

MEETING	THE COUNCIL
DATE	15 December, 2011
TITLE	THE COUNCIL'S DEMOCRATIC ARRANGEMENTS
PURPOSE	To propose changes to the Council's structure and the role of back bench members to support the change to Cabinet arrangements
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Background

1. In making its decision on 20 October 2011 to adopt an executive model of a Leader and Cabinet from May 2012, the Council asked for a report to address the role of backbench members, their influence on the work of the Council and the key task of holding the Cabinet to account.
2. The Member's Services Working Group was asked to undertake this work and to present a report to the Principal Scrutiny Committee on 8 December 2011. Since the Council's agenda is distributed before that date the committee's recommendations will be sent to members under separate cover.
3. The Working Group considered a number of ways of strengthening the role of backbench members and enabling them to call the Cabinet to account. What is presented to the Principal Scrutiny Committee is a menu of methods which will, taken together, form a strong new framework for the Council to support the move to Cabinet arrangements.
4. The main features of the framework are listed below, followed by a brief description of each one.
 - Establishing area forums
 - The contact between Cabinet and back benchers
 - Workshops
 - Structure of the scrutiny committees.
 - Role of the full Council
 - Structure of other committees
 - Member support and information.
5. The proposals for the backbench structure do not need to be sent to the Welsh Government in the same way as the proposals for changing to Cabinet arrangements and the new Council will be free to amend them if it so wishes. The new Constitution (including any proposals from this Council) will be presented to the new Council for adoption in May.

Area Forums

6. The discussion on establishing area forums was commenced as part of the work to empower communities with the aim of empowering the local member, improving engagement with communities, having better outcomes for the area and making better use of the resources of members and officers. **A full report on area forums can be seen with the agenda of the Principal Scrutiny Committee.**
7. A consultation process held with members showed that some were in favour and some against but, after considering the matter, the Members' Services Working Group recommended to the Principal Scrutiny Committee that area forums should be established across the county to replace the current area committees.
8. The forums (the exact number of which is to be decided but around 8-12) would be based on natural communities with a core membership of all local members within the area. A senior officer would assist each forum and they would have the means of inviting representatives of the community or other agencies as required. The meetings would be informal and would focus on establishing the aspirations of the area, promoting local resolutions and influencing Council policy.
9. It is anticipated that the benefits that would flow from establishing the forums would be a structured arrangement for ensuring that the voice of the locality is heard in shaping council activities and at the same time strengthening the role of local member as community leader.
10. Is it proposed that the Area Forums replace the current area committees to avoid duplication and because there are insufficient resources to maintain both. Some of the work of the area committees will transfer to the Cabinet as a result of the Local Government (Wales) Measure 2011 and it will not be possible for them to continue with their current remit. However the area committees currently provide a means of allowing members to receive information and to question heads of service about service developments. The remainder of the proposals for the new framework address these issues.

Contact with the Cabinet

11. *Surgeries* - With the Cabinet members becoming more executive, it is anticipated that they will have more detailed information and ownership of developments within the portfolio area. One means of ensuring accountability to back benchers is by holding regular meetings or surgeries. This could be on the basis of meetings organised with groups of members (possibly based around area forums) or surgeries where individual members drop in to discuss matters within the portfolio.
12. The sessions could be used either to discuss general developments in the field (see also the "Role of the Full Council" below) or to raise specific points where the member has failed to obtain a result from the relevant department. Such arrangements would reinforce the expectation placed on Cabinet members to decide on issues referred to them by members who are dissatisfied with the responses from heads of department.

13. *Champions* - The Council has a number of “champions” (e.g. Older People’s Champion, Health and Safety Champion) who at present are appointed from amongst the Portfolio Leaders. For the new Council it is proposed that these champions should come from amongst back bench members. They would have specific duties of concerning themselves with areas of expertise, being an advocate within the Council on those areas and offering support and specialist information to Cabinet members.

Workshops

14. One of the methods currently used to ensure an inclusive way of working is through workshops for all Council members, e.g. preparing the Three Year Plan or identifying savings. Whilst experience of individual workshops varies there is general consensus amongst members that, done properly, the workshops are a convenient and effective way of including the views of back bench members in the main developments. The intention therefore is for workshop arrangements to become an integral part of the Council’s working arrangements and that attention is given to holding them in a way which adds value.

Scrutiny Committees

15. The role of the scrutiny committees will change with their work focused on the task of calling the Cabinet and individual members of the Cabinet to account and scrutinising the effect of the Cabinet’s decisions on service provision. They are expected to conduct more investigations but to be less involved with discussing reports on their way to Cabinet. **There is a full report on the structure of scrutiny committees with the agenda of the Principal Scrutiny Committee.**
16. The proposal is to establish three scrutiny committees with 18 members each to operate on the basis of themes rather than services and to meet more often than the current committees. The suggested themes are:
 - Corporate development, policies and main strategies (internal matters)
 - Provision of services to the wider community
 - Provision of services to individualsAll three would have the power to call in Cabinet decisions for scrutiny.
17. The advantage of such an arrangement is the creation of an element of flexibility so that it is possible to transfer work from one committee to another, dependent on the workload and to allow bridging between connected areas. The Forum of Scrutiny Chairs and Vice-chairs would be tasked with co-ordinating the agendas.
18. It is anticipated that the working group arrangements, which has been one of the successes of the scrutiny arrangements, would continue. In addition, the work of the Audit Committee would be extended so that it deals with the scrutiny of some matters, particularly the Council’s financial and governance arrangements.
19. It is believed that this proposal would create flexible scrutiny arrangements which would be responsive to the needs of the new Council and would support the change to Cabinet arrangements. The Scrutiny and Overview Strategy would need to be amended to correspond to the new emphasis.

The Role of the Full Council

20. The full Council will retain the role of setting the budget and the policy framework, along with the quasi-judicial matters such as planning and licensing, but everything else will be determined by the Cabinet, and members will not be permitted to refer up Cabinet decisions, unless they are contrary to the policy framework or the budget.
21. A number of options have been considered to ensure a meaningful role for the full Council. The final proposals fall into two categories, namely, those involved with the input of the public and those involved with Council members. It is recommended that the full Council meets quarterly.
22. *Public contribution* – it was believed that permitting public contribution would promote democracy and two changes to the Constitution were recommended:
 - 22.1 Introducing a procedure of including questions from the public on the full Council's agendas under strict conditions, restricting the number of questions to two at every meeting, safeguarding the role of the local member by not allowing questions on parochial issues, prohibiting repeating a question on the same subject within a year and requiring a notice of 10 days for every question. The reply would be submitted by the relevant Portfolio Leader and there would be a right for a supplementary question.
 - 22.2 Introducing a procedure of accepting petitions from the public. Again, there would be rules restricting the period for which a member of the public could speak on a petition to 3 minutes, restricting the time given to petitions in any meeting of the Council to 15 minutes for dealing with the subject of the petition and requiring the signatures of 50 electors before a petition can be submitted.
23. *Members of the Council* – some change is envisaged to the Constitution to ensure that members are able to receive relevant information and to hold debate in the Full Council by the following means:-
 - 23.1 Receiving an address from the Leader of the Council with a debate to follow on the work of the Council over the year. In practice this would probably correspond to a report on progress against the Three Year Plan.
 - 23.2 Receiving an address from every other member of the Cabinet in turn (two or three at each meeting so that every member of the Cabinet will have presented a report once every year).
 - 23.3 Holding a debate on a specific subject, the subject to be chosen by a back bench member by arrangements which are to be decided. Specific rules would relate to what are appropriate subjects, how they should be chosen and what background information should be provided. The purpose of the debate would be to give everyone an opportunity to voice an opinion which could then be taken into account in drawing up policies rather than leading to a specific decision. An example seen in another Council relates to "Public Engagement".

The structure of other committees

24. Backbench members will continue to contribute to the Council's work by means of the committee system outside the Cabinet. These will include the Audit Committee (see the section on the Scrutiny Committees), Planning, Licensing, the new Democratic Services Committee, Standards Committee, Employment Appeals Committee and the Pensions Committee.
25. A new Democratic Services Committee would have to be established with the role of keeping an overview on members' services. To a large extent this would replace the Members Services Working Group.
26. In accordance with the emphasis placed on language matters, it is recommended that the Language Sub-Committee be upgraded to become a committee in its own right reporting to the Council.
27. It is recommended that the Harbour Consultative Committees also become freestanding (at present they are Sub-Committees of the Board) but that they report to the Cabinet on any matter which needs implementation in accordance with the statutory responsibilities for harbour matters.

Support for Members

- 28 In order for members to undertake their work, whether they are members of the Cabinet or backbenchers, they need strong, good quality support. The support can be examined under three headings, namely, support by officers, equipment and resources and information flow.
 - 28.1 *Support by officers* - in order to ensure strong support to back bench members, it is recommended that there be a clear division between the officers who support the cabinet and those who support backbench members, scrutiny and other committees and that two separate teams are established.
 - 28.2 *Equipment and resources* – it is proposed that the new Council should work entirely electronically with provision made available for every member and with an ultimate aim of operating in a paperless environment. An information technology strategy to support this direction will be presented to the Council Board in the next months.
 - 28.3 *Flow of information* – It is recommended that a dedicated portal for members be created on the Council website where departments would be expected to place regular information about developments within their services. In addition annual reports such as those currently presented to the area committees can be included there.

Recommendations

29. The recommendations of the Principal Scrutiny Committee will be submitted under separate cover and the Council is asked to consider and adopt them.