

The City of Edinburgh Council

10:00am, Thursday, 23 November 2017

Establishment of Locality Committees 2017

Item number	8.3
Report number	
Executive/routine	
Wards	

Executive Summary

At the meeting on 25 October 2017, Council agreed that locality committees should be established and that a report should be submitted to the Council meeting in November 2017 formally appointing these committees.

Establishment of Locality Committees 2017

1. Recommendations

- 1.1 To agree the membership and remit for the four locality committees, as outlined in appendix one.
- 1.2 To agree that only councillors act as voting members on the locality committees.
- 1.3 To note that locality committees would be reviewed in June 2018, as part of the review of the Council's governance arrangements and then thereafter annually.
- 1.4 To delegate authority to the Chief Executive, to make the amendment to Procedural Standing Orders outlined in paragraph 3.16 and any amendments to the Terms of Reference and Delegated Functions as is necessary to implement the decision on this item.
- 1.5 To agree that Locality Committees should each have their first meeting before the end of 2017.

2. Background

- 2.1 The Council in October 2017 agreed to establish locality committees and that a report would be submitted to the Council meeting in November 2017 based on the following principles:
 - 2.1.1. be decision making committees made up of all elected members from the locality area;
 - 2.1.2. have the power to set up working groups or sub-committees;
 - 2.1.3. be open, transparent and inclusive;
 - 2.1.4. be held in public, invite local partners and community groups to attend and actively seek public engagement;
 - 2.1.5. have power to make decisions on local services which are within devolved budgets and are in line with Council policy;
 - 2.1.6. have a role in scrutiny of services provided for the locality;
 - 2.1.7. take an active role in community planning;
 - 2.1.8. have a clearly defined structure and strategy for engaging with residents and the local community;

- 2.1.9. have clearly defined advisory and decision-making roles;
 - 2.1.10. have clearly defined first phase powers; and
 - 2.1.11. locality committees will appoint their conveners and vice-conveners from their number on an annual basis.
- 2.2 This report has also drawn from examples of locality working within Scotland and the UK. In Wiltshire Council, for example, Area Boards are able to allocate core funding for identified community priorities, influence the allocation of resources and develop participatory budgeting process. The boards cannot make decisions outside the area concerned or contradict any policy or service standard set by the Council. In Sunderland, Newcastle and York Councils, there are Area or Ward Committees which monitor the quality and effectiveness of services delivered by the council and other main providers in the area, and encourage local residents to become involved in decision making.
- 2.3 In Aberdeenshire and Fife Councils, Area Committees determine matters, within their terms of reference, which directly affect their areas including planning applications. They also scrutinise local service delivery and performance and monitor the impact of council and other public services on their communities

3. Main report

Remit

- 3.1. The powers proposed in this report reflect the principles agreed by Council in October 2017 and aim to provide significant powers to enable locality committees to make decisions independently on matters in their local area. This is a new way of working for the City of Edinburgh Council with the current Neighbourhood Partnerships only having advisory powers rather than decision making.
- 3.2. Executive committees currently have responsibility for services across the city. Locality committees will cut across those powers to ensure a local focus is provided to drive improvements. However, sometimes services and the needs of the wider city will have to be prioritised over the wishes of a local area. In these circumstances, the locality committees will take an important role but of an advisory nature rather than decision-making.
- 3.3. The powers of the locality committees can be reviewed and analysed as they mature into their role.

Phase 1	Later Phases
<ul style="list-style-type: none"> • Scrutiny of police and fire • Decision making on local matters • Scrutiny of IJB services in the locality • Oversight and scrutiny of the delivery of the Locality Improvement Plans • Approval of Community grant funds • Approval of the Neighbourhood environment programme • Approval of Local TROs 	<ul style="list-style-type: none"> • Local planning guidance (ie conservation area planning guidance subject to compliance with statutory development plan) • Community asset transfers • School Inspection Reports

- 3.4. The powers in phase one build upon the work of the Neighbourhood Partnerships, formalising power to approve the Neighbourhood Environment Programme and Community Grants Fund but adding significant new powers. The Locality Committees would also have a key role in community planning and be at the forefront of community engagement such as participatory budgeting.
- 3.5. The scrutiny of police and fire services had been highlighted previously at Council in June 2017. These powers would replace the remit of the Police and Fire Scrutiny Committee and would provide local scrutiny and feedback to Police Scotland and the Scottish Fire and Rescue Services, assisting them in delivering service improvement that meets the needs of the local community. Corporate Policy and Strategy Committee would retain the overarching scrutiny of city-wide police and fire plans.
- 3.6. The approval of programmes and projects for local services and decision making on local services are powers that will be required to be removed from executive committees. These powers will allow locality committees to make financial decisions that have a real impact on services in the locality. There will be a requirement for this power to be fettered to ensure that decisions in one locality do not impact adversely on another area in the city and take cognisance of the continuing role of executive committees.
- 3.7. As a result, it is proposed that the power for the locality committees to make decisions is subject to the matter not having a city-wide or strategic impact and be within budget and policy decisions set by the executive and planning and regulatory committees. A recent example of these powers would be a report considered at the Transport and Environment Committee on parking in the Dumbiedykes and the Pleasance areas. This report looked at parking enforcement in a particular area and the recommended action was within the Parking Action Plan previously approved.
- 3.8. It is proposed that those services delivered by the Health and Social Care Partnership are discussed and scrutinised at a local level to have additional and

specific feedback to enable the Edinburgh Integration Joint Board to improve local service delivery. The locality committees would have no decision-making powers in this area.

- 3.9. The approval of local Traffic Regulation Orders (TROs) is an area that can be devolved to locality committees in the first phase. It should not though include TROs of city-wide importance that often will be part of a larger strategic project. It would though not preclude the locality committee providing feedback to the committee making the decision.
- 3.10. Local planning guidance, community asset transfers and school inspection reports are highlighted as powers that could be added at later phases. The initial proposed powers are extensive and it is recommended that there is a period of review to ensure that the locality committees are not overburdened at the outset. The resources available and how these are currently arranged should be considered when delegating powers. There may be a time period needed for services to re-organise either structurally or operationally on a locality basis if they are currently arranged as a city-wide service and additional training may also be necessary. The phased approach to delegating powers would be a practical solution to these possible issues.
- 3.11. The Locality Committees will oversee and scrutinise the delivery of the Locality Improvement Plans. Neighbourhood Partnerships would be carrying out this function until the committees are established.
- 3.12. The committees would be full committees of the Council and would be permitted to appoint sub-committees or working groups as they felt necessary.

Membership

- 3.13. The Local Government (Scotland) Act 1973 does not allow non-councillors to be members of a committee which has the power to make financial decisions. There is, therefore, a limit on the powers of any committee that intends to include non-councillors as members. For example, the Neighbourhood Partnerships were established as advisory committees of the Council to give equal voting rights between councillors, partners and community representatives. Consequently, they have no decision-making powers and their legal role is to advise officers.
- 3.14. As a result of the wide-ranging and comprehensive decision-making powers that are included in this report it is not possible, under the Local Government (Scotland) Act 1973, to have non-councillor members on the committee. However, this does not mean that the community and partners could not have a key participatory role in the committee. Where appropriate, partners and community representatives could be invited to provide insight and information to aid the committee's consideration.
- 3.15. As per the principles agreed by Council and the confines of the legislation, it is recommended that all local councillors should be members of their locality committee and that only councillors act as voting members on these committees.

- 3.16. It is proposed that Procedural Standing Orders are amended to extend the right to refer a decision to Council, to include Locality Committees.

4. Measures of success

- 4.1 In line with the Council Performance Framework and the outcomes assigned to each of the strategic aims.

5. Financial impact

- 5.1 There are currently insufficient resources to fully administer and run locality committees. Officers are reviewing structures and arrangements and these will take account of any changes made by Council.

6. Risk, policy, compliance and governance impact

- 6.1 The changes proposed in the report will require changes to the Council's governance documentation including the Committee Terms of Reference and Delegated Functions. These will be required to be approved by Council.
- 6.2 Any changes to the remits of committees must take into account the impact on other committee remits and ensure there are no instances where responsibilities will clash or there is no transparency on delegation of powers.
- 6.3 The Council's procedural Standing Orders will apply to locality committees.

7. Equalities impact

- 7.1 Locality committee formation supports delivery of equalities outcomes and the protected characteristics.

8. Sustainability impact

- 8.1 Locality committees will support delivery of sustainability outcomes.

9. Consultation and engagement

- 9.1 Elected members have been consulted and have discussed the future of the locality committees and the potential remits they carry.

10. Background reading/external references

[The City of Edinburgh Council 26 October 2017 – Locality Committees 2017](#)

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Appendix

Locality Committees

10.1 **Constitution:** all elected members situated in the locality area

Convener

10.2 The convener and vice-convener will be a member of the City of Edinburgh Council and will be appointed by the committee annually. It will be usual practice for a member to serve for a maximum of one year as convener in each Council term.

Quorum

10.3 North East - 5 elected members

10.4 North West – 6 elected members

10.5 South East - 6 elected members

10.6 South West – 5 elected members

Substitutes

10.7 Substitutes are not permitted.

Delegated Functions

10.8 Power is delegated to the locality committees in relation to the matter listed in paragraph 10.9 to:

10.8.1 Develop and approve plans, programmes and projects;

10.8.2 Set and monitor local standards;

10.8.3 Monitor performance, providing local insight to advise how performance could be improved to meet local needs;

10.8.4 Monitor arrangements to ensure best value and continuous improvement; and

10.8.5 consider petitions addressed to the City of Edinburgh Council on matters within the remit of committee, in accordance with the Council's approved Petitions procedure and determine the appropriate action.

10.9 The matters referred to in Paragraph 10.8 are as follows:

10.9.1 Community safety

10.9.2 Lifelong Learning and Libraries

10.9.3 Traffic management, roads and parking;

10.9.4 Parks and green space;

10.9.5 Street cleaning and open space maintenance;

10.9.6 Public realm projects;

10.10 All matters referred to in paragraphs 10.8 and 10.9 are subject to the following:

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- 10.10.1 Decisions must be within policy and budget set by Council, executive committees and planning and regulatory committees.
- 10.10.2 The matter must not have a strategic or city-wide impact.
- 10.11 To approve and agree the Neighbourhood Environment Programme and Community Grants Fund.
- 10.12 To refer back to the executive committees and planning and regulatory committees for their consideration any recommendations of proposed policy or service improvements that have a city-wide or strategic impact.
- 10.13 To scrutinise Council services but ensuring duplication of scrutiny with other Council committees is avoided;
- 10.14 In regard to police and fire services in the locality, to:
 - 10.14.1 Consider and recommend improvements in local policing and fire and rescue services.
 - 10.14.2 recommend priorities and objectives for the policing of the area to the local commander;
 - 10.14.3 scrutinise and review the outcomes, priorities and objectives set out in the local plan(s);
 - 10.14.4 consider and monitor progress and performance on the implementation of the Edinburgh Police and Fire and Rescue Plans and services;
 - 10.14.5 receive statistical reports on complaints about policing and fire and rescue in Edinburgh; and
 - 10.14.6 invite external witnesses to aid in the scrutiny of police and fire and rescue services.
- 10.15 To scrutinise the performance of health and social care services in the local area and provide recommendations or feedback to the Integration Joint Board.
- 10.16 To scrutinise and oversee the delivery of Council services in the Locality Improvement Plans.
- 10.17 To facilitate and encourage public engagement, consultation, participation and feedback on the areas within the committee's remit.
- 10.18 To lead participatory budgeting within the locality on funds allocated by Council or committee, and to actively shape the Council's participatory budgeting framework