Council

21 March 2017

Review of Local Governance Arrangements

Recommendation

That the Council note the report and refer the issues raised in the report to the new Council to consider after the County Council elections in May 2017.

1.0 Background

1.2 The Council on 24 September 2015 considered a review of governance arrangements and made a number of changes to the Constitution but also agreed that the issue of local decision making be subject to a further detailed review. At its meeting on 8 December 2015, the Council passed the following resolution on the issue of local decision making:

"That, as community forums across the Council have not been successful as we would wish and that the view amongst some members is that the Council should revert to the Area Committee system, the Council set up a time limited cross party working group to consider how a new system – possibly combining formal decision making (devolution to Borough/District areas) and community and Police involvement can be initiated.

The working group should consider how this Council can strengthen local community working and devolution, including delegated budgets, to all areas. In consideration of the new Divisions and a new Administration in 2017, recommendations should be brought forward by September 2016".

1.3 However following the Council meeting on 8 December 2015, further consideration of local decision making was put on hold pending a review of the Council's position on the West Midlands Combined Authority (WMCA). At its meeting on 17 May 2016, the Council agreed to become a non-constituent member of the WMCA with a view to negotiating the basis of an acceptable deal on which Warwickshire could become a constituent member which would introduce potentially 4 tiers of local government decision-making in the county i.e. the WMCA, the County Council, the District / Borough Councils, and the Town Parish Councils.

1.4 The Working Group was then established and began meeting from September 2016 with the following membership:

Councillors Peter Fowler (Chair), Howard Roberts, Peter Morson, Kate Rolfe, Bob Stevens, June Tandy, Heather Timms and Alan Webb.

2.0   Focus of the Working Group

2.1   The Working Group considered three aspects:

Area Committees and Community Forums

This included looking at a range of arrangements in other authorities, including decision making and advisory bodies (or a mixture of both) but also the option of no formal local arrangements (i.e. leaving it to the local member to engage with communities/partners). An initial report to the working group set out the arrangements in 23 authorities and from that the working group agreed a survey (with follow up telephone conversations) with five authorities and had detailed responses from four authorities (Worcestershire, Leicestershire, Buckinghamshire and Surrey County Councils).

Local Member Delegated Decision Making

This included options for formal delegation of decisions/budgets to individuals or bodies including priority setting/influencing at a local level.

Community Engagement

This focused on what could be done to encourage public participation, including the role of social and other forms of media/methods of engaging with communities.

2.2   The Working Group sought the views of current forum attendees, partners (in particular district/borough officers) and looked at the findings from previous reviews on the operation of local forums and information on the legal framework of different models.

2.3   The Working Group also received indicative costings for Area Committees (as they operated in Warwickshire until their disbandment in 2011) and indicative costs for the current local forums. These were broad estimates and did not include partner costs. It was noted that generally Area Committees, which were decision making bodies, required a greater level of bureaucracy and were likely to be more costly to operate than advisory bodies. However, whilst cost was recognised as important, members primary focus was on identifying a solution that would prove most cost effective by improving community engagement.

2.4   The findings of the Working Group are set out in the following sections.

3.0 Area Committees and Local Forums

3.1. Formal decision making bodies – Area Committees

If the local body is to be decision making then it needs be constituted as a formal 'area committee' as defined in legislation to which powers are delegated and must follow the same statutory rules as other formal council bodies in relation to publication of agendas/reports and minutes and access to information etc. Voting rights are limited to the members for the area (i.e. other partners/agencies would generally be non-voting on items requiring decision).

The members of an area committee must represent electoral divisions which fall wholly or partly within it. The Council's previous area committees were based on district/borough geographical areas but it is possible for an area committee to be smaller geographical areas such as those covered by the local forums.

The decisions taken by the former area committees that would still be relevant are set out below:

- Community development grants and wellbeing grants
- School crossing patrols - consideration of outcomes of three-year review in local area. Decisions on (dis)establishment when a vacancy occurs in the interim period. *(This is a diminishing area of activity for the authority)*
- Approving changes to Schools Priority Areas for maintained schools only. *(This will diminish as academisation continues)*
- The opening hours of local waste disposal sites provided no additional cost is involved
- Road traffic management and accident prevention schemes and road traffic regulation
- The stopping up or diversion of highways

The Working Group were advised of the possibility of having joint area committees with district/boroughs. In this case both county and district members in the area have voting rights. There are usually more district/borough councillors than county councillors in an area which has an impact on the balance of voting on any particular issue. This was trialled with Stratford on Avon District Council but was abandoned.

The Working Group were given a summary of the arrangements in 23 other county councils and also looked in detail at a selection (Worcestershire, Leicestershire, Buckinghamshire and Surrey County Councils).

Only four of the 23 have decision making area committees. This includes Surrey County Council which has a well-developed system of 9 local committees and two joint committees (with equal numbers of county and district/borough members on each) and which are supported by a community partnership team of 27 staff. A key focus is on 'delivering the highways service with funding delegated to the committees'. Each meet 8 times a year (4 formal and 4 informal). Even though these are decision making bodies, Surrey has still found attendance at meetings patchy and only 1.6% of residents surveyed said their first preference would be to attend a formal meeting if they wished to raise a local issue. This has led Surrey to introduce webstreaming of meetings and a dedicated web page, twitter and Instagram account for each committee.

Leicestershire County Council was also looked at in detail as the Council used to have area committees and also forums but in the face of financial challenge have just retained 7 highways forums that meet twice a year for highways and transportation issues.

Buckinghamshire County Council also replaced their local committees with local area forums in 2008 (see below).

3.2   Community Forums/Advisory Bodies

3.2.1   Evidence from other authorities

Three of the 23 authorities surveyed (Buckinghamshire, Cumbria and Kent County Councils) operate local forums (i.e. bodies that include partners and that are advisory only).   Buckinghamshire were included in the detailed survey and have 19 local areas, 18 with a forum and the 19th where engagement is through individual parish councils. They have a budget (in 2016/17 it was reduced to £450k across the forums which is allocated according to local priorities (but formal decisions taken by officers). They have operated some participatory budgeting exercises but these are limited due to the officer resource required.

Leicestershire County Council did operate forums but changed their approach as they found that, although forums were successful in some areas, attendance was patchy. The Council decided to focus reduced resources on having a few meetings a year for specific local issues but retaining 7 highways forums which meet twice a year and cover each district area.

The feedback from the county councils on the benefits and challenges facing the forums reflected those found in Warwickshire. In particular other Councils had found them useful for engagement with partners but had the same issues with regard to levels of public attendance.

3.2.2   Evidence from review of Warwickshire forums/consultation with partners

Previous surveys
The extensive review of locality working carried out in 2010 revealed that the majority of attendees consider the forums provide an opportunity to raise issues and enabled people to engage with public sector agencies. However just over two thirds of respondents 'disagreed' or 'tended to disagree' that attendance at the forums was adequate and representative of the local community.

34 members responded to a survey in 2014. This gave similar results in that the forums seem to be valued in terms of providing contact with local people and partners (in particular the police) and in solving problems locally. 74% considered that issues and concerns are responded to well and 62% considered partners and organisations offered solutions and work well together to resolve issues.

The biggest concern was level of public attendance and it being representative of the local community. Only 29% agreed it was representative and only 16% thought the level of attendance was adequate. A majority (20 to 10) felt that the current structure of localities and forums should not be retained.

2016 Survey of attendees
The Working Group agreed that they should get further feedback and in December considered the results of an on line survey of attendees and key stakeholders. 335 responses were received. Over 60% agreed that forums provide a good opportunity to raise concerns about highways, local policing, access to services and the local environment but fewer than 50% agreed that they gave a good opportunity to discuss housing, youth, older people or health. However around 65% considered they do focus on the right sort of issues.

The issue of levels and representativeness of attendance was raised again. 106 considered there were barriers to attending, 17 because of distance of travel, 17 inadequate information and 25 time and location.

Less than 50% considered forums should continue in their current form but 60% believe they should continue with improvements. Just over 30% considered they should be replaced with different local arrangements and approximately 14% believed they should be abolished and not replaced.

Partner views
Officers also consulted district and borough officers, Warwickshire Association of Local Councils, the Police and Crime Commissioner, Police and CCGs. The

variation between forums was recognised and views on the continuance of forums also varied but partners did question whether they were currently an effective use of time and resources and considered they needed to be improved to ensure better engagement.

3.2.3   The Working Group concluded that forums worked better in some areas than others and that there were particular concerns about their effectiveness in some urban areas. The Working Group agreed that if local forums are retained they need to operate in a way that best suits the local area and improvements should be put in place.

The suggestions for improvements that have emerged throughout the surveys, from discussion within the working group and more widely with members are set out at 5 below.

4.0   Local Member Delegated Decision Making

4.1   Warwickshire County Council has agreed to provide funding for each individual member to allocate to projects within their division. The formal decision on the allocation is taken by the Strategic Director.   This is not the same as delegating decision making powers to individual members which requires formal processes, in particular to meet the access to information requirements.

4.2   Only four of the councils in the survey delegate formal powers to individuals and these were for either highways maintenance or 'wellbeing of the community' more generally. 11 of the councils have some form of 'councillor grants scheme' similar to Warwickshire, with the final decision either being taken by a Cabinet member or officer. The operation of decision making in two Councils – Surrey County Council and Derbyshire County Council were looked at in detail.

4.3   The Working Group recognised that the introduction of formal delegation of decision making to individual members would have to include a level of bureaucracy in order to meet legal requirements, which would inevitably require more time and resource.   The working group did not see any particular benefit from departing from the current arrangement.

5.0   Community Engagement

5.1   This was the primary focus of the working group as one of the key messages from consultation was that the effectiveness of the forums and level of public attendance was varied. The working group explored the reasons for this and how the operation of forums could be improved if it was decided to retain the forums.

5.2   One key area that the group looked at was the current digital landscape in Warwickshire and how social media could be used to complement traditional methods of public engagement. This could be through those who already follow or subscribe to the Council's social media accounts but also used with particular groups and communities.   This was identified as an important area, particularly in the light of feedback that indicates many people are not inclined or able to attend formal meetings. The Working Group concluded that social media could be used as an effective engagement tool where used appropriately but that it should be used alongside other forms of communication given that there are still many people who do not have the resources to access the internet and to focus solely on social media would prevent the voices of these people being heard. The results of the survey of attendees support the view that both approaches should be used.

5.3   Another consistent theme is that people need a genuine reason to attend a forum and that they will attend if the issue is important to them. Holding meetings for specific local issues tends to attract large numbers. Members saw the need for balance between arranging specific meetings for one off topics and also allowing issues to be raised at a meeting in a less formal way.

5.4   As well as topic selection, feedback had indicated that time of day and venue of meetings was important. This could be dependent on the issue under discussion and it was agreed that thought should be given to choosing an appropriate time and venue according to the target audience. For example holding a daytime meeting within an older person's facility when discussing issues which predominantly affect older residents. The number of meetings per year should also be appropriate to the local area.

5.5   The Working Group also considered whether, if the forums are retained, their geographical boundaries should be reviewed in the light of the new electoral divisions which will be in place in May 2017. A range of options was considered (including localities having 'no boundaries') and it was clear that it would not be possible to achieve perfect coterminosity with all partners in all areas. The working group concluded that, where possible, electoral division boundaries should be used but recognised that there would be difficulties in some areas and concluded that whilst they could comment on the areas familiar to them and propose amendments, they did not feel they should form a view on other areas but should seek the views of other members on what they consider would work. The Working Group agreed that there should be discussion with each of the district and borough councils and the Police about the proposals in order to arrive at workable arrangements.

6.0 Conclusions

6.1   The evidence gathered by the working group revealed that the challenge in improving public engagement is common across local authorities, regardless of whether they have formal area committees, advisory forums and/or local member decision making.

6.2 Amongst partners, there are mixed views on the value of Community Forums, with some believing that they ought to be discontinued with no replacement, whilst recognising the need to deliver effective public engagement.

6.3 The consultation undertaken within Warwickshire has indicated that if forums continue improvements should be made in terms of agenda management, timing, venue and targeting audiences, and improving publicity. The Working Group agreed that there should be some flexibility of approach and that approaches should be tailored to meet local circumstances.

 6.3 The Working Group have concluded that, should the forums continue, the geographical basis for the forums should be the new electoral divisions but that the boundaries of each forum should be subject to consultation with partners.

7.0 Next steps

That the Council note the report and refer the issues raised in the report to the new Council to consider after the County Council elections in May 2017.

Background papers

Agenda, reports and minutes of the meetings of the Local Governance Working Group.

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This report was circulated to the following members of the Local Governance Member Working Group prior to publication:

Councillors Peter Fowler (Chair), Howard Roberts, Peter Morson, Kate Rolfe, Bob Stevens, June Tandy, Heather Timms and Alan Webb.

Group Leaders: Councillors Izzi Seccombe, Jerry Roodhouse and Keith Kondakor. (Group Leaders Councillors June Tandy and Howard Roberts consulted as members of the Working Group).