

Subject:	Changes to the Democratic Processes	Status:	For Publication
Report to:	Cabinet Governance Working Group Policy Overview and Scrutiny Council	Date:	27 th June 2012 27 th June 2012 10 th September 2012 TBC
Report of:	Director of Business	Portfolio Holder:	Finance and Resources
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required: Yes	Attached:	Yes
Biodiversity Impact Assessment	Required: No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	That Policy Overview and Scrutiny make a recommendation to Council on: <ul style="list-style-type: none"> - Numbers of councillors per ward and requesting that the Local Government Boundary Commission for England should undertake a review. - Changes to committee structure.

2. PURPOSE OF REPORT

- 2.1 To review proposed changes to the democratic processes within the Council relating to the number of members, cycle of committees and the Council's election cycle .
- 2.2 Members are asked to consider the questionnaire responses and the recommendation from Governance Working Group attached at Appendix 1.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Any changes to the number of Councillors per ward would require the Local Government Boundary Commission for England to undertake a review.

5. BACKGROUND AND OPTIONS

5.1 ELECTORAL REVIEW OF COUNCILLOR NUMBERS

Electoral reviews are undertaken by the Local Government Boundary Commission for England, which is an independent body set up by Parliament in April 2010 under the Local Democracy, Economic Development and Construction Act 2009.

- 5.2 Schedule 2 to the 2009 Act sets out the 'statutory criteria' to which the Commission is required to have regard in conducting electoral reviews. In broad terms: These are:-

- the need to reflect the identities and interests of local communities
- the need to secure effective and convenient local government, and
- the need to secure equality of representation

5.3 The Commission can make the following recommendations for local authority electoral arrangements:-

- the total number of councillors to be elected to the council (known as ‘council size’)
- the number and boundaries of wards or divisions
- the number of councillors to be elected for each ward or division, and
- the name of any ward or division

5.4 It is important to note that in reality any recommendations made by the Commission following a review would be binding on this Council.

5.5 Council size is the starting point in any electoral review since it determines the average number of electors per councillor to be achieved across all wards or divisions of that authority. Discussions with the Commission have indicated they are content with the current arrangements here and have no plans conduct a review in the foreseeable future.

5.6 The Commission is of the view that each local authority should be considered individually and not compared with other authorities of similar geographic or population size, or those facing similar issues and concerns. In the Commission’s opinion, local government is as diverse as the communities it serves, providing services, leadership and representation tailored to the characteristics and needs of individual areas. In addition, the demographic make-up and dispersal of communities in England are such that to aim for equality in the number of electors each councillor represents as an average across the whole country would be impractical, if not unachievable. The Commission therefore will not base its decisions on council size on comparisons between local authorities.

5.7 Proposals for council size are most easily, and regularly, argued in terms of effective and convenient local government (in terms of choosing the appropriate number of members to allow the council and individual councillors to perform most effectively). Arguments can also be made on the basis of reflecting communities and allowing for fairness of representation.

5.8 When making recommendations the Commission has to ensure that it can justify its proposals for council size on the basis of the statutory criteria, and the evidence it receives from stakeholders based on these criteria.

5.9 Should Council be minded to support the recommendation, the first step would be for officers to contact the Commission to establish whether the Commission would be willing to undertake a review and how this would fit with the Commission’s current workload, and to establish what information and detail of proposals the Commission would require. Initial discussion with the Commission indicate the earliest they would be able to undertake a review would be 2013/14.

5.10 In advance of a review, it is likely that the Council would be required to submit to the Commission various information including electoral data, maps, information about governance arrangements, information about the Council, parish councils, community groups, partners and stakeholders. There would be Officer resource implications for providing such information and for liaising with the Commission throughout the review process.

5.11 The Commission advises that a starting point should be to consider the model of local

governance used by the local authority, or intended to be used by any authority. These models have impacts on the workload of councillors and the working practices of the council, and therefore will have an effect on the number of councillors needed by that council. The existence of parish and town councils in an area may also have a bearing, although it is unproven as to whether this factor necessitates more or fewer councillors. The functions of the scrutiny, planning and licensing committees of the council may also have an effect, as might the representational aspect of councillors' roles.

- 5.12 The Commission's approach to conducting electoral reviews is one of consultation, openness and transparency, aiming to build as much of its recommendations as possible on locally-generated proposals and, to that end, conduct as much consultation as is practicable in any review. The Commission publicises the review as widely as possible, and asks that the local councils, political parties, parish and town councils, community groups, residents' associations and other main stakeholders do the same.
- 5.13 Timescales for electoral reviews vary depending on complexity, interest, cooperation from interested parties, and the Commission's workload. They are also dependant on the amount of consultation undertaken by the Commission. Their starting point is usually to conduct at least two rounds of consultation – one at the very start of the review and one following the publication of draft recommendations. However, there are occasions when the Commission will wish to conduct further consultation on specific areas or issues, particularly if they are proving controversial.
- 5.14 A public consultation was undertaken in 2010 to review the numbers of councillors per ward.
- 5.15 The consultation period was set up in for August/October 2010 and feedback could be returned via the web site or using paper based methods and forms were available at the One Stop Shop. Posters were added to the Neighbourhood Notice Boards, community groups were sent information and an advert was placed on the Council website to inform of the consultation and allow an online response to be given. Whitworth Town Council were also informed and Town Councillors were encouraged to respond individually.
- 5.16 To make changes to the number of members per ward would require the Council to have an all out election, the earliest this could be implemented if the Local Government Boundary Commission for England agreed the changes would be 2015.
- 5.17 Members are asked to consider the feedback from the questionnaires which is attached at Appendix 1.

6. COMMITTEE STRUCTURE CHANGES

- 6.1 As part of the budget savings consultation, suggestions have been received through the thrifty thread suggestion scheme, where staff were able to make suggestions to departments on how costs could be reduced. These suggestions have been detailed in this report for consideration. The suggestion for a reduction in committees was also made at a previous Governance Working Group.
- 6.2 To create savings, members are asked to consider reducing the number, frequency and format of the existing committees. This will result in a reduction in the number of evening meetings attended by officers and councillors and reduce the number of chairs of committees with additional financial savings.

6.3 Possible options to consider:

Licensing

Licensing Committee current meets on a bi-monthly basis in the evening, with Licensing sub-committees called as required during the daytime. Suggestions have been made through the budget saving consultations to reduce to 3 evening committees per year with Licensing Hearings to be called as required during the daytime (as per the usual arrangements).

An additional option would be to agree further delegation to officers in respect of appeals. This works successfully within other Council's and applicants can continue to appeal any decision in the Magistrates Court.

6.4 Overview and Scrutiny

There are currently 3 Overview and Scrutiny Committees (O&S) which meet in the evening (Management, Policy and Performance). Task and Finish Groups and Consultation Response Groups are set up as required and meet during the daytime.

- **Performance Scrutiny** currently meets 8 times a year, looking primarily at Performance Monitoring quarterly report, Leisure Development plus partnership performance (CAPITA, GVH) and also any relevant reports as and when need reporting (BEaRs, Environmental Health, etc). At present there is a possibility of Performance Indicators being reduced or removed.
- **Policy Scrutiny** currently meets 6 times a year, with an average of 4 or 5 policies being presented to each meeting.
- **Overview and Scrutiny Management currently meets 4 times a year.** Legislation states the O&S must monitor the Community Safety Partnership at least once a year. This is tabled for December of each year. Other presentations are from health, fire, education, ambulance, etc.
- **Overview and Scrutiny Option:**
An option might be that Policy Scrutiny and Performance Scrutiny be combined into a Corporate Overview and Scrutiny Committee and having 6 meetings a year. These meetings could be held during the daytime (since the committee will be making recommendations to other committees as there is no decision making authority). The Overview and Scrutiny Management Committee could become Partner Overview and Scrutiny Committee and reduce to meeting 3 times a year to continue the requirement to scrutinise partner organisations.

If necessary specific work of Performance and Policy could be incorporated into Task and Finish Groups. The Localism Act has now extended the power of scrutiny of partners and this may create an increased work load for Scrutiny.

The change to 3 Partner Overview and Scrutiny Committees and 6 Corporate Overview and Scrutiny Committees would require changes to the constitution. There are also implications for committee membership as only 7 members would be required for the Corporate Overview and Scrutiny Committee with the another 7 members being on the Partner Overview and Scrutiny Committee. This change would impact on the Council's Political balance as there would no longer be the over-arching Management Committee of

14 members. Group Leaders would need to agree the amended political balance.

At present there are 18 evening meeting associated with Overview and Scrutiny. By changing to 9 meetings a year current costs would be reduced by half, and if it was agreed that these meeting would be held during the daytime there would be a saving for 18 meetings.

On average meetings usually last around 2.5 hours and are attended by approximately 4 officers and the Scrutiny Support Officer. A reduction in meetings would mean a potential saving of a total of 12½ hours per meeting in officer flexi-time/toil claimed or overtime if below scale 5.

6.5 **Member Development Working Group, Governance Working Group and Civic Matters Working Group**

The Member Development Working Group currently meets 4 times a year during the daytime. Members could consider meeting 2 times a year, however to meet the re-assessment for the North West Charter at Level 1 we have to evidence that the “all party member training group meet at least 4 times a year.” Although there are no staffing cost savings with holding 3 daytime meetings instead of 4, there will be savings in preparation and distribution as well as the Chamber being free for other usage e.g. hiring out.

The Governance Working Group currently meets 4 times a year during the daytime. Members could consider meeting 3 times a year. Although there are no staffing cost savings with holding 3 daytime meetings instead of 4, there will be savings in preparation and distribution as well as the Chamber being free for other usage e.g. hiring out.

One option would be that the Member Development Working Group, Governance Working Group and Civic Matters Working Group be combined.

COMMENTS FROM STATUTORY OFFICERS:

7. SECTION 151 OFFICER

7.1 A reduction in the number of committee meetings will as a consequence reduce current resource requirements (staff time, use of building and associated expenses, etc.). The reduction required in support resources will therefore have a positive financial benefit (albeit this has not been quantified in the report).

Reducing the number of members per ward to two per ward, based on Members current basic allowance of £3.3k pa and assuming no variation to the special allowances budget would save £26k pa.

8. MONITORING OFFICER

8.1 There would be no costs to the Council if the Commission agreed to undertake a review although a considerable amount of Officer time would be required. A number of Councils are currently looking at the feasibility of cutting the number of its councillors. The Local Government Boundary Commission for England would need to recommend any changes in wards or boundaries and even if this proposal was agreed the effects would not take effect until 2015, although the new Localism Act does contain a provision for Council's to make changes to their electoral cycle at any time.

Two member wards - this would mean that there would be 28 councillors, two in each ward. This option would only be available if the Council moved to whole council elections (as elections in thirds can only be done if the total number of councillors is divisible by 3). Whole Council Elections cannot be revisited until after the Annual Council meeting in 2014, with a resolution required by December 2014.

Alternative option – if the Council remains with elections in thirds the total number of councillors has to be divisible by 3 this would mean having thirteen wards with two councillors and one ward with one councillor

9. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 9.1 The human resources implications of the report will be developed as part of the consultation.
- 9.2 This will ensure that the Council gives due regard. The Equality Act 2012 established the Public Sector Equality Duty, the duty requires the Council to give due regard to :
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
 - Foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 9.3 The amount of regard that is 'due' (that is, the degree of attention demanded by the needs) is set out in section 49 of the Equality Act and will depend on the circumstances of the case, the greater the potential impact of a decision, the greater the regard that must be had.

10. CONSULTATION CARRIED OUT

- 10.1 Cabinet, Governance Working Group, Policy Overview and Scrutiny, Committee and Member Services, Legal and Management Team. In addition, all members have been consulted through the questionnaire, results of which are attached at Appendix 1.
- 10.2 Governance Working Group recommend Council to:
- Explore sub-committees to deal with driver applications.
 - Change Overview and Scrutiny to 2 committees but keep meetings in the evening.
 - Merge Member Development Working Group and Governance Working Group.
 - Review whether to retain the North West Charter and the need for 4 meetings a year.
- 10.3 Feedback from the questionnaires to members at Appendix 1 indicate that that the following are the preferred options:
- To request the Local Government Boundary Commission for England to undertake a review of the number of councillors, wards and ward boundaries.
 - To deal with Taxi License applications through sub-committees.
 - To change to 2 overview and scrutiny committees: one to deal with policy and performance (Corporate Scrutiny - 6 meetings a year) and one to deal with the scrutiny of partner organisations and external scrutiny (3 meetings a year).
 - To continue to have Overview and Scrutiny Committees in the evening.
 - To merge Member Development Working Group with Governance Working Group (4 meetings a year) and keep Civic Matters Working Group as it is (to meet as and when required).

11. CONCLUSION

- 11.1 The Council is again facing a significant financial challenge over the medium term. The review and rationalisation of its democratic processes will assist the Council in realising some of its financial savings target. These issues identified in this report have been considered by the Governance Working Group and a questionnaire has been sent to all members for their views. These will be considered by Policy Overview and Scrutiny then reported to Council for decision.

Background Papers	
Document	Place of Inspection
Local Government and Public Involvement in Health Act 2007	http://www.opsi.gov.uk/acts/acts2007/ukpga_20070028_en_6#pt3