

NAME OF COMMITTEE	Council
DATE	9 December 2014
REPORT TITLE	Revised Democratic Arrangements
REPORT OF	Political Structures Working Group
WARDS AFFECTED	All

Summary of report:

To present the conclusions of the Political Structures Working Group in relation to the future governance structure for West Devon Borough Council for the new Municipal Council in May 2015.

Financial implications:

In light of any governance arrangements necessitating a belt and braces review of the Members' Allowances Scheme, the financial implications are difficult to quantify at this time. However, these arrangements are not expected to add significantly to the direct costs of the Council.

RECOMMENDATIONS:

That Council **RESOLVES** that:

1. as from the Annual Council meeting in May 2015, the following governance structure is adopted for West Devon Borough Council:
 - 1 Hub Committee be introduced with 9 places on the Committee;
 - That the Hub Committee be scheduled to meet 10 times per year;
 - That 2 Overview & Scrutiny Committees be introduced to align with the T18 Model organisational structure, with 11 places on each Committee;
 - Each Overview and Scrutiny Committee will be scheduled to meet 5 times per year;
 - That each Member of Council will be a Member of either the Hub Committee or one of the two Overview and Scrutiny Committees and there will be no provision for substitutes to be appointed to any of these Committees; and
 - The Constitution be amended during the annual review to take account of these changes.

2. for this municipal year (February 2015), responsibility for agreeing the Council Tax Resolution for the Borough Council for 2015-16 be transferred from the Council to a formal meeting of the Group Leaders (to be referred to as the Council Tax Resolution Panel).

Member contact:

Cllr James McInnes E-mail: cllr.jamesmcinnes@westdevon.gov.uk

1. BACKGROUND

- 1.1 Members will recall that at the Council meeting held on 14 February 2012, the current committee structure for the Council, including a Resources Committee and a Community Services Committee, was agreed on a trial basis (Minute CM 60 refers).
- 1.2 At the Council meeting held on 30 July 2013, the terms of reference for those two Committees was amended to address a workload imbalance. It was also resolved that the Political Structures Working Group should continue to review future governance arrangements with a view to making recommendations formally to Council on 17 December 2013 (Minute CM 33 refers).
- 1.3 A report was presented to the Council meeting held on 17 December 2013, entitled 'Two Committee Pilot Review'. At this meeting, Members resolved to extend the current committee structure 'until any governance changes are required which arise from the T18 Programme' (Minute CM 57 refers).
- 1.4 The T18 Programme is now progressing and a new organisational structure will be in place next year. With the Borough Council elections due to take place in May 2015, the Working Group considered it timely to review the committee structure to enable new governance arrangements to be in place for the new Council in May 2015.

2. ISSUES FOR CONSIDERATION

- 2.1 To progress discussions on the new governance structure, the Political Structures Working Group has recently met on two occasions. At the first meeting held on 10 September 2014, the objectives of the Group were confirmed and it was agreed that any future governance system must ensure the following:
 - a. That Members lead on policy and governance;
 - b. That regard is given to the external environment to ensure the Council adopts the most efficient and effective arrangements for West Devon even if that means standing still/staying as we are;
 - c. That decisions are made in the most effective way balancing the need for discussions and deliberation with decisiveness and speed;
 - d. That decisions are reached and seen to be reached democratically and Members are seen to be accountable for their decisions;
 - e. That the democratic arrangements are aligned to the revised officer structure; and
 - f. That the best use be made of Members' experience, talent and time.

- 2.2 In applying this criteria, the Group concluded that the current structure needed to change, although a Cabinet model was instantly ruled out as an option for further consideration. Following some discussion, the preferred way forward was for a Single Committee structure to be adopted. Whilst there were concerns that under a single committee the majority of Members may lose their right to vote, assurances were given that any decision outside of the policy and budget framework (as agreed by full Council) would require a recommendation to Council allowing all Members to take part and vote. In addition all Members would be entitled to attend the Single Committee meetings and take part in the deliberations on agenda items.
- 2.3 Based upon these initial views, officers were tasked with producing a discussion paper for further consideration at the next meeting of the Political Structures Working Group held on 12 November 2014 (appendix A refers).
- 2.4 At this meeting, Members considered in more detail how a single committee would work. Members specifically discussed the size of a single committee, the issue of Lead Members, whether the single committee should allow substitutes, the frequency of meetings and how to strengthen the overview and scrutiny function.
- 2.5 In terms of size of committee, it was agreed that a Hub Committee of 9 Members should be proposed. In reaching this view, the Working Group felt that a recommendation of almost one-third of the total Council size to serve on this Committee was reasonable. It was also agreed that the Committee should have provision for 10 meetings in the diary each year, with the ability for additional special meetings if deemed necessary. One of these meetings would be timed to replace the current full Council meeting to agree the Council Tax Resolution, as this meeting was not usually well attended and the item did not require the full membership to take part. The Council Tax Resolution is an arithmetical exercise which calculates the Council Tax amounts in each Parish and each Council Tax Band, after the decision has been made by each major precepting authority (Devon County Council, West Devon Borough Council, the Fire Authority and the Police and Crime Commissioner) and each local precepting authority (each Town or Parish Council) of the amount of council tax that they will be charging for the next financial year.
- 2.6 For this municipal year (February 2015), since the Hub Committee will not be established, it is also suggested that responsibility for agreeing the Council Tax Resolution for 2015-16 be transferred from the full Council to a formal meeting of the four Group Leaders (Cllrs Clish-Green, Sampson, Sanders and Whitcomb), to be referred to as the Council Tax Resolution Panel, with all other Members able to attend and take part at this meeting if they so wish.
- 2.7 The Members who were elected to sit on the Hub Committee would be Lead Members who would each have areas of responsibility for Council services. They would be expected to have a depth of knowledge and deeper

understanding of issues and to present reports from within their areas of responsibility.

Whilst supporting the principle of lead Members, the Group was strong in its view that these should not have any individual decision-making powers. Appointments would be politically balanced and, following consultation with Group Leaders, would be determined at the Annual Council meeting in May.

- 2.8 The Political Structures Working Group discussed the future of Overview and Scrutiny and confirmed that they would like to see the function strengthened. The Group agreed that two Overview and Scrutiny Committees should be established, to mirror the T18 organisational structure. Each Committee would consist of 11 Members and the meetings would be timed to align with the Hub Committee meetings.

In recognising the importance of the Member role, the Group recommended that 11 Members serve on each Committee to ensure that every Member of Council served on either the Hub Committee or one of the Overview and Scrutiny Committees. The Hub Committee would publish a Forward Plan of forthcoming agenda items. This would enable Lead Members to be called to Overview and Scrutiny Committee meetings to update them on items coming forward and would enable early scrutiny of proposed items. Each Overview and Scrutiny Committee would be able to set up Task and Finish Groups to allow Members to be involved at an early stage in policy development and influence the decision making of the Hub Committee.

- 2.9 Terms of reference for the new Committees will be drafted in time for the annual review of the Constitution. Members should note that the Political Structures Working Group recommended no changes to the Planning and Licensing, Audit and Standards Committees. In particular, the Group was adamant that provision for substitutes must be retained for these committees.

3. LEGAL IMPLICATIONS

- 3.1. In accordance with the Council Constitution, only the Council can agree and/or amend the terms of reference for committees or bodies of the Council.

4 FINANCIAL IMPLICATIONS

- 4.1 The recommendations are not expected to significantly add to the direct costs of the Council.

5. RISK MANAGEMENT

- 5.1 The risk management implications are shown at the end of this report in the Strategic Risks template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Statutory powers:	Local Government Act 2000
Considerations of equality and human rights:	None
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background papers:	Council Report – 13 December 2011 Council Report – 14 February 2012 Council Report – 30 July 2013 Council Report – 17 December 2013
Appendices attached:	Appendix A – Paper considered by the Political Structures Working Group at its meeting 12 Nov 2014

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	Lack of agreement on new structure	The Council will not have a legal or workable system in place after the Annual Council meeting.	4	2	8	↑	The Council endorses the recommendation.	Members
2	Efficient and cost effective decision making	The Council will be able to take decisions more effectively if the governance structure aligns with the organisation structure	3	2	6	↓	Approval of recommendations will enable alignment with organisation structure	Members
3	Disenfranchised Members	A risk of disenfranchising Members with a single decision making committee	2	3	6	↓	Strengthening the Overview and Scrutiny function and introducing a Forward Plan will assist O&S Members to take an early role in policy development and decision making	Members

Direction of travel symbols ↓ ↑ ⇄