Policy Development and Review Committee	
Meeting Date	17 July 2019
Report Title	**Constitutional Review: Area Committees**
Cabinet Member	Cllr Mike Baldock Deputy Leader and Cabinet Member for Planning
SMT Lead	David Clifford Head of Policy, Communications and Customer Services
Head of Service	
Lead Officer	Bob Pullen, Policy and Performance Officer
Recommendations	This report is for discussion purposes only

1   Purpose of Report and Executive Summary

1.1   Following the May elections a new coalition Cabinet formed and outlined their objectives for the next four year administration. One of these objectives was around a constitutional review – diffusing power among members and improving public engagement in decision making. One of the areas the constitutional review will explore is area committees.

1.2   This report sets out the legal context to area committees in local authorities, and provides some background and initial suggestions as a starting point for discussion at PDRC. The discussion should help members in deciding whether the council should consider adopting area committees as part of the constitutional review, and if so how these might be structured and what remit they might have.

2 Background

2.1   One element of the proposed constitutional review will be to seek ways to improve public engagement in council decision-making. A possible avenue for achieving this would be the introduction of area committees which operate in many local authorities across the country.

2.2   In either of the two primary models of local authority governance (i.e Leader and Cabinet Executive or the Committee system) it is possible to also delegate certain powers to an area committee.

2.3   In law, area committees must be made up of all ward Members who are elected to wards either partially or fully within the area.

2.4   Committees can have some specific decision-making delegated to them. Those local authority areas that run area committees typically tend to delegate decisions to them about how to allocate specific – often capital – funding streams.

2.5   Cambridge City Council's area committees, for example, make decisions on developer contributions, and allocate area committee funding, which is focused on supporting people whose opportunities are restricted by disability, low income or discrimination as well as funding around their environmental improvement programme.

2.6   Ipswich Borough Council's area committees have area action plans and allocate funding based on bids that align with area actions plans (which in turn align with the Council's corporate plan). In Ipswich, which operates under leader-and-cabinet governance, the committees also have elements of a scrutiny function.

2.7   Bristol City Council has area committees that agree area priorities and infrastructure projects with the local community and use money from both Community Infrastructure Levy and S106 to improve their local area.

2.8   Area committees or forums can take many forms and undertake a variety of roles. For example, they can comprise of solely borough ward councillors, but they can also include members of the public or representatives from other bodies in the area, including parish and town councils. Area committees or forums can be purely an engagement mechanism, or they can act as advisory and consultative bodies, or they can have delegated decision-making powers and resource allocation responsibilities.

Position at Swale

2.9   Swale has established several types of area committee/forum over the years. Some 20 years ago, the council operated area committees which had delegated authority to allocate funds for minor street works and other public realm schemes.

2.10   Swale Rural Forum was established in 2005 encompassing all of the wards within the EU Leader Plus programme area. Its primary purpose was to 'rural proof' relevant policy and strategy documents and to respond to consultations.

2.11   'Local engagement forums' were established for the Faversham, Sheppey and Sittingbourne areas in 2009 with the purpose of engaging, informing and consulting residents in response to the 'localism' agenda being promoted by government at the time. These forums comprised county, district and parish councillors, as well as key local partners including Kent Police, Kent Fire and Rescue Service and other public bodies. Their purpose was to act as an engagement mechanism only, with no delegated powers or budgets.

2.12   The local engagement forums and the rural forum were disbanded in 2016 following an extensive review which determined that they were ineffective and inefficient as engagement mechanisms as a result of the habitually low attendance by members of the public.

3   Discussion

3.1   This discussion paper is based on the assumption that any new area committee structure the council wanted to introduce would be based on the committees having at least some delegated powers to takes decisions and allocate resources rather than being purely engagement or consultative bodies. With that in mind, the following 'SWOT' analysis describes some of the key considerations for introducing area committees.

Strengths	Opportunities
• potential to bring decision-making closer to residents; • residents get to identify/meet ward councillors – public face of council; • more locally informed decision-making.	• more opportunity for local residents to observe (and participate in?) council decision-making/resource allocation; • opportunity to enhance council's capacity for meaningful public consultation.
Threats	**Weaknesses**
• risk of inconsistent decision-making between the area committees ('postcode lottery'?); • hijacking of business/priorities by those who shout loudest and "usual suspects".	• current organisational structure does not lend itself to officers servicing three or four new area structures; • could need additional resources to function effectively?

Current arrangements

3.2   As mentioned above, the council does not currently have any area-based committee arrangements, but it did so in the past. Currently, the responsibility for functions and decision-making is vested in a number of committees, joint committees and individuals, summarised for reference in Appendix I.

3.3   Any move to establish area committees and provide them with a delegated decision-making/resource allocation role would require changes to the council's constitution.

Why would we establish area committees?

3.4   One of the objectives of the coalition is to diffuse power more widely among members and improving public engagement in decision making. Area committees can bring an opportunity to local residents to observe and participate in the council's decision-making arrangements.

3.5   The flip side of this is that area committees are very resource intensive. For example, the previous local engagement forums meetings typically called for the presence of a Cabinet Member, a member of the senior management team, officers from the Policy and Economic and Community Services Teams, and an officer from Democratic Services to take the minutes. Other officers from the council also attended as necessary. Each forum was held quarterly and required the preparation of agenda, reports and minutes.

3.6   It is important to remember that LEFs were purely an engagement device and an area committee which has decision-making or resource allocation powers would need comprehensive officer support, perhaps in the form of a staff officer or secretariat.

3.7   The Council has a constrained revenue budget position and is highly dependent upon funding streams whose future is unclear. Any constitutional changes which resulted in higher direct staff costs and/or increased demands on senior management resources would need to be offset by ceasing other activities.

3.8   A case study on the area committee arrangements Ipswich Borough Council have put in place is at Appendix II. That council has clearly been developing these arrangements for a number of years, and the remit and responsibility of their area committees is extensive.

What would be their remit?

3.9   It is envisaged that area committees would first and foremost have a role in local decision-making and place shaping. The committees could also act as a conduit for consultation and engagement by informing and scrutinising policy and decision making made by other committees. They could also have some resource to allocate towards issues or projects particular to their area.

Who would be members?

3.10   Area committees can be established as a fully constituted committees with published agendas, reports and minutes, and with meetings held in public and minuted to record decisions and actions. These committees would need to be chaired by an elected member of the borough council and include all ward members for the area covered by the committee. There would be no requirement for the committees to be politically balanced.

3.11   Many of the communities covered by area committees would also have existing town or parish councils. Consideration needs to be given to how parish and town

councils would be represented and what status their membership of these committees may have.

3.12 Other councils have established alternative means of engaging with parish and town councils. For example, Sevenoaks District Council has for several years had a forum for parish and town clerks. This forum, which doesn't meet in public, meets bi-monthly and discusses mainly council service issues, although they do invite in other organisations as necessary.

3.13 There are a number of ways that area committees could be organised to cover the various areas of the borough, including a three- or four-committee system, as illustrated at Appendix III.

What role would the public have?

3.14 By virtue of the area committees being properly constituted council committees, the public would be able to attend any meeting. The question is what involvement beyond attendance this could involve. Suggestions include:
- speaking on an item for decision;
- nominating or advocating a particular project;
- being part of resource allocation or project selection process;

How frequently would they meet?

3.16 Traditionally these types of committees have met on a quarterly basis. If their remit is as a consultative committee and to engage with residents then a less frequent meeting may be more productive. The frequency of meetings would have a very clear cost implication.

3.17 If the committees were given a role in commenting on decisions or policy the schedule of meetings would need to dovetail with those of the relevant committees in Swale House, unless a means could be found for the area committee work to be conducted 'offline'.

4 Alternative Options

4.1 This report makes no recommendation to agree a specific proposal, so there are no alternative options at this stage.

5 Consultation Undertaken or Proposed

5.1 None undertaken.

6 Implications

6.1 Cross-cutting implications have not been fully analysed at this stage because the report is for discussion only and does not contain any recommendations for decision.

6.3 However, the most significant implication to note at this stage is the financial one. There would be two financial pressures from setting up area committees. These are firstly the direct support staff costs to administer the committees and secondly the increased demand on senior management resource. Any additional funding required to accommodate this should be included as part of the 2020/21 budget process, and may need to involve the cessation of other activities.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Responsibility for current decision-taking
- Appendix II: Case study – Ipswich Borough Council
- Appendix III: Committee structures

8 Background Papers

None.

Appendix I

Responsibility for current decision-taking

Responsible body/committee	Item
Council	Budget and policy framework, and all non-executive items
Cabinet	Decisions relating to executive functions, including: - to take in year decisions on resources and priorities to deliver and implement the budget and policies decided by the Council.
Cabinet members	Delegated decisions relating to executive functions: - can take decisions within their respective portfolio areas except for the following:- 1. key decisions; 2. decisions which are outside the policy and budget framework; 3. decisions which cut across two or more portfolios; and 4. proposals for new or amended policies or strategies.
Planning Committee	All aspects of decision-making under the Town and Country Planning Act 1980 and Planning Act 1980.
Licensing Act 2003 Sub-Committee	Determining applications and appeals on applications for Licencing Act 2003 and Gambling Act 2005.

Area Committees – Case study: Ipswich Borough Council

Population: 135,000
Governance: Leader and Cabinet (10 members)
Councillors: 48 councillors representing 16 wards

Area Committees: Five area committees, meet bi-monthly, produce area action plans and allocate resources in line with those plans

Terms of reference:

The Committee shall deal with any matters falling within the scheme of delegations below where connected to its Area.

Any items of business shall normally be the subject of a written report unless otherwise specifically requested by the Executive or the Council, and the Committee shall take legal or other professional advice as required according to the nature of the business.

Each Area Committee shall adopt and thereafter review annually an Area Action Plan that identifies its local priorities. Each Committee must ensure that its actions contained in its Area Action Plan are defined as S.M.A.R.T actions ((Specified, Measurable, Achieveable, Realistic and Time-framed) and that they identify the scope for working with other public bodies or other stakeholders.

Each Area Committee shall report to the Executive on an annual basis detailing its activities and achievements.

Scheme of delegation:

Each Area Committees shall have the following powers and responsibilities:

- To decide its own annual work programme and Area Action Plan and the spending of its budgets within these terms of reference and as permitted by law;

- To make comments on strategic planning matters affecting either its own area or the Borough as a whole;

- To act as a consultee in respect of consultations carried out by outside organisations in respect of issues affecting its area and reporting to the Executive on any responses given on such consultations;

- To monitor and maintain an overview of council services and other stakeholder performance in its area, and to report to the Executive or council committee on these issues as the Area Committee feels necessary;

- To make representations in the form of reports or 'action requests' to the Executive or the Council as the case may be on any of the following matters relating to its Area:

  - Provision and maintenance of Public open space, allotments, and other recreation or leisure facilities;

  - Provision of facilities for local children, young people, the elderly and disadvantaged members of the community;

  - Provision of Police community support officers and neighbourhood policing teams;

  - Provision of Crime & Grime and other enforcement operations;

  - Provision of CCTV services;

  - Provision of Waste collection services;

  - Provision of Energy conservation schemes;

  - Provision of Street cleansing and lighting;

  - Road safety issues;

  - Provision of Public transport and car parking;

  - Health and wellbeing issues;

  - Area based regeneration schemes and Town & District Centre projects;

  - Area Action Plans;

  - Provision of and Use of Community assets in its Area;

  - Local Community improvement schemes;

  - Local Community Development issues;

  - Strategies for Community engagement, consultation and involvement exercises on matters of local community interest in its area;

  - On any requirement for further devolution of powers to the Area Committees.

- To take executive function decisions in relation to any works or services to be provided in its Area out of its budgets

- To provide 'ward intelligence' to the Executive and relevant heads of services in relation to the Borough's enforcement activities, the siting of CCTV cameras and other crime or anti-social behaviour in its Area.

- To respond to any other specific matter referred to it by the Executive the council or a senior council officer.

- To assist with policy development on matters pertinent to its Area, including the power to make recommendations to the Executive or Council on policy changes.

- To develop an Area Action Plan to deliver locally determined priorities and objectives and to take decisions to allocate and spend the annual Area budget provided for such purposes by Council to deliver local area priorities, provided that the actions to be taken are lawful and fall within the overall remit of the terms of reference and that the estimated costs of any scheme or matter in terms of capital expenditure shall not exceed the allocated budget for the relevant year for the Area Committee.

- Local area priorities may include consideration of schemes involving physical works, or delivery of actions referred to in the Area Action Plans developed in accordance with paragraph 6.10 may include services or supplies to or by local community groups provided the same can be met within the allocated Area Committee Budget.

- The Area Committee may submit proposals or bids for future funding in subsequent years to the Executive as part of the budget setting process.

- Area Committees are empowered to devolve up to 10% of their annual budgets to the Head of Service appointed by the Chief Executive to act as Lead Support Officer for the relevant Area to establish a 'Making a Difference Budget' for use after consultation with the Area Chair on small scale community initiatives in their Area (or jointly with a neighbouring Area) submitted by ward councillors to meet immediate community needs that are connected to the relevant Area Action Plan approved by the relevant Area Committee.

NB Any delegation to Area Committees at Swale would need to be consulted on, drafted and agreed as part of the constitution review

SPECIMEN COMMITTEE STRUCTURES

Three committee structure

Faversham Population 34,480* (23.5% of total population)

Ward	Number of members
Abbey	2
Boughton and Courtenay	2
East Downs	1
Priory	1
St Ann's	2
Teynham and Lynsted	2
Watling	2
TOTAL	**12**
Conservative	3
Green	2
Labour	2
Liberal Democrats	5

Sittingbourne Population 67,450* **(46% of total population)**

Ward	Number of members
Bobbing, Iwade and Lower Halstow	2
Borden and Grove Park	2
Chalkwell	1
Hartlip, Newington and Upchurch	2
Homewood	2
Kemsley	2
Milton Regis	2
Murston	2
Roman	2
The Meads	1
West Downs	1
Woodstock	2
TOTAL	**21**
Conservatives	6
Independent Group	1
Labour	7
Swale Independent Alliance	7

Sheppey Population 44,770* (30.5% of total population)

Ward	Number of members
Minster Cliffs	3
Queenborough and Halfway	3
Sheerness	3
Sheppey Central	3
Sheppey East	2
TOTAL	**14**
Conservative	7
Independent Group	1
Labour	2
Swale Independent Alliance	3
Ungrouped member	1

Four committee structure

Faversham
Population 19,990* (13.6% total population)

Ward	Number of members
Abbey	2
Priory	1
St Ann's	2
Watling	2
TOTAL	**7**
Labour	2
Liberal Democrats	5

Rural
Population 35,600* (24.3% of total population)

Ward	Number of members
Bobbing, Iwade and Lower	2
Borden and Grove Park	2
Boughton and Courtenay	2
East Downs	1
Hartlip, Newington and Upchurch	2
Teynham and Lynsted	2
West Downs	1
TOTAL	**12**
Conservative	6
Green	2
Independent Group	1
Swale Independent Alliance	3

Sittingbourne
Population 46,340* (31.6% of total population)

Ward	Number of members
Chalkwell	1
Homewood	2
Kemsley	2
Milton Regis	2
Murston	2
Roman	2
The Meads	1
Woodstock	2
TOTAL	**14**
Conservative	3
Labour	7
Swale Independent Alliance	4

Sheppey
Population 44,770* (30.5% of total population)

Ward	Number of members
Minster Cliffs	3
Queenborough and Halfway	3
Sheerness	3
Sheppey Central	3
Sheppey East	2
TOTAL	**14**
Conservative	7
Independent Group	1
Labour	2
Swale Independent Alliance	3
Ungrouped member	1

*All population figures taken from mid-year 2017 estimates from ONS (latest available at the time of writing).