

CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee - 15th January, 2015
County Council – 21st January, 2015

REPORT AUTHOR: Head of Democratic Services

SUBJECT: Area (Shire) Committees

REPORT FOR: Decision

1. Background.

- 1.1 Powys County Council came into existence on 1st 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.
- 1.2 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.
- 1.3 Prior to 2002, these Area Committees had their own Sub-Committees and determined matters relating to a range of the Council's services in each Shire area. However with the change to a Board Model of Executive Arrangements following the Local Government Act 2000, the Board of 15 Members took over the responsibility for decision making on operational matters, and the role of the Area (Shire) Committees diminished. A very small number of delegated responsibilities have been given to Area (Shire) Committees by the then Board and the current Cabinet (following the change to a Cabinet form of Executive Arrangement since 2011). There has also been no appetite from the Council or successive Boards / Cabinets to increase this level of delegation since 2002. In fact powers have been withdrawn by successive Boards / Cabinets. However it would be a fair assessment 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.
- 1.4 One additional role which was considered was a scrutiny role. However following clarification with Welsh Government it was made clear that Area (Shire) Committees cannot be scrutiny committees. 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. Current Position.

- 2.1 Further recent requests to officers from the Area (Shire) Committees to assist in clarifying their role, and the possibility of further matters being delegated, have not resulted in any changes to current arrangements which has merely fuelled the ongoing debate which is not reaching any conclusions.
- 2.2 There has also been a request to the Democratic Services Committee to consider the system of the rotation of Chairs of Council drawn from each of the Area (Shire) Committees in turn.
- 2.3 The Democratic Services Committee in considering this matter, and following the suggestion of Brecknockshire that more information was needed on the whole issue, decided that there needed to be a much wider debate about the future of the Area (Shire) Committees by the Full Council, and requested that a report be prepared for its consideration prior to a discussion by Full Council.

3. Roles and Responsibilities.

3.1 Roles and Responsibility of the Area (Shire) Chair.

3.1.1 The Area (Shire) Chair has two separate and distinct roles:

- Civic Role as Chair of the Shire within the particular Shire, and to assist the Chair of Council with civic roles within the County as required.
- To Chair meetings of the Area (Shire) Committees.

3.1.2 It is not inconceivable for the Council to constitutionally have an Area (Shire) Chair who undertakes all the civic and ceremonial responsibilities as currently, thus recognising the former counties of Brecknockshire, Radnorshire and Montgomeryshire, but without having a committee to chair.

3.2 Roles and Responsibilities of Area (Shire) Committees.

3.2.1 The following Executive functions are currently delegated:

Highways Functions:

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

All decisions in relation to highway maintenance within the overall plans determined by the Executive relating to :

- (a) Local Improvement Programmes;
- (b) The general Highway Maintenance Programme;
- (c) Non-structural Bridge Maintenance.

The making of Traffic Regulation Orders (with certain limited exceptions which have been delegated to Cabinet).

Promoting and developing local road safety initiatives.

Provision, operation and maintenance of on-street and off-street car parking, including charging.

All matters relating to Municipal Services, namely :

- (a) street cleaning and litter;
- (b) verge maintenance;
- (c) markets (livestock, produce and street), other than regulatory aspects;
- (d) land drainage;
- (e) allotments;
- (f) other minor miscellaneous municipal services

Local Grants:

1. the determination of local community grants in accordance with policy and budget set by the Executive. (Current Limit £2000)
2. the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit Approval in accordance with policy and budget set by the Executive.

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 2013/14 was £3,655,080. The budget for 2014/15 is £3,349,060. The total expenditure for Democratic Services in 2013/14 was £88,162. The budget for 2014/15 is £99,620.

4.2 Officer Costs – For the period May 2013 to June 2014 the costs of officer attendance at Shire meetings is:

Montgomeryshire	£7810.50	24 officers
Radnorshire	£7163.16	27 officers
Brecknockshire	£3288.80	22 officers
Total	£18,262.46	

These costs are based on an attendance by a Senior Officer and clerk of 3 hours each, and an attendance by other officers of 1 hour each. These costs do not include any travelling and subsistence expenses, nor do they include the time spent preparing reports.

4.3 The cost of Members' travel is as follows:

Montgomeryshire	£2,510.20 in 2013/14	£674.10 in 2014/15 (April to June)
Brecknockshire	£832.05 in 2013/14	£ 71.55 (One meeting)
Radnorshire	£1,116.45 in 2013/14	£352.35 in 2014/15 (April to June)

4.4 Cabinet Member Costs.

The cost of Cabinet members from other Shires attending:

Montgomeryshire	£346.45 in 2013/14	£72.00 in 2014/15 (April to June)
Brecknockshire	£184.05 in 2013/14	£142.65 in 2014/15 (April to June)
Radnorshire	£635.50 in 2013/14	£158.40 in 2014/15 (April to June)

4.5 Costs of Photocopying Agendas – approximately £1000 per annum for the 3 meetings.

4.6 There has been no capital expenditure.

4.7 Refreshments.

Refreshments have not been provided at Montgomeryshire meetings for some years. There is a vending machine in the foyer used by members and staff which together with a second machine in Neuadd Maldwyn cost £1,597.96 rental in 2013/14.

The cost of providing refreshments for Brecknockshire meetings was £185.56 in 2013/14.

The cost of providing refreshments for Radnorshire was £224.60 in 2013/14.

The Council meeting on 30th April 2014 decided to end the provision of refreshments at meetings.

4.8 A very rough indication of the total costs for Shire Committees for May 2013 to June 2014 is set out below:

Item	Montgomeryshire	Radnorshire	Brecknockshire
Officer Costs	£7810.50	£7163.16	£3288.80
Members' Travel	£3184.30	£903.60	£1468.80
Cabinet Members attending other Shires	£418.45	£326.70	£793.90
Refreshments	£1597.96*	£185.56	£224.60
Total:	£13011.21	£8579.02	£5777.10

* This is the rental cost for 2 machines at Neuadd Maldwyn.

Total Cost for 3 Shires – £27367.33

Add Photocopying costs for 3 Shires - £1000**

Total = £28367.33

** This is an indicative cost – accurate costs could not be obtained.

These costs do not include postage of agendas, officers travelling and subsistence costs.

5. Frequency of Meetings.

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

6. Officer Support for the Committees.

- 6.1 Currently the Council's Management Team has a rota of attendance at Area (Shire) Committee meetings but due to the day to day pressures of diary management, senior officer attendance cannot be guaranteed. As a result of the response to the Williams Commission report, from January, 2015 the Management Team has changed its meeting days to Wednesdays so that joint meetings with the Powys Teaching Health Board can be undertaken. This will clash with meetings of the Area (Shire) Committees so that officer attendance at these meetings will need to be revisited.
- 6.2 Given the limited decision making power of the Area (Shire) Committees, attendance of senior officers at these meetings is not cost effective.

7. Decisions Taken:

- 7.1 Montgomeryshire took decisions relating to Highways, parking and road safety matters at 3 meetings in 2013/14 and at 4 meetings to date in 2014/15. There were 6 meetings of the Montgomeryshire Built Heritage Grants Sub Committee in 2013/14, none so far in 2014/15.
- 7.2 Brecknockshire took decisions relating to Highways, parking and road safety matters at 5 meetings in 2013/14 and at 3 meetings to date in 2014/15.
- 7.3 Radnorshire took decisions relating to Highways, parking and road safety matters at 3 meetings in 2013/14 and at 1 meeting to date in 2014/15.

8. Options for Further Delegation of Executive Functions.

- 8.1 In discussions with the Area (Shire) Committees it is difficult to identify any additional Executive Functions which could be delegated to these committees. The former Board and subsequent Cabinets have not extended the scheme of delegation. In fact the scheme of delegation has reduced since it was first commenced in 2002. It is also 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.
- 8.2 The need to hold decision makers to account in a clear and transparent way could lead to a conflict for Members if decisions are taken by members of Area (Shire) Committees who also have a scrutiny role. Any decisions taken under delegated authority from the Cabinet e.g. Highways matters, can be subject to a call-in by a scrutiny committee.

9. Local Environment / Neighbourhood Management.

- 9.1 To further progress and support the work of the Local Environment Initiative and to sustain a neighbourhood management approach to service delivery Locality Forums have been established in Local Environment Areas within the County. Each Locality Forum will comprise the local Members for the area together with officers, including any Locality Manager appointed through the development of this initiative.

9.2 Each Locality Forum will seek to ensure that the various Council departments, our partners and other service delivery bodies and agencies work collectively and collaboratively in the delivery of seamless, efficient services for the residents of Powys. Each Locality Forum will work with Portfolio Holders and officers in maximising the budgetary opportunities that exist in the area in question so as to allocate resources to meet local priorities.

9.3 A neighbourhood management pilot is currently underway in Newtown which once completed will be rolled out throughout the County.

10. Impact of the changes to Local Government over the next few years.

10.1 There is no indication from Welsh Government that there will be a move in Wales away from an Executive Model of governance in Councils i.e. a Cabinet System, so the likelihood of any further delegated responsibilities being transferred to the Area (Shire) Committees is remote.

10.2 The indication from Welsh Government is that the expectation will be 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. In addition there is the likelihood that the numbers of County Councils in Wales will be reduced significantly.

10.3 As part of the Council's reconfiguration as a commissioning authority, it is possible that many of the municipal functions may be transferring to Town and Community Councils which will reduce the input which Area (Shire) Committees will have in such matters, as these committees do not have a scrutiny function.

11. Rotational Arrangements for the Chair of Council.

11.1 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. However a request was made by Members to the Democratic Services Committee to consider amending this system to take account of the larger number of Councillors in Montgomeryshire and Brecknockshire by comparison to Radnorshire thus giving Montgomeryshire and Brecknockshire twice the number of opportunities to select the Chair as Radnorshire i.e. 2 / 2/ 1 on a 5 year rotation.

11.2 The former Powys County Council (pre 1996) did operate such a system, and members are asked for a recommendation to be considered by Full Council in this respect.

Recommendation:	Reason for Recommendation:
<p>(i) that the Committee and Council determines how it responds to this report in respect of future arrangements for Area (Shire) Committees.</p> <p>(ii) that the Committee and Council determines how to respond to the request to change the arrangements for rotating the Chair of Council between the Shires</p>	<p>(i) to determine a future direction for the Area (Shire) Committees; and</p> <p>(ii) to determine the rotational arrangements for the Chair of Council.</p>

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Clive Pinney / Wyn Richards
Date By When Decision To Be Implemented:	2015

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Background Papers used to prepare Report: