) tie executive decision-making to service committee cycles. It is important, though, to remember that the robustness of such systems will require clear and unambiguous constitutional drafting and an element of trust between service committees and executive members, to prevent individual member decision-making powers being misused.

6.3 Delegation is, more generally, a critical matter. Expansive approaches to delegation risk nullifying the point of returning to the committee system in the first place, as the power remains with senior officers and chairs of committees. Council B plans to retain relatively broad delegated powers to senior officers, as does Council G – decisions that reflect the need for members to focus on more strategic matters. Conversely, tight approaches that – like in Council C's case – see every issue that does not relate to "day-to-day operation" being passed to a committee for decision risk leading to packed agendas and little or no time for proper, reasoned discussion and debate. If the aim of moving to a committee system is to provide more opportunities for debate in public, this aim is unlikely to be achieved in committees with many items on the agenda to get through in a limited period of time. In Council L, substantial work on the scheme of delegations is being carried out. "Non-statutory significant decisions" will be included in the Forward Plan and thus subject to additional member input and scrutiny. These will include major strategy sign-off, where the strategy does not in and of itself form a key decision, for example.

6.4 Council F appears to have taken a more measured route, but has been able to do so because it has never operated individual member decision-making under leader-cabinet, and is therefore used to the programming issues inherent in consensus decision-making (discussed below).

6.5 Whatever approach is taken towards delegation, it will also need to take account of the need to share information effectively with members. Under a committee system there will be a prima facie need for councils to be much more open in circulating and discussing draft decisions than they might have done previously. It will not be adequate, in the interests of accountability and transparency or inclusion, to present committees with fully-formed policy proposals for the first time in the published committee papers. To make informed decisions all members on a committee – not just the chair – will need to be involved in policy formulation, outside committee, and will need to be kept abreast of key trends (for example, in the form of performance information) offline. One way to do this in a committee system is to run various sub-committees that examine issues in detail and make recommendations to main committees – in a similar way to OSCs making recommendations to Cabinet under the current system. This significant expansion in the number of councillors with whom senior officers will have to regularly engage is something that CMBs[38] in local authorities, and DMTs[39] in individual departments, will need to factor in to their programmes and projects – as we will see below.

38 Corporate Management Boards (or Teams, or similarly-named bodies) – the officer group that brings together corporate directors, the Monitoring Officer and the Director of Finance in most authorities.

39 Departmental Management Teams (or Boards, or similarly-named bodies) – departmentally-specific bodies that bring together heads of service, and sometimes selected service managers, in a given department, chaired by a Corporate Director.

Delegation: programming

6.6 A byproduct of schemes of delegation that reserve a majority of decision-making to committees is the wider set of implications that this has for business planning and work programming in the authority at large.

6.7 We noted above that Council F is finding their approach to delegation unproblematic because they have never adopted individual member decision-making. Council F has a history of carefully programming work streams and projects so that points at which member input, or agreement, are required can be easily dovetailed with the committee cycle. This is not an automatic product of a return to the committee system and requires care, attention and diligence. Authorities who have adopted individual member decision-making under leader-cabinet, and who use it widely, will have become used to being able to be quite flexible about the making of such delegated individual decisions. That luxury will, following a change to a committee system, no longer be available to them. Councils B and G in particular have recognised that changes to forward planning will be necessary to make any new system work.

6.8 Careful programming is something which authorities should be doing, in any case. And, by programming in this way, potential concerns over the "speed" of the committee system in making decisions can be overcome. However, for programming purposes, it will still be necessary to flag up and act on decisions that cut across multiple committees and service areas, since an inconsistent attitude to dealing with these needs to be avoided. For example, it is easy to say that all such decisions will be dealt with by an strong overarching policy committee (as is expected to happen in Council C's case) but individual service committee will still – and should – have some influence over this process otherwise the policy committee will be the de facto Cabinet.

What happens at committee: decision-making or pre-scrutiny

6.9 The principal difference between a leader-cabinet committee model, and a fourth-option-style committee model under the Localism Act, is how and where the final decision is made.

6.10 Authorities setting up so-called "hybrid" models (and those authorities which already operate such models) will see their committees operating more as forums for pre-scrutiny than as decision-making committees. In Council L, once a committee has made recommendations on an issue, a summary view of those views will be provided to the cabinet member and to the scrutiny committee. Following this, a decision can be made after 3 clear working days – a decision which can then be called in after the standard five clear days.

6.11 CfPS has always had doubts about the effectiveness of this kind of pre-scrutiny. We understand the virtue of full, frank and effective discussions as a part of the decision-making process – the kind of discussions that the committee system is meant to engender. However, when committee decisions take the form of mere recommendations which are then "ratified" by a Cabinet, or cabinet member, their force and influence will inevitably be diminished – particularly as committee sessions will often be held so close to the making of the decision as to make altering that decision difficult, without implementation delays. One way around this problem in a hybrid system could be to follow Council F's approach, holding an Executive meeting immediately following the committee meeting for ratification purposes. This maintains the focus of decision-making on the service committee and makes it more likely that officers and executive members will engage with the committee before it meets to work through and resolve any concerns, because there will be a presumption in favour of the committee's recommendation being ratified. However, the presumption in favour of ratification may well exist in authorities, such as Council L, where the committee, and the decision, are separated by a number of days. Such approaches may end up working well, but their success will depend to a significant degree on the culture of decision-making in the authority concerned and will require a certain amount of trust between executive and non-executive members.

6.12 Proper member engagement in decision-making should not, as a number of the councils considering a change in governance seem to assume, be limited to the committee room. To make decisions fully and properly councillors will need to be abreast of the issues, and the context of the decisions they are making. They will need to have input into draft policies well before the due decision date, both formally and informally. Since under a formal committee system, the committee itself makes the decision, both officers' and members' minds are concentrated on the fact that the committee has the final say – and they act accordingly. Pre-scrutiny in committee under a hybrid system risks bringing about the worst of both worlds – a constant stream of technical, semi-operational reports being sent to committee, but without the context and prior engagement because, ultimately, the real decision is made at Cabinet and the committee, whatever anyone might say, is essentially irrelevant. We have seen pre-scrutiny operating in many councils where decisions "go through" scrutiny committees one, two, or three weeks before they are made either by a Cabinet Member or full cabinet, and it is generally ineffective, leading to few substantive, positive changes being made in decisions simply because it is too late in the cycle to have any real influence[40]. There is nothing to suggest that pre-scrutiny in a hybrid model would be any different.

40 We plan to publish detailed research on the use and effectiveness of "pre-scrutiny" later in 2012.

6.13 If committees are to be established, these should be proper decision-making bodies, with appropriate powers. Hybrid arrangements such as Council F's approach can be useful as a bridge between leader-cabinet and committee to get officers and members used to the programming, and committee cycle, issues inherent in the latter system. But as a permanent approach we believe that they may be found wanting.

7. Beyond the council

Partnership working

7.1 The biggest change in local government between 2000 and the present day is the explosion in the nature and quantity of work being carried out in partnership. When many local services were provided by the council, and partnership working was in its infancy, decision-making was reasonably straightforward. Now, decisions are made at partnership level, and many services are contracted out, jointly commissioned or procured and delivered in other, innovative ways[41].

7.2 New models of governance need to take account of the inherent increase in flexibility that this requires. It fits with the cabinet system, where a single portfolio holder can sit on partnership boards, discuss priorities and agree solutions. Where decision-making is more collegiate in nature, there may – rightly – be a demand that partnership working systems are redesigned to accommodate this. Where there is an unwillingness to delegate responsibility to chairs, or others, to act on the council's behalf in a partnership environment, such arrangements may prove slower at decision-making than currently, unless steps are taken to carry out such a redesign. A failure to take account of partnership working could also lead to governance changes not delivering the improvements in accountability and transparency that have been promised. Decisions made in partnership will still be opaque and unaccountable unless a clear effort is made to integrate those structures within new committee arrangements to ensure that they can be held to account effectively.

41 We explored the broader context of this in two earlier publications. "Between a rock and a hard place" (CfPS, 2010) explained the impact on governance of pooled budgets and measures to intervene early in cross-cutting problems, following the Total Place programme. Policy Briefing 12 (CfPS, 2011) focused on shared services and commissioning, analysing how large contracting decisions and innovative methods of joint working to deliver economies of scale can and should be openly held to account.

7.3 Many of the councils we have looked at are considering changes in governance as purely an internal, council-focused matter. Only Councils D, G and M are, as part of their own plans, considering how the council's duties, responsibilities and role within the community might affect the way that the council does business[42] – in other authorities, proposals are often being developed by officer working groups, with members only providing cursory input, and no views sought from partners, or the wider public. There seems not to have been any recognition that there will be a knock on impact on partners, and on partnership decision-making, or new and different methods of service delivery. In our policy briefing on changing executive arrangements, published in November 2010, we suggest a number of different governance models[43] that could be adopted by councils depending on the way in which they engage with partners to deliver services, as follows:

- The Community Budgeting council (pooling budgets and services across the area), where integration might lead to internal governance arrangements being slimmed down, and more checks and balances at partnership level;
- The Virtual Commissioning Council (where the council commissions services from a range of providers), where committees' work would be highly strategic in nature, setting strategies and monitoring contract outcomes. Under these circumstances, leader-cabinet with a strong scrutiny function could be thought a more credible approach;
- The Municipal Council (with fairly tight control over local services, many of which are delivered in-house), where, again, slimmed-down committees could supplement a more local form of governance and accountability driven by local people, perhaps through neighbourhood structures;
- The Collaborative Council (with councils sharing services between them, as sovereign bodies pooling decisions for limited purposes), where joint service committees under the 1972 Act might help to manage arrangements – although these could lead to bureaucratic approaches being taken to sharing agreements that are meant to be relatively nimble and dynamic[44].

42 Council L's detailed proposals do highlight the role of committees in engaging with partners but not in such a way that recognises the wider implications of a shift to committee decision-making. In their case, however, the adoption of hybrid working means that many of the concerns that we have about partnership working under a committee system are not so significant.

43 Pages 11-14

44 These models are critically assessed in more depth against the academic theory of 'democratic anchorage' in our article published in the International Journal of Leadership in Public Services – Crowe J, "New challenges for leadership and accountability in local public services in England". (2011) IJLPS 7(3) 206-217

7.4 As we have demonstrated elsewhere, form must follow function, and in no instance is this made clearer than in the context of partnership working. An assumption that partnership working will continue as it always has done, or that minor tweaks and some creative delegation and/or "ratification" processes at committee for key decisions will be credible and workable, may need to be challenged. It does not appear that this process of challenge has happened, or is likely to, in any of the authorities we have looked at as part of this research.

The wider public

7.5 The public have not been actively engaged with by any of the councils seeking to make governance changes, other than sporadically through the local press. In a couple of instances, leading groups placed a commitment to "return to the committee system" into their election manifestos in 2010/2011.

7.6 Given that one of the reasons for changing governance arrangements is that the committee system is seen to be more democratic, it is unfortunate that councils have not chosen to involve the public in this decision. Again, the perception that change is an entirely internal issue, one in which only councillors or officers will have a stake, or that the prima facie benefits of a change are such that consultation is unnecessary, seem to have driven a view that only technical discussion about the constitution and associated matters will be necessary to make a change.

7.7 We consider that not seeking to involve, or at least inform, local people of this change may be a mistake. Councils have limited funds at their disposal and we do not suggest referendums or large-scale public information campaigns on an issue that many will consider to be dry and of interest only to bureaucrats. Public meetings convened to discuss council governance are unlikely to attract capacity crowds. But some attempt probably does need to be made to explain to the public how this might affect how they can influence, and be made aware of, decisions made in their name. We noted above the failure of a number of councils to test the assumptions that they were making about making a change – this could provide a means to do so. Additionally, as we have noted elsewhere, it could be used to provide an impetus to involve the public in decision-making more generally.

8. Continued scrutiny work

8.1 A move to a committee system form of governance does not, in most cases, seem to mean the abolition of the scrutiny function. Indeed, almost all the authorities we surveyed plan to retain some form of scrutiny under new arrangements. Only Council C, which has sought to retain vestigial scrutiny responsibilities in its main policy committee, will see an outright removal of any independent policy development/scrutiny function, and even it will see service committees establishing time limited task groups to carry out some of this kind of work (in a manner similar to the approach adopted by some councils pre-2000).

8.2 The practice of maintaining a scrutiny function in a committee system authority is not as counterintuitive as it may appear. While it is the case that decision making in committee might allow effective scrutiny to happen in those fora, there are additional functions that scrutiny can perform, which include:

- Investigations into cross-cutting matters (although in some instances they could, equally, be carried out by policy review groups established by a Policy & Resources / strategic management committee);
- Scrutiny's existing statutory responsibilities, which will be continuing. Responsibility for investigations into crime and disorder issues and health issues will still exist (in the case of health, scrutiny functions are being extended);
- Wider investigations of partners. Scrutiny retains broad powers over partners which have been expanded by the Localism Act, which could prove extremely useful to authorities in developing the partnership working aims we discussed above.

8.3 Some councils' approaches towards this appear problematic. In Council C, a rolling together of statutory scrutiny and policy-making functions may lead to difficulties on health scrutiny. Local authorities have powers to hold to account work carried out by the Health and Well-Being Board, and to examine the wider local commissioning and provider landscape. Although under legislation the business of health scrutiny is vested in the council itself (not requiring a dedicated health scrutiny committee) for practical purposes this may be difficult, as conflicts between the committee with the scrutiny responsibility and the Health and Well-Being Board arise. This may lead to an impasse on policy relating to the delivery of the council's public health functions, and the way that the HWB itself makes decisions.

8.4 An early draft of Council L's plans suggested that a "mixed economy" of cabinet members and non-executive members could chair their cabinet committees, but revised proposals will see all committees being chaired by non-executive councillors. This provides additional clarity, recognising that scrutiny as a value, independent from decision-making, needs to be built in to new structures.

8.5 A common thread is the proposed recasting of the scrutiny function, away from solely "internal" issues (where discussions at committee may provide effective checks on decision-making) and towards horizon-scanning, identification of cross-cutting issues and, importantly, a focus on partnership working. There appears to be a real niche for member scrutiny here, under any structural arrangements, that can and should be exploited.

8.6 Ultimately, scrutiny is about ensuring that councillors have the confidence, capability and, importantly, the resources to review, on an objective cross-party basis, evidence relating to issues of public importance, and to suggest ideas for improvements based on the evidence they have considered - apart from but a part of the council's main business cycle. The structure for scrutiny - whether this happens in a place called a "scrutiny committee", or in "policy development committees" or "advisory groups" - is less relevant. What matters is the ambition for this kind of work to form part of councillors' roles, for members to provide a different perspective, and to add value, to discussions that happen as part of the formal decision-making process that gives this form of checks and balances its worth.

9. What will the final system look like?

9.1 This is the final step, not the first. Decisions on committee structures will need to follow the function of the different elements of a new governance approach.

9.2 As we noted in section four, there appear to be a multiplicity of different models – far more than the straightforward three options of committee, leader-cabinet and executive mayor. Although none of the authorities we have looked at propose to use prescribed arrangements under the Localism Act to design their own unique governance systems, as and when this happens it may well lead to far more differentiation[45].

45 DCLG have not produced any advice or guidance on the criteria they will use to assess whether a proposed new arrangement will be approved.

9.3 We think it is better to think of the different structural approaches as a spectrum. On one end is the fully-fledged committee system, with significant autonomy between committees, and with little to no individual member delegation. No authorities propose a move to this model. Moving along the spectrum, Council C provides an example of an authority with a full committee system, but with a strong P&R committee to deal with cross cutting issues and provide oversight. Further along, fourth option councils provide a model for a more streamlined committee system that sees fewer committees, more delegation and some form of overview and scrutiny. Further along, we have hybrid systems such as Council L's, with its "ratification" system by cabinet committees; beyond this, the traditional leader-cabinet model, and finally the executive mayor model.

9.4 This is perhaps a theorist's assessment of the situation, but it does help to understand how delegation and consensus decision-making fit in, and how "formal" scrutiny methods become more important for internal decision making, the more delegation you have. We provide a visual interpretation of this as an appendix.

9.5 Difficulties will arise when councils seek to adopt structures that imply little delegation, but actually involve the exercise of significant executive powers – either formally, through Cabinet "ratification" in a hybrid system, or informally through strong control by committee chairs. Under these circumstances, form will not follow function and governance problems may well follow.

Appendices

Published as separate documents

1. Showing the different governance options on a spectrum
2. The case study authorities in detail

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