

FYLDE CIVIC AWARENESS GROUP



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CONSULTATION REPRESENTATION

Governance Arrangements

SUMMARY

As Fylde Council considers the details of arrangements for a return to the Committee system, it has sought representations via a press release.

As the Petition Organisers we offer seven suggestions as our representation at this time.

CIRCULATION:

Councillors: Karen Buckley, Susan Fazackerley, Elizabeth Oades, Tim Armit, David Chedd, Charlie Duffy, John Davies, David Eaves, Howard Henshaw, John Singleton

Officers: Tracy Morrison, Lyndsey Lacey, Allan Oldfield, Ian Curtis, Paul O'Donoghue

Other Representatives: Councillor Glen Sanderson (LGA Peer Member)

INTRODUCTION

1. Following a large public meeting in 2008, where a resolution from the floor proposed Fylde's return to the committee-based system, and called on Fylde's Town and Parish Councils for support, the Fylde Civic Awareness Group became the first group in the UK to undertake a Localism governance petition.
2. Town and Parish Council representing more than half Fylde's electorate did support the call for a return to committees, but Fylde Council declined to change.
3. The matter was eventually settled by a governance referendum, the result of which is now being implemented.
4. Our work in securing 4,600 signatures for that petition has discharged the mandate we accepted in 2008. However, having spoken to many of the signatories individually, we believe we can justifiably claim to have a feel for what the public expect of their council in this matter.
5. We welcome the Council's invitation to make comment on the arrangements, and we offer seven suggestions.
6. We would also welcome an opportunity to comment on the preferred options once they are selected.
7. We note the Working Group has plans to develop criteria to measure how successful the changes now being planned have been. We would welcome more information on this, and, together with other groups and the general public, we should like to feed into that process in 12 months time.

REPRESENTATIONAL RIGHTS

8. This matter was the chief concern amongst all those we spoke with when collecting signatures.
9. Most did not realise there had been a change from the Committee system and were both surprised and unhappy that the councillor they elected did not currently have the right to speak and the right to vote on any decision that was taken in the Council's name.

10. People saw it as fundamental to democracy that the councillor they elected should be able to argue for or against, and to influence, any decision made in the name of the Council.
11. Prior to the referendum, we noted Fylde's proposed arrangements would delegate significant powers to committees, and we have some reservations about how this might work.
12. We assume that in practice, there would have to be a period following a committee decision during which time that decision could be recovered and debated by the Full Council - who would have the final say.
13. This raises two issues. The length of time during which recovery is open to be exercised, and the number of councillors required to exercise it.

Timing

14. Ideally, we would prefer to avoid the 'call-in' process altogether, and see the former system implemented, with committees making recommendations to Full Council.
15. If it is to remain the case that any member may, by Notice of Motion at a Council meeting which follows a committee decision, call for that committee decision to be reconsidered (or changed), then, because the full Council is now to be the supreme authority, we cannot see how, or why, such a motion could reasonably be prevented from being debated, and we argue that the better logic is to accept the supremacy of the full Council meeting from the outset.
16. Our second preference would be to have committee decisions subject to reconsideration or change without the need for a time limit between the committee and the Council meeting - so that committee decisions would stand unless they were challenged at some point between the committee decision and the conclusion of the subsequent Council meeting.
17. We regard both these options as preferable to a time limited call-in. However if the Council is intent on applying a time limited call-in system, we believe, for the reasons below, it should be a period not less than ten working days.

18. If the public's desire for any councillor to be able to raise a matter at council is to be accommodated, we think a period of not less than ten working days should be allowed for a request to recover a decision. It means that a councillor who has been on holiday would still most probably be able to raise a matter that is of concern to their electorate.
19. A ten working day period has the added advantage that if a committee makes a decision which is unpopular or controversial, it provides for a period of two weeks during which the press may publicise the decision and those aggrieved may make representations to their Councillor - who can then raise the matter if they believe those representations to be justified.
20. We hope that such a 'cooling off' period could also go a long way to avoiding such acrimonious and divisive post-decision disputes that Fylde has seen in recent years. It could also help the Council to make sure it is meeting the needs of its electorate.

Representation

21. Based on what people told us, we believe the number of councillors needed to recover a committee decision to Full Council should ideally be one proposer and one seconder. That is a widely recognised and accepted process proven over time.
22. This is especially relevant when the likely outcome of a call-in will usually be a resolution to send the matter back to the originating committee for further consideration.
23. Requiring a larger number of recovery assenters moves further from the principle of each councillor having the right to speak and the right to vote on any matter decided in the Council's name. This principle was fundamental to the people with which we spoke.
24. It limits the right of individuals to represent the perspective of their electorate. We regard this as being not compatible with the type of democracy that the Committee system ought to introduce.

25. This is especially so when one considers that Standing Orders will almost certainly contain provisions to limit speaking time to that which is reasonable, such as five minutes. Standing Orders will also have provision to cause an immediate vote on the point of order that a speaker be no longer heard – if, for example, 'hobby horse' or deliberate time wasting matters are invoked.
26. So we have a strong preference for a simple proposer and seconder. But if, at this time, the Council wish to trial a system that requires more assenters, we would regard five as an absolute maximum.

BUDGETING AND SPENDING

27. We regard it as essential that committees of elected councillors take full ownership of the spending that they approve in the Council's name.
28. When spending Committees once again feel they can make a difference, when they feel ownership of the decisions they take, when they feel ownership of the spending, much of the malaise that has affected Fylde over the last 10 years will evaporate, and there is a real chance that common sense and consensus decision-making could be restored.
29. We do not support the view that finance is a tool of policy, but rather believe that policy must be formulated within the available means.
30. We therefore regard it as very important that Committees give more emphasis to detail when preparing estimates of their expenditure for the ensuing year, and do not simply deal in broad brush figures. We accept that some pre-cabinet estimates were debated in greater detail than was necessary, and perhaps some reduction detail may be appropriate. However, we very much support the idea that an Annual Estimates meeting for each Committee should debate and determine spending of all items in excess of £500 - the level at which the Council is required to publicly declare its spending.

OFFICER DELEGATION

31. We recognise that the workload on Portfolio Holders under Executive governance was such that increased delegation to officers was appropriate.

32. But in principle, this is not something we welcome. The electorate cannot elect officers, and cannot remove them from office - unlike councillors.
33. The new Committees are to be programme committees and will need to take responsibility for devising, securing funding, and delivering the programme of activity they have agreed.
34. That means the Committees will be the determinants of their programmes; they will approve budgets; and will then undertake monitoring of the progress that their officers are making to deliver the Committee's programme as the year goes on.
35. We believe the greater involvement and capacity that will come from Committees (as opposed to the capacity of an individual Portfolio Holder) ought to reduce the need for delegation to officers who, we believe, should have more limited powers of delegation than at present.

LEADER

36. We support the position of Council leader as someone who can articulate the will of the full council. We would hope the Leader would take their example from the Mayor and speak for the breadth of opinion in the whole Council rather than speaking simply for their political party.
37. We would expect the Leader to chair the Finance Committee rather than be ex-officio on all committees and, whilst not wishing to prescribe the functions of all committees, we argue the Finance Committee should comprise the Chairmen and Vice Chairmen of each of the other committees (together with others if necessary) and its remit should be broadened to include preparative work on policy and cross-cutting matters.
38. The aim here being to have a committee that prepares and considers the detail of policy for Council to determine; one that likewise, address the detail of cross-cutting issues and matters that fall within no committee, and that deals with requests for additional funding or unexpected receipts arising outside the approved budgets.

'URGENT and EMERGENCY' ARRANGEMENTS

39. Whatever system is devised, there needs to be a process to address urgent or emergency business. If the composition and expansion of the proposed Finance Committee takes place as we suggest, this body would be ideal for this purpose.

WARD COUNCILLORS

40. Based on the public views expressed to us, we urge the Council to devise arrangements that accord special consideration to ward councillors and ensure the opportunity for them to attend any Committee and at least speak about - if not be more involved in - decisions affecting their ward.

SUBSTITUTION

41. We assume the Constitution will allow any member to attend any committee and speak. This change, together with the capability for full council debates taking place on 'called-in' decisions, means the need for substitute members on committees - (members who may not have the background and understanding of that committee's work) is, we believe, lessened. We therefore argue that the Council should not operate a substitute members system under the Committee system.

Jon Harrison
Chairman
Fylde Civic Awareness Group