

Committee Model Working Group

26 May 2023



Report of: Director – Legal and Democratic Services

Title: Local Decision-making under the Committee Model of Governance

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

This report sets out an initial range of options for the Working Group to consider relating to local decision making under the Committee Model of governance. Members are asked to provide a steer on next steps, at which point additional work can be undertaken to scope out further details relating to the preferred option (s).



1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report provides factual information about the different forms of local decision-making that are used in local government. The Working Group will need to provide a clear steer about the type and structure of local decision-making that it would like to be considered, following which further detail can be developed, including a cost-benefit analysis of different options, funding arrangements, decision-making structures and public participation.

Therefore, this report provides an overview of the current arrangements for local decision-making through Area Committees and other mechanisms, such as the Community Resilience Fund. It goes on to consider other options for local decision-making: expanding the remit of Area Committees, consideration of the reintroduction of Neighbourhood Partnerships, implementing individual ward level decision-making with ward member budgets and the potential to establish Parish Councils through a community governance review.

It should be noted that this report only sets out the legal and constitutional matters relating to local decision-making. It has not considered the financial or wider resourcing implications of any new arrangements. That would need to be the subject of further work and would need to be developed as part of the 2024/25 budget setting process.

The Working Group will need to make recommendations about the matters raised in this report. Those recommendations, together with recommendations from other meetings of the Working Group, will be reported to Full Council in due course, where a final decision will be taken regarding the arrangements for the Committee Model of governance.

2. Local decision-making

Local decision-making can take many different forms. Formal decision-making could be taken through Area Committees or Neighbourhood Committees. However, there are other forms of community engagement and democratic participation of a more informal nature. The Working Group will need to consider which type of local decision-making it would like to see under the Committee Model of governance – a formal arrangement, akin to Area or Neighbourhood Committees or more informal arrangements for local engagement.

Central to any form of local decision-making is strong governance. There needs to be clarity about the types of decisions that will be delegated to local decision makers and the funding that will be available to those decision-makers to invest in local communities.

The types of decision that can be made at a local level include the following: transport projects (e.g. cycle paths, footpaths and parking), improvements to parks and play areas, investment in health and well-being initiatives, funding community programmes and improvements to the local area.

The funding sources for investment in local communities could include the following: Section 106 funding, Community Infrastructure Levy, the Community Resilience Fund and other potential one-off grant funding from central government.

3. Area Committees – current arrangements

Area Committees are currently responsible for local decision-making in relation to devolved s.106 monies where there is a decision to be made in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement) and expenditure of the local element of the Community Infrastructure Levy. There are currently 6 Area Committees in Bristol.

The local element of the Community Infrastructure Levy can be spent on a range of local projects, for example, proposals for improvements to play areas and parks, roads/footpaths, cycle ways or local leisure, community, health and sports facilities.

4. Community Resilience Fund – current arrangements

In February 2022, Cabinet agreed to establish a Community Resilience Fund to invest on a one-off basis £4m of capital funding from 1st April 2023 to 31st March 2026 to build the resilience of the community and voluntary sector and in doing so grow the power of communities experiencing the greatest inequity. The cost of delivering the Community Resilience Fund over the three-year period will be circa £500,359 (including recurring annual staff expenditure of around £94,150). Community and voluntary organisations have been invited to put forward ideas and proposals which were then shortlisted through deliberative and participatory decision-making. Proposals included changes to buildings or purchase of equipment which improve access (e.g. for disabled people or young people), saving energy costs or increasing income streams, upgrading digital infrastructure, and environmental sustainability proposals. The Working Group may wish to consider replicating a future round of funding, subject to appropriate allocation in the Council's budget.

5. Expanding the role of Area Committees

At present, Area Committees have a defined remit in terms of devolved s.106 monies/local CIL. However, the Working Group may wish to consider whether there are other functions that could be delegated to Area Committees.

6. Reintroducing Neighbourhood Partnerships/Committees

Neighbourhood Partnerships and Neighbourhood Committees were a form of local decision-making in Bristol from circa 2008/9, which were subsequently disbanded in [2017](#), realising a circa £1million saving over 3 years. Area Committees were introduced to replace Neighbourhood Partnerships and Neighbourhood Committees. Previously, there were 14 Neighbourhood Partnership Areas within Bristol. The Working Group may wish to consider whether Neighbourhood Partnerships/Committees should be re-introduced and, if so, what functions should be delegated to them.

Previously, Neighbourhood Partnerships had the following remit:

- a) Managing a locally developed Neighbourhood Partnership Plan
- b) Developing local solutions to local problems wherever possible
- c) Encouraging public, private and community and voluntary organisations to work together to deliver improvements for residents' quality of life.

- d) Tackling deprivation and discrimination in the neighbourhood, and promoting equality of opportunity for all those living or working there.
- e) Considering proposed decisions of the Neighbourhood Committee and influencing such so as to use resources to best meet the needs of the neighbourhood.
- f) Receiving reports from service delivery bodies and influencing service priorities within the neighbourhood in accordance with identified needs and priorities
- g) Actively engaging with local people across the neighbourhood, seeking their views and active participation in improving their quality of life. This includes seeking the views and participation of residents that are hard to reach.

Neighbourhood Committees were a formal decision-making forum established by Full Council and comprised of the councillors elected to serve the wards within the Neighbourhood. Neighbourhood Committee meetings normally took place jointly with meetings of the Neighbourhood Partnership. All Neighbourhood Committee members were also members of the Neighbourhood Partnership. Neighbourhood Committees had delegated power to take a range of council decisions relating to their respective Neighbourhoods (e.g. expenditure of certain council budgets). Neighbourhood Partnerships might consider matters that were to be decided by its Neighbourhood Committee and might seek to influence the Neighbourhood Committee as to how it exercises its powers. The Neighbourhood Committee was required to take into account any relevant views of the Neighbourhood Partnership, but the final decision was taken by the councillors in the Neighbourhood Committee

7. Ward member decision making and individual ward member budgets

A number of Councils have other arrangements in place to support ward member decision making. Practice varies, however. Some Councils allocate a sum of money per ward to which local organisations and community groups can apply to. Other Councils will allocate a sum of money to individual councillors to make small awards to organisations and community groups. Robust processes and a clear decision-making framework, similar to the procedures that are currently in place for Area Committees, would need to be put in place to support this type of decision-making.

8. Parish Councils and a Community Governance Review

Bristol has a single tier of local government. However, in some local authority areas, there is more than one tier of local government, which includes Parish Councils. Where Parish Councils do not currently exist, it is necessary to undertake a Community Governance Review to consider whether Parish Councils should be established in some or all parts of a local authority area.

Parish Councils typically exercise functions such as managing parks, car parks, footpaths, community centres, cemeteries, allotments and other local amenities. In addition, Parish Councils exercise a consultative role on behalf of local people, for example they are statutory consultees in respect of planning matters.

9. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

Area Committees

Area committees are currently committees of council and Part 3 of the Council’s Constitution contains the terms of reference and rules of procedure relating to Area Committees.

Under the current mayoral system, they were set up under s.102(1A) of the Local Government Act 1972 (LGA 1972) and the Mayor delegated power to them under s.9E(2)(b)(iv) of the Local Government Act 2000.

If they continue under the committee system, they will be set up under s.102(1)(a) of LGA 1972 and power will be delegated to them by Full Council under s.101(1)(a) of LGA 1972 i.e. in the same way as all other council committees. Whilst there are different legislative mechanisms for the setting up and delegation of powers under the two different systems of governance, there will be no difference operationally to the way that they operate.

The political balance requirements under the Local Government and Housing Act 1989 do not apply to area committees by virtue of Regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990.

Neighbourhood Partnerships/Committees

Neighbourhood Partnerships were non-statutory arrangements for community engagement, whereas the legal basis for the establishment of Neighbourhood Committees is the same as that for Area Committees. Under the Committee Model of governance, Full Council would delegate powers to Neighbourhood Committees in the same way that it currently does for Area Committees. It should be noted that the rules of procedure relating to Neighbourhood Committees were very similar to the rules of procedure relating to Area Committees.

Ward level decision-making

Under section 236 of the Local Government and Public Involvement in Health Act 2007, Full Council can delegate functions to individual councillors in relation to their ward or electoral area. This could include the delegation of individual ward level-budgets

Arrangements may be made in accordance with this section for the discharge of any function of a local authority by a member of the authority, to the extent that the function is exercisable in relation to the electoral division or ward for which the member is elected.

Where local ward member decisions are taken, it is necessary for a written record of any decisions to be made and details of the decision should be provided to the Council in accordance with the Exercise of Functions by Local Councillors (Written Records) Regulations 2009.

Parish Councils

In order to set up a parish council, it is necessary to undertake a community governance review (s.82 Local Government and Public Involvement in Health Act 2007 – ‘the Act’).

A community governance review may be triggered by either the Council itself or by the community, through the submission of a petition. The petition must be signed by at least 7.5% of the electors.

If a petition is received and validated, BCC is required to conduct a Community Governance Review within 12 months of submission.

The electors in the area under review and any other persons or bodies with an interest in the review must be consulted and the council must take those representations into consideration (s.93(3) and (6) of the Act). Consultation would be between 6-12 weeks.

It is then for Full Council to decide whether or not to set up a parish council, subsequent to the review and taking into account the outcome of the consultation.

10. Financial considerations

As with all spending decisions in the Council, a robust process to develop funding and budget allocations will need to be followed, with appropriate financial due diligence. Any further budget allocations to deliver some of the other proposals in this report would need to be considered as part of the 2024/25 budget development process.

11. Matters for the Working Group to consider

The Working Group should consider the following matters as part of the preparation for the Committee Model of governance.

- a. What form (s) of local decision making would Members like officers to prepare further detail on?
- b. What types of decisions would the Working Group like to see made at a local level?
- c. Should the Council retain Area Committees in their current form?
- d. Are there any additional functions that should be delegated to Area Committees?
- e. Should the Council consider reintroducing Neighbourhood Partnerships/Committees and if so, what functions should be delegated to them?
- f. Should the Council consider allocating individual ward member budgets to councillors and if so, what criteria will be used to govern the use of those budgets?
- g. Should the Council carry out a Community Governance Review to consider whether Parish Councils should be established?
- h. Does the Working Group wish to see further work developed to consider the cost and resourcing implications of any new local decision-making options?
- i. If the Working Group consider that local decision-making arrangements should be amended, is there a preferred timeframe for any changes?

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None