
FINAL REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP

REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP
CHAIR: COUNCILLOR I. HASZELDINE

Purpose of Report

1. The purpose of this report is to present to Members the final report of the Corporate Governance Working Group and to seek Members approval for the changes to Procedure Rules and the Constitution.

Background

2. At the Council meeting on 19th July 2007, a report was presented to Members entitled a Progress Update on Community Engagement. The report made a set of detailed recommendations about closer working relationships; improved communications and the way the Council works. As a result of this last area of work Members agreed to ask the Monitoring and Co-Ordination group to establish a working group to:-

‘examine opportunities to ensure that Darlington Borough Council functions in a way that is open and inclusive, with processes accessible to residents and stakeholders and with opportunities for wide involvement in its policy and decision making. The effective use of the scrutiny function would form a part of the review scope’

3. The group presented an interim report to Council in January which approved the changes to Planning Applications Committee. This report presents to Members the final report of the group and recommends to Council the approval of a number of changes to the Procedure Rules and Constitution which are detailed in the attached report. In particular these include changes to the Council Procedure Rules, the Cabinet Procedure Rules and the Scrutiny Procedure Rules which are attached as Appendices 5, 6 and 7 to the final report which is attached as **Appendix A** to this report).
4. The proposed changes that members are being asked to agree at this meeting are:
 - Reducing Notice for Public Questions At Council
 - Enabling opposition Members to ask Cabinet Member about whole Portfolio at Council
 - Changes to Rules of Debate
 - Arrangements for re-arranging a meeting of Council or a Committee
 - Public/interested group to be able to speak on an issue to make representations at Cabinet
 - Public/interested group able to present a petition to Cabinet
 - Co-optees to be allowed to sit on Scrutiny (other than mandatory)
 - Requirement for only one scrutiny report to go to cabinet every 6 months be relaxed
 - Exceptions clause in relation to Scrutiny to be deleted

- Leader and Portfolio Holder power to refer some decisions to Scrutiny for consideration before Cabinet
- Introduction of Summary Reports

Outcome of Consultation

5. The group has not conducted any specific consultation in relation to the proposed changes, but has benefited from national research and the experience of a cross party group of Council members and a visit to another Council in the region.

Implementation and Timescales

6. A number of the recommendations of the report have already been implemented as they have not required any specific Council approval. The report recommends a number of changes to the operation of Council, Cabinet and Scrutiny which do require Council approval. It is proposed that changes to Council can be implemented with effect from the new Municipal year at the meeting on 22nd May 2008, and changes to other meetings can follow thereafter. Copies of the revised Constitution can be provided to all Members at Annual Council as part of the annual approval of the Constitution so that all Members are made aware of the changes. The changes can also be the subject of publicity within the Town Crier and elsewhere to raise awareness about the increased opportunities for public participation.

Legal Implications

7. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

8. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

9. This report does not represent a change to the Council's policy framework but the issues contained within this report are required to be considered by Council.

Conclusion

10. The Corporate Governance Working Group presents the attached report to Members.

Recommendation

11. Council is requested to :-

- (a) Note the report of the Corporate Governance Working Group.
- (b) Approve the changes to the Council, Cabinet and Scrutiny Procedure Rules proposed within the report, set out in the Appendices to the report.

Reasons

12. The recommendations are supported to ensure that the Council functions in a way that is open and inclusive, with processes accessible to residents and stakeholders and with opportunities for wide involvement in its policy and decision making.

Councillor Ian Haszeldine

Background Papers

No Background papers were used in the preparation of this report.