

Report to: **Special Council**

Date: **27 October 2016**

Title: **POLITICAL STRUCTURES WORKING GROUP REVIEW**

Portfolio Area: **Strategy & Commissioning**

Wards Affected: **Ermington and Ugborough, Ivybridge (East) and Ivybridge (West)**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision) **Immediately following this meeting**

Author: **Darryl White (on behalf of the Political Structures Working Group)**

Contacts: Cllr.tucker@swdevon.gov.uk and darryl.white@swdevon.gov.uk

RECOMMENDATIONS:

That the Council RESOLVES that:

- 1. the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) remain within the parish of Ugborough;**
- 2(a) the Personnel Panel is not resurrected;**
- 2(b) future annual reports on the Pay Policy Statement also include reference to a separate Pay Reward Strategy;**
- 2(c) it be re-affirmed that Cllr Saltern is the Member involved in the Employment Appeals process and that this position be included as part of the list of appointments that require the formal approval of Annual Council each year; and**

3. **with effect from 19 January 2017, a Joint Meeting of the Overview and Scrutiny Panel and the Development Management Committee be convened each year, with the sole purpose of considering the annual draft budget proposals, with the meeting being chaired by the Chairman of the Overview and Scrutiny Panel.**

1. Executive summary

Community Governance Review

- 1.1 In accordance with the adopted terms of reference (as outlined at appendix A), the Community Governance Review on a proposal to transfer the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish is now at Stage 5 of the process.
- 1.2 In accordance with Stage 5, the Council is now required to consider the final recommendations of the Political Structures Working Group in respect of whether or not a Reorganisation of Community Governance Order should be made.

Personnel Panel

- 1.3 In line with commitments given at previous formal Member meetings, the Political Structures Working Group was also tasked with giving consideration to:
 - re-establishing the Council's Personnel Panel; and
 - the merits of establishing a Remuneration Committee.

Annual Draft Budget Setting Process

- 1.4 When reflecting on the 2016/17 draft budget setting process, some Members felt it to be regrettable that Development Management Committee Members were not given a vote until the final recommendations were presented to the Council for a decision.
- 1.5 The Political Structures Working Group was consequently tasked with reviewing the process in time for the 2017/18 draft budget consultation exercise.

2. Background

Community Governance Review

- 2.1 At its meeting on 12 February 2015, the Council considered a motion that had been submitted by Cllrs Saltern and Holway (Minute 65/14(a) refers);
- 2.2 Following a discussion on this motion, the Council subsequently agreed that a 'Community Governance Review be instigated that has the main purpose of consulting on a proposal to transfer the area to the East of Ivybridge (recently added to create the new SHDC Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish';
- 2.3 The terms of reference were subsequently agreed and published on 2 November 2015;
- 2.4 The Political Structures Working Group considered the initial submissions at its meeting held on 11 May 2016 and proceeded to make the following recommendations to the Annual Council meeting held on 19 May 2016:
 1. *That the main points arising from the initial submissions be noted;*
 2. *That the draft proposal to transfer the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) from Ugborough Parish to the Ivybridge Parish be published for further consultation;*
 3. *That the impact of any future Section 106 contributions should be considered in relation to any boundary change, whilst bearing in mind the Section 122 Community Infrastructure Levy regulations; and*
 4. *That, in the event of any boundary change being approved, the procedure for determining applications made to the Community Re-Investment Fund be amended to ensure that, for relevant applications, the local Ward Member for Ermington and Ugborough also be included as a consultee alongside the local ward Members for Ivybridge (East) and Ivybridge (West).*
- 2.5 These recommendations were subsequently approved by Members at the Annual Council meeting (Minute 17/16 refers);
- 2.6 As part of the consultation process on the draft proposals, and in order to take full account of the views of the affected local residents, officers again contacted all 27 householders affected. In addition, other relevant stakeholders (SHDC local ward Members, Ivybridge Town Council, Ugborough Parish Council and Devon County Council) were again contacted and notification of the Review was also published on the Council website and a press release issued;
- 2.7 Thirteen replies were subsequently received before the deadline of Friday, 9 September 2016, including nine from residents, three from

parish councils and further comment was received from Ivybridge Town Council;

- 2.8 These replies were presented in full and considered by the Political Structures Working Group at its meeting on 4 October 2016.

Personnel Panel

- 2.9 Some Members will recall that, as part of its governance arrangements between 2001 and 2012, the Council had a Personnel Panel. The Personnel Panel was a formally constituted decision-making body of the Council that comprised of five Members.
- 2.10 Following a review by the Political Structures Working Group, the Council decided at its meeting on 9 February 2012 that the Panel should be disbanded (Minute 72/11 refers).
- 2.11 The Council had taken this decision in light of the terms of reference of the Panel resulting in duplication and confusion between the remit and roles of the Panel, the lead Executive Member, the then Chief Executive, the Executive and full Council in relation to HR related matters.
- 2.12 At its meeting on 4 August 2016, the Overview and Scrutiny Panel considered an urgent item entitled: '*Response to Member Concerns about Staff Morale*' (Minute O&S.12/16(a) refers).
- 2.13 In the subsequent discussion, some Members regretted the loss of the Personnel Panel and the following decision was made:
- 'That consideration be given at the next Political Structures Working Group meeting to the re-establishment of the Council's Personnel Panel.'*
- 2.14 Alongside this request, the Head of Paid Service gave an assurance at the Special Council meeting held on 30 June 2016 that, in light of LGA best practice recommending the establishment of a Remuneration Committee, this should also be considered by the Working Group (Minute 26/16 refers).

Annual Draft Budget Setting Process

- 2.15 At the Annual Council meeting held on 19 May 2016, Cllr Baldry submitted the following question to Cllr Tucker (minute 15/16(a) refers):
- 'For the 2016/17 Overview and Scrutiny Panel Budget meeting, will the Constitution of the Council be changed in order that all Members may play a part, including full voting?'*
- 2.16 As part of his response, Cllr Tucker gave a commitment that this perceived democratic deficit would be re-considered by the Political

Structures Working Group in time for the 2017/18 draft budget setting process.

3. Political Structures Working Group Deliberations

3.1 The Working Group meeting was attended by seven of its eight Members (Cllrs Baldry, Hitchins, Holway, Pennington, Saltern, Tucker and Ward). Furthermore, Cllrs Cuthbert, May and Pringle were also in attendance in a non-voting capacity. The meeting was supported by Legal and Democratic Services Senior Specialists and the HR Community Of Practice Lead;

Community Governance Review

3.2 Prior to consideration of the Working Group’s final recommendations on the Review, Cllr Saltern declared an interest and left the meeting during the discussion on this matter;

3.3 To aid its deliberations, a discussion paper was considered by the Working Group that summarised the main arguments that had been made in support (4 responses, including from Ivybridge Town Council) and in opposition to the proposal. These are repeated in the table below:

In Support	In Opposition
<ul style="list-style-type: none"> • There is recognition nationally that many parish boundaries no longer suit the way in which communities have evolved and expanded; • The forthcoming Parliamentary Boundary Review taking place in September 2016 could result in Ugborough and Ivybridge being in different Parliamentary Constituencies, impacting upon the residents in the affected area; • Up to 800 new homes will be added to the area east of Ivybridge by 2034 to achieve the required level of development in town settlements, this would virtually double the size of Ugborough if the area under review is not transferred; • The area in question has been included in the Ivybridge Neighbourhood Plan area expecting that in due course it would form part of the Ivybridge parish area hence 	<ul style="list-style-type: none"> • The Parish Council would not wish Ivybridge to extend in an easterly direction, particularly as the development has not been in accordance with the Local Plan; • The Eastern extension of Ivybridge into Ugborough parish will not contribute but will detract from the social, economic and environmental quality of the town with almost no consideration for infrastructure requirements and quality of life; • The transfer could set a precedent that could be seen to suggest that any development close to, but not part of, and existing town/city should result in that area of land being transferred to the nearby town/city; • To be able to maintain its rural character, Ugborough needs to maintain a significant level of control. To achieve this the Parish Council should be discrete and a clear and significant rural

<p>needing to be considered as part of the overall proposals for the town;</p> <ul style="list-style-type: none"> • There was no indication of objection when the County and District Ward Boundaries were adjusted by the Local Government Boundary Commission for England; • The proposed building of housing, retail/commercial units and a Health Centre would bring employment opportunities, a better quality of life and more convenient access to local amenities; • It would remove the anomaly of the Rugby Club, Stations and an Ivybridge College pitch being located within Ugborough parish. 	<p>buffer one should be maintained between Ivybridge and Ugborough. Without these, creeping erosion of Ugborough village is inevitable;</p> <ul style="list-style-type: none"> • Ivybridge has been allowed to grow into a dormitory town as the rapid expansion of estates was not supported by a sufficient increase in local facilities. The lack of suitable shops, opening hours and inadequate public transport have created a commuter land of outward facing people whose needs cannot be met by the services available in Ivybridge; • The new proposal will mean an even greater increase in vehicle and pedestrian traffic where existing routes are not coping with current levels; • North Filham has much more in common with and links both historical and current to Ugborough, not Ivybridge and this is how it should stay; • If the proposed change in boundary means an increase in Council Tax we would like a clear outline of the extended services we will benefit from to those that we currently receive at the lower rate; • A greater concern to us is the name that is proposed for the new boundary area 'Ivybridge East' and the lack of understanding that this demonstrates in relation to the significance of a name and all it encompasses in terms of identity; • The parish of Ugborough should remain unchanged.
---	--

3.4 In its discussions, the Working Group made reference to (and subsequently noted) the contents of all of the representations that had been submitted. In particular, the Group recognised the relevance and importance of the views and comments that had been submitted by Ivybridge Town Council and local residents;

3.5 However, in making its final recommendations, the Working Group was more heavily swayed by the views expressed by Ugborough Parish

Council and those most affected residents who lived in Filham and who had expressed their concerns/opposition over the draft proposals;

- 3.6 A recommendation was therefore proposed and seconded by the Working Group whereby the area to the East of Ivybridge (recently added to create the new Ivybridge East Ward) should remain within the parish of Ugborough for the following reasons:
- The strength and depth of the views expressed during the second round of consultation by residents of Filham against the proposed boundary changes;
 - The collective view of Ugborough Parish Council against the proposals;
 - The strong identification of the Filham residents expressed in the consultation about the preferred rural characteristics of their current Parish identity; and
 - That maintaining the status quo was the right decision for community cohesion, as the overwhelming majority of views expressed in the second round of consultation were either against or had significant concerns about the proposed boundary changes.
- 3.7 When put to the vote, this recommendation was unanimously declared carried and the Council is now asked to make a final decision on the Review.

Personnel Panel

- 3.8 At the Working Group meeting, a Member made reference to the governance arrangements currently in place at Devon County Council. Since that authority had both a Personnel Panel and an Appointments and Remuneration Committee, he felt this to be good practice and therefore proposed that this model of governance be replicated by the Council. This proposal was not seconded.
- 3.9 Some Members advised that a major stumbling block behind any proposal to re-establish the Personnel Panel (or to establish a Remuneration Committee) was that all members of staff were now shared officers between the Council and West Devon Borough Council. Since a number of staff members were therefore technically not employed by the Council, this brought into question what the purpose and benefit would be of reinstating a Personnel Panel or establishing a Remuneration Committee.
- 3.10 With regard to remuneration, the Working Group acknowledged that, in line with statutory requirements arising from the Localism Act 2011, the Pay Policy Statement is presented to full Council for approval each year. The Pay Policy Statement sets out the Council's policies for the financial year relating to the remuneration of its median and lowest paid employees and the relationship between the salaries of those employees and the salary of the Head of Paid Service.

3.11 As a part of the annual Pay Policy Statement, Members felt that it would be beneficial to include a separate section focusing on the Council's Pay Reward Strategy. In particular, it was suggested that this Strategy should include reference to elements including:-

- national bargaining for pay and conditions;
- the Council's local pay and grading structure;
- the relationship with performance management;
- the application of merit payments, honorariums, 'acting up' allowances and market supplements; and
- the Council's Job Evaluation tool.

3.12 Although it had not been applied in recent years, the Working Group was informed that officers were still working on the understanding that Cllr Saltern was involved in the event of an Employment Appeal being deemed necessary. The Working Group was supportive of this arrangement and felt that it should be formalised and brought in line with the Annual Council appointments process.

3.13 The following recommendation was then proposed and seconded and when put to the vote was declared carried by six votes in favour, with one abstention that:

- the Personnel Panel is not resurrected;
- future annual reports on the Pay Policy Statement also include reference to a separate Pay Reward Strategy; and
- it be re-affirmed that Cllr Saltern is the Member involved in the Employment Appeals process and that this position be included as part of the list of appointments that require Annual Council approval;

Annual Draft Budget Setting Process

3.14 The Working Group had sympathy with the view that Development Management Committee Members had been disengaged with the budget setting process last year;

3.15 As a way forward to ensure that all non-Executive Members had a vote during the draft budget setting process each year, the following recommendation was therefore proposed and seconded:

That, with effect from 19 January 2017, a Joint Meeting of the Overview and Scrutiny Panel and the Development Management Committee be convened each year, with the sole purpose of considering the annual draft budget proposals, with the meeting being chaired by the Chairman of the Overview and Scrutiny Panel.

3.16 When put to the vote, this recommendation was unanimously declared carried.

4. Implications

Legal/Governance		<p>Community Governance Review The Local Government and Public Involvement in Health Act 2007 requires the Council to ‘consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the statutory criteria (as below):</p> <p>‘That Community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient.’</p> <p>Personnel Panel The Localism Act 2011 requires the Council to consider (and approve) each year the Senior Pay Policy Statement.</p> <p>Constitutionally, it is a requirement for some HR policies to be approved by full Council, whereas other internal policies require the approval of the Executive.</p> <p>Annual Draft Budget Setting Process If this recommendation is approved by the Council, the Constitution will be updated to ensure that Development Management Committee Members have a vote in the draft budget setting process for 2017/18.</p>
Financial		There are no additional financial implications directly related to this report
Risk		<p>Community Governance Review The Review is adhering to its approved timetable and, assuming that a final decision is taken at this meeting (i.e. within the statutory requirement of twelve months within the commencement of the Review), then there are no further risk implications directly related to this report.</p> <p>Personnel Panel The recommendations will prevent the risk of duplication and will avoid a Panel attempting to have an input into matters that affect members of staff who are employed by West Devon Borough Council.</p> <p>Annual Draft Budget Setting Process The risk of Development Management Committee Members feeling disengaged in the budget setting</p>

		process will be mitigated by the recommendation being approved.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

A. Community Governance Review – Terms of Reference

Background Papers:

Community Governance Review:

Discussion Papers presented to the Political Structures Working Group meeting on 11 May 2016 and 4 October 2016;
Annual Council agenda and minutes – 19 May 2016;
Initial Submissions received during the first round of consultation;
Further Submissions received during the second round of consultation; and
DCLG Guidance on Community Governance Reviews.

Personnel Panel:

Report presented and minutes arising from the Council meeting held on 9 February 2012;
Discussion paper presented to the Political Structures Working Group meeting on 4 October 2016; and
The LGA document entitled: 'Strengthening the Strategic Approach to Pay and Rewards.'

Annual Draft Budget Setting Process

Council Constitution; and
Annual Council minutes – 19 May 2016.