AGENDA ITEM 13

WEST DEVON BOROUGH COUNCIL

AGENDA ITEM 13

NAME OF COMMITTEE	**COUNCIL**
DATE	**14 FEBRUARY 2012**
REPORT TITLE	**DEMOCRATIC ARRANGEMENTS**
REPORT OF	**CHIEF EXECUTIVE**
WARDS AFFECTED	**ALL**

Summary of report:
For Members to decide if they want to adopt alternative democratic arrangements, following the discussions that have taken place in the Working Group, at the last Council meeting on 13 December 2011 and at two Informal Council meetings.

Financial implications:
The recommendations are not expected to add to the direct costs of the Council, in terms of Members' allowances or travel. There should be a saving in officers' time needed to support two rather than three Committees.

RECOMMENDATIONS:

(a) **That Council resolves to adopt** that, as from the Annual Council meeting in May, the following is piloted for a one year period:

- 2 Committees with functions set out at Appendix B be introduced with 11 places on the Resources Committee and 10 on the Community Services Committee;
- That the Committees meet six times per year on a two-monthly cycle with the Community Services Committee preceding the Resources Committee;
- That membership of Overview & Scrutiny Committee be increased to 10 Members and makes more use of its current powers to enable it to form Task & Finish Groups to develop or review Policies.
- Audit Committee Members be drawn from the 10 Overview & Scrutiny Members.

(b) That to avoid any misunderstanding **the Council further resolves** to make it clear that there will not be any move to Executive arrangements for the life of the Administration

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1. BACKGROUND

1.1 Members will recall the decision of the Council on 13 December 2011 that:

"The Council fully considers the Review of Democratic Arrangements report at the 14 February 2012 Council meeting.

In discussion, a number of Members requested further information on a number of issues in time for a roundtable debate at the Informal Council session on Monday, 9 January 2012.

1.2 As agreed, Members subsequently discussed the issues at Informal Council and revised the set of criteria against which any option should be judged.

2. ISSUES FOR CONSIDERATION

2.1 Following Informal Council, the Democratic Arrangements Working Group met and recognised the strength of opinion of the wider membership on three key points:

- The desire for an evolutionary rather than a revolutionary approach
- The importance of securing a consensus on any recommended change;
- The need to ensure the fullest involvement of Members in a structure which allows the maximum number a vote.

2.2 In the light of this wider discussion at Informal Council, the Working Group revised its criteria against which it would judge the options.

2.3 The Working Group then went onto consider three options against the revised criteria:

- The improved status quo option with the Member structure aligned to that of senior management;
- The single Committee option;
- The two Committee option.

The Working Group used a simple scoring system against the listed criteria as set out in Appendix A – 1 being the first choice, 3 being the least favoured.

2.4 Whilst accepting the limitations of a simple subjective scoring system, the Working Group members debated the merits of each option against the criteria and supported the conclusion that the 2 Committee option best fitted the criteria, providing arrangements to secure optimum involvement of all Members in an evolutionary step forward from the present 3 Committee arrangement.

2.5 The Working Group also gave further consideration as to how Overview & Scrutiny arrangements could be revised to allow greater involvement of Members. It came to the view that by increasing the number of Members on the Overview & Scrutiny Committee to 10 and developing its role to enable Task & Finish Groups to review or develop specific Policies, more Member involvement could add value to the Council's existing arrangements.

2.6 The Working Group reached a view that if Members at large genuinely desire maximum involvement in a structure that allows the maximum number to vote, the obvious way to achieve this is by creating two Committees, one with 16 places, the other with 15. However, this presents a difficulty if the independence of the Overview & Scrutiny Committee and Audit Committee Members is to be maintained. Ideally the decision-making and scrutiny roles should be kept separate, otherwise Members could be placed in the invidious position of scrutinising and calling in decisions they have been party to in Committee.

2.7 The Working Group therefore offers two options:

1) The first is to recommend two Committees of 16 and 15 with revised constitutional arrangements to ensure that Overview & Scrutiny can scrutinise dispassionately;

2) The second is to recommend a Resources Committee of 11; a Community Services Committee of 10 and a further 10 places on Overview & Scrutiny, drawing Audit Committee Members from the Overview & Scrutiny membership.

2.8 The Working Group's clear preference is to adopt the second option. It ensures a clear split between decision-making and the scrutiny role; it avoids setting up what could be rather clumsy arrangements to handle scrutiny in the first option and the two main Committees would be of a size that should ensure optimum efficiency and effectiveness. Substitution arrangements would work as now.

2.9 The political balance for both options is set out at Appendix C.

2.10 Members of the Working Group therefore recommend, as from the Annual Council meeting in May, the following is piloted for a one year period:

- 2 Committees with functions set out at Appendix B with 11 places on the Resources Committee and 10 on the Community Services Committee;
- That the Committees meet six times per year on a two-monthly cycle with the Community Services Committee preceding the Resources Committee.
- That membership of Overview & Scrutiny Committee be increased to 10 Members and makes more use of its current powers to enable it to form Task & Finish Groups to develop or review Policies.
- Audit Committee Members be drawn from the 10 Overview & Scrutiny Members.

2.11 It is further recommended that to avoid any misunderstanding the Council resolves to make it clear that there will not be any move to Executive arrangements for the life of the Administration.

3. LEGAL IMPLICATIONS

3.1 Only the Council may appoint Committees and Sub-committees.

3.2 As a 'fourth option' Council, West Devon Borough Council is under an obligation to secure continuous improvement in the way that its functions are exercised having regard to a combination of economy, efficiency and effectiveness, and may arrange its committee structure as it thinks fit. There is no requirement for public consultation.

4 FINANCIAL IMPLICATIONS

4.1 The recommendations are not expected to add to the direct costs of the Council, in terms of Members' allowances or travel. There should be a saving in officers' time needed to support two rather than three Committees.

5. RISK MANAGEMENT

5.1 The risks – description, impact, mitigation – are detailed in the table attached as Appendix D

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	✓
Statutory powers:	✓
Considerations of equality and human rights:	✓
Biodiversity considerations:	✓
Sustainability considerations:	✓
Crime and disorder implications:	✓
Background papers:	Council Report – 13 December 2011
Appendices attached:	A - Scoring matrix on the 3 options B – The 2 Committee option C – Political Balance table for each option D - Risk Management table