COUNCIL
31ST JANUARY 2008

ITEM NO. 9

INTERIM REPORT

REPORT OF THE CORPORATE GOVERNANCE WORKING GROUP

Purpose of Report

1. The purpose of this report is to seek approval for the interim report of the Corporate Governance Working Group and to approve the recommendations of the Working Group.

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. Based on this remit the group established its own terms of reference attached at **Appendix 1**.

4. The group was established with the following membership: Councillors Barker, Chapman, Haszeldine (Chair), Hughes, Johnson, Swift, Mrs D. Jones, S Jones, Robson and Williams.

5. The group has met on four occasions. There has also been a joint meeting between members of the group and the members of Planning Applications Committee. The original timetable for the final report was January 2008, however there was a short delay during the period leading up to the referendum and a number of issues which will take longer to consider and some which require information from outside sources. The group has therefore timetabled to complete enquiries in March 2008 and to present to Members of Council this interim report of its work to date. The timetable for the remainder of the review programme is attached at **Appendix 2**.

Recommendations already implemented

6. The recommendations of the report on 19th July 2007 included a number of recommendations and a lot of work has been done already to improve community engagement in relation to the decision making processes of the Council.

Community Events

How your Council Works

7.   The first How your Council works event was held on Wednesday, 17th October 2007. Despite a large poster publicity campaign and website advertising, turnout was poor. The second event will be arranged for 13th February 2008 and the event will be publicised throughout January/Early February 2008. It is recognized that these events must form part of a wider programme of work, which help to explain the benefits of engaging with the Council, and how it can make a difference.

8.   Members of the Democratic Services Section attended a Red Hall Community Event (24th October 2007) to conduct a 'Local Democracy Roadshow' event.

Talking Together

9.   The delivery of the first round of Talking Together was a key part of the Council's commitment to improving the way that it engages with the people its serves. It was one of three pieces of strategic engagement organised by the Council's new Connecting with Communities team in 2007. Delivery was supported by the involvement of Darlington PCT, Durham Constabulary, Darlington Crime and Disorder Reduction Partnership, Durham Police Authority, County Durham and Darlington Fire and Rescue Service, Groundwork and Arriva.

10. A number of Talking Together events have now been held. Full details of the Talking Together events are set out in the report attached at **Appendix 3.**

Engagement with Schools

11. A letter has been sent to all schools involved in the Special Children and Young People Scrutiny Committee Meeting held on 15th October 2007 thanking them for their attendance and highlighting that the Council would be more than happy for schools to use the Council Chamber for their School Council Meetings. Further publicity will be undertaken as part of the ongoing work in developing linkages with schools, with the intention of establishing a timetable from responses.

12. Officers have attended the Queen Elizabeth Sixth Form College (11th October 2007) and the Darlington College (18th October 2007) to conduct a 'Local Democracy Roadshow' event. Students were invited to discuss their views on local democracy, and what activities they felt the Council could provide to increase young people's involvement in the democratic process.

13. Three, A-Level Politics students from the Queen Elizabeth Sixth-Form College, have each been given the opportunity to 'shadow' Councillor McEwan whilst he conducted his Council business (5th October, 14th November, and 30th November, 2007). The feedback from the Queen Elizabeth Sixth-Form College, and the students themselves, has been extremely positive, and this is an initiative that could be extended to other Cabinet Members/Scrutiny Chairs and other Members of Council.

14. Following a request from the Queen Elizabeth Sixth-Form College, a 'Local Democracy/ Question Time' event has been arranged for Wednesday, 5th March, 2008 at the College for

Politics and Citizenship students. The students will receive a presentation from members of the Democratic Services Team on local democracy, followed by an opportunity to question leading Members of the three main political groups on the Council in a session similar to the BBC television programme 'Question Time'.

15. All Primary, Junior and Secondary Schools were contacted on Tuesday, 6th November 2007, in relation to an on-going programme of events and activities aimed at raising the profile of local democracy in children and young people. Such activities include 'Town Hall Treasure Hunts', 'I'm a Councillor, Get me out of here!' Mock/School Elections, 'Democracy Blockbusters', 'Build a Councillor'. The Cabinet Member with Portfolio for Children and Young People also wrote a letter to all Schools and Colleges on Friday, 16th November, 2007, encouraging schools involvement in such activities, and it is hoped that every Primary, Junior and Secondary schools and Colleges, will participate in this programme of events on an annual basis.

16. 32 Year four pupils from Alderman Leach Primary School attended the initial 'Town Hall Treasure Hunt' event on Monday, 26th November, 2007. Pupils had the opportunity to meet The Mayor and two Councillors, received a tour of the Council Chamber and the Mayor's Parlour, and undertook a series of activities to promote awareness of local democracy and the democratic process, the importance of voting and the role of a Councillor. The event was very successful and the staff from the school involved were very positive about the event, and commented that they would take part in similar events in the future. A further school has approached the Democratic Services Section, and it is hoped that, as more schools become aware of the event, a programme can be developed so that Year four pupils from every primary and Junior School visit the Town Hall each year and undertake a series of activities to develop their knowledge of local democracy.

Engagement with Council Decision Making

Council Question Time

17. Appropriate literature has been revised and distributed during both the 'How Your Council Works for You' and 'Talking Together' events. The webpage 'How you can ask a question at Council Meetings' has been updated.

Public Questions At Council

18. Publicity has been provided in the Town Crier and at all 'Talking Together' events attended by the Democratic Services Team

Public Questions at Cabinet about how the Public can ask Questions at Council

19. A standard item is now included on all Cabinet agendas to allow members of the public to attend and ask Questions at meetings of the Cabinet. At the meeting of Cabinet on 13th November 2007 two members of the public chose to take advantage of this new opportunity to attend the meeting and asked a number of questions specifically in relation to speed bumps and traffic calming generally, and the Eastern Transport Corridor capital project. Non Executive members have also taken advantage of the right of anyone to ask a question at Cabinet, to ask a range of questions on a regular basis at meetings of Cabinet. Cabinet has also been visited by a group of Journalism students. Meetings of the Cabinet will also

be held in the Community as part of the 'Talking Together' events, on a quarterly basis, the first of which was held on 15th January, 2008.

Cabinet and Scrutiny Portfolios

20. Cabinet and Scrutiny portfolios have been revised to align them with the key themes within the Community Strategy and Local Strategic Partnership. The new portfolios are also designed to ensure that they are more readily understood by residents, that they reflect the proposed legislative changes and changes made to organisational delivery arrangements and that they are better able to address locality issues. There is now a specific Cabinet Portfolio in relation to community engagement.

Attendance at Cabinet Meetings

21. Cabinet has extended an invitation to the Leaders of the other political parties, the Independent member, the Chair of the Darlington Partnership and the Chair of Monitoring and Co-ordination Group to attend Cabinet meetings, receive all Cabinet papers, and to ask questions and take part in discussion on items. Those invited sit alongside Cabinet members and join in the debate. A range of questions have been raised and the discussion has resulted in changes to the recommendations to Cabinet.

22. Scrutiny Chairs are also invited to Cabinet to present the reports of their committees. This took place for the first time at the meeting on 15th January 2008. Councillor Hughes, Chair of Children and Young People Scrutiny Committee presented a report to Cabinet in the community in relation to Heath and Safety in Schools and Councillor Mrs. D. Jones, Chair of Neighbourhood Services Scrutiny Committee presented a report on Flooding.

23. At the meeting on 13th November, it was noted that Committee Room 1 did not offer sufficient accommodation for the public. At the meeting on 16th January, 2008 on the MTFP, Committee Room 2 was used. The meeting was well attended by staff, Members, and the press who made several detailed representations as part of the budget consultation process. At that meeting a petition was presented to Cabinet on car parking permits who were accommodated well in the public seating area.

Cabinet in the Community

24. The first meeting of the Cabinet in the Community was held on Tuesday, 15th January, 2008, at Holy Family School, as part of the 'Talking Together' event. The meeting was advertised in the December and January editions of the Town Crier. The meeting was well attended by Members of the public. A group of school children was also invited to the meeting and given an opportunity to put a range of questions to Members of Cabinet. The question session was challenging with the children asking some searching questions and keeping the Cabinet Members on their toes. At the end the children were presented with certificates by the portfolio holder for Community Engagement and thanked Cabinet for the opportunity to put their questions. After the children other Members of the public and Councillors present had an opportunity to ask questions.

Scrutiny Remit

25. Scrutiny remits have altered to strengthen the linkages with LSP theme groups and with the revised Cabinet portfolios. The changes to the titles and themes of the revised Scrutiny

Committees were also designed to ensure that they were more readily understood by residents, that they reflected the proposed legislative changes and changes made to organisational delivery arrangements and that they were better able to address locality issues. The revised Scrutiny Committees have been running successfully now for over six months.

<u>Scrutiny in the Community</u>

26. Health and Wellbeing Scrutiny Committee, Children and Young People and Resources Scrutiny Committees have all recently held meetings out of the Town Hall and in relevant venues. Public attendance at some of these meetings has been limited. Pupils from the Education Village attended the Ordinary Meeting of the Children and Young People Scrutiny Committee, held on 14th January 2008 at the Education Village. The pupils in attendance were given the opportunity throughout the meeting to ask questions and comment on the issues being discussed.

Website Update

27. A detailed proposal has now been developed for the Connecting with Communities web project involving two work strands:

   (a) The development of an accessible web portal giving easy to use access to important community news and information, searchable details of events and key contacts for all users. This website will help to deliver the community engagement strategy's aim of further exploiting electronic modes of communication to increase levels of interaction with the public.

   (b) A consultation events management system which will enable the authority to get to grips with the intelligence that arises from the Council's extensive consultation and engagement work which has not previously been properly "joined up". It will also make sure that the Council closes the feedback loop in a consistent way by helping to maintain an overview of all engagement activity and enable a structured view of outcomes of consultation programmes and lessons learned about the process.

28. The graphic designs for the website are almost complete and technical development is about to start. Web content authors have been identified and dates are being scheduled for training to enable the team to implement the consultation events management system.

Working Group Recommendations

29. As a result of the work to date, the Corporate Governance Working Group is making a number of interim recommendations to Council for new initiatives which are designed to further enhance engagement in the Council's decision making. The work of the group is ongoing and it is anticipated that a further range of ideas will be taken forward as part of the work of the group and will be presented in a future report to Council.

Planning Committee

30. The group identified at its first meeting that engagement in Council decision making was strongest in the area of planning. It is therefore important that our Planning arrangements are as open and inclusive as possible to encourage future involvement in other areas. It is

particularly important that those who took part in Planning Application Committee (PAC) meetings felt that whatever the result they had a good chance to have their say.

31. It was recognised that Darlington already compared well in relation to the arrangements that it had in place for PAC meetings when considered alongside The Planning Officers Society Good Practice Note on Public Speaking in Planning Committees and the arrangements in other authorities. However the Working Group were keen to ensure that the review would provide the opportunity to look beyond good practice and consider innovative options for improvement.

32. On 9th October 2007 the Corporate Governance Group considered a report including various options for improving public speaking, and involvement, at PAC. The Group agreed that the third of these options should be taken forward. This involved the division of PAC into two separate meetings one for the major proposals attracting extensive public interest and another for householder applications which receive only a small number of objections. The new option also included the opportunity for up to three objectors to speak for five minutes, and for a further right of reply for objectors after the officers have presented their report. The same opportunities are also available to the applicant.

33. It was agreed that a joint meeting with PAC be held to discuss the option and its implications. On 7th November the joint meeting considered the proposed changes in detail and PAC representatives agreed to support Option 3. Building on the original Option and subsequent suggestions by Members, the proposed approach is as set out below.

Proposed Procedure

Option 3: Greater public involvement – Leading the Way

34. PAC agenda items are split according to defined criteria. The complex/controversial applications will be dealt with by the full committee. Householder applications will be dealt with by a separate Planning Applications Sub-Committee. There will be scope for the Chair to agree to certain householder applications going to full Committee, where the level of interest warrants it.

35. Two meetings will be held, with the full PAC at 1.30pm on Wednesday, every 4 weeks as now. The sub-Committee will meet on the same day, starting at 5pm.

36. The full **Planning Applications Committee** procedures would include the following running order :

(a) Chair introduces agenda item.
(b) Officer describes proposal.
(c) Applicant/agent speaks (up to 5 mins).
(d) Members question applicant/agent.
(e) Up to 3 objectors speak (each for up to 5 mins).
(f) Members question objector(s).
(g) Parish Council rep (up to 5 mins).
(h) Members question Parish Council rep.
(i) Ward Councillor (up to 5 mins).
(j) Officer summarises key planning issues.
(k) Members question officers.

(l) Right to reply – Objector(s).
(m) Right to reply – applicant/agent.
(n) Officer final comments.
(o) Members debate and vote.
(p) Chair announces decision.

37. It is proposed to allow speakers to have visual material added to the power point presentation up to the date of the committee, and to enable other documents to be distributed on the day, provided that they are made available to the applicant and other objectors who are present.

38. Arrangements for the new Sub-Committee are set out in the terms of reference in **Appendix 4** and details are set out below:-

(a) The Sub-Committee will include 5 Members of PAC, with support provided by a Planning officer, legal officer and committee clerk.
(b) Applicants/objectors will be invited in one application at a time to sit round the table.
(c) Public and press can attend.
(d) The purpose of this panel would be to provide a more informal setting for applicants/objectors and remove the need to go through a full committee process.
(e) For both meetings, it is proposed to assess the most appropriate venue and room layout to ensure that everyone present can easily hear and see what is going on, which should help them to better understand the processes and procedures involved.
(f) A Procedure Note will be produced to inform people of their right to speak, including details of the processes involved, and an explanation of what are, and are not, material planning considerations. This will be available on the Council's website.
(g) Changes will be made to the Protocol for Councillors and Officers Dealing with Planning Matters. The proposed changes are set out in **Appendix 5.**

39. Members and officers will require training on the new procedures prior to them going 'live'. This will be provided by way of a single training session prior to the first Planning Applications Committeee meeting.

40. The new form of Planning Applications Committee can take place on 6th February 2008, subject to this decision by Council.

41. A sixth month trial will be followed by a review report, including a survey of Members, officers and public feedback from individuals and organisations who have taken part at PAC over the previous 6 months.

42. The political balance rules require that the membership of the sub-committee reflects the overall balance, and therefore the membership will be three Labour Group and two Conservative group members. To ensure that the sub-committee will not be inquorate, it is proposed that the remaining members of the relevant groups who are Members of the main committee be appointed as substitutes.

Enhancements to Council

Leaflet

43. Members requested that a user friendly leaflet about Council meetings be made available for the public as part of the publicity for Council meetings, in addition to the leaflet about "How to ask a question at Council". The proposed leaflet is designed to be informative and welcoming. Copies of the leaflet can be made available at all Council buildings and other delivery points for Council leaflets, as well as online. The leaflets can also be made available at events such as Talking together, How Your council Works for You and Ward Surgeries. They can be made available for Members to distribute or refer to in Ward Newsletters. A launch of the leaflet is planned to co-incide with a new style Council meeting with a full article in the Town Crier.

Publicity

44. Currently details of all meetings are sent to the press together with agenda for meetings. The Northern Echo pick up on these and advertise meeting dates on the Darlington pages. In addition an advertisement appears in the Town Crier stating the dates and times of meetings. They are also displayed on the website. The Group agreed the need for further publicity to ensure that everyone was aware of the dates and times of meetings, and that more importantly they were aware that anyone can ask a question at a Council meeting. A statement to that effect has been included in the Town Crier.

Podcasting and Webcasts

45. Podcasts following Council and other meetings can be arranged. This involves an individual member being filmed to explain a Council issue or event, and posting this on the website. This was used in relation to the Tesco debate. Equipment to do this is already available but has to be hired in from a private company at a cost of £500 per podcast.

46. The group considered webcasting of Council and other meetings, and observed webcasts from another authority. The group considered that costs of webcasting would be significant as a private company would need to be employed with a number of cameras situated around the chamber together with sound equipment. On the whole it was felt that the public would not make extensive use of the webcasts of ordinary meetings, although the option was not ruled out if it could be provided on a one off basis for meetings on a key issue which would have a significant public interest.

Changes to the Agenda

47. The wording and appearance of the Agenda will be updated to ensure that it provides information that a person attending the meeting will require, but is also intended to be easier to read.

48. The Agenda itself will be changed to reduce the number of items on the agenda, to focus the meeting on the business rather than the surrounding administration. The order will be changed to put the decisions earlier in the agenda. More information will be provided to the public about the practicalities of how to attend a meeting. A statement which makes it clear that the public are welcome to attend will appear prominently on the front of the agenda.

Cabinet

49. Significant changes have already taken place in relation to Cabinet as detailed earlier in the report.

Leaflet

50. To enable those Members of the public attending Cabinet meetings to understand the roles, who is who, and what is happening, a leaflet has been prepared which can be made available in the entrance to the Town Hall, and in the Cabinet meeting room on chairs for the public. It could also be made available with other publicity material in venues throughout the Borough. Spare copies of the Agenda will also be made available for members of the public attending meetings.

Scrutiny

Leaflet

51. Members of the public may also benefit from the distribution of a leaflet by Scrutiny which has been prepared to raise awareness about the role of Scrutiny and the way it works. This can be made available to the public at Scrutiny meetings and in other ways.

Outcome of Consultation

52. This report has been prepared following involvement of the Corporate Governance Working Group in consultation with the Planning Applications Committee. The changes to the arrangements for Planning Committee will be subject to consultation with those using the planning applications system in the following six months.

Legal Implications

53. 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

54. 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

55. The issues contained within this report are required to be considered by Council, but do not present changes to the Council's policy framework.

Conclusion

56. The Corporate Governance Working Group have considered ways in which the Council can ensure that its ways of working are open and inclusive. A number of significant changes were implemented prior to the Group being formally established, and the Group itself has overseen the preparation of proposals for significant changes to the Planning process and other changes which will make it easier for people to have their say.

Recommendation

57. Council are requested to :-

   (a) Consider the report of the Corporate Governance Working Group and approve the changes to the Agenda and other proposals to support engagement in Council decision making outlined in the report.

   (b) Approve the creation of the Planning Applications Sub-Committee, and the changes to the Constitution including the Terms of Reference of the Committee set out in Appendix 4 and 5.

   (c) Approve the amendment to the Planning Protocol to allow up to three speakers on behalf of the applicant/objector for five minutes.

   (d) Appoint the new Members of the Planning Applications Sub-Committee and substitutes to the sub-committee.

Reasons

58. The recommendations are supported by the following reasons :-

   (a) To enable greater participation in Council meetings and greater public engagement

   (b) To ensure that the decision making process for Planning Applications is open and inclusive.

Corporate Governance Working Group

Background Papers

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

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