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West Devon
Borough
Council

WEST DEVON COUNCIL - MONDAY, 1ST JULY, 2013

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Summons Letter** (Pages 1 - 2)

2. **Reports**
 Reports to Council
 - a) Item 4 - To receive the report of the Political Structures Working Group on the Boundary Review (Pages 3 - 54)

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AGENDA
ITEM

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WEST DEVON BOROUGH COUNCIL

AGENDA
ITEM

4

NAME OF COMMITTEE	Special Council
DATE	1 July 2013
REPORT TITLE	Electoral Review of West Devon
Report of	Political Structures Working Group
WARDS AFFECTED	All

Summary of report: To consider a report which seeks to make a recommendation to the Local Government Boundary Commission for England (LGBCE) on how many Members should be elected to serve on West Devon Borough Council from the May 2015 Local Elections.

Financial implications: In the event that there is no significant variation in Council size, then there will be no financial implications of note arising from this report.

RECOMMENDATIONS:

1. That the Council's submission to the Local Government Boundary Commission for England recommends that, when looking at the roles which need to be discharged by the Borough Council, there is not a rational argument for any significant variation in Council size (e.g. number of Members elected). However, should the Boundary Commission recommend a variation in Council Size, then this should be marginal; and
2. That, based upon this decision on Council size (and the comments contained in Appendix B), delegated authority be granted to the Head of Corporate Services, in consultation with the Chairman of the Political Structures Working Group, to finalise the Council's submission to the Local Government Boundary Commission for England before the deadline of Friday, 5 July 2013.

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Member contact: Cllr McInnes, Chairman of the Political Structures Working Group
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1. BACKGROUND

- 1.1 The LGBCE is responsible for reviewing local authority electoral arrangements, administrative boundaries and structure and has recently advised the Council of its intention to undertake a review into how many Members should serve on the Council. The aim of the LGBCE (which is independent of Government and political parties and is directly accountable to Parliament through the Speaker's Committee) is to ensure that each Member represents approximately the same number of electors.
- 1.2 A trigger point to prompt a review is when either 30% of Council wards have an electoral variance of more than 10% from the average and/or when one ward has an electoral variance more than 30% from the average. The Council currently has one ward (Hatherleigh) exceeding the 30% variance and eight wards exceeding the 10% tolerance level (as indicated on the map at Appendix A).
- 1.3 The LGBCE has stated that it accepts that the review will not result in a perfect solution to equality of democratic representation. However, any proposed variances will only be accepted if there is a sound evidence based case put forward to justify them.
- 1.4 The review will not focus solely on those wards in which the variance has been exceeded, but will determine the pattern of wards for the entire West Devon Borough. In addition, there is no provision within the review to amend or change existing town and parish boundaries. However, it is important to stress that at this stage (and the starting point of the review), the objective is for the Council to make a recommendation to the LGBCE on the Council size only.
- 1.5 The Political Structures Working Group has subsequently considered this matter at its meeting held on 3 June 2013 and a draft copy of the Council Size Submission document (as attached at Appendix B) was considered and subsequently amended at an Informal Council session which was attended by 18 Members.

2. ISSUES FOR CONSIDERATION

LGBCE Draft Timetable

- 2.1 The LGBCE has provided a draft indicative timetable for the review as follows:
 - 5 July 2013: Receipt of the Council's Evidence-Based Submission on Council size;
 - 13 August 2013: initial LGBCE decision meeting on Council size;
 - 3 September 2013: Beginning of Public Consultation Exercise on Council size;
 - 14 October 2013: End of Public Consultation Exercise on Council size;
 - 12 November 2013: LGBCE meeting to confirm Council size;
 - 26 November 2013: Beginning of information gathering stage on warding arrangements;
 - 3 February 2014: End of information gathering stage on warding arrangements;

- 29 April 2014 – 21 July 2014: Publication (and beginning) of public consultation on draft recommendations; and
- 14 October 2014: Publication of final recommendations.

Political Structures Working Group Deliberations

- 2.2 During its deliberations, it soon became apparent that there was little appetite amongst the Working Group to recommend any significant variation in Council Size. Indeed, the Working Group could not see any rational argument for the Council Size to be significantly varied and felt that its recommendation to Council should reflect this view.
- 2.3 In light of the emphasis applied by the LGBCE to governance and decision making arrangements, and the Council still being in the midst of the 'Two Committee Pilot', the Working Group also received a presentation from the Chief Executive entitled: 'Effective Local Government in West Devon'. The Group acknowledged that there were a number of issues that required serious Member consideration in the upcoming months. For the purposes of the Council Size Submission, Members felt at this stage that the presentation should be appended to the final Submission to enable the LGBCE to see that the review has prompted serious reconsideration of the Borough Council's governance and decision making arrangements.
- 2.4 Whilst it is hoped that the Council can reach a majority view and put a recommendation forward to the LGBCE, the Working Group wishes to advise Members that the LGBCE does not ultimately have to accept this option.
- 2.5 Once the Council has reached a view on its preferred Council size, then it is recommended that the Head of Corporate Services be given delegated authority, in consultation with the Chairman of the Political Structures Working Group, to finalise the Council's submission to the LGBCE before the deadline of 5 July 2013.

3. LEGAL IMPLICATIONS

- 3.1 There is provision within the Local Democracy, Economic Development and Construction Act 2009, which established the ability for the LGBCE to conduct an Electoral Review.

4. RISK MANAGEMENT

- 4.1 The risk management implications are shown at the end of this report in the strategic risks template.

Corporate priorities engaged:	All
Statutory powers:	Local Democracy, Economic Development and Construction Act 2009.
Considerations of equality and human rights:	Not affected by this report
Biodiversity considerations:	Not affected by this report
Sustainability considerations:	Not affected by this report
Crime and disorder implications:	Not affected by this report
Background papers:	Council Constitution LGBCE presentation to Informal Council on 16 April 2013
Appendices attached:	Appendix A: West Devon – Current Electoral Variances Map; and Appendix B: Draft Council Size Submission document.

STRATEGIC RISKS TEMPLATE

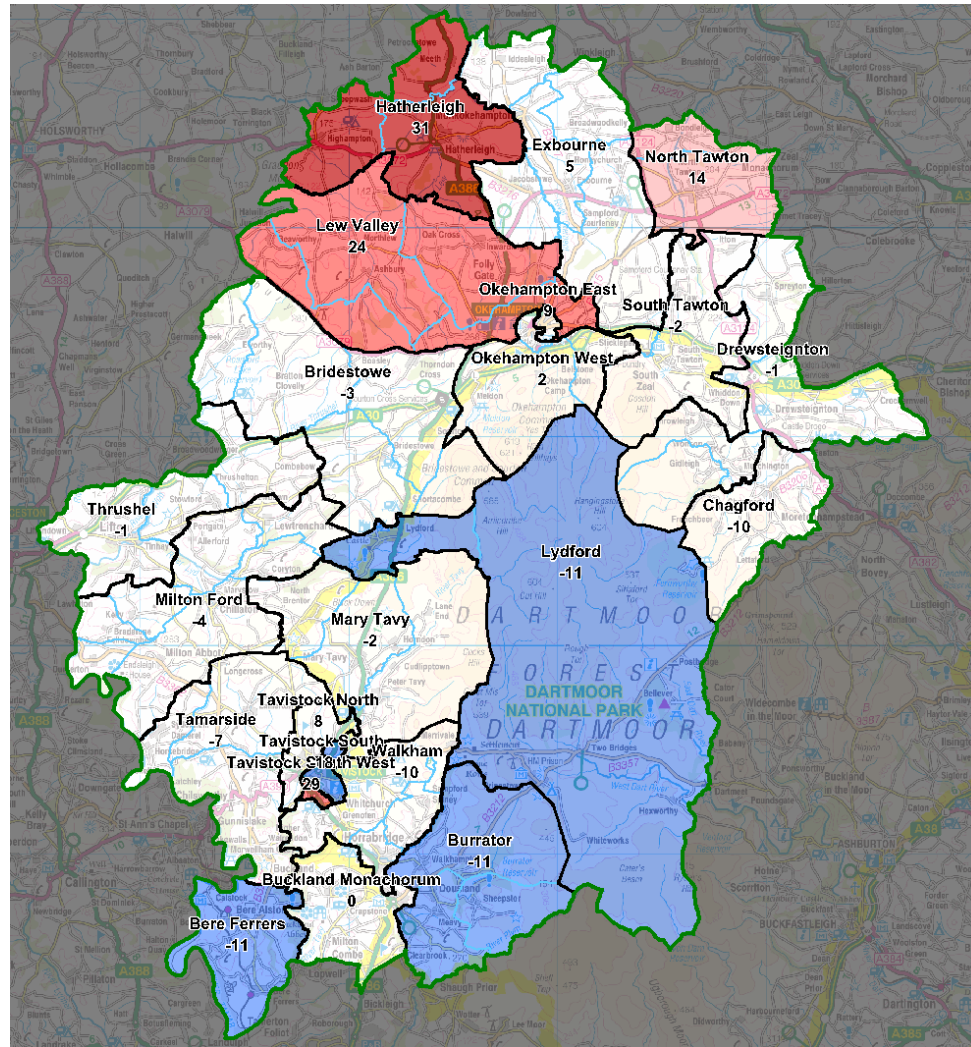
No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Fairness and Equity of Democratic Representation.	Failure to ensure electoral representation is fair and equitable restricts the Councils ability to deliver services reflective of local need, demand and community identity.	3	2	6	↓	By submitting a reasoned and justified submission to ensure fairness and equity of democratic representation to the LGBCE.	Head of Corporate Services
2	Levels of Democratic Representation.	A reduction in the number of Council Members may result in excessive work demands being placed on Members and reduced capacity, which could affect local representation and potentially alienate residents.	3	3	9	↔	By ensuring that the Council Size Submission is compiled appropriately to ensure that the LGBCE are aware that a drastic reduction in Council Size would harm the effective governance of the authority.	Head of Corporate Services
3	Quality of Data	That the LGBCE recommendations are based on incomplete/inaccurate data	2	1	2	↔	By ensuring that relevant service areas provide the correct and most up to date information.	Strategic Management Team

Direction of travel symbols ↓ ↑ ↔

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Appendix A: West Devon thematic map – ward variances

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ELECTORAL REVIEW OF WEST DEVON BOROUGH: Appendix B

Submission by West Devon Borough Council on Council Size – FIRST DRAFT

1. Introduction

1.1 This submission sets out the Council's response to an invitation from the Local Government Boundary Commission for England (LGBCE) to make a recommendation on how many Members should be elected to serve on West Devon Borough Council from the May 2015 Local Elections.

1.2 The LGBCE recently advised the Council of its intention to undertake a review into how many Members should serve on the Council. The aim of the LGBCE is to attempt to ensure that each Councillor represents approximately the same number of electors.

1.3 The trigger points to prompt a review are when either 30% of Council wards have an electoral variance of more than 10% from the average and/or when one ward has an electoral variance more than 30% from the average. Hatherleigh ward currently has 30% more electors than the Borough average. Eight wards currently exceed the 10% tolerance.

1.4 The LGBCE has stated that it accepts that the review will not result in a perfect solution to equality of democratic representation. However, any proposed variances will only be accepted if there is a sound evidence based case put forward to justify them.

1.5 To date, the consultation exercise (which culminated in a proposal on Council size being agreed by a majority of Members at a special Council meeting held on 1 July 2013) has been as follows:-

- LGBCE meeting with lead officers on 16 April 2013 (am);
- LGBCE meeting with Group Leaders on 16 April 2013 (am);
- LGBCE presentation to all Members on 16 April 2013 (pm);
- LGBCE presentation to all town and parish councils on 16 April 2013 (pm);
- Political Structures Working Group meeting on 3 June 2013;
- Informal Council meeting on 17 June 2013; and
- Working Group report considered by a special meeting of Council on 1 July 2013.

1.6 This review has prompted serious reconsideration of the Borough Council's governance and decision making arrangements. The Chief Executive has conducted a series of informal discussions at which the majority of Members engaged. Following debate of his findings at the Political Structures Working Group, at an informal meeting of all Councillors and at special Council, Members have agreed xx. Whilst no formal decision to recast the governance and decision-making

<p>authority? Does the council operate an executive mayoral, Cabinet / Executive or committee system?</p>	<p>operates a Two-Committee decision-making structure. These Committees are broadly aligned to either the back office (Resources Committee) or front line (Community Services Committee) services.</p> <p>This system is currently subject to a pilot which is due to be reviewed by December 2013.</p>
<p>How many portfolios are there?</p>	<p>Due to operating a Committee system, the Council has no portfolio holders.</p>
<p>To what extent are decisions delegated to portfolio holders or are most decisions taken by the full Executive and/or Mayor?</p>	<p>The majority of decisions are taken by either the Resources or Community Services Committees.</p>
<p>Do Executive (or other) Members serve on other decision making partnerships, sub-regional, regional or national bodies?</p>	<p>Members do serve on other bodies. Notably this includes 24 'Outside Bodies' which are appointed to each May at the Annual Council meeting. Within the list of Outside Bodies, these include decision making partnerships, sub-regional, regional and national bodies.</p>
<p>In general, are leadership and/or portfolio roles considered to be full time roles?</p>	<p>It is estimated that, on average, the postholders of the following roles spend each week on Council business in the region of:-</p> <ul style="list-style-type: none"> - The Leader of Council: 55 hours. - The Mayor of Council: 50 hours. - The Chairman of the Overview and Scrutiny Committee: 40 hours. - The Chairman of the Planning and Licensing Committee (who is currently also the Deputy Mayor): 35 hours. - The Vice-Chairman of the Planning and Licensing Committee: 30 hours. - The Vice-Chairman of the Community Services Committee (who is also Leader of the Independent Group): 25 hours. <p>In addition, it is estimated that both the Deputy Leader and the Chairman of the Community Services</p>

	Committee spend at least 35 hours per week on Council business.
In relation to licensing, planning and other regulatory responsibilities, to what extent are decisions delegated to officers?	<p>The Council has a combined Planning and Licensing Committee.</p> <p>In relation to licensing, all decisions are delegated to officers, with the exception of:</p> <ul style="list-style-type: none"> - Relevant policy review and development; - Determining the revocation and suspension of Hackney Carriage Private Hire Driver or Vehicle License applications; - Those applications which have received objections, that cannot be resolved by virtue of mediation; and - The revocation of any licence. <p>In relation to planning, the overwhelming majority of applications are determined by officers, unless a local Ward Member has concerns or disagrees with case officer recommendations or feels an application is sufficiently contentious. Such applications are referred to the Planning and Licensing Committee for determination.</p> <p>As a guide, officers estimate that currently over 90% of planning and licensing applications are determined through delegation.</p> <p>The Scheme of Delegation was last reviewed in May 2013 and the extent to which decisions are delegated to officers is considered to be about right.</p> <p>It is also worth highlighting that since 45% of the Borough is sited within the Dartmoor National Park, a number of planning applications are also determined by the Dartmoor National Park Authority.</p>
How many Members are involved in Committees?	The decision-making bodies of the Council consist of:

	<p>Council – 31 Members; Resources Committee – 11 Members; Community Services Committee – 10 Members; Overview & Scrutiny Committee – 10 Members; Planning & Licensing Committee – 10 Members (Licensing Sub-Committee – 3 Members); Audit Committee – 5 Members; Standards Committee – 9 Members (Standards Sub-Committee – 3 Members) and Devon Building Control Partnership – 2 Members.</p> <p>Whilst the initial recommendation was that each Member should sit on one of either the Resources, Community Services and Overview and Scrutiny Committee, this proposal was not supported by the Council. This decision was taken due to some Members being in full-time employment, who did not feel that they would be able to make the required time commitment.</p> <p>The Council has constitutional provision for the appointment of substitute Members at all of its decision-making bodies, with the exception of the Standards Committee and Licensing Sub-Committees.</p>
Is Committee membership standing or rotating?	Committee membership is standing, with appointments being made at the Annual meeting of Council each May.
Are meetings ad hoc, frequent and/or area based?	<p>The Calendar of Meetings is set annually, but there is the ability to convene meetings ad-hoc in certain circumstances (e.g. special meetings of Council / Resources to consider urgent matters).</p> <p>In addition, the approved Calendar has provision for the first Monday of each month to be set aside for</p>

	<p>special meetings if they are so required. Culturally, Members tend to set aside in their diaries each Monday and Tuesday for Borough Council work.</p> <p>From the approved Calendar, there is provision for:</p> <p>Full Council – 6 meetings per Municipal Year; Resources Committee – 5 meetings per year; Community Services Committee – 5 meetings per year; Planning and Licensing Committee – meetings on a 4 weekly cycle, in addition Committee site inspections are held two weeks after each Committee meeting and Licensing Sub-Committees are convened ad hoc; Overview & Scrutiny Committee – 4 meetings per year; Audit Committee – 6 meetings per year; Standards Committee – 3 meetings per year (Sub-Committees convened ad hoc); Devon Building Control Partnership – 4 meetings per year.</p> <p>All meetings, other than site inspections and the Building Control Partnership are held at the Council’s HQ.</p>
<p>What level of attendance is achieved? Are meetings always quorate?</p>	<p>Member attendance is high and with the provision to appoint substitutes, meetings are hardly ever declared inquorate. As a guide, since December 2011, there have been no meetings declared inquorate.</p>
<p>Does the council believe that changes to legislation, national or local policy will have influence on the workload of committees and their Members which would have an impact on council size?</p>	<p>The Group did not consider there to be any changes on the horizon, which would result in less work for elected Members. Indeed, the view has been expressed that with less officers within the employ of the Council, Members workload is likely to increase.</p>

<p>Is there a formal role description for councillors in your authority?</p>	<p>There is a formal role description for Councillors, which is attached at Appendix A* and which was rolled out during the 2011 Induction Process.</p>
<p>Do councillors receive formal training for all or any roles at the council?</p>	<p>Yes. However, the Member Learning and Development Plan is currently subject to a review following the last round of one-to-one interviews.</p> <p>For example, it is a constitutional requirement for Members who serve on the Planning & Licensing Committee to be in receipt of appropriate training.</p>
<p>Do councillors generally find that the time they spend on council business is what they expected?</p>	<p>The overwhelming majority of Members comment that they had underestimated the amount of time they spend on Council business before they were elected.</p>
<p>How much time do Members generally spend on the business of your council?</p>	<p>It is estimated that the 'average' Council Member spends between 10 and 60 hours per week on Council business.</p>
<p>Does the council appoint Members to outside bodies? If so, how many councillors are involved in this activity and what is their expected workload?</p>	<p>Yes. The Council currently appoints to 24 Outside Bodies and 7 'Other Groups' (e.g. the Rural Broadband Working Group) at its annual meeting.</p> <p>16 of the 31 total Members sit on at least one of these Outside Bodies. Workload varies greatly depending on the Outside Body, but all appointed Members (as the Council's representative(s)) are asked to provide feedback to the wider membership.</p> <p>These appointments are reviewed annually during the appointments process to ensure they remain fit for purpose.</p>
<p>Does the Council attract and retain Members?</p>	<p>Yes. Since the May 2011 elections, only two Members have resigned mid term. However, the Council does struggle to attract prospective candidates who reflect the demographic profile of the district</p>

	<p>(e.g. a proportion of young and female candidates).</p> <p>As a guide, the Council usually has an approximate 50% turnover of Members at each election.</p> <p>As a further indicator of Member retention, of the 12 newly elected Members in May 2007, 8 were re-elected to the Council in May 2011.</p>
Have there been any instances where the council has been unable to discharge its duties due to a lack of councillors?	There have been no such instances.
Do councillors have an individual or ward budget for allocation in their area? If so, how is such a system administered?	No.

3.3 **Part Two – Scrutiny Functions**

Every council has mechanisms to scrutinise the executive functions of the council and other local bodies. They also have significant discretion over the kind (and extent) of activities involved in that process. In considering council size, the LGBCE will want to satisfy itself that these responsibilities can be administered in a convenient and effective way through the number of councillors it recommends.

LGBCE Guidance Questions	Evidence
How do scrutiny arrangements operate in the authority? How many committees are there and what is their membership?	The Council currently operates with one Overview & Scrutiny Committee comprising of 10 Members.
What is the general workload of scrutiny committees? Has the council ever found that it has had too many active projects for the scrutiny process to function effectively?	<p>The Committee is scheduled to meet four times per year, but there is provision in the Constitution to convene additional special meetings (e.g. in the event of a call-in being invoked).</p> <p>At present, Members feel that the workload of the Scrutiny function is about right. On no occasion has the Council found that it has too many active projects in existence.</p> <p>Traditionally, the Committee has tended to take more of an external focus by scrutinising external bodies such as the local Crime and Disorder</p>

	<p>Reduction Partnership, the Council for Voluntary Services and the Citizens Advice Bureau. However, more recently, the Committee has taken more of an internal focus, with work streams including the two-committee pilot, the Leisure Review and the action plans which underpin the corporate priorities prominent on recent Committee agendas.</p> <p>The Overview and Scrutiny Committee also has responsibility for overseeing the performance management of the Council, which includes the process of continuous improvement.</p> <p>In relation to Task and Finish / Working Group work, the Council has a culture whereby membership of such groups is not constrained to the Members of the Overview and Scrutiny Committee. Appointments to such Groups are made on the basis of individual Members skill sets, interests and experiences. This practice is consistent with the ability for any Member to sit on the Overview and Scrutiny Committee in a substitute capacity.</p> <p>In making its recommendations, the Independent Panel on Members' Allowances considers that the workload of the Overview & Scrutiny Committee Chairman warrants a Special Responsibility Allowance set at 90% of the Basic Allowance.</p>
<p>How is the work of scrutiny committee programmed? Is the work strictly timetabled?</p>	<p>The Overview and Scrutiny Committee has an annual work programme and the work it considers is timetabled. Having said that, there is provision to take into account some unforeseen and additional work as and when deemed necessary (e.g. the recent request to undertake a review into the Leisure Contract which in light of time constraints was not included in the original work programme).</p>
<p>What activities are scrutiny</p>	<p>Members are expected to carry out</p>

<p>committee Members expected to carry out between formal meetings?</p>	<p>work predominantly in connection with their task and finish / working groups (e.g. background research and reading and talking to their communities).</p> <p>The Committee Chairman is required to maintain an overview on the work streams.</p> <p>Committee Members are encouraged to attend meetings of the Resources and Community Services Committees and are able (if so minded) to take part in the debate on agenda items.</p> <p>Whilst officers prepare the majority of reports presented to the Overview and Scrutiny Committee, increasingly the lead Member(s) on a Task and Finish / Working Group are expected to produce at least a draft form of a report which officers can format prior to publication. Recent examples of this working practice include: the Leisure Review and Member IT Provision reports which were both produced by the Member lead.</p>
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3.4 Part Three – Representational Role of Councillors

Whilst the LGBCE acknowledges that there is no single approach to representation and Members will represent and provide leadership to their communities in different ways. However, the LGBCE is particularly interested in this part to hear about the extent to which Members are routinely expected to engage with communities and how this affects workload and responsibilities.

LGBCE Guidance Questions	Evidence
<p>In general terms, how do councillors carry out their representational roles with electors? Do Members mainly respond to casework from constituents or do they have a more active role in the community?</p>	<p>On the whole, Members consider themselves to have an active role in the community. In terms of carrying out their representational roles, attendance at local town and parish council meetings is high. A number of Members comment that the key to their representational roles is to have an active and high profile presence in the community in order to get to know their local constituents.</p>
<p>How do councillors generally deal</p>	<p>The way that Members deal with their</p>

<p>with casework? Do they pass on issues directly to staff or do they take a more in depth approach to resolving issues?</p>	<p>casework depends on its nature. All Members will deal (and lead upon) 'straightforward' casework. In relation to 'detailed' or 'technical' casework, whilst a number of Members will pass issues directly to officers, some do take a more in-depth approach.</p> <p>The Council receives very few complaints from residents in relation to the lack (or untimely nature) of responses from Members on their casework.</p> <p>The Council has recently developed a bespoke e-casework system for Councillors which is already being utilised by some Members.</p>
<p>What support do councillors receive in discharging their duties in relation to casework and representational role in their ward?</p>	<p>In addition to the e-casework system, the Council has also recently created a new website which will support Members in discharging their duties.</p> <p>Due to budgetary constraints, and the shared services agenda, there has been a reduction in officer resource. Therefore, some Members have expressed the view that they now receive less support and are less able to contact officers on the telephone, unless they have made a prior appointment.</p>
<p>How do councillors engage with constituents? Do they hold surgeries, distribute newsletters, hold public meetings, write blogs etc?</p>	<p>A minority of Members hold surgeries, produce and distribute newsletters and hold public meetings.</p> <p>Examples of methods of Member engagement include:</p> <ul style="list-style-type: none"> - The establishment of the Okehampton Vision Steering Group which provides a forum for the development and co-ordination of action needed to address issues of common concern to key partners in the town and surrounding parish; - The Local Liaison Groups for Okehampton and Tavistock and

	<p>the three Area Link Committees provide for engagement between the public, town and parish councils, borough council, Dartmoor National Park, the Police Authority and Devon County Council;</p> <ul style="list-style-type: none"> - Involvement with local schools, community colleges, children’s centres and sports clubs; - Attendance at West Devon Connect outreach events; - Regular interaction with the local Citizens Advice Bureau and the Council for Voluntary Service; - Supporting the preparation of Community Plans. <p>In relation to blogs and social media, a number of Members are interested in this method of engagement and would like to explore utilising these options, subject to improved awareness.</p>
<p>How has the role of councillors changed since the council last considered how many elected members it should have?</p>	<p>The Council last considered its membership size in 1999.</p> <p>Notable changes from this time include:</p> <ul style="list-style-type: none"> - the Local Government Act 2000 (e.g. the greater onus on public involvement, transparency and awareness of the democratic process); - greater budgetary constraints which has led to more discussion in localities regarding service reductions; - increased public expectation; - the arrival of the Shared Services agenda with South Hams District Council; - greater powers being delegated to officers; - increased expectations of local representatives (particularly since the MP expenses scandal); - greater emphasis upon progressing the Member Development agenda; and

<p>Has the council put in place any mechanisms for councillors to interact with young people, those not on the electoral register or minority groups or their representative bodies?</p>	<p>- the adoption of the Localism Act.</p> <p>The Council currently has Member Champions for both Children and Young People (Embracing Sport) and Older People.</p> <p>Also, in every Committee report, there is a requirement for authors to demonstrate that they have considered equality and human rights considerations. In addition, all Council policies (prior to adoption) and the annual budget are equality proofed.</p> <p>In respect of 'hard to reach groups', the Council has an approved Community Life Delivery Plan which, amongst other things, outlines a commitment to improve access to services.</p>
<p>Are councillors expected to attend meetings of community bodies such as parish councils or residents associations? If so, what is the level of their involvement and what role are they expected to play?</p>	<p>As part of the role, Members are expected to attend meetings of town and parish councils within their local wards. Under the previous Code of Conduct, Members were advised that when attending meetings such as public meetings into a major planning application they should not disclose any views or opinions (predetermination). However, with the recent establishment of a new Code, and the rules on predetermination being loosened, then the level of involvement for Members in this area could change.</p>

3.5 Part Four – The Future

The LGBCE is aware that the role of local authorities is constantly changing. In particular, changes such as the introduction of elected mayors in some parts of England have significantly altered the nature of decision making and role of elected members. Equally, many local authorities have not seriously considered the size of their council since the introduction of Executive/Scrutiny functions over a decade ago. The pace of change for authorities is likely to continue into the foreseeable future. That is why it is felt important to consider future trends and developments when coming to conclusions on council size.

(a) Localism and Policy Development

LGBCE Guidance Questions	Evidence
<p>What impact do you think the localism agenda might have on the scope and conduct of council business and how do you think this might affect the role of councillors?</p>	<p>As the localism agenda has now started to bed in, there has been a moderate impact on the role of councillors.</p> <p>Members have been engaged with Town and Parish Councils on community leadership issues, Neighbourhood Plan approaches and discussions regarding devolution of services and assets. The Council has been keen to push the Localism agenda.</p> <p>Some Members have commented that in light of the Localism agenda raising community aspirations, they have seen their number of enquiries from the public increase.</p>
<p>Does the council have any plans to devolve responsibilities and/or assets to community organisations? Or does the council expect to take on more responsibilities in the medium to long term?</p>	<p>At the Community Services Committee meeting held on 4 September 2012, 'The Localisation Strategy' was adopted as a means by which the Council would work in partnership with Town and Parish Councils and Community Organisations to meet local aspirations and to deliver localism.</p> <p>The Strategy includes a 'Model' (to enable all communities in West Devon to participate in the Strategy should they wish to and at what level of involvement suited their needs and purposes). The Strategy also includes a 'Menu' (which has been developed from the 'Model' and which enables interested town and parish councils to gauge their possible involvement in the Strategy, including providing a service solely for their locality, working in partnership with neighbouring local councils/community groups to provide a service or services or simply to influence the level of existing services suitable for the particular needs of their community).</p>
<p>(b) Service Delivery</p>	

LGBCE Guidance Questions	Evidence
<p>Have changes to the arrangements for local delivery of services led to significant changes to councillors' workloads? (For example, control of housing stock or sharing services with neighbouring authorities).</p>	<p>The Council has already transferred its housing stock and embraced shared services. However, Members have stated that they still frequently get involved in residents housing matters (e.g. applications to be added to the Housing Register and Social Housing queries).</p>
<p>Are there any developments in policy ongoing that might significantly affect the role of elected members in the future?</p>	<p>Members have stated that they could not foresee anything on the horizon which would lead to a dramatic increase (or decrease) in their workloads.</p>
<p>(c) Finance</p>	
LGBCE Guidance Questions	Evidence
<p>What has been the impact of recent financial constraints on the council's activities? Would a reduction in the scope and/or scale of council business warrant a reduction in the number of councillors?</p>	<p>Recent financial constraints are having a significant impact on the Council, which is facing very severe financial pressures. Unless radical measures are taken, the future viability of the Council has to be in some doubt. With its shared service partner, South Hams District Council, the Council is actively pursuing a significant transformation programme with the aim of ensuring our long term viability.</p> <p>Our financial circumstances are affecting Members' perception and enjoyment of their role. Many have commented that they had taken on the role to make a difference in the community, yet such were the financial constraints that it was becoming increasingly difficult to have any impact. This, coupled with the necessary decisions to continually make cuts in service, did not sit comfortably and would not be attractive to prospective candidates. Therefore, a reduction in Council size (which would further increase the workload) would be unlikely to result in any savings due to the likelihood of Members Allowances inevitably needing to increase to offset the additional work.</p>

	<p>Members are of the view that due to the particularly rural nature of West Devon, any significant reduction in Council size could be to the detriment of the running of the Council.</p>
<p>If you are proposing a reduction in the number of councillors for your authority, to what extent is this a reflection of reduced activity of the council overall, an anticipation of efficiency plans or a statement to local people? Or none of these things?</p>	<p>The Council does not see a rational argument for any significant variation in Council Size.</p>

ROLE OF A COUNCILLOR

WEST DEVON BOROUGH COUNCIL - ELECTED COUNCILLOR

Responsible to: West Devon Borough Council and the local community

Role purpose: To represent the views of the communities of West Devon within and outside the Council

Main Role:

1. Collectively to be the ultimate policy-makers and carry out a number of strategic and corporate, decision-making management functions;
2. Represent the communities of the borough as a whole and bring their views into the Council's decision-making process, i.e. become the advocate of and for your community;
3. Balance different interests within your ward and represent the ward as a whole, and balance the interests of other wards against your own to represent the interests of the district as a whole;
4. Contribute to the good governance of West Devon and actively encourage community participation and citizen involvement in decision making by ensuring that the local people are informed about:
 - (a) services in their area
 - (b) decisions that affect them;
 - (c) the reasons why decisions are taken by the Council;
 - (d) the rights of constituents of West Devon.
5. Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
6. Be available to represent the Council on other bodies; and
7. Maintain the highest standards of conduct and ethics;
8. Councillors serve on Committees of the Council to assist in the management of the Council's functions and responsibilities. Councillors may serve on any of the following committees:

● Audit	● Overview & Scrutiny
● Community Services	● Resources
● Devon Building Control Partnership	● Standards
● Planning & Licensing	● Various occasional bodies

Duties and Responsibilities of full Council currently include:

1. Adopting and changing the Constitution;
2. Approving and/or adopting the policy framework and the budget within which the Council and its bodies work;
3. Appointing the Leader and Committee Chairmen and Vice-Chairmen;
4. Determining the Council's Corporate Priorities;
5. Making any decisions which are contrary to the budget and/or policy framework;
6. Confirming the appointment of the Head of Paid Service, according to the procedure defined in Part 4 of the Constitution;
7. All other matters which, by law, must be reserved to Council.

Rights and Duties:

1. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
2. Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
3. For these purposes, 'confidential' and 'exempt' information are defined in the Access to Information Rules in Part 4 of the Council's Constitution.
4. Councillors will develop and maintain a working knowledge of the authority's services and policies and take advantage of appropriate training and development opportunities to enable them to fulfil their role.
5. To uphold the Council's Constitution and ethical standards.

Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of the Constitution.

The Ten General Principles of Public Life

The Ten General Principles of Public Life are as follows:

- (i) Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person;
- (ii) Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour;
- (iii) Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits;
- (iv) Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office;
- (v) Openness – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions;
- (vi) Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions;
- (vii) Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees;
- (viii) Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them;
- (ix) Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law; and
- (x) Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Allowances – Members are entitled to receive allowances in accordance with the Members' Allowances Scheme. From 1 April 2013, the Basic Allowance stands at £4,092.48 per annum + travelling / subsistence and a carer's allowance. Additional Special Responsibility Allowances are payable to Members who hold positions of additional responsibility (eg a Chairman of a body of the Council).

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Effective Local Government in West Devon

Richard Sheard
Chief Executive

Purpose



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- To demonstrate to the Local Government Boundary Commission that we have thought through our submission on numbers
- NOT to bounce Members into any decision on alternative arrangements
- Can conclude that none of the options set out in this presentation will materially affect the number of Councillors needed



- Commission will form its view on size by considering:
 - Governance Arrangements – How we take decisions
 - Scrutiny – of our own decisions and outside bodies
 - Regulatory role
 - Representational role – community engagement, casework and representing Council with local partner organisations



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An opportunity to “think the unthinkable”

or

Build off basic “principles for the future”

or

Adjust

or

Do Nothing



Given

1. The Electoral Review
2. The O&S review pending; to report December 2013
3. The deferred item from Annual Council to redress balance in workload between Resources and Community Services Committees

The Do Nothing option should be discounted

The “Adjust” Option



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Could lead to rebalancing of workload between 2
Committees plus changes to the operation of Overview
& Scrutiny

BUT

Informal discussions led by Chief Executive have indicated a clear appetite amongst Members for a more significant review which, whilst not amounting to thinking the unthinkable, suggests a need to re-think from basic principles of governance

Some old thinking that needs to be jettisoned



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- Every Member has to have a committee role
- O&S role bars Members from other roles
- Committees and positions on them are (more or less) formally fixed over the four year term of the Council
- Continual Professional Development (CPD) is the exclusive province of officers
- Likewise annual appraisal
- Members' time is not negotiable
- Individual Members should expect/be expected to know/decide everything

Rethinking from Basic Principles



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As we move forward we need to be aware that:

- the pace of change is accelerating
- Members and governance arrangements have largely escaped unscathed whilst officer functions and structures have radically altered
- whatever is put in place needs to be affordable given the state of WDBC finances
- simplicity and flexibility will need to be key watch words
- political role is different from managerial role
- Members need to “know enough” to represent WDBC well externally

Some strengths to build on



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- Task and Finish Groups work well and suit Members where they play to skills, experience and interests of individuals AND the groups are clearly focused; working to a plan; keeping other Members informed
- Members bring individual expertise, experience and strengths which we could make more use of

Representational Role



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- Casework, local community and representational role forms the essential job description of all Elected Members
- Minimum requirement is for all Members to fulfil this role to the best of their ability AND attend full Council on a regular basis AND take personal responsibility for their own development as a Councillor
- All other roles over and above should be subject to a “recruitment process” where Members can indicate interest in positions and demonstrate aptitude, availability and commitment against a role specification

The Council



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- Is THE sovereign body
- Could be where the key issues are formally debated and decided
- Should agree on an annual basis what debates/decisions it wants to reserve to itself and what to delegate down

Regulatory Role



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Council

- P&L is our shop window. WDBC reputation enhanced or damaged depending how well Elected Members perform this function
- Member training and development needs to be continually refreshed. Not just an induction issue
- Could introduce a basic competency test before Members sit in judgement of planning applications
- Political proportionality, geographical spread and individual Member competence should all be determinants of membership of P&L
- Numbers on P&L and level of delegation to officers feels about right

Scrutiny – A discretionary activity



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Four broad functions:

1. Call In of executive decisions - rarely used
2. Planned scrutiny of key policies/decisions of Council and outside bodies to assess impact. Constructively critical. Select Committee approach. Task and Finish programme established
3. Reactive scrutiny of critical incidents
4. Planned scrutiny of performance

“Scrutiny hub” of interested Members to manage the scrutiny programme, calling on wider group of Members on a task and finish basis, according to their personal interests

Leadership/Decision making structure



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Member discussions have thrown up three alternatives:

1. Rebalance two committee structure

or

2. Single Committee or Policy Hub

or

3. Executive made up of members from the majority group

(3 or 4 committee structure also tested but little appetite shown)

Arguments in favour of rebalancing



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- Relatively easy to achieve (although arguments advanced for deferral at Annual Council suggests otherwise)
- Line of least resistance
- Could work if Chairs can cope with workload or use other Members as a supportive resource
- Could raise the profile and role of Vice-Chairs

Move to Single Committee/ Policy Hub



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- Envisages a politically balanced grouping of 10 or 11
- Within the grouping key roles would be assigned to some Members to align with senior officer structure
- Division of decision making between Council and this grouping to be negotiated annually depending on key decisions coming forward
- Key role holders in the grouping would call on wider membership on particular topics, organised on a task and finish basis
- “Appointments” to key roles following an appraisal process where aptitude and commitment can be assessed
- Key role holders will have no delegated powers

Executive



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- All members drawn from the majority group
- 7 or 8 Members
- Key role holders aligned to senior officer structure but with no delegated individual powers (unlike a Cabinet model)
- Task and Finish Groups to support key role holders in developing policy

Advantages of Single Committee/Policy Hub or Single Party Executive over 2 Committee System



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- Individual Members in the grouping would align with senior managers and develop expertise
- Would be a good counter balance to South Hams' Executive on matters of common interest
- Would be able to work at pace
- More Members would feel more valued
- Could secure the most committed and able Members and exploit a wider set of strengths
- Should help develop a stronger sense of “team” within the grouping

Future Proofing



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- T18 Programme – proof of concept work could lead to profound change in officer functions/structure
- Localism – will appetite of Town and Parish Councils increase in next five years?
- Housing Growth – need to build in housing growth projections to Electoral Review submission
- Finances – will be tighter still
- Wider growth agenda – combined authorities suggesting even closer working with SHDC and potentially others. Therefore even more important that leading Members punch their weight

And the magic number is?



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- Where numbers have been mentioned, the range has been 27-32
- 31 seems about right for most Members
- Should be minimising multi-Member wards where possible but it would not be desirable to achieve single Member wards across the Borough
- Conclude that ?? is appropriate for West Devon and our rationale will not be affected whichever decision making option is chosen, the number being largely driven by the representational role

We have been cutting edge before



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- No reason why we cannot think radically again and do things “the West Devon way”
- Is there the appetite to test one of the alternative leadership/decision making structures; a discretionary approach to O&S; beefed up role for full Council as described?
- If accepted in principle the detail, including review of remuneration, will need working up

Next Steps



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- Time to ruminate until 8 October or 7 December Council
- Can mull over in political groups and at Informal Councils on 8 July and 2 September
- T18 Proof of Concept conclusions will inform the decision
- Whatever changes are made to be introduced May 2014
- In meantime a pragmatic way forward is needed to deal with imbalance between Resources and Community Services

Overcoming the present imbalance



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- Option 1 – As per recommendation deferred from Annual Council on 21 May, ie, transfer strategic planning issues to Resources Committee
- Option 2 – Sub-Committee under Community Services Committee. 6/7 Members with a specific remit to address key issues in the next year. Sub-Committee to use Task and Finish Groups
- Option 3 – Council could dictate that Sub-Committee reports directly by-passing Community Services Committee (in effect creating a 3rd Committee for the next year)

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A way forward needs to be formally agreed at Council on 30 July

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Agenda Item 3

At the Special Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **MONDAY** the 1st day of **JULY 2013** at **4.30pm** pursuant to Notice given and Summons duly served.

Present Cllr W G Cann OBE – The Mayor (In the Chair)

Cllr S C Bailey	Cllr R E Baldwin
Cllr K Ball	Cllr M J R Benson
Cllr A Clish-Green	Cllr M V L Ewings
Cllr C Hall	Cllr D M Horn
Cllr L J G Hockridge	Cllr A F Leech
Cllr C M Marsh	Cllr J R McInnes
Cllr N Morgan	Cllr M E Morse
Cllr C R Musgrave	Cllr R J Oxborough
Cllr T G Pearce	Cllr P J Ridgers
Cllr P R Sanders	Cllr J Sheldon
Cllr E H Sherrell	Cllr D Whitcomb
Cllr D M Wilde	

Chief Executive
Head of Corporate Services
Monitoring Officer
Democratic Services Manager

CM 23 MAYOR'S ANNOUNCEMENTS

(a) Mr Roy Connelly

Following the recent passing of Mr Roy Connelly, who had been a West Devon Borough Councillor for a number of years, the Council stood and observed a minute's silence as a mark of respect.

(b) Cllr E H Sherrell

On behalf of the Council, the Mayor wished to congratulate Cllr Sherrell for the achievement of being bestowed the honour of Honorary Freeman of Tavistock. Cllr Sherrell had been conferred this title in recognition of his 40 years service as a Member of the Tavistock Town Council and for his outstanding contribution to the town of Tavistock.

CM 24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs D W Cloke, T J Hill, J B Moody, D E Moyse, L B Rose, R F D Sampson and D K A Sellis.

CM 25 DECLARATION OF INTEREST

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

CM 26 BUSINESS BROUGHT FORWARD BY OR WITH THE CONSENT OF THE MAYOR

The Mayor advised that there were no items of urgent business to be presented to the meeting.

CM 27 BOUNDARY REVIEW

A report was considered which sought to make a recommendation to the Local Government Boundary Commission for England (LGBCE) on how many Members should be elected to serve on West Devon Borough Council from the May 2015 Local Elections.

In discussion, reference was made to the recommendations of the Political Structures Working Group. Some Members were of the view that the Working Group's recommendations were not strong enough to reflect the views of the Council. In light of the sparse and rural nature of the Borough and the projected population increases to 2018, some Members were of the view that the Council submission should affirm that the Council size should not be reduced below the current number of 31.

It was then moved by Cllr A Clish-Green, seconded by Cllr T G Pearce and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that:

1. the Council's submission to the Local Government Boundary Commission for England recommends that, when looking at the roles which need to be discharged by the Borough Council, coupled with the sparsity, rurality and proposed population increases for West Devon, the Council size (e.g. number of Members elected) should not be reduced below the current number of 31. However, should the Boundary Commission wish to recommend any variation in Council size, then it should propose a marginal increase in number; and
2. based upon this decision on Council size (and the comments contained in Appendix B of the presented agenda report), delegated authority be granted to the Head of Corporate Services, in consultation with the Chairman of the Political Structures Working Group, to finalise the Council's submission to the Local Government Boundary Commission for England before the deadline of Friday, 5 July 2013."

(The Meeting terminated at 4.55 pm)

Mayor