

HERTFORDSHIRE COUNTY COUNCIL

REPORT OF THE POLICY COMMITTEE 28 APRIL 1999

NOTE: Copies of all reports mentioned below have been sent to all members of the Policy Committee and other Members who have requested them. Further copies are, however, available from Janet Purcell, Room 222, County Secretary's Department, County Hall, Hertford. (Telephone: 01992 555562)

1. MODERNISATION OF LOCAL GOVERNMENT : MEMBER STRUCTURES

1.1 Background

Historically, the County Council has been pro-active in reviewing its member structures in the light of the changing role of local government. In 1990, a major review of the traditional committee structure led to some fundamental changes; reducing the number of sub-committees (thereby removing a significant source of double handling) and introducing policy and performance review panels.

A further review in 1996 showed that there was still some double handling, a confusion over the split between policy development and performance review and, most importantly, a concern that the Council was not tackling the 'big themes' that cut across traditional executive responsibilities. In May 1997 the Council reviewed its structure and introduced commissions to tackle the big themes of Young People; Early Childhood; Anti Poverty and Economic Development ; Communities Commission and Green County. This was coupled with a reduction in policy panels and the introduction of a single panel for Scrutiny and Audit, with committees having renewed responsibility for performance review.

1.2 Current review

There has been substantial debate at member and officer level, in the White Paper Member Reference Group, in political groups and at a member seminar, which has revealed significant consensus on the difficulties experienced in the current structure.

The cross-cutting role of Commissions has in some cases enabled members to focus and deliver on particularly complex areas, whilst on the other hand it has led to double handling or frustration, since those bodies do not control the necessary resources.

The Committee feel that there is also a need to review the structure for dealing with services for young people, which is currently within the remit of four separate member bodies and has split officer responsibility.

The Government agenda also highlights some of the issues that have been raised about the current structure. Two separate Bills will require all local authorities to consider:-

- how executive decisions are taken and managed
- scrutiny of Council performance
- ensuring continuous improvement of services
- representation of individuals and communities
- community leadership and developing partnerships

The Best Value regime introduces a much more stringent and forward-looking approach to improvement and review than current arrangements can accommodate.

A more structured approach to the representative and local role of elected members is also required. The Policy Committee propose a phased approach to develop the member structure, as follows:-

1.3 Merging of committees and commissions

The proposal is to abolish Community Services Committee, commissions, sub-committees (except those dealing with personal casework that meet when required), and member reference groups.

The work of the commissions will be taken on by committees, thereby bringing together the executive and cross-cutting roles as follows:

- Environment Committee - to carry forward the policy and community involvement work of the Green County Commission
- Education Committee - to take responsibility for the policy portfolios and work of the Young People and Early Years Commissions (through panels) pending the review described in paragraph 1.5
- Social Services Committee - to take responsibility for Young Offender Teams and travellers
- Policy Committee - to take on the work programmes of the Economic Development & Anti-Poverty and Communities Commissions (with panels for specific elements)

The work of the Community Services Committee will transfer to the following new committees:-

- Information & Access Committee - to become responsible for the Library Service, Trading Standards, the Herts Connect gateway and the leisure functions of the Council.
- Protection Committee - to become responsible for the Fire & Rescue Service, civil aid and emergency planning, public health and statutory functions such as the Registrars of Births, Deaths and Marriages, and the Rent Officer and Coroner services.

A Development Control Committee will replace the Environment Cases Sub-Committee and will be responsible for casework in relation to planning and highways.

A revised Scheme of Delegation is recommended for adoption, as set out in Appendix 1A. The revised structure is shown in Appendix 1B.

Whilst these proposals reduce the number of sub-committees, task groups etc, business itself does not diminish. It is therefore proposed that the Committees listed above should meet 6 times a year, and full Council 3 times a year.

The County Secretary has prepared a draft timetable for committee meetings for consideration by the County Council (see item 5 on this agenda).

The merging of the policy development/cross-cutting role with that of conducting executive business has implications for the role of the spokespersons (particularly the chairmen) of the new bodies. These members will now be expected to combine the management of business with ensuring that the cross-service portfolios are properly addressed. This is not a matter for formal guidelines, but may require consideration by the spokespersons on each committee.

Earlier discussion with members also highlighted the issue of the rights of members, who are not members of a specific committee, to speak at those meetings. It is recommended that Standing Orders be amended so that any member can speak at a Committee meeting, subject to the Chairman's responsibility to control the business.

1.4 Oversight of Best Value

The proposal is to establish an **Improvement and Review Committee** to oversee the programme of reviews which are already a core part of the Herts Connect project, and which have been established to cover all Council Services within the 5-year timescale requirements for Best Value.

The proposed functions of the Committee are set out in section 3 of the revised Scheme of Delegation to Committees. The Committee will be able to recommend (to the Council and to other committees) changes to policy and practice to implement best value, and monitor the strategic performance indicators approved by the Policy Committee. It is proposed that individual reviews be overseen by 'review groups' which would exist for the life of the review and whose membership would not be restricted to members of the Improvement and Review Committee. These groups should not be chaired by a member of the executive committee responsible for the service(s) being reviewed. (For example, if the review concerned roads maintenance, a member of the Environment Committee could not take the chair.)

Officer support for these reviews would be decided by the Committee, and could be a combination of specialised expertise from outside the service under review and staff from within that service. External advice may be sought by either commissioning experts, or by co-option to the Panel.

It is proposed that the first review be Services for Young People.

1.5 Services for Young People

A central challenge for the County Council is the allocation of responsibilities for services to young people. A concerted policy, management and service led, would allow the Council to improve the support provided to young people and families who are 'in trouble' or 'at risk of trouble', and by so doing make a positive impact on those communities most in need of support, to help them prevent future problems.

However the hypothesis needs rigorous testing, not least in the context of the changes to accompanying initiatives, such as the Young Offenders Teams, which is an area of increasing multi-agency working and partnerships, led by Government and initiated locally.

At present there are four separate member bodies have a remit for services to young people, namely the Social Services and Education Committees, and the Young People and Early Years Commissions. Officer responsibilities too are split.

To tackle the issue it will be necessary comprehensively to review the services provided, how they are managed at both political and professional levels, the many partnerships which are involved and the relationship with young people themselves. This will provide the opportunity to align member and officer structures and to bring greater clarity and accountability.

The proposal is for the review to be completed by October 1999. The terms of reference for the review are attached at Appendix 2.

1.6 Panels

The proposals leave the **Scrutiny and Audit Panel** in place but with an increased membership of 8. The Panel would continue to be chaired by a member of the minority group.

The **Standards Panel** would also continue with its present remit, but with revised membership to include independent members, one of whom would chair the Panel.

The Panel, as currently constituted, has no business to conduct before the next meeting of the Policy Committee, so it is recommended that the County Secretary report to the next meeting of the Committee with proposals for selecting and appointing these independent members.

Committees will continue to be able to create Panels and Task Groups as they do at present, and these would remain subject to rules of openness.

Subject to the Council's approval of the new structure, the Policy Committee have agreed to establish a **Year 2000 Task Group** and the following panels:-

Crime and Disorder
Health
Europe and Regionalism
Economic and Community Development
Capital

The Committee have also agreed to establish successor panels, reporting to the Education Committee, to deal with **Early Childhood** and **Young People** Commissions work.

The County Secretary, in consultation with committee spokespersons, will determine terms of reference of these panels and the task group and will appoint members to them. [Guidelines for panels and task groups are set out at the end of appendix 1A.]

The Committee are concerned that Member Reference Groups, in being less formal, have not always been transparent in operation, and now propose that they cease to exist. Any such member groups required will be established as panels or task groups in future.

It is recommended that the currently existing Equalities Member Reference Groups, which are due to report to Policy Committee in July, should become panels.

The Policy Committee, at the request of the Communities Commission, will also be considering mechanisms by which grant giving on behalf of all committees could fall within a single system co-ordinated by a single member body, building on the methodology already used by the Communities Commission.

1.7 Representative Role

It is proposed to initiate a more structured approach to the representative and local role of elected members, through the creation of 10 local panels. These would mirror the boundaries of the district councils, and membership of each would be all the County Councillors covering a particular district.

The remit of the local panels would be to:

- ensure that members are thoroughly *briefed* on local issues
- enable members to *feed back* into the Council relevant issues
- guide local *consultation* by the County Council
- oversee and develop local *partnerships* with the district councils and other partners as appropriate

The establishment of local panels will enable the County Council's activities to be better communicated to members and for issues to be fed back to committees.

Partnerships with other agencies, particularly the district councils, but also with other groups such as Primary Care Groups, local police or voluntary organisations, are crucial.

However practice varies widely across the County; the nature of members' work and of relationships are inevitably different between, say, Stevenage and Dacorum. It is therefore impossible to dictate how such local panels should operate or what should be their priorities.

It is therefore recommended that all members of the County Council should work with the Lead Officer for their area to determine:

- how best to meet the remit for briefing, feedback, consultation and partnership, to decide a way of future working
- their priorities for working together
- the support which will be needed to enable members to carry out this role properly.

This work will be completed by each Local Panel by December 1999 and outcomes will be brought together by Lead Officers, with a report to the Policy Committee in January 2000. This will enable the Council further to formalise and support the representative role.

1.8 Future structure

As in all councils, senior members of the majority group meet regularly to consider significant policy issues. At the moment, within Hertfordshire County Council, this body is known as the Members Strategy Board. This body cannot take decisions and its membership is determined by political party mechanisms. It does however play an important role in consideration of cross-cutting issues, most notably the Council's budgetary proposals each year and is therefore shown on the chart of the new committee structure (Appendix 2).

Appendix 3 sets out these proposals showing how, in 1999, they conform to the Government's programme, members stated aspirations and existing legal requirements. The same chart shows how, in 2001, the Council's arrangements would fit the anticipated legislative model.

1.9 Financial Implications

In phase 1 no specific financial implications are envisaged. Although there are fewer member bodies to support, they will be meeting more often. It is clear that the development of Local Panels may have longer term support implications, and these will be covered in the report to the Committee in January 2000.

1.10 RECOMMENDATIONS

- (1) That the Scheme of Delegation to Committees set out in Appendix 1A (amended to include the category of 14 non-voting members on the Education Committee) be adopted in place of the current Scheme.

- (2) That the numbers of County Councillors on these bodies be:
- Policy Committee - **14**
 - Improvement & Review Committee - **14**
 - Education Committee - **14** [plus 2 voting and 14 non voting added members]
 - Social Services Committee - **14**
 - Environment Committee - **14**
 - Information & Access Committee - **8**
 - Protection Committee - **8**
 - Development Control - **10**
 - Scrutiny & Audit Panel - **8** (chaired by an Opposition member)
 - Standards Panel (comprising **3** County Councillors and **4** independent members one of whom to chair the Panel); and that the next meeting of the Policy Committee determine the process for appointing the independent members.
- (3) That Committees of the Council shall meet 6 times a year, and the Council 3 times a year and that:-
- a) Standing Order 1(2) be amended to read:
- “The other fixed meetings of the Council shall be held:-*
- on a Tuesday in February each year, not during half-term, to be determined by the Council*
- on the third Tuesday in October.”*
- b) For the next two years the February Council meetings be held on the following dates:-
- Tuesday 15 February 2000
Tuesday 27 February 2001
- (4) That the Improvement and Review Committee establish a Review Group of members to oversee a review of the political and operational management structures best designed to meet the Council’s objectives in delivering services to and working with young people to maximise their life chances and minimise social exclusion. This review to report back to this Committee in October 1999. [Terms of reference for the review set out in Appendix 2]
- (5) That meetings of Panels and Task Groups programmed to occur between the Council Meeting and the next appropriate Committee take place and all Committees, at their next meeting, review what Panels and Task Groups they need.
- (6) That the existing Equality Member Reference Groups of the service Committees become Panels, and that future member oversight of this work be considered as part of their report to the Policy Committee in July 1999.

(7) That the local Panels, described in Part 2 of the Scheme of Delegation, report back to the Committee in January 2000 on their proposed way of working, priorities and needs for support.

(8) That Standing Order for Committees C3(8) be amended to read:

“All members of the Council may attend committees of which they are not members and may speak, subject to the Chairman’s responsibility to control the business of the Committee.”

2. PROPORTIONAL REPRESENTATION FOR THE ELECTIONS TO HERTFORDSHIRE COUNTY COUNCIL IN 2001

The Committee have considered a report by John Metcalf, Leader of the Council, set out at 2.1 to 2.5 below.

2.1 Background

The Government’s White Paper “Modern Local Government – In Touch with the People” suggests various ways in which local democracy can be improved.

The Independent Commission on Voting Systems, chaired by Lord Jenkins, has now reported with recommendations for an alternative to the first-past-the-post system for general elections. The Commission has recommended a “top up” system to deliver many of the advantages of proportional representation.

The Government is committed to assessing the implications of the Jenkins Report on local elections in due course.

There is an opportunity for the County Council to press for the Jenkins proposals to be piloted in the Hertfordshire County Council election in May 2001. The Government would need to find Parliamentary time to introduce the necessary enabling legislation.

2.2 The Case for Proportional Representation

The general arguments in favour of PR are well known and include:

- the results more accurately reflect the views of voters;
- every vote counts;
- minority views are better represented;
- a majority of people being represented by candidates for whom they voted and of the party they prefer;
- avoidance of areas where there is no Labour or Conservative or Liberal-Democrat representation;
- easier, if desired, to ensure a balance of candidates in terms of gender, ethnicity and background;
- it will be used for the European parliament, Scottish parliament and Welsh assembly elections.

2.3 The Top-up System

The Jenkins report recommends that there should be top up members in all areas of the country. England would be divided into about 65 top up areas based on counties or larger metropolitan districts. It envisages about 15% to 20% top-up members with all areas having at least one top-up member and the extra ones allocated according to population. Hertfordshire with a million population might be entitled to two top up members. Voters would have two votes, one for the constituency MP and the second one for the political party. The top up members would be allocated on the basis of the second vote to the party(s) which in terms of the second votes achieved were most underrepresented in the area's constituency MPs. The constituency MPs would be elected by the Alternative Vote (AV).

The advantages claimed for the top-up system include:

- it maintains the constituency link;
- the top-up members retain a geographic link.
- it achieves, to a varying extent, the other advantages of PR systems.

2.4 A Top-up System for the County Council election

The County Council could parallel the Jenkins' proposals by having top-up members based on the ten district council areas. There could be at least one top up member for each district council area and possibly two for the districts with the largest electorates. More top up members would increase proportionality but, unless the electoral divisions were redrawn (see para. 6 below), could produce too large a council. If it does not seem feasible to suggest a further revision of divisional boundaries, the number of top-up member should be between 10 and 22 (giving a council of between 87 and 99 members).

2.5 Revision of electoral division boundaries

If a Council of up to 99 members were felt to be too large, there would need to be a reduction in the number of electoral divisions. The Local Government Commission is currently reviewing electoral division boundaries and will be making recommendations to the Government later in the year. A variant of the proposal at para. 5 above would be to ask the Government to consider reducing the number of divisions to say 60 to accommodate a top-up system, again with between 10 and 22 top-up members.

2.6 Policy Committee decision

Having considered this report, the Committee agreed that the Government be asked to introduce a system of proportional representation for the County Council elections in May 2001 based on the top-up system as recommended by the Jenkins Commission. The Committee also decided that the Chief Executive, in consultation with the Leader and Deputy Leader of the Council, take forward discussions with relevant Government departments and other interested parties to facilitate the introduction of such a system.

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Chairman

County Hall, Hertford
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