

THE DEMOCRATIC PROCESS

Report by the Governance and Logistics Panel

Councillor L Turner (Scrutiny Lead)

Councillors R Bastin, R Heard, A Lenaghan, M Smallcorn

Governance and Logistics Portfolio: Councillor J Branson

Key Decision: N/A

1.0 Purpose of Report

1.1 The purpose of this report is to:

- (a) present the findings, conclusions and recommendations of the Governance and Logistics Panel following its review of the cost and benefits of the democratic process; and
- (b) provide an update on the review of the value of the councillor resident link.

2.0 Recommendation

RECOMMENDED to the Cabinet that:

- (a) the Cabinet agenda be published a minimum of ten working days before the meeting, to allow councillors and members of the public to make effective representation; and
- (b) informal Cabinet Briefing meetings be opened to all councillors.

3.0 Summary

3.1 The Panel's brief was to investigate the cost and benefits of the democratic process in Havant, to measure the value of the councillor / resident link, establish if it is strong enough and suggest any changes

3.2 The Panel decided to divide the review into two stages:

- (a) Stage 1 - Investigated the cost and benefits of the Council's democratic processes with a view to identifying any potential improvements and/or financial savings. The scope of the review focussed on the following key areas:

- Role and function of the Mayor– The review looked at the functions of the Mayor and what support is provided by officers. The Panel consulted a small group of past Mayors to help inform this work.
 - Elections and electoral registration - The Panel examined electoral registration and the running of elections. This included possible joint working with EHDC, electoral registration, location of counts, the number and staffing of polling stations and the increase in postal voting.
 - Support to Councillors, including training – The Panel looked into the support provided to councillors, including what support was needed and how it was provided.
 - Visibility of Cabinet Decision Making – The Panel gauged the opinion on how visible cabinet decision making was perceived to be.
- (b) Stage 2 - to measure the value of the councillor / resident link, establish if it is strong enough and suggest any changes. The scope of this review will focus on the Council's ward/councillor arrangements. The Panel is currently determining the scope of this review and gathering evidence. The Panel aim to complete its review and report back to the Board at its meeting to be held on 25 February 2014.

4.0 Elections

- 4.1 The Panel conducted interviews with the Democratic Services Team Leader and the Electoral Services Team Leader who provided an overview of the current electoral process in the borough. The electoral staff are governed by the Electoral Commission and the department has guidance rules, which combined with local knowledge, helps ensure the smooth operation of elections in the area.
- 4.2 The Panel was keen to identify any potential savings available in the electoral process. Postal votes are currently very popular and it was thought that if more people vote this way it may be possible to reduce the number of polling stations. This would reduce the number of staff required to work at the stations and hence reduce staff costs. Following our interviews though the statistics reveal that the number of postal votes appear to have peaked and are now not increasing annually as they previously have done. Even at current levels of postal votes this has not reduced the need for polling stations and therefore the number of polling stations and staff has to be maintained.
- 4.3 It appears Central Government are also making plans to reduce the number of postal votes and return to the process where only postal votes are issued for certain circumstances in order to combat electoral fraud. Postal votes still require lots of staff time as well, a new signature is needed every five years which adds to costs Many people also drop their postal votes off at polling stations on the day of the election day which causes confusion with the system and increases workload due to the detailed procedure that has to be followed to open them.
- 4.4 Despite no reduction in the number of polling stations throughout the borough savings have been made by Havant Borough Council (HBC) who usually employ approximately 24 less clerks at each election than suggested by the European Commission. This has been achieved through smarter methods of working.

- 4.5 Another potential area we looked into for savings was the location of election counts and the sharing of resources with East Hampshire District Council (EHDC). Often local elections double up with other elections, such as County or European elections. Officers have examined the different costs and where joint elections are concerned it is recommended that the Horizon Leisure Centre is used for the count. When the elections are purely local though the most economical option is to have the count in the ward e.g. one of the polling stations, this way costs can be minimised. Potentially, the Plaza could hold the local elections with the possibility of a room for each ward and count. This is considered a good idea where everyone would then proceed to the atrium for the announcements. The problems that would need considering with this option though would be the security required to undertake it and if the appropriate number of rooms would be available. The possibility of holding joint counts with EHDC had been examined but a break down of the costs had revealed that it provided no savings, the vast area of both boroughs combined being the main reason for this. Therefore it is considered continuing to hold them separately is the best option.
- 4.6 One area where savings could be recognised was through finding an alternative to two porta cabins which are currently used at Auriol Drive, Bedhampton and Island Close, Hayling Island. Using these is expensive but it is proving difficult to find an alternative at these locations. Overall though the electoral department is currently operating very efficiently and last year actually operated under budget.

5.0 Councillor Training

- 5.1 At its meeting in June 2013, the Joint Human Resources Committee considered a report on Councillor Training and Development and resolved that:
- (1) the draft Councillor Training Programme be noted and that the Programme remains subject to review by both Councils; and
 - (2) Councillors be involved as part of the consultation process to develop the programme.

The following corporate training priorities were identified and agreed:

New Councillors

Induction
E-learning
Mentoring Programme
Media Skills
IT Training
Specialist training

Chairmen

Specialist training
Chairing Skills
Public Speaking Skills
Objection Handling Skills
Negotiation Skills

Cabinet Members

Leadership Skills

Enhanced Public Speaking Skills

Advanced Negotiation/Influencing Skills

Strategic Awareness

Role of Cabinet/Democratic Services

- 5.2 Work is now underway to develop and source a detailed training and development programme for Councillors for the remainder of this municipal year and into 2013/14. Once initial consultations with the Leaders and Portfolio Holders at each Council are completed, the Programme will be brought to the Governance and Logistics Panel for formal review.

6.0 Mayor

- 6.1 The role and functions of the Mayor are set out in the Council's constitution and are defined as follows:

- (a) to uphold and promote the purposes of the Constitution;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to endeavour to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet can hold all decision makers to account;
- (d) to promote public involvement in the Council's activities; and
- (e) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

- 6.2 The Panel was advised that officers had recently completed an in-depth review of the costs associated with the office of Mayor and savings that had been identified following that review had been agreed by the Council and factored into the 2012/13 budget. That being the case, and in order to avoid duplication of effort, the Panel decided that financial matters should be excluded from its own review, and that the focus should instead be on the role of, and the activities undertaken by, the Mayor with a view to identifying the priorities for the future within the agreed financial framework.

- 6.3 As part of its research, the Panel consulted with a group of former Mayors, asking them to share their experiences and to highlight particular successes as well as things that they felt might have been done differently during their terms of office. Feedback from that consultation indicated:

- (a) The Mayor should continue to be the "face" of the Council with a PR focus central to the role;
- (b) The "traditional" invitation-led role of the Mayor should be maintained, but with closer scrutiny of the engagements that are accepted to ensure cost-efficiency to the Council and maximum value to the organisation concerned;
- (c) Opportunities should be explored to reduce the volume of costly external weekend engagements attended by the Mayor in favour of inviting more

organisations to meet with the Mayor at the Plaza during the working day, whilst ensuring that the Mayor continues to meet with as many people as possible;

- (d) Recent Mayors have all, to some degree or another, actively engaged with the local business community, however, the role of the Mayor as a facilitator should be developed to encourage more networking opportunities for local and potential new businesses in the Borough;
- (e) David Willetts MP's willingness to become involved with regular meetings that he suggests the Mayor could facilitate with both large businesses as well as small/medium enterprises, to discuss issues such as apprenticeships and other key issues of interest to the local economy, should be followed up; and
- (f) There should be closer liaison between the Mayor and the Cabinet/Joint Management Team to ensure that no opportunity for maximising the role of the Mayor to promote/raise the profile of the Borough is missed.

6.4 The Panel also interviewed lead officers in the Facilities Management team directly involved in supporting the Mayor. The officers supported the view that the office of Mayor could be better used to raise the profile of local events and to maximise networking opportunities with local businesses. It was suggested that the Economic Development Team, in conjunction with the relevant Portfolio Holder, be encouraged to liaise more closely with the Mayor's support team to identify suitable events at an early stage.

6.5 Whilst recognising that the acceptance of invitations to charity and other events is at the discretion of the Mayor, the officers agreed that a more selective approach could be used, both in the interest of costs and also to ensure that attendance by the Mayor is of value to both the Council and to the organisation concerned.

6.6 In terms of managing priorities for Mayoral activities within the agreed budget, the officers were satisfied that this could be achieved as long as a degree of flexibility is maintained, recognising that priorities will vary from year to year as different Councillors take up the office of Mayor. Taking into account also that each Mayor must have the freedom to personalise the role of Mayor, not wishing to attain a "one size fits all Mayoralty."

7.0 Visibility of Cabinet Decision Making

7.1 The Panel conducted a survey of all councillors to collect their views on whether Cabinet decision-making at Havant Borough Council is sufficiently visible. The purpose of the survey was to investigate whether councillors felt sufficiently included in the decision-making process. The survey set out the current decision-making process and asked three questions:

7.1.1 Do you think that this process makes Cabinet decision-making sufficiently visible?

7.1.2 Do you know how to participate in this process?

7.1.3 Do you think that councillors should be able to observe informal Cabinet meetings?

- 7.2 Councillors were asked to reply “Yes”, “No”, or “Don’t Know” to each question. Space was available for comments. A copy of the survey is at Appendix A.
- 7.3 A paper copy of the survey was distributed to each councillor via the Havant Borough Council internal post. Councillors were later e-mailed copies of the survey.

Responses

- 7.4 Nineteen councillors responded to the survey, including members of all parties and members of the Cabinet.
- 7.5 Table 1 (below) summarises the survey results:

	Yes	No	Don't Know
Do you think that this process makes Cabinet decision-making sufficiently visible?	9	10	0
Do you know how to participate in this process?	16	3	0
Do you think that councillors should be able to observe informal Cabinet meetings?	17	0	2

Table 1: Summary of Responses

- 7.6 Councillors also provided written comments, which are summarised below:
- 7.6.1 Key decisions appear to be being taken at informal Cabinet meetings, from which both councillors and the general public are excluded. This gives the impression that formal Cabinet meetings are only there to “rubber-stamp” decisions that have already been made, leaving councillors and the public feeling that their concerns have not been properly considered.
- 7.6.2 The five working days between the publication of the Cabinet agenda and the Cabinet meeting does not give enough time for councillors and members of the public to identify issues of interest and make representations. This should be extended to a minimum of ten working days.
- 7.6.3 In a dissenting comment, concern was expressed that opening informal Cabinet meetings to a wider audience would prevent open and honest debate.

Summary

- 7.7 The majority of councillors who responded knew how to participate in the democratic process. Councillors were split on whether the process made Cabinet decision-making sufficiently visible, but almost all believed that councillors should be able to observe informal Cabinet meetings.

Recommendations

- 7.8 The Panel believes that it is very important for the democratic process to be not only effective, but also to be seen to be so. The Panel therefore recommends that:

7.8.1 The Cabinet agenda is published a minimum of ten working days before the meeting, to allow councillors and members of the public to make effective representation.

7.8.2 Informal Cabinet Briefing meetings be opened to all councillors.

8.0 Implications

8.1 Resources:

The proposed change to the publication date for Cabinet agendas could impact on the workflows.

If Cabinet Briefing meetings were made open for all councillors to observe a larger meeting room than is currently used would be required. This could potentially involve the use of a meeting room in the Civic Suite which would have a financial impact.

8.2 Legal:

The Informal Cabinet briefing is a consultative meeting and has no powers to make a decision.

The Council is required to give notice of matters to be considered by Cabinet as follows:

Key Decisions

In most Cases a key decision may not be taken unless at least 28 clear days before the decision is taken a notice is placed on display at the Council Offices and published on the Council's website.

Exceptions to the General Rule

General Exception

A key decision can be made when it is not practicable to give 28 days notice but 5 or more days notice can be given provided that:

- (a) the Chairman of the Scrutiny Board has been informed; and

- (b) the Council gives at least five clear days notice on the Council's website.

Urgent Matters

Where it is not possible to give 28 or 5 days notice of a Key Decision, a key decisions can be made provided that the Lead Officer has obtained agreement from:

- (a) the Chairman of the Scrutiny Board; or
- (b) if he/she is unable to act, the Chairman of the Council; or
- (c) if the Chairman of the Council is unable to act, the Vice-Chairman of the Council.

that the making of the decision is urgent and cannot reasonably be deferred.
For matters which

Non Key Decisions

Unless the matter is urgent, the Council is required to make copies of the Cabinet agenda and reports open to the public at least five clear days before the meeting. If the matter is urgent, the report must give reasons for the urgency

8.3 Strategy:

Improved democratic processes directly links to the Corporate Strategy.

8.4 Risks:

By improving the democratic process the Council reduces the risk of running financially unsustainable processes.

8.5 Communications:

Not applicable

8.6 For the Community:

8.7 The Integrated Impact Assessment (IIA) has been completed and concluded the following:

There was no IIA completed in the preparation of this report.

9.0 Consultation

The Panel has consulted:

- (a) previous Mayors and the current Mayor of the Council;

- (b) lead officers in the Facilities Team;
- (c) the Democratic Services Team Leader; and
- (d) the Electoral Services Team Leader.

Appendices:

Appendix A – Copy of the Councillors Survey

Background Papers:

None

Agreed and signed off by:

Legal Services: 8 November 2013

Relevant Executive Head: 8 November 2013

Financial Services: 8 November 2013

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