

# CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee – 15<sup>th</sup> January, 2018

**REPORT AUTHOR:** Solicitor to the Council

**SUBJECT:** Area (Shire) Committees

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**REPORT FOR:** Decision

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## 1. Summary.

- 1.1 This report to the Democratic Services Committee requests that the Committee considers which options to present to the County Council at its meeting on 25<sup>th</sup> January, 2018 regarding the Area (Shire) Committees.

## 2. Background.

- 2.1 Powys County Council came into existence on 1<sup>st</sup> April 1996 as a result of the Local Government (Wales) Act 1994. As part of the creation of the new Council in 1996 it was accepted that there should be a formal recognition of the distinct former counties of Montgomeryshire, Radnorshire and Brecknockshire in any arrangements.
- 2.2 The Local Government (Wales) Act 1994 contains provisions for a formal scheme of delegation of responsibilities, including to area committees which at the time required the approval of the Secretary of State. However Powys County Council did not utilise this formal route, and established three Area (Shire) Committees which exist to the current time. It is within the gift of the Council to amend these arrangements at any time, including the discontinuation of the Area (Shire) Committees, without the need for any external approval.
- 2.3 Prior to 2002, these Area (Shire) Committees determined matters relating to a range of the Council's services in each Shire area. However with the change to a Board and subsequently Cabinet Model of Executive Arrangements following the Local Government Act 2000, the Cabinet took over the responsibility for decision making on operational matters, and the role of the Area (Shire) Committees diminished. Currently only one delegated responsibility has been given to Area (Shire) Committees by the Cabinet relating to Highways matters. Despite requests for the role of the Area (Shire) Committees to be enhanced, the Council and successive Cabinets have not increased those functions delegated since 2002. It would be a fair assessment to state that since 2002 the Area (Shire) Committees have struggled with the role they are asked to play, and the question of the role and responsibilities of these committees has been revisited on numerous occasions over the years, including in 2015 when the frequency of meetings was revised for a with a move to bi-monthly meetings. However Brecknockshire had already decided to meet quarterly.
- 2.4 One additional role which was considered previously was a scrutiny role. However following clarification with Welsh Government it was made clear that Area (Shire)

Committees cannot be scrutiny committees as they are dealing with decisions delegated by Council and the Cabinet. The need to hold decision makers to account in a clear and transparent way could lead to a conflict of interest for Members where decisions are taken by members of Area (Shire) Committees who later scrutinise that decision. Any decisions taken under delegated authority from the Cabinet e.g. Highways matters at an Area (Shire) Committee, can be subject to a call-in by a scrutiny committee.

- 2.5 The role of these committees has been drawn further into question with the Council establishing the Local Environment Initiative / Neighbourhood Management, with the decentralisation of services to smaller groups of Members in consultation with Area Managers, Town and Community Councils etc.
- 2.6 Following the change of frequency of meetings the Council also decided that the position of the Area (Shire) Committees be reviewed in 2017. A report from the Democratic Services Committee was considered by Council in March 2017 which recommended the abolition of the Area (Shire) Committees from the Annual Meeting in May 2017. On being put to the vote the recommendation was lost by the casting vote of the Chair of Council.

### **3. Current Position.**

#### **3.1 Roles and Responsibilities of Area (Shire) Committees.**

##### **3.1.1 The following Executive (Cabinet) functions are currently delegated to Area (Shire) Committees:**

##### Highways Functions:

Within a framework agreed by the Cabinet, and within an annual budget to be allocated by the Cabinet, and subject to an individual project limit of £50,000 :

- All decisions in relation to highway maintenance within the overall plans determined by the Cabinet relating to:
  - (a) Local Improvement Programmes;
  - (b) The general Highway Maintenance Programme;
  - (c) Non-structural Bridge Maintenance.
- The making of permanent Traffic Regulation Orders (with certain limited exceptions which are to be decided by Cabinet i.e. Water Break it's Neck, Moelfre City and car parks and car park charging). Temporary Traffic Regulation Orders are the responsibility of the Cabinet.
- Promoting and developing local road safety initiatives.

#### **3.2 Roles and Responsibility of the Area (Shire) Chair.**

##### **3.2.1 The Area (Shire) Chair has two separate and distinct roles:**

- Civic Role as Chair of the Shire within the particular Shire e.g. Citizenship Ceremonies, and to assist the Chair of Council with civic roles within the County as required.

- To Chair meetings of the Area (Shire) Committees.

3.2.2 The Area (Shire) Chairs do not receive a Senior Salary for undertaking the role.

#### 4. Costs of operating the Area (Shire) Committees.

4.1 The revenue budgets for Members and Democratic Services are not broken down by Shires. The total budget expenditure for Members in 2016/17 was £1,821,810 (excluding recharges). The comparable budget for 2017/18 is £1,835,450.

4.2 Officer Costs – For the period January 2017 to December 2017 the costs of officer attendance at Area (Shire) meetings is:

Montgomeryshire	£6,692.93	19 officers
Radnorshire	£4,532.25	17 officers
Brecknockshire	£4,980.33	9 officers
<b>Total</b>	<b>£16,205.51</b>	

These costs are based on an attendance by a Senior Officer and clerk of 4 hours each, and an attendance by other officers of 1 hour each. Costs for officers' travelling time and some preparation time have been included as well, but do not include travelling expenses (see below) and subsistence expenses, nor do they include the time spent preparing reports. They are non cashable savings.

4.3 The cost of Members' travel is as follows:

Montgomeryshire	£3,600.00
Brecknockshire	£1,732.50
Radnorshire	£1,500.00

4.4 The cost of officers' travel is as follows:

Montgomeryshire	£650.25
Brecknockshire	£190.00
Radnorshire	£Nil

4.5 Cabinet Member Costs.

The cost of Cabinet members from other Areas (Shires) attending:

Montgomeryshire	£295.00
Brecknockshire	£405.00
Radnorshire	£472.50

4.6 Costs of Photocopying Agendas – agendas are now produced electronically.

4.7 There has been no capital expenditure.

4.8 Refreshments.

The Council meeting on 30<sup>th</sup> April 2014 decided to end the provision of refreshments at meetings. Refreshments are not provided for Area (Shire) Meetings.

- 4.9 A very rough indication of the total costs for Area (Shire) Committees for January 2017 to December 2017 is set out below:

<b>Item</b>	<b>Montgomeryshire</b>	<b>Radnorshire</b>	<b>Brecknockshire</b>
Officer Costs	£6,692.93	£4,532.25	£4,980.33
Members' Travel	£3,600.00	£1,500.00	£1,732.50
Officers Travel	£650.25	£Nil	£190.00
Cabinet Members attending other Shires	£295.00	£472.50	£405.00
<b>Total:</b>	<b>£11,238.18</b>	<b>£6,504.75</b>	<b>£7,307.83</b>

Total Cost for 3 Areas (Shires) – £25,050.76

## **5. Frequency of Meetings.**

- 5.1 Montgomeryshire and Radnorshire meet bi-monthly, whilst Brecknockshire meets on a quarterly basis.

## **6. Officer Support for the Committees.**

- 6.1 Currently the Council's Management Team attend Area (Shire) Committee meetings on an ad-hoc basis but due to the day to day pressures of diary management, senior officer attendance cannot be guaranteed.
- 6.2 Given the limited decision making power of the Area (Shire) Committees, attendance of senior officers at these meetings is not cost effective. With increasing demands on officers' time it is questioned whether officer time would be better used elsewhere instead of attending Area (Shire) Committees.
- 6.3 In addition given that the officer responsible for administering the Area (Shire) Committees is also responsible for Member Support, not holding these committees could release additional officer time for supporting Members.

## **7. Member Capacity.**

- 7.1 There is an increasing demand on Members' time such as an increased number of Planning Committee meetings, as well as an increasing scrutiny workload in order to meet deadlines for pre-decision items before they are considered by Cabinet. In addition with the recovery programmes for Children's and Adults Services requiring a more significant oversight by scrutiny, Members' availability is currently limited within the current diary of meetings.
- 7.2 Therefore in order to meet the priorities of the Council and to give Members sufficient capacity to deal with the demands made of them, the removal of Area (Shire) Committees from the calendar would release 16 additional days annually to undertake other responsibilities.

## **8. Decisions Taken:**

In 2017:

- 8.1 Montgomeryshire has taken 5 Highways decisions, 2 civic appointments and 14 Outside Body appointments at 6 meetings.
- 8.2 Brecknockshire has taken 1 Highways decision, 3 civic appointments, 1 other decision and 18 Outside Body appointments at 4 meetings.
- 8.3 Radnorshire has taken 4 Highways decisions, 3 civic appointments and 9 Outside Body appointments at 6 meetings.

## **9. Options for Further Delegation of Executive Functions.**

- 9.1 The Council's delegation scheme derives from the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Regulations 2007 (as amended). These regulations define which of the Council's functions can be delegated for example to a regulatory committee, which functions must remain with the Council itself and that for all other functions they will be the responsibility of the Cabinet. It is difficult to conceive that any functions other than those of a minor nature would be delegated as the majority of Cabinet decisions are strategic decisions which require an all-County approach and would be inappropriate to delegate. Therefore there are no easily identifiable opportunities for further delegation to Area (Shire) Committees.

## **10. Local Environment / Neighbourhood Management.**

- 10.1 To further progress the work of the Local Environment Initiative and to support a community approach to service delivery, Locality Forums have been established in Local Environment Areas within the County. The Locality Forum is an opportunity for local Members for the area together with officers and the Portfolio Holders for the service, to focus on any local issues that may impact on the delivery of a seamless and efficient service for the residents of Powys. Discussions can focus on the budget and the extent to which it is possible to meet local priorities.
- 10.2 The Council is also working with partners in the public, voluntary and independent sector to support community leaders and volunteers, to develop initiatives through the transfer of assets and services, that will enable their communities to be vibrant and sustainable for the future. A large number of property assets including playgrounds, allotments and similar open spaces, have transferred to Town & Community Councils. A growing number are also taking on the delivery of services i.e. public conveniences, grounds maintenance, street cleaning, and Libraries and Day Care Centres.

## **11. Impact of the changes to Local Government over the next few years.**

- 11.1 The current indication from Welsh Government based on the 2017 White Paper is a more regional approach to service delivery it is anticipated that the Council's involvement will centre around the Cabinet and Scrutiny Committees.
- 11.2 The expectation from Welsh Government is that other organisations / bodies such as Town and Community Councils and Voluntary Organisations would be expected

to take on more responsibilities currently being undertaken by County Councils either jointly or under contractual arrangements. As part of the Council's reconfiguration as a commissioning authority and in the face of severe budget cuts, the Council is already undertaking the transfer of services / facilities to Town and Community Councils and others which will reduce the input which Area (Shire) Committees will have in such matters, as these committees do not have a scrutiny function.

- 11.3 Welsh Government have already initiated a review of Town and Community Councils to review the role and structure of Town and Community Councils in Wales. It is likely that following the review it will lead to the creation of a smaller number of larger sized Town and Community Councils who will be expected to take on services / facilities from the County Council.

## **12. Rotational Arrangements for the Chair of Council.**

- 12.1 Since 1996 the Council has operated a system where the Chair of Council is selected on a rotational basis from the Area (Shire) Committees with each Shire having the same number of opportunities to select as the others i.e. 1 in 3 in a 3 year rotation. There are no proposals to amend this process.

## **13. Options for Consideration by the Committee.**

- 13.1 The Committee is requested to consider its view on the following options, for discussion by Full Council on 25<sup>th</sup> January, 2018.

Should the Council:

- A. Retain the Area (Shire) Committees; or
- B. Abolish the Area (Shire) Committees; or
- C. Abolish the Area (Shire) Committees, but with 1 hour of Member Development Sessions per quarter being reserved for discussions with Portfolio Holders.
- D. In relation to the role of Chair and Vice-Chair of the Area (Shire), should the Council:
  - D1 Retain civic role of Chair and Vice-Chair of the Area (Shire); or
  - D2 Incorporate the Area (Shire) civic roles within the remit of the Chair, Vice-Chair and Assistant Vice-Chair of the Council.

- 13.3 In relation to Highways matters currently determined by the Area (Shire) Committees, these would in the event of the Area (Shire) Committees being abolished, be the subject of a delegated decision by the Portfolio Holder for Highways subject to comments by the local Member.

## **14. Comments.**

- 14.1 Legal – The recommendation can be supported from a legal point of view.
- 14.2 Finance – The removal of these committees will realise an estimated annual cashable saving of £8,845 and there is also the opportunity cost of releasing time that can be used effectively elsewhere by officers.

14.3 Communications - The report is of public interest and requires use of news release and appropriate social media to publicise the decision.

**15. Statutory Officer Comments.**

15.1 Section 151 Officer.

The Section 151 Officer has commented as follows: "The comments made by Finance about savings arising from the abolition of the current structures is noted".

15.2 Monitoring Officer

The Solicitor to the Council (Monitoring Officer) has commented as follows: "I note the legal comment and have nothing to add to the report".

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>(i) that the Committee indicate its view and recommendations to Full Council in relation to the options included in paragraph 13 above.</b>	<b>(i) to undertake a review in respect of the Area (Shire) Committees</b>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y / N</b>	<b>Within Budget:</b>	<b>Y / N</b>

<b>Relevant Local Member(s):</b>	
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<b>Person(s) To Implement Decision:</b>	<b>Clive Pinney / Wyn Richards</b>
<b>Date By When Decision To Be Implemented:</b>	<b>May 2018</b>

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**Background Papers used to prepare Report:**