

 <b>REPORT TO EXECUTIVE</b>			
<b>PORTFOLIO AREA: COMMUNITY</b>			
<b>Date of Meeting:</b>		<b>28 APRIL 2003</b>	
<b>Public</b>			
<b>Key Decision:</b>	<b>No</b>	<b>Recorded in Forward Plan:</b>	<b>Yes/No</b>
<b>Inside/Outside Policy Framework</b>			

**Title:** AREA COMMITTEES - A PILOT SCHEME  
**Report of:** HEAD OF LEGAL AND DEMOCRATIC SERVICES  
**Report reference:** LDS.26/03

### Summary:

The Report sets out the powers available to the City Council to establish Area Committees, the factors to have regard to if this initiative is to be progressed and asks the Executive to indicate what views it would wish to express on the matter to the full Council.

### Recommendations:

1. The Executive consider this report and indicate what views they would wish to put to the Council on how area committees/forums should be taken forward, possibly after their proposed meeting with the County's Local Area Committee referred to in this report.
2. The Executive indicate what functions and budgets, if any, they would anticipate might be delegated down to an Area Committee/Forum or a relevant officer if such a structure were to be set up.
3. It be noted that the question of whether and in what form an area committee structure should be set up would be a matter for the full Council and that decision should be informed by the views of the relevant Overview

and Scrutiny Committee and (where such exist) those of the Parish Councils for the area.

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## 2. BACKGROUND INFORMATION AND OPTIONS

### AREA COMMITTEES – A PILOT SCHEME

#### 1. INTRODUCTION

1.1 Following the decision of the Executive on 3 March last, this report looks at the feasibility of establishing Area Committees or Area Forums in part of the Council's area on an experimental basis. It also touches on the question of whether this should be done in isolation or whether it should encompass some measure of joint working with other area structures currently in place.

1.2 Such area structures are sometimes referred to as "Area Committees" and sometimes as "Area Forums". This is largely a matter of semantics but Area Committees usually refer to decision-making bodies discharging specific functions on behalf of the Council whilst Area Forums tend to refer to merely advisory or consultative bodies.

1.3 This report refers to Area Committees because it is assumed that the intention is that any bodies which might be set up will have decision making powers as well as acting in an advisory capacity.

#### 2. THE LEGISLATIVE CONTEXT

2.1 The Council has power under Section 102 of the Local Government Act 1972 to appoint committees, including Area Committees. This permits Area Committees to be established either to carry out functions of the local authority or to act in an advisory capacity or a combination of both.

2.2 The relevant regulations also provide that, subject to certain conditions being fulfilled, Area Committees need not be politically balanced. The relevant provisions are set out in Regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990.

2.3 In a nutshell, the regulations provide that the Area Committees need not be politically balanced as long as:

- They are discharging functions or advising the authority in respect of matters relating only to part of the authority's area;

- they include only Members of the authority who are members for the electoral divisions or wards wholly or partly contained within the area for which the Area Committee has functions;
- the Area Committee must not have functions in respect of an area of the local authority which is larger than two fifths of the local authority in terms of either area or population;
- the Area Committee is subject to the same access to information rules as any other Council committee.

2.4 Area Committees will be appointed by the full Council. They are capable of carrying out both Council and Executive functions and it is a matter for the Council and the Executive acting separately to determine which of their functions they wish to delegate to the Area Committees. Members will be aware that the great majority of functions, apart from regulatory functions such as Licensing and Planning, are vested in the Executive. It will therefore be a matter for the Leader, acting through the Executive, to determine which of the Executive functions he is prepared to see delegated down to an Area Committee to carry out. It is important to note that the Executive would still be accountable for these functions, notwithstanding the fact that it may have delegated them down to Area Committees.

2.5 Whilst some of the larger authorities do delegate down to Area Committees specific responsibility for Council functions such as, for example, dealing with Planning Applications, it is debatable whether this would be appropriate for an authority of Carlisle's size and this report is drafted on the basis that the Council would not (certainly in the first instance) wish to delegate down responsibility for its regulatory functions to an Area Committee and that the majority of the functions which Area Committees would carry out would therefore flow from delegation from the Executive.

2.6 Legislative authority for the Executive, acting through the Leader, to delegate Executive functions to an Area Committee exists by virtue of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

2.7 It is perhaps worth noting that Members of the Executive may also be members of Area Committees as long as they are members of the electoral ward for which the Area Committee has functions.

### 3. RELEVANT STATUTORY GUIDANCE

3.1 Guidance produced by the Secretary of State, as part of the introduction of the new political structures, sets out advice which authorities have to have regard to in respect of Constitutional matters and it deals in part with Area

## Committees.

3.2 The guidance states that the primary concern, when deciding whether and how to make such arrangements, should be to ensure improved service delivery and more efficient, transparent and accountable decision-making. As with delegations from the Executive to Officers, accountability for the discharge of functions for which the Executive is responsible will remain with the Executive, even if the Executive chooses to delegate those functions to an Area Committee.

3.3 The guidance recognises that Area Committees can have an important role to play in bringing decision making closer to people and in helping give the people a say in the way in which the authority works. It sees real value in the consultative role of an area structure and encourages authorities to consider the use of such decentralised arrangements for consultation, decision-making or both. It recognises the fact that Area Committees can be purely advisory and consultative bodies or that they can have delegated functions and budgets, or a combination of both, and that there is capacity in circumstances to co-opt other representatives in a non-voting capacity.

3.4 It would be a matter for the Executive to decide what functions it wishes to delegate to an Area Committee but it should be noted that any decisions which it chooses to delegate will still have to be made by the Area Committee in accordance with the Council's overall policy framework and any budget limits which the Executive might set when making the delegation. The same provisions for call-in will also apply to any delegated Executive decisions made by an Area Committee in the same way as they apply to decisions made by the Executive itself.

3.5 In deciding to delegate decisions to an Area Committee, the statutory advice stresses that the Executive will need to be clear that doing so will not adversely affect the quality of local services or the efficiency, transparency and accountability of decision making and will deliver Best Value. The Executive itself should remain, and be seen to remain, accountable for those functions as the clear, accountable and corporate leadership of the authority.

3.6 In addition, where all or part of the authority's area is parished and Area Committees are proposed in those Parishes areas, the Council and the Executive should give careful consideration to the respective roles of Parish Councils and Area Committees. Parishes should always be consulted before the authority establishes Area Committees or Forums and the objective should be to establish a partnership approach to strengthen local focus and action to help give local communities a real input into decisions which affect them.

3.7 If the Executive decides to delegate functions to Area Committees, it

should do so only as part of a comprehensive scheme of delegation which makes it clear what functions have been delegated to Area Committees, the terms of those arrangements and any budget limits. If the Committee were to be given responsibility for both Council and Executive functions (and this is unlikely to be so in the pilot currently under consideration) then the advice is that the Executive and the Council itself should ensure that accountability for the different types of function remains clear i.e. who is responsible for each function and therefore who must be held to account. To help bring this about, it is recommended that the Agendas for Area Committees should clearly differentiate between "Executive" and "Non-Executive" business.

#### 4. THE CONSTITUTIONAL POSITION

4.1 When the Council's Constitution was adopted, it was anticipated that the authority may wish to establish Area Committees and Forums. Article 10 of the Constitution, therefore, contains skeleton provisions enabling the Council to appoint Area Committees as it sees fit, if it is satisfied that to do so will lead to improved service delivery and more efficient and transparent decision making. In accordance with the Secretary of State's guidance, the Constitution confirms that the Council will consult with the relevant Parish Councils when considering whether and how to establish Area Committees in Parished areas.

4.2 The Executive Procedure Rules in the Constitution also provide capacity for the Leader to delegate, at his discretion, Executive functions to an Area Committee and the Overview and Scrutiny Procedure Rules provide for a call-in mechanism in respect of any Executive decisions which may have been delegated down to and taken by an Area Committee.

4.3 In terms of avoiding conflicts of interest, the Constitution also flags up the point that any member of an Overview and Scrutiny Committee should not scrutinise a specific decision made by an Area Committee of which he or she was a member to avoid the obvious conflicts which would arise in those circumstances.

4.4 Suffice to say that the current Constitution does provide capacity for Area Committees to be established if the Council so determines. It is really a question of the Council deciding on the specific area which the Area Committee or Committees are intended to cover and for the Council, and more importantly the Executive in respect of any Executive functions which are to be delegated, to decide upon the Terms of Reference of the Committees and what precise powers are to be given to them. The membership of the Committees will take care of itself, given that once the ward area or areas have been established by the Council then membership will automatically flow from those Councillors who represent those particular wards covered by the Area Committee in question.

## 5. TERMS OF REFERENCE AND POWERS

5.1 As indicated above, the Committee can be given the task of discharging specific functions or can be consultative only or a combination of the two. It is a matter for the Council to decide on the role.

5.2 In terms of its specific powers, again it is a matter for the Council to decide whether it wishes to delegate any of its functions and, more importantly, for the Executive to decide whether it wishes to allow the Area Committee to make Executive decisions which account for the great majority of the authority's functions.

5.3 Some potential draft Terms of Reference are set out in Appendix 1 attached to this report for initial consideration. As far as the delegation of Executive functions are concerned, there is no single "right" answer but it is a question of what flexibility and responsibility the Executive wishes to give to an Area Committee, bearing in mind that the Executive ultimately remains accountable for those functions.

5.4 One approach would be to delegate down to the Area Committee a maximum budget of a specified amount and to give the Committee flexibility to use that budget as it saw fit for any purpose in connection with the promotion of the economic, social or environmental well being of that particular area in accordance with the powers available to the authority under the Local Government Act 2000. The Area Committee would have to have regard to the Council's Community Strategy when exercising such function and could, of course, only take decisions within the overall policy framework agreed by the Council, but this "loose" approach would represent a relatively wide discretion being given to the Area Committee on the use of the funds allocated. The Executive's control, in these circumstances, would be by way of setting a specific cap on the budget allocated.

5. An alternative approach would be for the Executive to delegate down particular budgets to be used in specific areas e.g. the allocation of grants in accordance with the Council's grants policy, the provision of street lighting and similar specified spending areas which would presumably mean the Executive carving out appropriate sums from its own overall budget to delegate on to Area Committees.
6. It is really a matter for the Executive to decide how it wishes to see the matter of delegating its functions progressed on an experimental basis. However it is done, it does make sense to ensure that any spending is focussed on the Council's agreed priorities. In reality, this objective should be achieved if the Area Committee is required to spend what is anticipated will be relatively small amounts of money only in accordance with the Council's agreed policy framework.

## 6. AREAS TO BE COVERED BY COMMITTEES

6.1 Again it is a matter for the Council to decide which combination of wards should provide the appropriate area in question upon which the Area Committee would be based. There is no reason, in law, why this could not be one ward, although the general practice appears to be to have a combination of wards for the purposes of manageability, certainly in larger authorities. The only criteria is that the combined area of the committee can not be larger than two-fifths of the Council, either in terms of area or population.

6.2 Members may recall that the Local Government Reform Working Group prior to the adoption of the Council's Constitution undertook a fair amount of work in mid 2000. The Group considered the question of Area Committees in some detail but it was then looked at in the broader context of Area Working generally, and how the Council might be able to combine devolved powers to Area Committees with some form of area service delivery in order to get closer to the customer. A number of options were put forward in respect of various combinations of wards, which could form the basis of Area Committees, but they were not pursued any further. A copy of the options previously considered is set out as Appendix 2 to this report for Members information.

6.3 Whatever geographical area is chosen to form the basis of an Area Committee, regard needs to be had to the fact that there is currently a multi-layered pattern of both decision making and consultative bodies already in existence in the form of the City Council, the County Council, the County Area Committee, the County Council Neighbourhood Forums and the Parish Councils. The statutory guidance does say that, in deciding to set up an area structure, authorities must have regard to how they will improve service delivery and make decision making more efficient, transparent and accountable as far as the public are concerned and this is a principle which Members should bear in mind when considering the matter, particularly the question of boundary delineation. This aspect is addressed more fully in paragraph 7 below.

6.4 The conclusions which the Local Government Reform Working Group came to on the question of the size and make-up of any area based structure were broadly as follows:

- Carlisle could not support a large number of small area based structures;
- Different areas have different requirements and therefore the solutions might be different from one area to another e.g. between the rural and urban areas;
- The basic building block of any area structure should be the ward;

- Areas chosen should reflect Carlisle City Council's role in the community rather than that of any other organisation;
- An evolutionary approach may be the most effective, with areas developing at their own pace;
- Meetings should be moved around within any area structure to ensure that all residents had an opportunity to attend meetings if they so wished.

6.5 The geographical circumference of any area based structure and how it will fit in with and complement other similar public bodies are perhaps the most problematical aspects to address but Members need to do so if the matter is to be pursued further, bearing in mind all the considerations set out above.

## 7. LINKAGE WITH EXISTING AREA WORKING INITIATIVES AND OTHER PUBLIC BODIES

1. Members will be aware that, as mentioned in paragraph 6.3 above, there is already in existence a range of decision making and consultative bodies in both the urban and rural areas. Whatever the legal and other difficulties there may be to surmount there is sense in endeavouring to make sure that, whatever new structures the Council may choose to set up, they integrate as far as possible with what already exists on the ground in order that, as far as the public are concerned, decision making and consultation is seen to be as seamless and uniform as it can be under a multi-tier system.
2. Discussions have taken place recently at officer level with the County Council in respect of their Neighbourhood Forum structure which has existed for some time. It appears that, for the most part, the County Neighbourhood Forums are based on County Electoral Divisions in the urban area which exactly match the footprint of the City Council Wards. In the rural area, it seems that the Neighbourhood Forums are also built largely on City Ward boundary geographical footprints. There is, therefore, a potential symmetry between the Neighbourhood Forum boundaries and any City Council Area Committee/Forums if the latter were to be set up using the City Council Wards as a basic building block.
3. Members may be aware that the Neighbourhood Forums are essentially consultative in nature. The rationale behind them was that they would provide a forum for the "development and integration of community agenda for local areas" and would be created by a core of local County, District and (where applicable) Parish Members. The forum would make recommendations to the appropriate bodies in respect of the prioritisation and commissioning of local services and local development policies. In addition to the consultative role, the forums now have capacity to award



grants but, in order to adhere to legislative requirements, this is operated in practice by way of a formal delegation of the grant making powers to a neighbourhood officer who responds to a request or recommendation from an Area Forum but who nonetheless has the delegated power vested in himself/herself.

7.4 Members may wish to consider whether it is possible or desirable to build any City Council area structure in a manner which sits in harmony with the current Neighbourhood Forum structure and produces something the sum of which, from the public's standpoint, is greater than the respective parts in terms of giving clarity, focus and a single point of reference.

7.5 It may not, for example, be possible to produce a true joint area committee/forum in a strict legal sense between the County's Forum and one established by the City on similar Ward boundaries, because there may be a legal obstacle from the County's position in doing this and it would also give a potential disparity in numbers if it was comprised of the one County Divisional Member for the Ward and the (usually) three City Council Members. It may be possible, however, if this route was considered worthwhile pursuing, to look at the City establishing an Area Forum on similar, if not the same, boundaries and for working protocols to be evolved with the County Neighbourhood Forum whereby public consultative meetings (involving Parish representatives wherever possible) would take place as a joint exercise so that, as far as the residents in a particular area were concerned, they were addressing a composite unitary body notwithstanding that, legally, it might be comprised of different constituent authorities. Whether this could be achieved in practice sufficient to provide a seamless and complementary structure from a public standpoint would depend partly on the working protocols put in place to facilitate it and partly on the commitment of the local members to make it work. The finer details of whether, from the City Council's point of view, its own Area Forum/Committee was to be purely consultative or whether it was to have decision making powers with a budget, and whether it or (as in the County model) officers should exercise those powers are perhaps for further down the line. The immediate consideration is whether the City Council sees any merit in pursuing such an initiative with the County.

In making this consideration it is worth reflecting on the benefits local communities may derive from the opportunity of regular consultative meetings with ward councillors and officers, especially in terms of piloting new areas of work and piloting new approaches to the established delivery of services.

The recent meeting between County Council and City Council officers

revealed a commitment to adding value to current services. For instance in working with young people, there are a number of targets which need to be met by the City Council, the LEA and Social Services and centre upon reducing crime, increasing participation of young people in the democratic process and raising awareness of young people's needs across local communities. Other projects could also be considered, including replicating models of good practice currently being established in the Sure Start catchment area, which will of course also require a closer working relationship with Health and the voluntary sector.

7.6 It is understood that the Executive are to meet representatives of the County's Carlisle Area Committee shortly and no doubt the principles of any potential joint working can be pursued at that meeting and discussion take place on whether any new area structure could be built to produce a better end result for the public than might be the case if each authority proceeds in isolation. There is little point in endeavouring to draw up a detailed working model at this stage until the City Council has decided on the basic principles as to whether it wishes to put in place its own area structure in an entirely self contained manner or whether it wishes to explore the feasibility of linkages with the existing area structures. Whatever the answer to that question, any area model which the City may choose to put in place would be best tested in one or a small number of areas before being extended to the rest of the Council's area.

## **8. CONSULTATION**

If the initiative is to be pursued then there would need to be consultation with the Overview and Scrutiny Committee, Parish Councils (where applicable) and other parties if it is proposed that collaborative arrangements with other public bodies are envisaged.

## **9. RECOMMENDATIONS**

9.1 The question of whether Area Committees should be set up, what their geographical circumference should be, and how they might interplay with other area bodies is ultimately a matter for the full Council. However, as the Executive is responsible for most of the functions of the Authority (apart from regulatory matters) they, acting through the Leader, will have a major say on what decisions they are prepared to see delegated down to Area Committees. If Area Committees are to be set up, albeit on an experimental basis, it is also reasonable to expect the relevant Overview and Scrutiny Committee to have an input into their terms of reference and geographical area, and the Constitution itself provides for Parishes to be consulted if they are to be established in Parish Areas. If some sort of joint working with other bodies is also in prospect then the views of those bodies also need to be built into the equation. The question of how to proceed, therefore, needs to

pick up soundings from all these quarters if a robust structure is to be built which adds clarity and focus from the public's point of view rather than simply blurs what is already a confusing picture, given the multiplicity of public bodies currently in place. Any solution would also be best trialled in a particular area and then, if successful, rolled out to other parts of the City rather than imposed uniformly across the Council's administrative area without any prior testing of its effectiveness.

2. It is therefore recommended that:

1. The Executive consider this report and indicate what views they would wish to put to the Council on how area committees/forums should be taken forward, possibly after their proposed meeting with the County's Local Area Committee referred to in this report.
2. The Executive indicate what functions and budgets, if any, they would anticipate might be delegated down to an Area Committee/Forum or a relevant officer if such a structure were to be set up.
3. It be noted that the question of whether and in what form an area committee structure should be set up would be a matter for the full Council and that decision should be informed by the views of the relevant Overview and Scrutiny Committee and (where such exist) those of the Parish Councils for the area.

## 10. REASONS FOR RECOMMENDATIONS

To enable the Executive to express a view on the position so that the matter might be progressed further.

## 11. IMPLICATIONS

- Staffing/Resources –

Depending on what structure is set up, there are likely to be resource issues for the Committee Services Section in terms of servicing and supporting any area structure and potentially for other business units who may be called on to support the area working.

- Financial –

The financial implications will depend on which option is chosen and further details will be given at a later stage.

- Legal –

They are incorporated in this report.

- Corporate –

The relevant Executive Director has been consulted on this report and agrees with its contents.

- Risk Management –

Care would need to be taken to ensure that any arrangements made were lawful and were efficient, transparent and accountable in accordance with the statutory guidance relating to such matters.

- Equality Issues –

None anticipated.

- Environmental –

None anticipated.

- Crime and Disorder –

None anticipated.

## Appendix 1

**AREA COMMITTEE – DRAFT TERMS OF REFERENCE**Consultative and Advisory Role

To undertake the following functions in respect of the Committee's geographical area of responsibility:

1. To advise the Council, the Executive and the Overview and Scrutiny Committees on matters of interest affecting their area.
2. To be a key part of the Council's consultation process on proposed service changes, quality standards, new facilities, Best Value reviews, the development of the Community Plan and any other policies and proposals of the Council affecting their area.
3. To receive information and presentations from the Council, the Executive and other bodies and agencies in respect of matters affecting their area.
4. To assist local Councillors in listening to and representing their community and facilitating the debate of matters of interest affecting their area.
5. To help build partnerships between the Council, other local public, private and voluntary sector organisations and the public.
6. To help develop area community strategies as part of the wider community planning process.

Decision Making Role

Subject to the Leader agreeing to their delegation, to undertake the following functions of the Executive, provided that the exercise of such functions is undertaken in accordance with the Council's Policy Framework and Community Strategy and any budget allocated by the Executive from time to time:

7. To allocate and spend any budget which may be delegated from time to time by the Executive for any purposes in connection with the promotion or improvement of the economic, social or environmental well being of their area.

**OR**

7. To carry out the functions of the Executive in the following areas in accordance with any specific budget limits notified by the Executive:

- the allocation of local community grants
- the provision of play areas
- any others? - Leader to decide!

8. To carry out any other functions of the Executive which the Leader determines should be undertaken by the Committee from time to time.

9. To carry out any other functions of the Council which the Council determines should be undertaken by the Committee from time to time.

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## Appendix 2

### Rural Area Option 1

### Two Areas North and South

Area	Wards	No. Members	County Divisions	Parishes	Population
North	Longtown & Rockcliffe, Lyne, Stanwix Rural, Brampton, Irthing	8	Longtown & Bewcastle inc. part of Stanwix & Irthington (part of Lyne & Stanwix Rural) Brampton & Gilsland	23	16,996
South	Burgh, Dalston, Wetheral, Hayton, Great Corby & Geltsdale	8	Brampton & Gilsland inc part of Stanwix & Irthington (Hayton) Wetheral	15	15,590





## Rural Area Option 2

## Three areas North South & East

Area	Wards	No. Members	County Divisions	Parishes	Population
North	Longtown & Rockcliffe, Lyne, Stanwix Rural	5	Longtown & Bewcastle inc. part of Stanwix & Irthington (part of Lyne & Stanwix Rural)	14	10,547
South	Burgh, Dalston, Wetheral	6	Dalston & Cummersdale inc. part of Wetheral (Wetheral Ward)	7	11,356
East	Brampton, Irthing, Hayton, Great Corby & Geltsdale	5	Brampton & Gilsland inc. part of Stanwix & Irthington (Hayton) and part of Wetheral (Great Corby & Geltsdale)	15	10,683



### Rural Area Option 3

### Four Areas North, East, South & West

Area	Wards	No. Members	County Divisions	Parishes	Population
North	Longtown & Rockcliffe, Lyne, Stanwix Rural	5	Longtown & Bewcastle inc. part of Stanwix & Irthington (part of Lyne)	14	10,547
East	Brampton, Irthing	3	Brampton & Gilsland	9	6,449
South	Wetheral, Hayton Great Corby & Geltsdale	4	Wetheral; inc part of Stanwix & Irthington (Hayton)	7	8,322
West	Burgh, Dalston	4	Dalston & Cummersdale	6	7,268



## Urban Area Option 1

### 2 Areas North & South

Area	Wards	No. Members	County Divisions	Population
North	Belah, Stanwix Urban, Castle, St. Aidans	12	4	21,765
South	Belle Vue, Yewdale, Morton, Denton Holme, Currock, Upperby, Harraby, Botcherby	24	6	48,260



## Urban Area Option 2

### 3 Areas North East & West

Area	Wards	No. Members	County Divisions	Population
North	Belah, Stanwix Urban, Castle, St. Aidans	12	4	21,765
East	Currock, Upperby, Harraby, Botcherby,	12	4	23,846
West	Belle Vue, Yewdale, Morton, Denton Holme	12	4	24,414



### Urban Area Option 3

#### 4 Areas North South East & West

Area	Wards	No. Members	County Divisions	Population
North	Belah, Stanwix Urban, Castle	9	3	16,598
East	Harraby, Botcherby, St. Aidan's	9	3	17,159
South	Denton Holme, Currock, Upperby,	9	3	19,136
West	Belle Vue, Yewdale, Morton,	9	3	17,132

