

# AGENDA SUPPLEMENT (2)

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**Meeting:** Council  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 10 July 2018  
**Time:** 10.30 am

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The Agenda for the above meeting was published on **2 July 2018**. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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8 **Electoral Review of Wiltshire Council - Supplementary Submission to the Local Government Boundary Commission for England (Pages 3 - 14)**

An update report and draft submission are attached.

DATE OF PUBLICATION: 9 July 2018

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**Wiltshire Council**

**Appendix 3 to Summons Report**

**Full Council**

**10 July 2018**

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**Further Report on the Electoral Review of Wiltshire Council – Supplementary Submission to the Local Government Boundary Commission for England**

1. On 2 July 2018 a report was published with the Council Summons for 10 July 2018 outlining developments with the electoral review of Wiltshire Council being undertaken by the Local Government Boundary Commission for England ('the Commission').
2. Reference was made to a letter from the Commission dated 31 May 2018 requesting supplementary information on the Council's original submission of 4 April 2018. A copy of their letter is attached at Annex A.
3. The information requested by the Commission can be summarised as:
  - i) How the Council's proposal provides an effective balance between strategic decisions and operational management;
  - ii) To fully understand scrutiny members' role in policy development and, if there is one, why portfolio holders are needed;
  - iii) In relation to the planning function, why such a large number of Councillors need to be involved in decision making on a very small proportion of the total number of planning applications which the Council receives;
  - iv) Why a minimum of four councillors is needed for an Area Board to operate effectively;
  - v) Why a smaller council would compromise the Council's ability to discharge its duties and represent the people of Wiltshire.
4. At its meeting on 25 June 2018 the Electoral Review Committee confirmed that the Council's original submission should stand, and delegated the preparation of a draft response for consideration by Council to the Director of Legal and Democratic Services after consultation with the Chairman.
5. A draft statement to form the basis of the Council's response to these questions is attached at Annex B.
6. As the request for additional information was addressed to the Leader of the Council, it is proposed response will go out from the Leader on behalf of the Council.

**Proposal**

7. It is therefore recommended that Council:

- i) Notes the current position and the request from the Commission seeking supplementary information on the Council's original submission (Annex A);
- ii) Approves the supplementary information set out in Annex B as the basis of the response to the Commission's letter, subject to any minor drafting and consequential changes to be delegated to the Director of Legal and Democratic Services after consultation with the Chairman of the Electoral Review Committee.

**Ian Gibbons - Director of Legal and Democratic Services (and Monitoring Officer)**

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Report Author: Paul Kelly, Head of Democratic Services, 01225 713049  
[paul.kelly@wiltshire.gov.uk](mailto:paul.kelly@wiltshire.gov.uk)

Annex A – Letter 31 May from LGBCE

Annex B – Draft information to form the basis of response

Baroness Scott of Bybrook OBE  
Leader of the Council  
Wiltshire Council  
Bythesea Road  
Trowbridge  
BA14 8JN

31 May 2018

Dear Lady Scott,

### **Electoral Review of Wiltshire Council – Determination of Council Size**

I write with reference to our meeting on 15 May regarding the Council's submission on the number of elected members for Wiltshire Council. Firstly, can I thank you for sparing the time to discuss this matter further.

As we discussed, the Commission considers it needs further information before it makes a decision on the number of councillors for Wiltshire Council. We discussed the Commission's concerns before inviting you to provide us with some supplementary information which, we hope, will help us to make our decision on council size.

We would find it helpful if you could address the particular aspects of governance and decision-making I raised and more information as to how your proposed number provides an effective balance between strategic decisions and operational management. We understand that decision-making is spread between full council, executive, area boards and regulatory committees. We wish to fully understand scrutiny members' role in policy development and, if there is one, why portfolio holders are needed.

We also noted that your governance structure includes an overarching strategic planning committee and four area planning committees. However, the Commission feels it needs further justification for such a large number of councillors to be involved in decision-making on a very small proportion of the total number of planning applications which the Council receives.

We understand and respect the key role played by Area Boards in the Council's work. However, we consider that further justification is needed to support the view that the Boards generally require a minimum of four members to operate effectively. It is important to note that when we come to decide the division boundaries, we will not be bound by the existing Areas Board boundaries.

Finally, we would like further evidence to show why a smaller council size would compromise the Council's ability to discharge its duties and represent the people of Wiltshire. Because your Council is proposing a relatively large council size when compared to other unitary authorities of a similar geographic size and population, this aspect is particularly significant.

We recognise that your further submission may require formal consideration by your Council and that you have a Council meeting scheduled for 10 July. I would therefore be grateful if you would provide us with your additional submission by 13 July. If the Commission is satisfied with the further information provided, it will take its decision on the number of councillors in the summer and then move on to public consultation on division boundaries.

I have written in similar terms to the Leader of the Liberal Democrat Group on the Council. Please feel free to contact the Commission officers who are leading on the Wiltshire review if you have any further questions. They are:

David Owen – Review Officer  
[david.owen@lgbce.org.uk](mailto:david.owen@lgbce.org.uk)  
Tel: 0330 500 1277

Richard Buck – Review Manager  
[richard.buck@lgbce.org.uk](mailto:richard.buck@lgbce.org.uk)  
Tel: 0330 500 1271

Yours sincerely,



p.p.

**Peter Maddison QPM**  
**Commissioner**

## **Supplementary Information Requested by the Local Government Boundary Commission**

### **1. How the Council's proposal provides an effective balance between strategic decisions and operational management.**

The Council's proposal finds the best balance for efficient strategic decision making and operational delivery - ensuring that communities can have their say throughout.

The philosophy behind the Council's "local first" approach is to provide the sort of unitary authority that the people of Wiltshire wanted. The basic principle of councillors setting strategy and policy through full Council and Cabinet (aligned to the Business Plan) - with senior officers managing implementation is clear - but this is only a starting point.

Communities are consulted on proposals for new strategies and policies through their local councillors and area boards and their views reported and taken into account before final decisions are made. Feedback is given and communities monitor the effectiveness of delivery through their area boards. This ensures that if something is not working well councillors get to hear about it.

Our major partners such as the NHS, Wiltshire Police, Fire Service and other key 3<sup>rd</sup> sector partners have also embraced this "local first" way of working and have shaped their organisations to reflect this. It is therefore essential to have the area boards which are based on clearly identifiable communities integrated into the Council's governance arrangements and to have a sufficient number of councillors to allow them to operate efficiently and effectively. Any reduction in numbers puts this at significant risk.

The influence of communities is the bedrock of effective strategic decision making in Wiltshire. There are important roles for executive councillors (Cabinet members and Portfolio holders) to lead and drive this approach, and be seen to do so. The public in Wiltshire expect this level of transparency and accountability and a sufficient number of councillors are needed to achieve it effectively. To recognise the importance placed on these governance arrangements, corporate services and communities are specifically designated in the responsibilities of two of the Cabinet members. In addition to the implementation of new or revised strategies and policies, service delivery is the professional responsibility of officers. However, there is a strong, supportive team approach between executive councillors and officers to ensure services are the best they can be and are responsive to changing community requirements. At a more formal

level there is robust public reporting and commentary of service performance and risk by officers to the Cabinet.

The benefits and strength of this open approach to decision-making and operational management are clearly evident' in the "critical friend" challenge exercised by non-executive councillors, co-opted members and stakeholders in the Council's overview and scrutiny arrangements. Many of the decisions by Cabinet and Council are taken through scrutiny in the first instance. Detailed review is undertaken using expert input with open reporting of findings and recommendations. Those executive members and directors with responsibility for the matter under review attend in person to answer pertinent questions. This is seen and accepted as legitimate, constructive, lay challenge of the decision-makers. This attaches real credibility to the final decision in the eyes of the public. Again the overview and scrutiny function needs a structure with a sufficient number of councillors to do justice the principles of good scrutiny. Overview and scrutiny is regarded a vital component of effective governance. A reduced number of non-executive councillors runs the risk of devaluing this important statutory function.

The Council's corporate governance arrangements have been independently evaluated and its member-led approach and strong and effective relationship between the political and corporate leadership were recognised as a real asset.

Democratic input and influence by the communities of Wiltshire through our "local first" approach requires full weight to be given to it when assessing the effectiveness of our governance, scrutiny arrangements and representational structures.

Reducing the number of councillors and altering the current balance of decision-making could take us back to a more traditional set-up and risk creating a democratic deficit with inherent risks to member oversight.

As noted by the Leader of the Council, Baroness Scott of Bybrook OBE:

*It is our clear and evidenced view that our success to date as a Council has been achieved with powerful political leadership and strong community representation enhancing the power of managerial leadership to deliver. As such, we believe the current arrangements balance strategic and operational management effectively.*

## **2. To fully understand scrutiny members' role in policy development and, if there is one, why portfolio holders are needed.**

It is widely understood in local government that the overview part of the overview and scrutiny function covers the non-executive role in policy development. This mainly comes in the form of an invitation from the executive to support the development or revision of corporate or service policy in response to changes in legislation, central government direction or local initiative. This invitation can come early in the process allowing overview and scrutiny to take a lead in formulating the policy detail or later by testing the options and proposals of the work done by the executive and officers ahead of any decision. In both instances the terms of reference and approach are mutually agreed between the executive and overview and scrutiny. This often leads to the establishment of an ad hoc single topic task group reporting to the parent select committee, with recommendations going back to the executive. These recommendations are taken into account by the executive.

However, this important scrutiny work is not sufficient in itself - Wiltshire believes in meaningful engagement with its communities and stakeholders before decisions are made. It is the executive (and not non-executive members through overview and scrutiny) that leads the process of engagement through initial consultation, representation of views and response prior to final decision. This consultation can take the form of surveys, petitions, events, correspondence and answering questions but - most significantly in Wiltshire - through receiving feedback from area boards. This requires enough executive capacity to do so effectively.

The responsibilities of a large unitary council are vast and to have an effective and integrated overview scrutiny function requires sufficient non-executive councillors organised in a meaningful way. However, it is the executive that owns the whole process of policy development as overview and scrutiny powers are limited to making recommendations. The Cabinet is restricted to a maximum of 10 by law so in order for it to provide executive leadership at all levels in an organisation of Wiltshire's size and complexity it requires support. In reality this can only come from within the Administration in order to have consistency. These councillors are recognised through a single portfolio status to develop policy working closely with services and extending executive frontline visibility to the public, communities, stakeholders, partners and contractors. This is regularly done at face to face meetings and attendance at local, regional and national events. This vital supplementary executive visibility and knowledge provided by the portfolio-holders then feeds back as input to the overview and scrutiny function.

Cabinet Members already work, on average, over 50 hours per week on council business. Without portfolio holders this would rise to over 70 hours per week, which is not sustainable.

The use of portfolio holders (or their equivalents) to support Cabinet Members reinforces the member-led nature of the authority and is common in many of our comparator authorities.

This important, frontline, executive role cannot simply be added to the overview and scrutiny function. Overlooking the unique role played by portfolio holders, and the distinct role of the overview and scrutiny function, would run the risk of distancing the executive from the voices of our communities and stakeholders. This would make the current strong, effective and respected engagement in policy development in Wiltshire all the poorer.

**3. In relation to the planning function, why such a large number of Councillors need to be involved in decision making on a very small proportion of the total number of planning applications which the Council receives.**

The Council disagrees with this assertion.

Wiltshire is the third largest planning authority in the country. Across the calendar years 2010-2017 an average of 195 items per year were considered by the planning committees - a considerable number by any measure. National statistics for the past year show that in England an average of 5-6% of planning applications are determined by councillors. Given Wiltshire is a larger planning authority, a figure of 4% being determined by councillors in no way indicates 'a very small proportion' of planning applications are considered by councillors, compared to other authorities - nor is the actual number low.

Five planning committees is the most suitable number for a council area the size of Wiltshire, processing the number of applications that it does. Excessively long meetings lead to bad decisions, and even with an average of 38 minutes per application (including public participation, which is critical to public confidence in the planning system) one in five planning meetings are over three hours long, some nearly six hours long. Fewer committees to consider the applications would mean longer meetings and poorer decision making. At present, 123 hours per year is spent considering applications across five committees and reducing the number of committees would increase the workloads of the remaining committees to an unreasonable amount.

Additionally, given the extreme importance of planning matters to residents, and that committee decisions by their nature will be on more controversial matters, effective decision making requires that those decisions be made by people with local knowledge and experience, which would not be the case with fewer committees. It already takes almost an hour to travel from the furthest parts of the county to the nearest area administrative hub.

In addition, the number of councillors involved in those decisions is not unusual or unreasonable either. Many genuine comparator authorities like Cornwall and County Durham have four committees, but those committees have more councillors than those in Wiltshire. Particularly for large unitary authorities which do not share any planning responsibilities with other authorities, councillor numbers of around 50% of the total number of councillors is normal for the planning function. The current structure in Wiltshire is effective and a local first approach to decision making requires such a number to be effective, particularly given the high volume of work being undertaken.

#### **4. Why a minimum of four Councillors is needed for an Area Board to operate effectively.**

The Council has devolved local decision-making to communities and empowered its 18 area boards to tackle local issues. The area boards are the foundations upon which the Council's work with communities is built. The boards are now part of the organisation's culture - part of its DNA - they are highly visible and firmly focused on addressing issues identified by their local communities.

The Council has transferred funding and functions to the area boards. Part, though certainly not all, of that approach involves the delegation of executive authority to the Area Boards, in particular the delegation of significant grant funding, local transport schemes and devolution of youth funding. Devolution involves local people in decisions that affect them, levers social capital into shared priorities, makes public funding work harder and go further, reduces duplication, integrates public service delivery and it improves services, outcomes and impact. Devolution works and it makes good business sense.

The Area Boards also use their democratic legitimacy, devolved resources, collaborative influence and their community workers to facilitate action across these and other local priorities. Every £1 awarded by the Area Boards to support community projects levers the equivalent of £6 of external funding, turning £1.3m devolved public funding into £7.5m of community investment in 2017/18. The leveraging of social capital through the area boards has supported the 11000 volunteers who invest

significantly in Wiltshire's rural communities, and enabled the Council to focus savings into vital areas such as adult social care and looked after children, mitigating the impact of budget reductions.

Part 3 Section B Paragraph 4.17 of the Wiltshire Council Constitution provides that in order to be quorate a minimum of three voting members are required for an Area Board meeting, in keeping with the rules for other committees of the Council.

If Area Boards were expected to operate with a total of only three Councillors however, there is a high risk that Boards will be unable to undertake formal decision making in many instances. Attendance at Area Boards by Councillors in the municipal year 2017/18 was 90% across an average of approximately 6 meetings per Area Board per year, a very high amount, but this could still lead to 2-3 meetings per Council term for a three-member Area Board potentially being inquorate and unable to make decisions. Councillors will inevitably have pecuniary or other interests which prevent them from voting upon specific items and so in practical terms will become inquorate many times during the year.

Taking into account that the community areas in Wiltshire are not arbitrary administrative constructs but historically and academically identified distinct areas, complex substitution arrangements to ensure quoracy would undermine the entire principle of local Councillors taking local decisions, and diminish the effectiveness of the Area Boards for the Council and its partners as well as in the eyes of the public. As noted in paragraph 31 of the initial submission the LGA were extremely positive about the present arrangements, and that it was a sound basis for the further support of place based delivery of services.

The Area Boards were identified following an exhaustive analysis of many factors: historic settlement patterns and civil boundaries, travel to work areas, shopping patterns, transport links, school and GP catchments, geology and more. The areas were established in 1997 and were legitimised through the comprehensive public consultation undertaken in 2008. Since that time they have been incorporated into service delivery and performance monitoring by the public agencies in Wiltshire. Changes to the Area Boards would have a fundamental impact on the nature of local governance in Wiltshire, and is therefore highly relevant in any Electoral Review. Any proposed outcome would need to evidence a model which could provide the same quality of efficient and effective governance at local level.

## **5. Why a smaller council size would compromise the Council's ability to discharge its duties and represent the people of Wiltshire.**

An effective Council cannot be operating at a bare minimum of necessary resources without significant risk. This would allow no level of contingency for increases in workload, sickness or other absences that would no doubt occur. The initial submissions of the Council have demonstrated with the proposal of 99 that the 'breaking' limit is close to that point, and therefore a proposal of 99 should be accepted as it is at that point at which it is assured that the Council can maintain and continue to improve its effectiveness in being a community driven and member-led authority - regarded highly nationally for its innovation, efficiency and inclusiveness.

As a purely academic exercise, several key trigger points are highlighted below to demonstrate the impact of reduction in council size on specific areas. However, in reality the impact would resonate throughout all aspects of democratic governance and would compromise the ability of the Council to fulfil its duties effectively.

- At a council size of 98, community areas would not be represented most efficiently due to additional work arising from population changes.
- At a council size of 93, while non-area board committees would be able to operate, at this point it would be likely that the council would not be able to maintain all of its community area boards.
- At a council size of 92 it is considered that non-area board committees would be operating at the very limit and would not allow for any capacity for contingencies. Moreover, community areas would not be appropriately represented or efficiently governed as insufficient area boards could be established at a level which ensures efficient and effective decision making. Losing the heart of community governance in such a way would in our view be unacceptable.
- At a Council size of 82 committees such as those for planning and scrutiny would function much less effectively, councillor workloads would become unreasonably onerous, particularly in relation to the discharge of executive functions, and community areas would not be appropriately represented or efficiently governed across a significant part of the county.
- Council sizes of 79 or lower would result in a committee structure wholly unable to cope with the full range of responsibilities, communities would have inadequate representation and effective

governance would be seriously compromised. The Council, and partners, would at great time and cost for no benefit have to restructure all its governance arrangements.

Therefore, bearing in mind the equal weighting to be given to the necessary criteria, at a Council size of less than 99 there would be severe impacts to community identity and to effective and convenient local government, especially in relation to local decision making and democracy. Conversely, there is no evidence to support the view that a reduction in Council size would result in more effective and convenient governance.

DRAFT