

CIVIC AFFAIRS COMMITTEE23 November 2005
(6.00pm- 7.00pm)

PRESENT: Councillors C Rosenstiel (Chair), Boyce, R Smith, Hart, Stebbings and Ward.

Also present: Councillor Nimmo-Smith

FOR INFORMATION OF THE COUNCIL**05/CIV/33 MINUTES**

The minutes of 27th July were confirmed by the Committee as a correct record and signed by the Chair.

05/CIV/34 APOLOGIES FOR ABSENCE

There were no apologies for absence.

05/CIV/35 DECLARATIONS OF INTEREST

There were no declarations of interest.

05/CIV/36 PUBLIC QUESTION TIME

A member from the independent remuneration panel was present for item 05/CIV/38

05/CIV/37 MEMBERS' ALLOWANCES

The Chair recommended that consideration of the Panel's report be deferred to its January meeting. The increase in the budget as recommended would be treated as a budget bid and would be considered as part of the Council's 2006/07 budget process.

Mr Michael Arnold, a member of the Independent Remuneration Panel, was present and explained the Panel's report. He stated that the Panel remained concerned over the low level of basic allowance. This concern had been expressed consistently over the years. The recommended level had been based on information provided by councillors' timesheets and surveys and, during presentations, all three political groups' representatives had agreed with the calculation of the basic allowance. The Panel had attempted to stick to an Special Responsibility Allowance (SRA) ratio of 4:1 for Chairs and Vice Chairs. He recommended that, if changes were to be made to the recommended scheme, the Council should not change the SRA multipliers.

The Chair thanked Mr Arnold for attending and requested his attendance at the next meeting.

Councillor Boyce requested background information on the Panel; he also suggested

that in recruiting two new members to the Panel, an Honorary Councillor or Councillor from another authority should be considered. The Head of Committee Service would take this on board when recruitment takes place. Information on the Panel would be provided.

Resolved

The Committee agreed to defer the report to 25 January.

05/CIV/38 NOTICES OF MOTION TO COUNCIL

At its meeting on 27 July, the Committee recommended changes to the budget procedure to require advance notice to be given of budget amendments. The Committee agreed to consider whether wider changes should be made to Council procedure to require advance notice and publication of other amendments moved at Council meetings. The Committee's views are sought.

The Committee agreed not to take any further action.

05/CIV/39 PERIODIC ELECTORAL REVIEWS – ELECTORAL COMMISSION CONSULTATION

The Head of Legal and Democratic Services presented a report to the Committee.

The Electoral Commission is responsible for the conduct of periodic “electoral reviews” which determine the number of councillors who serve on a Council, the number and boundaries of wards and the number of councillors for each ward. As part of a review of how it interprets the law, how its approach might be improved and what it might do to enhance the way it works with people interested in the outcome, it had published a consultation paper. In particular, the Electoral Commission was keen to hear views on:

- how the statutory criteria for electoral reviews – community identity, electoral equality, and effective and convenient local government – have been applied and if they can be improved;
- possible changes to the review processes, including the evidence taken into consideration by the Commission; and
- issues surrounding the timing and scheduling of reviews.

The Head of Legal and Democratic Services circulated a draft response to the Consultation Paper, prepared in collaboration with the Chair. The Committee was asked to endorse the response.

Resolved

That the draft response be adopted by the Committee and submitted to the Electoral Commission, subject to the addition of a comment emphasising that existing coterminosity between district and county wards should only be broken with very good reason. (The agreed response is appended to these minutes.)

Consultation: Periodic Electoral Review: Cambridge City Council's response.

Q1 Are the three criteria : 1. having regard to identities and interests of communities, 2. effective and convenient local government, and 3. having a duty to achieve equality of representation, the most appropriate factors for determining electoral boundaries?

- Should all of the criteria be given equal weight?
- Is it appropriate to start, as the Commission does, with electoral equality or should there be a different approach?
- If a greater weight were given to community identity, would a higher level of electoral inequality be acceptable?

Our view is that all criteria should be afforded equal weight, with the Commission able to reach the best balance between the factors, taking account of local circumstances. This would make representation more community based at slight cost in terms of equality.

We would like to make a point concerning community identity and boundary main roads. Although boundary main roads may be a convenient starting point for defining community identity, very often the road itself forms a micro-community which would be broken up by a boundary along the centre. In our experience, there can be a lot of merit in drawing boundaries to one side of main roads, with the whole road being kept together for ward purposes.

Q2 What evidence can the Commission use to understand community identity?

- Can community identity be recognised through the location of public facilities to identify the cores of communities?
- Should the Commission adopt this approach in its consideration of community identity?
- If it did, are there other public facilities that could be used and easily provided as evidence?

We think that the location of facilities used by the public may help to identify

communities and this is certainly something to which the Commission should give weight. We recognize the difficult task faced by the Commission in identifying communities and the focus of community activity will be a good indicator, with any available usage figures providing some objective information. An obvious addition to the public facilities mentioned is usage of community centres and social clubs as well as wider factors like, transport links, places of worship (and their catchment areas).

Q3 How far is it reasonable for the Commission to depart from electoral equality in reaching its decisions?

- Should this figure be higher or lower than the measure used of no more than 10% greater or lesser than the average number of electors per councillor for the whole area?
- Should the figure vary between different areas?

Our view is that the 10% figure is too restrictive. Where there is a conflict between numerical equality and community representation, the latter should prevail.

Q4 What evidence can the Commission use to indicate effective and convenient local government?

- How far do you agree with how we interpret effective and convenient local government for the purpose of defining electoral areas?
- Are there benefits in seeking a high degree of matching between boundaries (co-terminosity), especially in two-tier areas?
- Should the Commission set such a target for co-terminosity?
- Should the Commission set such a target for parish boundaries in district wards?

We would take issue with the view that warding has little or no effect on service delivery. This is because of the development of ward-based area committees. Where area committees are in place, warding will have an important effect on service delivery. Splitting wards between area committees is not a practical option.

There are conflicting and ever-changing factors – eg DCMS rules on licensing committees require larger councils in some cases and were not part of the considerations of council size in Cambridge's case. Better to limit consideration to justification for locally-originated change proposals.

Co-terminosity in parished two-tier areas is over-rated. In general, parishes should not be divided between wards unless a parish is large enough to require more than one ward. If there are cogent reasons to depart from this it may indicate a need for a parish review. Constituencies are also affected by this. It is much worse to have a parish divided between constituencies than different parishes in a ward being in different County Electoral Divisions.

Q5 Are the criteria the Commission uses to decide when to undertake PERs – 30% of wards with a variance in excess of 10%, or one ward with a variance of over 30% – appropriate?

- Should the Commission invite requests from councils for a FER?
- What justification should the Commission require for reviews undertaken on grounds other than electoral equality?

We think this is reasonable, but partial FERs should also be possible because of concentrated local changes as in Milton Keynes Parliamentary case where the Parliamentary Boundary Commission split two constituencies into three due to rapid growth there between general reviews or to reflect a FER at the other level in a two-tier area.

Authority boundary changes would be another justification for a review on grounds other than electoral inequality.

Q6 Should the Commission make plans for another programme of PERs?

- What approach should the Commission take to the timing of another PER and the scheduling of reviews within it?
- What factors should be taken into account when scheduling reviews?

We do not believe that a programme of PERs is necessary before 2020. This could allow for a programme of reviews of authority boundaries, starting with cases where all relevant authorities agree on the changes suggested.

Q7 Should the Commission aim to review two-tier areas – districts and counties – simultaneously or overlap the county review with that of the districts?

We think the reviews in two-tier areas should be closely coupled. Our view is also that existing coterminosity should only be broken with very good reason.

Q8 Should the Commission maintain its current approach to determine council size or give more specific guidance, such as a formula or banding scheme, linked to councils' electorate size and functions?

- What evidence should be expected from respondents to argue the case for council size?
- Would comparative information, such as indicators of the broad council size

norms linked to electorate size, provide councils as well as the Commission with some guidance in considering proposals?

We much prefer a pragmatic approach to any alternative based on prescriptive formulas. In setting Council size, the Electoral Commission must recognise the additional areas of work being given to councillors. A good example is the change to the licensing regime, with councillors obliged to discharge functions which were previously the responsibility of licensing justices. The commission should consider locally initiated change proposals only.

The effectiveness of existing working arrangements is more likely to indicate a case for change than standardised formulae would.

Q9 Should the Commission continue to expect all local authorities to provide five-year electorate forecasts?

- Can the Commission support local authorities to provide better electorate forecasts with some guidance? If so, what form should any guidance take?

We need to produce these forecasts in any case, in order to plan the delivery of services. In two-tier areas there is perhaps a need for the two tiers to work more closely together in making forecasts.

Q10 Should the Commission be prescriptive about the number of councillors per ward or division throughout an area, such as having one councillor per ward or division?

- Should the number of councillors for wards in metropolitan districts be as flexible as in other areas and should the Commission seek to change the legislation?
- Should the Commission continue to set a maximum of three councillors for all electoral areas?

We think that the prescriptive nature of the Local Government Code of Conduct, and the way in which it rigidly precludes participation in defined circumstances, tends to mean that single-member wards should be avoided, especially in districts and unitaries. Constituents in a single member ward can find themselves without a voice within the Council if their councillor is "coded out" by reason of a personal interest, but single member wards in more sparsely populated areas are an important element of community representation.

Q11 Should the Commission make any changes to the length and nature of the stages of a PER?

- Would there be value in considering council size ahead of Stage One?

Yes. Considering council size ahead of Stage One would help avoid the unfortunate situation where, as happened in Cambridge, the only proposals submitted were for different council sizes and therefore not capable of comparison.

Q12 What can the Commission do to make people more aware of, and get involved in, electoral reviews and the proposals being made?

- Would more proactive local publicity stimulate more interest at appropriate stages and more informed responses?

We think the Commission should hold local meetings so that representations can be challenged.

Q13 Should the name of a ward be open to change without the need for a review by The Boundary Committee for England?

Yes. This is the commonest change between the Boundary Committee final reports and order making. It's also a factor given little consideration when the more substantive matter of setting boundaries is being discussed. So the possibility of local initiative when such issues are raised could be good as long as there clearly demonstrated support for any proposed change.

Q14 Are there any other changes that the Commission could make to enhance the process for conducting electoral reviews?

05/CIV/40 **DATES OF MEETINGS 2006**

The Committee resolved that the dates of meetings as set out on the agenda be agreed as follows:

Wednesday 25 January, 29 March and Monday 15 May which was already agreed.

CHAIR

CIVIC AFFAIRS COMMITTEE

23 November 2005
(6.00pm – 7.00pm)

PRESENT: Councillors C Rosenstiel (Chair), Boyce, Hart, R Smith, Stebbings, Ward.

Also present Councillor Nimmo-Smith.

FOR ADOPTION BY THE COUNCIL

05/CIV/23 **CODE OF CONDUCT AND DECLARATION OF HOSPITALITY**

The Committee noted a report from the Head of Legal and Democratic Services. Views from councillors were sought on this item and as result the committee advised the Council to follow option 6.2 of the report.

Council is RECOMMENDED

To keep the local scheme for the declaration of gifts and hospitality, as set out in Appendix B of the report, subject to deletion of the requirement to declare gifts and hospitality offered but refused.

05/CIV/24 **CONSTITUTION REWORDING TO IMPLEMENT THE DECISION MADE BY COUNCIL TO CHANGE THE BUDGET MAKING PROCEDURE.**

The Committee noted a report from the Head of Legal and Democratic Services setting out proposed changes to the Constitution designed to implement the revised procedure for considering budget recommendations and giving advance notice of amendments, as agreed by the Council on 8 September 2005.

COUNCIL IS RECOMMENDED:

To amend the Constitution in accordance with the Appendix of the report.

APPENDIX – AMENDMENTS TO THE CONSTITUTION

Council Procedure Rules

1. Add new Council Procedure Rule:

5A Budget Meetings

5A.1 Business at meetings to consider the Executive's budget recommendations shall be conducted in accordance with the provisions of Appendix A2.

2. Delete the words struck through from Council Procedure Rule 21:

21. Length of speeches

21.1 No speech shall in the case of the mover of a motion exceed ten minutes in length or in any other case five minutes in length without the consent of the Council given by reason of the exceptional importance of the subject and which consent shall be ascertained by the Mayor either on his/her own initiative or on a motion made which shall be put without amendment or discussion. Provided that it shall be within the discretion of the Mayor to permit up to a further five minutes beyond the time so mentioned without the necessity for any such consent ~~and provided further that the provisions of this Rule shall not apply to the Leader presenting the Executive's annual budget proposal.~~

3. Add new Appendix A2:

APPENDIX A2

Council Procedure Rules – Budget Recommendations and Amendments

1. These rules supplement the Budget and Policy Framework Procedure Rules contained in Part 4C of this Constitution. They also modify the Council Procedure Rules as follows.
2. Once the Executive has met in accordance with Rule 3.7 of the Budget and Policy Framework Procedure Rules, it shall publish its budget recommendations to the Council.
3. Following publication of budget recommendations under Paragraph 2, there will be a period of five full working days during which amendments or alternatives (referred to here collectively as "amendments") to the budget recommendations may be proposed. Amendments shall be in writing and must be delivered to the Chief Executive within the period mentioned above. Amendments need not be seconded. Subject to the

exceptions set out in this Appendix, amendments received outside this period will be invalid.

4. Valid amendments submitted under Paragraph 2 shall be considered at a special meeting of the Strategy Scrutiny Committee. The Strategy Scrutiny Committee may comment on these amendments and the comments of the Committee will be submitted to the Budget Council Meeting for consideration.
5. The Executive may amend its budget recommendations in the light of the Strategy Scrutiny Committee's consideration of amendments.
6. Subject to the provisions contained in this paragraph, only amendments submitted in accordance with Paragraph 3 shall be considered at the Budget Council Meeting. The exceptions to this rule are as follows:
 - 6.1 The Executive may introduce amendments at the Council meeting or give advance notice of revised recommendations. This might be necessary, for instance, in response to changed circumstances, or in the light of scrutiny of amendments or to correct technical errors. The Leader must explain why it has proved necessary to introduce any amendment. This is to be done at the beginning of the budget item.
 - 6.2 The Executive may make changes to the budget recommendations to give effect to decisions by precepting authorities.
 - 6.3 Further amendments may be moved by any member in direct response to amendments made by the Executive at the meeting.
 - 6.4 Technical amendments may be made by leaders of minority groups or proposers of amendments to correct arithmetical or factual errors.
 - 6.5 The Mayor shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
 - 6.6 Members may submit revised amendments where the Mayor is satisfied that the substantive issues have been considered at the special Scrutiny Committee meeting.
 - 6.7 The Executive may amend its budget recommendations in the light of amendments moved at the Strategy Scrutiny meeting or at the Council meeting.

- 6.8 If the Executive fails to secure Council adoption of its budget, further amendments may be moved, and these rules will not apply;
- 6.9 The Council may, by a simple majority, suspend these rules and permit further amendments.
7. The rules of debate contained in the Council Procedure Rules shall be modified in respect of the Budget Council Meeting as follows:
 - 7.1 The Executive shall present its budget recommendations. A period of 45 minutes is allowed for this, extendable at the discretion of the Mayor. The format and mode of the presentation is for the Executive to decide.
 - 7.2 Minority groups may then present alternative budgets, subject to compliance with the provisions of this Appendix. A period of 45 minutes is allowed for each alternative budget, extendable at the discretion of the Mayor. The format and mode of the presentation is for the minority group to decide.
 - 7.3. Alternative budgets will then be moved in turn as amendments to replace the Executive recommendation. They will be debated in the usual way, although replacement budgets will be deemed to have been moved and seconded.
 - 7.4 At the conclusion of each debate, a vote will be taken for and against the alternative budget.
 - 7.5 If the alternative budget is voted down, the Leader of the proposing Group may ask for separate votes to be taken on individual proposals within the alternative budget, but there shall be no further debate.
 - 7.6 Where individual amendments have been submitted by councillors, these will then be debated in the usual way. However, where they are to the same effect as something in an alternative budget, they shall be considered at the same time as the alternative budget, with the proposer being able to ask for a separate vote in accordance with paragraph 7.5.
 - 7.7 After consideration of amendments the Executive's budget proposals will be debated in the usual way but, subject to paragraph 7.8 below, no amendments may be moved.
 - 7.8. If the Executive's budget is rejected, amendments and alternative proposals may be made as under the present rules, subject to the dispute resolution provisions set out in the Budget and Policy Framework Procedure Rules contained in Part 4C of this Constitution.

