



Members and the Full Council

5 April 2005

Report to City Council

The Role of Members and of the Full Council



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Preface

By Councillor Michael Wilkes

Chair, Co-ordinating Overview and Scrutiny Committee
05 April 2005



Throughout the city, the full City Council would generally be perceived as the sovereign body governing the work of the local authority. Those of us who have been elected to the Council realise, of course, that since the Local Government Act 2000 there are twin streams of legitimacy – the Executive has one set of powers to propose policy and budgets and to take decisions, the City Council another to carry out some non-Executive functions and to set the budget and policy framework within which the Executive acts.

This is a good time to look at how the arrangements flowing from the 2000 Act are working in practice. It is apparent that nationally many elected Members have felt disempowered, and this view has some echoes locally. The purpose of bringing this report today is to allow all Members the opportunity to highlight how they could be better equipped to perform their roles as elected representatives. It is also a chance to shape the organising and business of full Council meetings for the next municipal year. My Committee would then propose to continue its work and pursue further areas in which an increasing number of Members can undertake what they would consider to be a more fulfilling role.

Many Members have already made an input during the course of the review, and I would like to thank them for their contributions. I am also grateful to the Chief Executive, the Strategic Director Local Services and the Chief Legal Officer for discussing the issues with the Committee, to the Scrutiny Office team of John Cade and Nick Partridge, and to Phil Cooper who captures our discussions so ably and accurately.

Michael Wilkes



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1 Summary

- 1.1.1 The Local Government Act 2000 radically changed the nature of local government by introducing the system of a powerful executive, of no more than 10 elected members, having its own statutory remit and taking the majority of decisions. Whereas the full council meeting was previously the ultimate decision maker, this is no longer the case and full council now has relatively few decision making powers. Birmingham City Council was an early adopter of some of the measures in the Act and has been operating full executive arrangements since December 2001.
- 1.1.2 Over the last two years, research evidence has emerged which shows that across the country non-executive councillors feel relatively disengaged from the new system. Similarly, many authorities have reported a struggle to find a role for the full Council. Locally, there is a perception that not all Members feel properly informed about decisions and matters affecting their ward and important developments in the city as a whole. This has been highlighted in several Overview and Scrutiny reports, along with its complement – that Members often hold important information about needs, conditions and service performance in their wards which it is felt is not always used constructively by the officer body. More generally, the skills and experience of backbench Members may not be being utilised to the benefit of the City Council.
- 1.1.3 For both national and local reasons, this appeared to be an appropriate time, therefore, to look into the current arrangements. We wished to assess how well these are supporting the roles of elected Members, particularly in effective representation of constituents' views.
- 1.1.4 The two key questions we set out to answer were:
- Do elected Members consider that there are ways in which, both individually and collectively in a meeting of the full City Council, they could play a more effective role in Birmingham's local democracy?
 - What improvements in the flow of information would be of particular benefit to Members?



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- 1.1.5 We looked at national research and guidance on both the role of full council meetings, including innovative practice elsewhere, and on support services for Members. The latter includes the full range of support including accommodation, information and communications technology, allowances and training. Many authorities, it appears, are struggling to find a role for the full council meeting. Some authorities have experimented with trying to involve the public directly in the meeting; others have attempted to foster discussion and deliberation rather than debate. As far as Members' roles are concerned, the research evidence is clear that, of all the groups involved in local government, non-executive councillors are the most dissatisfied with the new arrangements.
- 1.1.6 Specific inquiries were made about practice in the other Core Cities. There are some interesting differences between them; some have a successful public question time at full council, whilst another has abandoned that. The most striking practice concerned the provision of a wide range of ward-based information to Members.
- 1.1.7 This all provided benchmarks against which we could look at our own practice in Birmingham City Council. We considered the business of the full Council meeting over the last five years, paying particular attention to debates and decisions on the Policy Framework – the setting of which is potentially a major power remaining to the full Council.
- 1.1.8 We considered it to be very important that all Members had an opportunity to put forward constructive suggestions for improvement, and commissioned MORI to undertake a short exercise in which twenty-two Members took part. MORI found a degree of disengagement among some councillors because of the nature of the non-executive role under the present arrangements, and a need to empower Members to undertake their role as effectively as possible.
- 1.1.9 It is important to respond to these and to other issues raised by Members through MORI. Whilst our report cannot be a full response, we have given particular weight to this evidence.
- 1.1.10 We are quite clear about our fundamental conclusion. It is imperative that the executive arrangements within Birmingham City Council are rebalanced so that there is some re-empowerment of ordinary Members. What flexibility there is within the 2000 Act must be employed so that an efficient and effective Executive of 10 can more constructively co-exist with a proactive, properly representative body of 120.



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- 1.1.11 The recommendations in our report represent a first step. We start with a set of recommendations for initial changes to the full Council meeting. Members of the City Council should have more opportunity to bring the attention of the Council to topical issues of importance to them. The Council should also become a forum in which postholders – including Cabinet Members, Regulatory Chairpersons, the Chair of the Co-ordinating O&S Committee, and Lead Members on Joint Authorities – account for their past actions and discuss forthcoming issues. We also wish to see the City Council setting a somewhat greater and tighter Policy Framework within which the Executive takes its decisions. To facilitate these changes, we have suggested that a programme of Council meetings be set as far as possible at the start of the municipal year, and that the maximum length of each meeting be extended slightly.
- 1.1.12 In the course of the review the issue of support to District and Ward work – in particular to the new District Committees – emerged as a real matter of concern to Members. The District and Ward roles of Members are extremely important. It is clear Council policy that they are supported and strengthened. Through the forthcoming review required by the Council Plan 2005+ there is an immediate opportunity to set out clear standards for support and how best to provide that. It is essential that this opportunity be taken.
- 1.1.13 We consider that the O&S Committees should support the full City Council in the task of enhancing the accountability of Cabinet Members. We therefore recommend that Cabinet Members attend the relevant O&S Committee to give a similar report to that for Council, only at six month's distance from the Council report. We are also suggesting somewhat enhancing the call in process.
- 1.1.14 On the whole the package of support provided to Members is good compared to the norm. We are suggesting some extra flexibility to allow individual requirements to be better met. The programme of induction training has been well received by Members, but there is a need for a more co-ordinated subsequent development programme. The major area for improvement is to provide easier access to ward- and district-specific information.
- 1.1.15 We intend to continue our work to look at other aspects of the constitutional arrangements and see what more can be done to empower non-executive Members. In the meantime we are recommending these changes now, so that, if the Council agrees, they can be implemented at the start of the new municipal year.



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2 Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R1	<p>That Council Business Management Committee propose to the Annual Council Meeting a programme of Council meetings throughout 2005/6 which enables:</p> <p>a) each Cabinet Member to report to the full Council once during the year on past achievements and future issues;</p> <p>b) similar reports to be made once during the year by the Chairpersons of the three Regulatory Committees, the Chairperson of the Co-ordinating O&S Committee, a lead District Committee Chairperson (on behalf of all) and the City Council's lead Members on the West Midlands Police Authority, the West Midlands Fire and Civil Defence Authority, and the West Midlands Passenger Transport Authority;</p> <p>c) the holding of a "State of the City" debate at the meeting at which the Leader of the Council presents his report</p>	Chairman, Council Business Management Committee	May 2005
R2	<p>That Council Business Management Committee propose to the Annual Council Meeting a new model agenda for the full City Council meeting to provide time for:</p> <p>a) the reports required by Recommendation R1;</p> <p>b) Members to be able to raise topical issues notified to the Lord Mayor in advance;</p> <p>along with any necessary adjustment to standing orders governing the length of the Council meeting.</p>	Chairman, Council Business Management Committee	May 2005
R3	<p>That the current constitutional requirement, for Chief Officers to report regularly to the appropriate Cabinet Member on the exercise of their delegated functions, be reinforced, such reports to be clearly labelled and posted on the ADMES system.</p>	Chairman, Council Business Management Committee	April 2005
R4	<p>That arrangements be put in place to</p>	Chairman, Council	October 2005



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	Recommendation	Responsibility	Completion Date
	<p>ensure that undertakings made at full Council meetings:</p> <p>a) in answer to oral or written questions;</p> <p>b) following the receipt of petitions;</p> <p>are followed up and can be seen to have been discharged fully.</p>	Business Management Committee	
R5	<p>That in bringing forward amendments to the Constitution at the next Annual Council Meeting, Council Business Management Committee be asked to:</p> <p>a) propose a Policy Framework which includes up to an additional 3 policy plans on locally determined policy issues;</p> <p>b) inform the City Council of a working timetable for the debate of draft Policy Framework Plans during the municipal year 2005/6 by including this in the annual programme requested in Recommendation R1.</p>	Chairman, Council Business Management Committee	May 2005
R6	<p>That Council Business Management Committee bring forward a communications programme for the full Council meeting to consider, including:</p> <p>a) giving greater advance publicity to full Council meetings;</p> <p>b) giving full Council an enhanced web presence showing forthcoming topics for debate, questions asked and answers received;</p> <p>c) a prominent facility on the Council's website for members of the public to put questions to Cabinet Members and Committee Chairpersons;</p> <p>d) the costs and benefits of a trial relay of selected debates to the big screen in Chamberlain Square, possibly starting with the State of the City debate;</p> <p>e) a recommendation, based on costings, on whether to replace the equipment in the Council Chamber.</p>	Chairman, Council Business Management Committee	October 2005
R7	<p>That the review of localisation and devolution to be carried out during the summer specifically include proposals for providing appropriate support for all Members and Chairs of District Committees.</p>	Leader	October 2005
R8	<p>That the brief for the review of localisation and devolution be discussed with the Co-ordinating O&S Committee before it is agreed by the Executive</p>	Leader	June 2005
R9	<p>That each Cabinet Member be asked to</p>	Leader	May 2005



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	Recommendation	Responsibility	Completion Date
	complement his/her annual report to full Council with a similar report, at the six-month point, to the corresponding O&S Committee, again setting out recent achievements and future issues and that this be written in to the terms of reference of the O&S Committees.		
R10	That the Chief Executive be asked to attend the Co-ordinating O&S Committee annually in October to discuss management actions and priorities.	Chair, Co-ordinating O&S Committee	October 2005
R11	That where, following a call-in, the Cabinet is minded to reaffirm its original decision without significant modification, the Chair of the Co-ordinating O&S Committee (or his/her nominee) should have the right, written into the constitution, to request the Leader to stay its implementation until the next Cabinet meeting to enable further discussion.	Leader	April 2005
R12	That in bringing amendments to the constitution to the next Annual Council Meeting the Council Business Management Committee propose an amended call in procedure : <ul style="list-style-type: none"> a) allowing for the possibility of a stay of implementation as proposed in Recommendation R11, if the Executive has so agreed; b) expanding the acceptable reasons for the call in of an Executive decision by proposing two extra criteria: <ul style="list-style-type: none"> • that notification of the decision does not appear to have been given in accordance with Council procedures; • that there is a substantial lack of clarity, material inaccuracy or insufficient information in the report to allow Overview and Scrutiny to hold the Executive to account and add value to the work of the Council. c) numbering the call in criteria in an appropriate order, following proposals from the Co-ordinating O&S Committee 	Chairman, Council Business Management Committee	May 2005
R13	That the monthly printing allowance for Members be a maximum of 2,700 A4 sheets (black and white only) and that the ICT allowance be more flexibly applied to allow a wider range of office equipment to be provided.	Chairman, Council Business Management Committee	June 2005



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	Recommendation	Responsibility	Completion Date
R14	That an audit be undertaken of the City Council's electronic information systems to ascertain how ward and district specific information could be better identified and accessed by Members.	Deputy Leader	April 2006
R15	That a core City Council modern casework management system be provided, which is capable of being tailored to the needs of each Political Group at their own expense.	Deputy Leader	September 2005
R16	That a co-ordinated programme of training opportunities for Members be put in place, drawn up following a survey of Members' training needs and with particular emphasis given to training support for their role in District and Ward business; the draft programme to be put to the Cabinet Member for decision by December 2005.	Cabinet Member for Human Resources and Equalities	December 2005
R17	That the scope, size and composition of Cabinet Committees be reviewed, with the aim of ensuring the best use is made of local skills and knowledge.	Leader	June 2005
R18	That the Co-ordinating O&S Committee should continue its review (at some point possibly through a small cross-party working group), giving early consideration to a report from the Chief Legal Officer on the permissive and prescriptive elements of the Constitution.	Chair, Co-ordinating O&S Committee	June 2005
R19	Progress towards achievement of these recommendations should be reported to the Co-ordinating Overview and Scrutiny Committee in December 2005. Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Chairman, Council Business Management Committee	December 2005
R20	That based on the first progress report required by Recommendation 19, the Co-ordinating O&S Committee undertake an all-party review of how the changed arrangements are working out in practice, so as to make recommendations for further improvements.	Chair, Co-ordinating O&S Committee	January 2006