

SCARBOROUGH BOROUGH COUNCIL

Town Hall
Scarborough
YO11 2HG

4 April 2017

Dear Councillor

OVERVIEW AND SCRUTINY BOARD - WEDNESDAY, 5TH APRIL, 2017

I am now able to enclose, for consideration at next Wednesday, 5th April, 2017 meeting of the Overview and Scrutiny Board, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 6. | <u>Local Government Boundary Commission for England: Council Submission on Size (Pages 1 - 14)</u> |
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To consider the Council's submission to the Local Government Boundary Commission for England, on Council size (reference 17/81)(report to follow).

Yours sincerely



David Kitson
Regulatory and Governance Manager

Encs

NOTES

	<p>REPORT TO CABINET</p> <p>TO BE HELD ON</p> <p>11 APRIL 2017</p>
	<p>Key Decision Yes</p> <p>Forward Plan Ref No 2</p>
<p>Corporate Priority</p> <p>To be an efficient and effective Council which is financially sustainable for the future</p>	<p>Cabinet Portfolio Leader</p> <p>Holder</p>

REPORT OF THE CHIEF EXECUTIVE – 17/81

WARDS AFFECTED: ALL

SUBJECT: SUBMISSION TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND ON COUNCIL SIZE

RECOMMENDATIONS:

That the Cabinet authorises the Chief Executive to submit the proposal on Council size set out in Appendix 1 of this report to the Local Government Boundary Commission for England (LGBCE)

REASON FOR RECOMMENDATIONS:

- To enable the Council to express its view on what the size of the Council should be as part of the preliminary stage of the LGBCE’s review of the Borough

HIGHLIGHTED RISKS: That the Council loses this initial important opportunity to influence the LGBCE’s review of the Borough.

1. INTRODUCTION

1.1 The Local Government Boundary Commission for England (LGBCE) is an independent body which conducts electoral reviews of local authority areas.

The purpose of an electoral review is to decide on the appropriate electoral arrangements – the number of councillors, the names, number and boundaries of wards – for a local authority.

1.2 The LGBCE's obligations set out in law when making its recommendations are to:

- Deliver electoral equality for voters (this means ensuring that the ratio of electors to councillors in each electoral ward is as nearly as possible the same)
- Reflect local community interests and identities
- Promote effective and convenient local government

1.3 In May 2016, the Council agreed to request the LGBCE to undertake an electoral review of the Borough and delegated to the Cabinet in consultation with the Governance Working Group, the Council's submissions to the LGBCE.

2. CORPORATE PRIORITIES

2.1 To be an efficient and effective Council which is financially sustainable for the future.

3. BACKGROUND AND ISSUES

3.1 The Council's request last May to the LGBCE to undertake an electoral review of the Borough was based on an indicative reduction in councillors from 50 to 40. The chief reasons put forward in favour of such a reduction were: (i) the last review of the Council's electoral arrangements was carried out in 1999 prior to the introduction of the Local Government Act 2000 and the implementation of executive arrangements, which have brought significant changes to the way the Council operates. The Localism Act 2011 has introduced further changes which have streamlined Council's decision making e.g. in standards; and (ii) considerable technological advances have also affected councillors' representative role highlighting further the need for a review.

3.2 The LGBCE accepted the Borough Council's request and in January briefed Members on the different stages of the review. The preliminary stage is now drawing to a close in which the Council through the Cabinet forwards its view on what the future size of the Council should be. Then in May the LGBCE will consider this and any other submissions and will publish a Council size which it is 'minded to' recommend and invite ward proposals based on that Council size. This opens the next stage of the public consultation on ward boundaries which will run until the end of July. Then in mid-October the LGBCE will publish draft recommendations on new wards for the local authority and a public consultation on them until mid-December. Finally, in mid-February 2018 the LGBCE will publish its final recommendations to be submitted to Parliament for implementation at the Borough Council elections in May 2019.

4. CONSULTATION

- 4.1 The proposals in this report have been discussed with the cross-party Governance Working Group and with the wider membership of the Council through the group leaders and the Overview and Scrutiny Board.

5. ASSESSMENT

- 5.1 The LGBCE's Technical Guidance sets out the following key criteria for determining the size of the Council:
- The governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities;
 - The scrutiny functions relating to its own decision making, and the Council's responsibilities to outside bodies; and
 - The representative role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.
- 5.2 The initial arguments outlined in the report to the Council in May 2016 have now been developed in accordance with these key criteria and with the support of two important pieces of evidence: (i) electoral forecasts of the Borough until six years after the review, 2023, and (ii) a survey of how councillors spend their time working for the authority, with a particular emphasis on their representative role in the local community. This forms the submission on Council size set out in Appendix 1 of this report.

6. IMPLICATIONS

Policy

- 6.1 No specific implications

Financial

- 6.2 With effect from 2017/18, the Council's basic allowance for an elected member is £4,041.24. To reduce the total number of councillors by 10% (5), would save £20,206.20. In 2015/16, councillors claimed £15,618.30 in expenses. To reduce this figure by 10%, would save £1561.83. There would also be ICT and other savings in Member support costs.

Legal

- 6.3 The LGBCE is undertaking this electoral review in accordance with statutory criteria. Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 requires the LGBCE to have regard to:
- The need to secure equality of representation
 - The need to reflect the identities and interests of local communities; and
 - The need to secure effective and convenient local government

Sustainability

- 6.4 None.

Equalities and Diversity

- 6.5 Securing equality of representation and reflecting the identities and interests of local communities are key aspects of this electoral review.

Others

- 6.6 I have considered whether there are any Staffing, Planning, Crime and Disorder, Health and Safety, and Environmental implications arising from this report and am satisfied that there is no identified implication that will arise from this decision.

7. ACTION PLAN

- 7.1 See paragraph 3.2



Jim Dillon
Chief Executive

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Background Papers:

Further information about the process for conducting electoral reviews can be found at: <https://www.lgbce.org.uk/policy-and-publications/guidance>

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	April 2017	That the Council loses this initial important opportunity to influence the LGBCE's review of the Borough.	The LGBCE lacks evidence for its review from the Borough Council.	Prepare and submit an evidence-based Council size submission	C3	A3	Democratic Services Manager	See report

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster

Electoral Review of the Borough of Scarborough

Proposals in relation to Council size

Introduction

1. The Boundary Commission's technical guidance document sets out the following key criteria for determining the size of the Council:
 - The governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities;
 - The scrutiny functions relating to its own decision making, and the Council's responsibilities to outside bodies; and
 - The representative role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.

2. This submission addresses each of these key criteria to justify the proposal for a reduction in the number of elected councillors for Scarborough Borough Council from the current 50 to 45.

3. The last review of electoral arrangements took place in 1998/1999 prior to the introduction of the Local Government Act 2000 and the implementation of executive arrangements, which effected far reaching changes to the way in which the Council operated. The Council's governance structures have continued to evolve since then in response to new legislation, a significant reduction in budgets, and the drive towards more efficient ways of working. The recommendations of the latest governance review were implemented in May 2016 which principally streamlined the scrutiny function from four committees into a single Overview and Scrutiny Board and disbanded the three remaining Area Committees. The review recognised alternative ways for councillors both to progress issues and to receive information outside the formal committee setting. To provide a stark illustration, when the current Council size was implemented in May 2003, there were 20 formal committees including the Council and Cabinet with a total of 231 seats. Now, there are nine with 122 seats: 47% fewer committee places. The Borough Council does not need as many councillors as historically to manage the business of the authority. The time spent in formal committee meetings has been significantly reduced for the vast majority of members.

Executive process

4. In 2001, the Borough Council adopted the 'Leader and Cabinet' model of executive arrangements, vesting decision-making authority in a Leader and the (currently) eight member Cabinet he chairs, with extensive delegation to individual Cabinet members and officers. Full Council only takes decisions it is required to do so by law, mainly in respect of the authority's budget and policy framework, and on matters of significance for the Borough. The Cabinet is scheduled to meet every month with the exception of August. In the year 1 March 2016 to 28 February 2017, the Cabinet considered 85 reports – an average of 7.73 per meeting.

5. It is not considered that the proposed reduction in the size of the Council would have a significant impact on the operation of the Executive in light of these statistics. The day-to-day operational business of the Council is conducted without the requirement to engage the majority of councillors. The new streamlined scrutiny model (see Scrutiny process) still delivers the required checks and balances to the Executive through both pre-decision scrutiny of draft Council policy and the power of call-in. Full Council agrees the policy framework as set out in Article 4 of the Constitution, which includes the Council's Corporate Plan (and yearly updates through the Annual Report and Improvement Plan) and a budget annually, whilst the Cabinet with the support of the Directors Team is empowered to deliver it. All councillors are kept informed of decisions through the publication of agendas, minutes, individual executive decisions, and the Cabinet Forward Plan, and all are invited to attend and contribute to discussion at Cabinet meetings if they wish.

Quasi-judicial processes

6. The Council has a Planning and Development Committee, currently comprising 17 councillors. The committee meets every month to consider those applications not determined by the Area Planning Managers or by the Planning Services Manager following consultation with the Chair of the Planning and Development Committee under delegated powers. The number of planning applications received by the authority in the last three years with details of decisions considered by the committee and those delegated to officers is set out below:

Year	No. of applications received	% committee	% delegated
2013/14	694	7.3% (57)	92.7% (619)
2014/15	695	10.27% (68)	89.73% (594)

2015/16	690	8.4% (57)	91.6% (619)
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7. Planning decision delegation targets currently stand at 60% for major applications, 65% for minor applications and 80% for others.

8. A Licensing Committee of 15 members meets quarterly and is responsible for all matters concerning the discharge by the Council of its functions in relation to licensing under the Licensing Act 2003, gambling or gaming, the control of sex establishments and other health and safety and miscellaneous functions. The Licensing Committee provides a pool of councillors to serve in a sub-committee meeting of three members to deal with individual licensing applications. The Licensing Sub-Committee's volume of work in the last three years is set out in the table below:

Year	No. of meetings	No. of applications
2013/14	42	49
2014/15	33	36
2015/16	18	21

9. When discussing the proposed reduction in Council size, our Members raised concerns about the difficulties in finding councillors to serve on the Licensing Sub-Committee. However analysis shows that, of a pool of 15, only a third of the pool regularly serve on the sub-committee, highlighting the separate issue (not relevant to this submission) of promoting Member engagement in the Council's governance.

Scrutiny process

10. The authority's scrutiny function has undergone various refinements since its inception in 2001, most recently through the establishment of a nine member Overview and Scrutiny Board in May 2016 supported by a self-selecting pool of non-executive councillors who can put their names forward for task group work according to their interest, experience and expertise. The Board is scheduled to meet eight times a year, in addition to ad hoc meetings which may be required to consider call-ins. The new model represents a clearer and more outcome-focused approach to scrutiny centred on a single commissioning body, whilst still enabling any non-executive councillor to get involved either through proposing a review topic, attending and taking part in Board meetings, or participating in the in-depth task group work commissioned by the Board.

11. The new model also signals a move to raise the threshold of the business that come to the Overview and Scrutiny Board, by considering how the Board through its intervention can lead to positive outcomes and recommendations, and by diverting much of the material that used to be considered by the former scrutiny committees and area committees for information to alternative forums, in particular into the annual programme of public member briefings.
12. Some eight months after the O&S Board's inaugural meeting, these new arrangements are still bedding in. Further training is being given to members, and the Chair of the Board has held discussions with officers to consider how scrutiny can become more involved in the review and development of Council policy. The Board's first completed review in respect of off-street car parking charges was well received.
13. The Council also has an Audit Committee of six councillors and one co-opted member (currently vacant) which meets quarterly to provide assurance to the Council on the adequacy of the risk management framework and internal control environment in addition to monitoring compliance with the local code of corporate governance. It also approves the Council's Annual Statement of Accounts, receives the Annual Audit Letter by the Council's External Auditors and monitors the work of Internal Audit.

Decision making generally

14. As already mentioned, over recent years the Council has steadily streamlined and refined its decision-making processes. In 2011, the Cabinet (Grants and Relief) Sub-Committee was abolished in favour of more efficient grant/relief giving decision-making arrangements. The vast majority of Individual Cabinet Member decisions are no longer transacted through meetings. The Council's planning sub-committees have been abolished and replaced by a single Planning and Development Committee in response to higher delegation targets and other efficiency drivers. In 2012, in accordance with the Localism Act, the Council's standards regime was streamlined, the Standards sub-committees abolished, and the Standards Committee reformed. Most complaints are now considered by the Monitoring Officer in consultation with the Independent Persons without having to refer them to the committee. The Standards Committee is scheduled to meet quarterly but meetings are frequently cancelled because of lack of business.

15. Council meetings rarely last for more than two hours; Cabinet meetings about an hour; the Overview and Scrutiny Board about an hour and the Planning and Development Committee about 2½ hours. The two remaining committees which have not been mentioned – Appointments Committee and the Appeals Panel – consist of a handful of members and meet infrequently on an ad hoc basis. It is no longer considered that 50 councillors are required to run the business of the authority. This is reflected in part by the fact that nine councillors do not currently sit on the Cabinet or any of the main Council committees (scrutiny, regulatory and governance).

Representative role of councillors

16. Scarborough has a population of 108,700 (ONS 2011 Census). It is a fairly rural district with a population density of 133 people per km², above the North Yorkshire average of 74 yet below the national average of 429. The town of Scarborough (population 59,580) is its only major town or settlement with a population over 15,000. Its second largest town is Whitby with a population of 13,200.

17. The current total of local electors in the Borough (as at 1 March 2017) amounts to 81,691 giving an average number of electors per councillor of 1,634. Of the 25 wards in the Borough, 19 are two member, three are three member, and three are one member. All of Scarborough town's nine unparished wards are two member. The remaining 16 wards all have parish councils: several cover substantial rural areas and multiple parishes.

18. The Council makes appointments to 48 outside bodies which have organisational objectives that the Council supports and where there are areas of mutual interest. The purpose of these appointments is to assist these organisations and enable effective communications with the Council. The outside bodies divide into four types: companies, charity trusts, unincorporated associations and steering groups/partnerships/joint committees. The workload associated with the appointments varies significantly. Positions on 14 of the external bodies are executive appointments forming part of the portfolio of members of the Cabinet.

19. Different councillors make different arrangements for discharging their representative role. This may involve local surgeries, monthly newsletters, attendance at public including parish council meetings as well as contact (face to face, telephone, email, social media) with local residents and also with other service providers. Members are kept informed of Council and partners' developments via a programme of monthly public briefings and electronic updates. Most communication is by email.

20. The results of a recent survey showed that on average, those councillors responding to the survey (36 out of 50 councillors) spent 23.5 hours per week on Council business. Of these 23.5 hours, the average time spent on the councillors' representative role was 9.5 hours (40%). The total number of hours spent per week on Council business showed significant disparity between the highest of 61 hours and the lowest of 7 hours, as did the time dedicated to the representative role between 35 hours and 1 hour. This compares with a national average number of hours per week on Council business of 21.3 (LGA Census of Local Authority Councillors 2013) of which the average time spent on the representative role amounted to 10.5 hours (49%).
21. Caseload varies throughout the district. In terms of affluence, North Yorkshire, as a whole, is a prosperous county but the Borough of Scarborough displays the typical attributes of a coastal economy characterised by both wealth and poverty. The Borough is divided into 70 Super Output Areas (SOA) with circa 1,500 residents in each area. 10% of residents live in the 10% worst SOAs nationally whilst none of the SOAs are in the top 10%. As typifies a district council, planning, Council Tax, and benefits are more popular reasons for constituents to contact their councillors, although Members often find themselves signposting constituents to other more appropriate agencies. When in 2011 in the Scarborough urban area, highways powers transferred back to North Yorkshire County Council as the Highways Agency Agreement came to an end, Borough councillors in these wards lost a common issue in their casework.
22. Since the last electoral review in 1999, written communication has moved from being largely paper based to almost wholly through electronic channels. In 2013, the Council launched a new website and SWITCH programme to reduce the cost of delivering services, and to improve the quality and accessibility of these services. Self-service channels are now available for customers so they can use the Council's website to get information, report an issue, book a service, pay for it and then track the progress, 24 hours a day seven days a week. The Council has a plan in place to address digital exclusion in the Borough based on an integrated partnership approach to providing more access to public services online and to assisting those who are vulnerable to digital exclusion. The Council's agenda both to tackle the digital divide and promote greater accessibility means that many residents who may have previously used their local ward councillor to obtain information, can now do so directly. Although digital exclusion remains an issue in some sections of the population, the increased provision of online services generally serves to reduce the pressure on councillors in their representative role and means that a smaller number representing a larger electorate becomes a more realistic proposition.
23. Furthermore, the Borough of Scarborough has 325 parish councillors spread across 39 parishes or combined parishes. Whilst parish and district council roles are different, it is fair to say that, with the exception of the Scarborough

urban area, most residents have ready access to a local parish or town councillor, who often has good knowledge of how the district council works and can help individuals resolve problems. The Borough Council also operates in a two tier area with 14 county councillors covering upper tier functions across the Scarborough District. Some councillors represent all three or two of the tiers. This assists in the dissemination of this knowledge for the benefit of their fellow councillors and constituents.

Justification for a new council comprising 45 councillors

24. When the Council resolved to request an electoral review, it was on the basis of reducing the number of councillors from the current 50 to 40. At that time no detailed work had been undertaken to examine whether this figure was precisely correct, but councillors agreed the figure of 40 as a working hypothesis given the way the authority operates.

25. Since then, some work has been done in order to determine a proposal that enables, as far as possible, the potential for discrete representation of the Borough's urban areas which in accordance with the Scarborough Borough Local Plan extends to the growing population centres in Cayton, Eastfield and Scalby, in addition to the Whitby and Filey areas. This is seen as important in the context of members representing either an urban or rural ward rather than a mix of the two to allow for an improved focus and representation of a single community interest with, as consequence, the most effective use of a member's time. A further issue highlighted through discussions with Members has been the geographical size and rurality of large parts of the Borough militating against a too drastic reduction in councillors. This view needs to be weighed against the counter argument that these rural areas also have their parish councillors to serve as community advocates and that higher volumes of caseload tend to be generated in more densely populated areas with higher levels of deprivation. Others have raised this authority's reputational issues and the continuing cuts in public services – two factors which place more onus on councillors to engage and communicate more with their constituents. A fear was also voiced that should the Council size reduce too much, then the pressure on the remaining councillors may trigger resignations. What started as a working hypothesis of 40 councillors has generated a range of arguments which require careful balancing to reach a conclusion on what the size of the Council should be. In our final analysis, the caveats raised lead us to propose the higher total of 45 councillors for the Boundary Commission to consider.

26. The current number of councillors and overall electorate is set out below compared with the forecast electorate in 2023 based on projected housing development and population growth:

	2017	2023
No of councillors	50	50
Overall electorate	81,691	87,863
Average electorate per cllr	1,634	1,757

27. This equates to a 7.5% increase in the electorate over a six year period. In 2017, of the 25 Borough Council wards, two match the average electorate per councillor, 11 are below the average electorate per councillor (making a total variance of – 104%) and 12 are above the average electorate per councillor (making a total variance of +108%). In 2023, with the same number of councillors, none of the 25 wards matches the average, 14 wards are below the average electorate (making a total variance of -142%), and 11 wards are above the average electorate (making a total variance of +127%).

28. A Council size of 45 councillors would generate an average electorate per councillor of 1,953. This seems an acceptable increase in view of the above arguments. For some councils with higher electorates, the increase in ratio can be much higher. For example, Harrogate Borough Council through its recent electoral review and reduction in councillors from 54 to 40 has increased its average electorate per councillor from 2,387 to some 3,200. Moreover, in summary, the forecast ratio of 1,953 for Scarborough Borough seems sufficient for councillors to fulfil their representational role, offers potential for discrete representation of the Borough’s urban and rural communities, and an opportunity to reduce the variance from the average electorate per councillor and so provide a more equitable spread of councillors across the Borough. Just as importantly, significant changes in the governance of the Council mean that 45 councillors seem sufficient to manage the business of the authority.