

# **East Herts Council Report**

## **Leadership Team Meeting**

**Date of meeting: Tuesday 7 May 2024**

**Report by:** Councillor Ben Crystall – Leader of the Council

**Report title:** Exploring a change to the Council's governance system

**Ward(s) affected: (All Wards);**

**Summary** – The council's Corporate Plan states the administration's intention to explore alternative models of governance. This report proposes expanding the existing Member Constitution Review Group membership and terms of reference to allow it to investigate and explore different options and provide recommendations to Council on a way forward at a future meeting.

### **RECOMMENDATIONS FOR COUNCIL:**

- a) To extend the membership of the Member Constitution Review Group from six to nine members.**
  
- b) To request that the Member Constitution Review Group investigate different governance systems and provide recommendations to Council on the best option for East Herts at a future meeting.**
  
- c) To approve the revised terms of reference for the group.**

### **1.0 Proposal(s)**

- 1.1 The joint administration have expressed a desire in their Corporate Plan to 'explore replacing a "strong leader and cabinet" system with a committee system'. The Corporate Plan was approved by

Council on 28 February 2024.

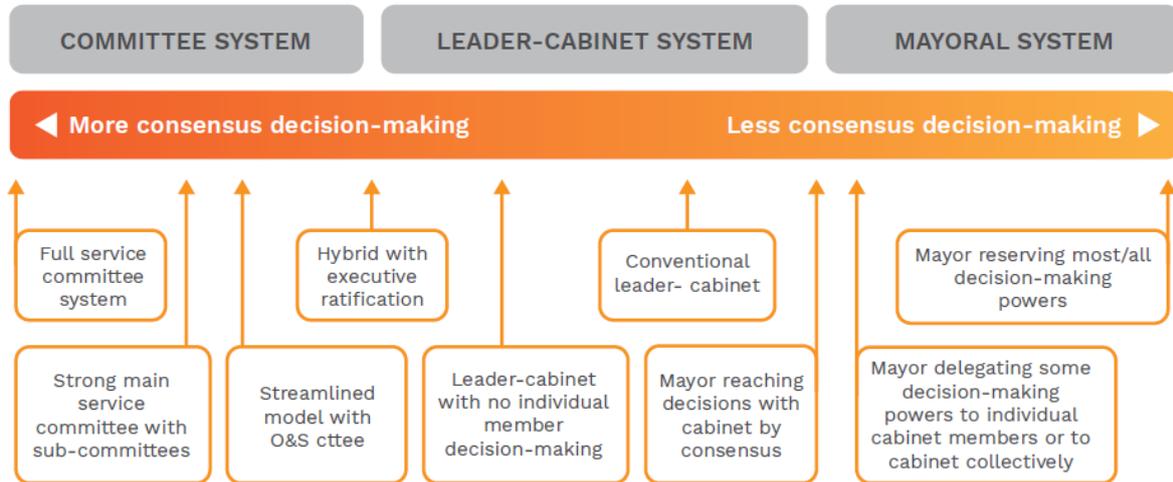
- 1.2 The Executive would like the existing Member Constitution Review Group to explore potential options for the future governance arrangements of the Council and to report its findings and recommendations back to a future meeting of the Council.

## **2.0 Background**

- 2.1 All councils operated a committee system of governance until the introduction of the Local Government Act 2000 which enabled councils to adopt an 'executive' style of governance. The Local Government and Public Involvement in Health Act 2007 amended the 2000 Act, introducing the 'strong leader' model and this required all councils to adopt an executive form of governance, except for district councils with a population of less than 85,000 which were permitted to retain the committee system. The Localism Act 2011 gives a Council the ability to choose a model of governance.
- 2.2 The Localism Act 2011 enables local authorities to adopt one of four models of governance:
  - a) Elected Mayor and Executive Cabinet
  - b) Leader and Executive Cabinet
  - c) Committee System
  - d) Prescribed arrangements (agreed by the Secretary of State)
- 2.3 If the Council wishes to change its model of governance, it must pass a resolution to change it and then the move to the new system would take place at the next Annual Meeting. The Council is then locked into that governance arrangement for five years unless it holds a referendum, in which circumstance it is locked in for ten years.
- 2.4 The Centre for Governance and Scrutiny comment that "no one governance system is intrinsically better than another" and it is for

the Council to consider its options and decide on the right approach.

- 2.5 The Centre for Governance and Scrutiny have produced a spectrum showing the variety of governance options:



- 2.6 The other option that the Council could consider is developing a hybrid model. A hybrid model is seen as one way of developing a more consensual model of decision-making without having to undergo formal change as the Council would still legally operate as an executive model of governance. This could be implemented through a series of amendments to the Constitution.
- 2.7 The Centre for Governance and Scrutiny’s report on ‘[Rethinking council governance for the 20s](#)’ lays out the different variations of hybrid governance models.

### Member Constitution Review Group

- 2.8 The Member Constitution Review Group was [established in 2020](#) to identify significant or strategic changes to the Constitution. The group reviewed the whole Constitution in 2021/22 with the new version being approved by Council in May 2022.

- 2.9 It is recommended that this group investigate the potential future governance arrangements for the council and to provide recommendations to Council at a future meeting.
- 2.10 The group is politically balanced and currently has a membership of six. It is recommended that the group be increased to nine members to reflect the importance of the task. The political balance of the group will be as follows:

<b>Party</b>	<b>Number of members</b>
Green	3
Conservative	3
Liberal Democrat	2
Labour	1

- 2.11 If the increase in membership is agreed, then Group Leaders will be asked for their nominations to the group.
- 2.12 The group will explore the different governance options available to the Council through a series of meetings, workshops and discussions with other councils who have changed their governance systems.
- 2.13 The schedule of meetings will be decided at the group's first meeting depending on their programme of work.
- 2.14 The group's revised terms of reference to reflect the changes are attached at Appendix A.

### **3.0 Reason(s)**

- 3.1 Following the elections on 4 May 2023, East Hertfordshire District Council became a council of no overall control with the Green group and Liberal Democrat group forming a Joint Administration to run the Council.

3.2 One of their Corporate Plan priorities states that the Joint Administration will explore replacing the strong leader and cabinet model of governance.

3.3 The Member Constitution Review Group will review all the governance systems available to the council and recommend to Council the best way forward.

#### **4.0 Options**

4.1 That the Member Constitution Review Group is not tasked with investigating future governance arrangements for the council and the administration does not meet their Corporate Plan priorities – NOT RECOMMENDED

4.2 That the Member Constitution Review Group is tasked with investigating future governance arrangements for the council as per the administration's Corporate Plan – RECOMMENDED.

#### **5.0 Implications/Consultations**

##### **Community Safety**

No

##### **Data Protection**

No

##### **Equalities**

No

##### **Environmental Sustainability**

No

##### **Financial**

There are no direct financial implications arising from this report. The Member Constitution Review Group will consider any financial implications before making any recommendations to Council. If the Council decided to move to a committee system, it is likely that there will be cost implications.

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

Not directly arising from the report but if the Member Constitution Review Group recommended to Council that they change governance system, the Council will need to follow the process set out in the Localism Act 2011.

## **Specific Wards**

No

## **6.0 Background papers, appendices and other relevant material**

### 6.1 [Corporate Plan 2024-25](#)

## **Contact Member**

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