

Policy Development and Review Committee	
Meeting Date	Wednesday 14 October 2020
Report Title	Cabinet Advisory Committees
Cabinet Member	Cllr Mike Baldock, Cabinet Member for Planning
SMT Lead	David Clifford, Head of Policy, Communications and Customer Services
Head of Service	
Lead Officer	Bob Pullen, Policy and Performance Officer
Key Decision	No
Classification	Open
Recommendations	1. To consider Cabinet's proposals for establishing cabinet advisory committees and make any recommendations.

1 Purpose of Report and Executive Summary

- 1.1 Cabinet are considering establishing a series of cabinet advisory committees from the 2021/22 Municipal Year.
- 1.2 This report invites Policy Development and Review Committee to consider Cabinet's initial proposals and make any recommendations.

2 Background

- 2.1 The fundamental purpose of a local authority's system of governance is to regulate the allocation and exercise of decision-making power in a way which balances the democratic mandates of all elected representatives while enabling coherent, efficient, timely, transparent and accountable decision-making. In practice, not all of these aims are perfectly mutually compatible, and different models of governance are therefore likely to privilege one subset of aims over another.
- 2.2 Like the majority of councils, Swale currently operates under the leader and cabinet model, the essential features of which are set out in the Local Government Act 2000.
- 2.3 A summary of each Kent district council's current governance arrangements, with an emphasis on cabinet advisory committees, is at Appendix I.
- 2.4 The Coalition Agreement formulated following the 2019 local elections undertook to carry out a Constitutional review to explore different governance mechanisms

in order to diffuse power among members and improve public engagement in decision making. The first part of this review has been completed and resulted in the establishment of four area committees. This report addresses the second area which is the establishment of cabinet advisory committees.

3 Proposals

- 3.1 Appendix I illustrates that most authorities in Kent have some system of committees in place in order to offer advice to their cabinets. The exceptions are Ashford and Swale, and the two Kent districts who have moved to the committee system, Canterbury and Maidstone.
- 3.2 Swale does have the Policy Development and Review Committee which can advise Cabinet and give feedback on new and revised policies and the Local Plan Panel was established with the express purpose of advising Cabinet on all matters relating to the Local Plan.
- 3.3 Many councils have sought to rebalance the role of non-executive councillors by establishing advisory committees which provide cabinet with input and advice before the formal decision-making stage.
- 3.4 These advisory committees take many forms but typically have been established to act as a sounding board and source of advice to cabinet, enabling backbench members to participate in policy formulation prior to the final decision, whether on an informal basis or through formal recommendations. The overlap with Swale's PDRC should be noted here.
- 3.5 It is a requirement of the Local Government Act 2000 that all committees of a council need to be politically balanced. The exception is cabinet itself and any committees established under cabinet, where the political balance rules do not apply.
- 3.6 The arrangements in place in other Kent district councils operating with a leader and cabinet are detailed in Appendix I. There appear to be three main schools of thought on how to arrange for non-executive councillors to have an input into executive decision-making, in addition to Swale's current approach involving a single PDRC and a separate local plan panel.
- 3.7 The first approach is councils such as Gravesham, Sevenoaks and Tonbridge & Malling, which have a large number of standing advisory committees, in some cases apparently set up in response to being forced to dispense with the old committee system under the Local Government Act 2000.
- 3.8 Others, such as Dartford, Thanet and Tunbridge Wells have fewer committees with a smaller number of members which are more 'task and finish' in their approach, as opposed to being standing committees.

- 3.9 And finally councils such as Folkestone & Hythe has established small, time-limited, advisory panels to focus on specific topics.
- 3.10 Cabinet have considered all these models and decided that they are minded to adopt the models operating in Gravesham, Sevenoaks and Tonbridge & Malling. To reflect the particular needs of Swale, this could feature the following elements:
- three advisory committees covering the following Cabinet portfolios:
 - health and environment;
 - finance and housing;
 - community and economic development;
 - politically balanced with up to 15 members each (to provide the opportunity for a wide range of non-executive councillors to have a voice), including two Cabinet members;
 - retain the Climate Emergency Environment Steering Group (a member/officer group and not a constituted committee of the Council) and the Local Plan Panel (a Cabinet sub-committee) but wind up the Policy Development and Review Committee as its work would become part of the advisory committees remit.
- 3.11 Cabinet invite PDRC to consider these proposals, and provide feedback through recommendations, with a particular emphasis on the following questions:
- are three advisory committees the best fit?
 - do the proposed split of Cabinet portfolios work across the three committees?
 - what are the alternatives?
 - is the proposed membership set at the right level to provide cross-party input?
 - how can the committees' terms of reference be framed to ensure they provide effective and timely advice to Cabinet?
 - what changes to current decision-making practices by Cabinet would need to change with establishment of advisory committees?
 - how could committees learn lessons from PDRC's experience of which ways of working contribute most productively to effective policy development?
 - any other matters?

4 Alternative Options

- 4.1 The alternative option is not to set up advisory committees, but this would not achieve the coalition's stated objective to diffuse power among members and improve public engagement in decision making

5 Consultation Undertaken or Proposed

- 5.1 None undertaken at this stage but a public survey on the proposals could be undertaken.

Policy Development and Review Committee

- 5.2 It is proposed that the Policy Development and Review Committee is commissioned to consider proposals for establishing cabinet advisory committees and present their recommendations to Cabinet.

6 Appendices

- 6.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Kent district councils governance and committee arrangements.

7 Background Papers

- 7.1 None.

KENT DISTRICT COUNCILS – GOVERNANCE AND COMMITTEE ARRANGEMENTS

Ashford Borough Council

- Leadership: Leader and Cabinet (ten members)
Scrutiny: Single committee (eleven members)
Advisory: No Cabinet advisory committees. Selection and Constitutional Review Committee (twelve members) advises the Council on Constitutional issues. Membership includes Cabinet members
Area forums: None
Other: Standard regulatory committees, standards, appointments, joint transportation board etc. plus a committee overseeing the Council's trading companies

Canterbury City Council

- Leadership: Committee system comprised of three principal committees:
Policy and Resources Committee (thirteen members plus a sub-committee);
Community Committee (twelve members);
Regeneration and Property Committee (thirteen members).
Scrutiny: No formal scrutiny committee, but the Decision Review Committee (twelve members) is able to review the decisions made by the three main service committees
Advisory: Governance Committee (ten members) advises Council on constitutional matters
Area forums: Four area forums consisting of ward councillors for the three main population areas and rural areas
Other: Standard regulatory committees, Whitstable Harbour Board, COVID-19 Emergency Committee

Dartford Borough Council

- Leadership: Leader and Cabinet (seven members)
Scrutiny: One main Scrutiny Committee (seventeen members) plus a Crime and Disorder Panel (seven members) and a Policy Overview Committee (seventeen members)
Advisory: Two Cabinet Advisory Panels (twenty members each) act as a sounding board and source of advice to the Cabinet and to enable backbench Members to participate in policy formulation pre-decision

- Cabinet Advisory Panels A and B;
- Terms of reference - act as a sounding board and source of advice to the Cabinet and to enable backbench Members to participate in policy formulation pre-decision. These Panels are consultative forums with no decision-making powers and are advisory only i.e. reporting/recommending accordingly to the Cabinet;
- twelve members each; meet quarterly; chaired by non-Cabinet members;
- separately, the council has a Policy Overview Committee (not a scrutiny committee) which undertakes a range of functions relating to policy overview and service delivery, providing advice and recommendations to Cabinet as necessary – seventeen members, meets quarterly, chaired by a non-executive councillor

Area forums: None

Other: Standard regulatory committees, plus various appeals panels

Folkestone and Hythe District Council

Leadership: Leader and Cabinet (ten members)

Scrutiny: Single overview and scrutiny committee (ten members)

Advisory: Two small working groups to advise Council on constitutional and climate change issues, plus four small working groups to advise Cabinet on specific geographical issues (e.g. M20/Junction 11)

- to consider matters in council resolution dated 24 July 2019 (climate and ecological emergency);
- the Working Group is advisory and has no decision-making powers. Officers will make the views of the group known to both cabinet and the overview and scrutiny committee through the formal decision-making processes;
- the Working Group shall report to the Cabinet and Full Council as appropriate;
- six members (exec and non-exec); chaired by Cabinet Member for the Environment; scheduled to meet monthly or as frequently as business dictates.

Area forums: None

Other: Standard regulatory committees

Gravesham Borough Council

Leadership: Leader and Cabinet (seven members)

Scrutiny: Overview Scrutiny Committee (nine members) and Crime and Disorder Scrutiny Committee (fourteen members)

Advisory: Six cabinet advisory committees (ten members each) which make recommendations to the relevant Cabinet Member as to determining any matters within their remit

- Commercial Services Cabinet Committee;
- Community and Leisure Cabinet Committee;
- Housing Services Cabinet Committee;
- Operational Services Cabinet Committee;
- Performance and Administration Cabinet Committee; and
- Strategic Environment Cabinet Committee.

The common characteristics of all of these advisory committees are:

- ten members each;
- held quarterly;
- all chaired by Cabinet members;
- they are all Cabinet committees (political balance rules don't need to apply);
- their common terms of reference are:
 - to make recommendations to the relevant portfolio holder as to determining any matters within his/her remit.

Area forums: None

Other: Standard regulatory committees

Maidstone Borough Council

Leadership: Committee system comprised of four principal committees:
Policy and Resources Committee (fifteen members);
Strategic Planning and Infrastructure (twelve members);
Communities, Housing and Environment (twelve members);
Economic Regeneration and Leisure (eleven members).

Scrutiny: None

Advisory: None

Area forums: None

Other: Standard regulatory committees, plus committees dealing with constitutional and staffing issues

Sevenoaks District Council

Leadership: Leader and Cabinet (six members)

Scrutiny: Single overview and scrutiny committee (eleven members)

Advisory: Six cabinet advisory committees (twelve members)

Sevenoaks has six Cabinet advisory committees:

- Cleaner and Greener Advisory Committee;
- Development and Conservation Advisory Committee;
- Finance and Investment Advisory Committee;
- Housing and Health Advisory Committee;
- Improvement and Health Advisory Committee; and
- People and Places Advisory Committee.

The common terms of reference for each committee are:

- the Advisory Committee shall undertake policy initiation and development;
- the Advisory Committee shall consider such other matters as are referred to it by the Portfolio Holder;
- at the request of either Cabinet or the Audit Committee carry out specific research and development projects and to submit recommendations to Cabinet;
- the Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time; and
- the Cabinet Member be requested to provide a report to each meeting outlining their activities since the previous meeting and any decisions they intend to take in the following three months.

Area forums: None

Other: Standard regulatory committees

Thanet District Council

Leadership: Leader and Cabinet (five members)

Scrutiny: Single overview and scrutiny panel (fourteen members)

Advisory: Three Cabinet advisory panels (seven-nine members)

Thanet has three Cabinet advisory groups:

- Fees and charges Cabinet Advisory Group;
- Health and wellbeing Cabinet Advisory Group; and
- Local plan review Cabinet Advisory Group.

Each Advisory Group has individual terms of reference related to their specific purpose, but all are aimed at providing advice to Cabinet.

The common features of each Advisory Committee are:

- Each Group has specific provisions regarding who can chair (e.g. cabinet or non-cabinet member);
- Groups are not required to be politically balanced, but membership of each is drawn from across the political groups on the council;
- Membership of each is relatively small (e.g. seven to nine members from an council with 56 members);
- Meetings are on ad-hoc basis.

Area forums: None

Other: Standard regulatory committees

Tonbridge and Malling Borough Council

Leadership: Leader and Cabinet (six members)

Scrutiny: Single overview and scrutiny committee (eighteen members)

Advisory: Five cabinet advisory boards (sixteen members each)

Area forums: One (Tonbridge Forum – membership formed of ward members and Tonbridge based organisations)

Tonbridge and Malling have five advisory boards to assist Cabinet in its decision-making. They are:

- Communities and Housing Advisory Board;
- Economic Regeneration Advisory Board;
- Finance, Innovation and Property Advisory Board;
- Planning and Transportation Advisory Board; and
- Street Scene and Environment Services Advisory Board.

Each Advisory Board has individual terms of reference related to their specific purpose, but all are aimed at providing advice to Cabinet. The common features of each board are:

- chaired by a non-executive member;
- meet quarterly; and
- boards are politically balanced.

Other: Standard regulatory committees, including three area-based planning committees

Tunbridge Wells Borough Council

Leadership: Leader and Cabinet (five members)

Scrutiny: Single overview and scrutiny committee (twelve members)

Advisory: Three cabinet advisory boards (ten-eleven members)

Tunbridge Wells have three Cabinet advisory boards as follows:

- Communities and Economic Development Cabinet Advisory Board;
- Finance and Governance Cabinet Advisory Board; and
- Planning and Transportation Cabinet Advisory Board.

Each Cabinet advisory board has common terms of reference as follows, with specific remits for particular executive functions:

- Each Cabinet Advisory Board will have the following general responsibilities:
 1. Consider and where necessary make recommendations on all key and non-key decisions to be taken by Cabinet that fall within the remit of the Cabinet Advisory Board;
 2. Assist and advise the Cabinet in the development of the Policy Framework issues that fall within the remit of the Cabinet Advisory Board;
 3. Assist in the development of Cabinet decisions within the remit of the Cabinet Advisory Board that require wider member involvement.
- Cabinet Advisory Boards will have the power to:
 1. Request members of the Cabinet and officers to attend before it to answer questions;
 2. Question and gather evidence from any person (with their consent);
 3. Co-opt expert individuals on a non-voting basis to assist their work.

- The common features of each Board are:
 - each Board is chaired by a Cabinet member;
 - the Boards are politically balanced;
 - they meet quarterly.

Area forums: None

Other: Standard regulatory committees