

Subject: Update on Committee and Member Services Performance Targets **Status:** For Publication

Report to: Performance Overview and Scrutiny Committee **Date:** 5th January 2010

Report of:
Director of Business

Portfolio Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To provide an update for members on the following performance targets:

C&MS2 – to achieve level 2 of the North West Charter for Member Development

C&MS3 – to deliver a joint programme of ward walks with the County Council

C&MS4 – implement actions arising from the Local Democracy Bill

C&MS10 – community governance review

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Keeping our Borough clean, green and safe
- Providing value for money services

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Performance targets for 2009/2010 will not be met if unable to achieve the identified targets.

4. BACKGROUND AND OPTIONS

4.1 C&MS2 - to achieve Level 2 of the North West Charter for Member Development

- 4.1.1 This action has been reviewed by the Member Development Working Group and also the Director of Business. Level 1 of the Charter is now up for review and this will be achieved before progressing to Level 2.
- 4.1.2 Level 2 of the Charter will become a longer term action for the future, however in the meantime work will commence towards a review at Level 1.
- 4.1.3 North West Employers Organisation have been contacted regarding being reassessed at Level 1 and we are currently awaiting details of the process and assessment timescales.

4.2 C&MS3 - to deliver a joint programme of ward walks with the County Council

- 4.2.1 Following feedback from some of the Councillors concerning the value of ward walks and the way in which issues are actioned following the walks, the ward walks for 2009/2010 were put on hold.
- 4.2.2 A highlight report was sent to the Executive Management Team to review the current arrangements and future arrangements of ward walks. This included a list of issues raised in 2008/2009 and to what extent these had been achieved and the department responsible for following up actions.
- 4.2.3 The Executive Management Team would review ward walks and make suggestions for future arrangements i.e. do them through Neighbourhood Forums run by the Communities Team.
- 4.2.4 In the meantime there are other mechanisms in which Councillors can raise ward issues, for example, through the Member Enquiry Service.

4.3 C&MS4 - implement actions arising from the Local Democracy Bill (Local Democracy, Economic Development and Construction Act 2009)

- 4.3.1 Latest Update: The House of Lords considered Commons amendments to the Bill on 9 November when outstanding issues on the Bill were resolved. The Bill gained Royal Assent on 12 November and is now an Act of Parliament. The Act seeks to create greater opportunities for community and individual involvement in local decision-making. It also provides for greater involvement of local authorities in local and regional economic development.
- 4.3.2 Key areas:
 - Provisions to secure greater involvement of people in the workings and decision-making processes of local public authorities.

- Provisions to ensure that councils respond to petitions and can consider other matters raised by citizens in their area.
- A new duty for local authorities to assess economic conditions; a joint duty on regional development agencies and local authorities to produce a single regional strategy; and powers for councils to co-operate in promoting economic development.

4.3.3 Consideration will be given to any actions arising in light of it now becoming an Act of Parliament.

4.3.4 Future updates to covalent will detail any actions identified as a result of the passing of the Act.

4.3.5 Democratic arrangements criteria is set out as follows:

Democratic arrangements of principal local authorities:

(1) A principal local authority has a duty to promote understanding of the following among local people:

- (a) the functions of the authority;*
- (b) the democratic arrangements of the authority;*
- (c) how members of the public can take part in those democratic arrangements and what is involved in taking part.*

The Council's Constitution contains details of the functions, democratic arrangements of the authority and how members of the public can take part in those arrangements. This includes details of the functions of Committees, terms of reference and procedures at meetings including procedures for public speaking. This information is detailed on the Council's website and is also available in hard copy format on request to members of the public. Information is also advertised on agendas for meetings and is available on display at the One Stop Shop, the web and also on request or via email.

In instances where public consultation is taking place, as well as informing people using Internet, email and the One Stop Shop, the Communications Team issue press notices and information is circulated through the Communities Team in order to reach Community Groups and other interested parties.

(2) The duty under subsection (1)(c) includes in particular a duty to promote understanding of the following among local people:

- (a) how to become a member of the principal local authority;*
- (b) what members of the principal local authority do;*
- (c) what support is available for members of the principal local authority.*

Information is available on the website and in hard copy format on how to become an elected member. A pre-candidate session is held prior to each election to promote to role of a Councillor and inform of support available including member training and development opportunities. Role descriptions

also promote the role of members and what they do. Councillor surgery posters advertise where surgeries are taking place and a Member Enquiry Service is in place to support Councillors with ward enquires.

As a result of the work already being undertaken it is considered that the requirements of the Act in relation to *Duties Relating to Promotion of Democracy* are already being met.

- 4.3.6 Electronic Petitions are now a requirement of the Act. Authorities must provide a mechanism for making petitions and publish their petition scheme:

Petition Schemes

(1) A principal local authority must make a scheme for the handling of petitions which are made to the authority and to which section 12 applies.

(2) In this Chapter “petition scheme” means a scheme under this section.

(3) A petition scheme must be approved at a meeting of the authority before it comes into force.

(4) A principal local authority must publish its petition scheme—

(a) on its website, and

(b) in such other manner as the authority considers appropriate for bringing the scheme to the attention of persons who live, work or study in its area.

(5) A principal local authority may at any time revise its petition scheme (and subsections (3) and (4) apply in relation to any scheme which is revised under this subsection).

(6) A principal local authority must comply with its petition scheme.

(7) Subject to that, nothing in this Chapter affects the powers or duties of a principal local authority in relation to any petition to it.

Petitions to which a scheme must apply

(1) This section applies to a petition made to a principal local authority which—

(a) requests the authority to take or cease to take action described in the petition,

(b) is signed by at least the specified number of persons who live, work or

study in the authority’s area,

(c) is not a petition made under and in accordance with any other enactment, and

(d) if the petition is in electronic form, is made using the authority’s e-petition facility.

(2) In subsection (1)(b), “specified number” means the number specified for the purposes of this section in the principal local authority’s petition scheme.

(3) For the purposes of this Chapter—

(a) a signature counts if (and only if) the petition gives the signatory’s name and address (which may be an address where the signatory lives, works or studies);

(b) references to signing or signature, in the case of a petition made using

a principal local authority’s e-petition facility, are to authentication in such manner as the authority’s petition scheme may specify.

The Act also details the requirement to acknowledge within a specified time period, the requirement to take steps, the requirements of a petition to call a debate, the requirements of a petition to call an officer to account and the handling of petitions by other bodies.

As a result of the *Petitions to Local Authorities* section the Council will need to provide an electronic petition facility and agree a Petition Scheme by 1st April 2010.

- 4.3.7 Part 1 Chapter 5 of the Act details changes required to Local Freedoms and Honorary Titles. This will require a revision of the Civic Protocol to reflect changes to Honorary titles. In any instance where *Honorary Alderman* is referred to it must be replaced by *Honorary Alderman or Honorary Alderwoman* and in any instance where *Alderman* is referred to it must be replaced by *Alderman or Alderwoman*.
- 4.3.8 Information detailed in the rest of the Act will require consideration and action from other sections of the Council, for example, Regeneration, Elections, Finance, People and Policy, etc. Information will be cascaded to other services areas for them to consider any changes and identify relevant actions.

4.4 C&MS10 - community governance review

- 4.4.1 The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal councils to carry out community governance reviews, and put in place or make changes to local community governance arrangements.
- 4.4.2 Guidance on community governance reviews details that it is an opportunity to review and make changes to community governance in order to improve the development and coordination of support for citizens and community groups, and is intended to simplify the decision making process.
- 4.4.3 The guidance details the terms of reference, timing arrangements, the triggers for a review and how to make and implement recommendations following a review. It also considers the identities and interests of local communities including size, population and boundaries of local communities/parishes, in addition to other arrangements such as decisions on the outcome of community governance reviews and electoral arrangements.
- 4.4.4 The guidance states that “it would be good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate.”
- 4.4.5 Whilst the detail and considerations required of a community governance review have been noted it is expected that this will be a long term target rather than something that is achieved by March 2010. Consequently this will be an ongoing action within the Business Plan, in the meantime arrangements and processes for conducting a review will need to be clarified in addition to identifying lead project officers.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 Any financial implications will be met from existing budget resources.

6. MONITORING OFFICER

6.1 Comments included within the report.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 No HR implications arising from the report.

8. CONCLUSION

8.1 CMS2 – Level 1 of the Charter will be reviewed prior to progressing to Level 2 of the Charter.

8.2 CMS3 – ward walks are currently being reviewed.

8.3 CMS4 – the Local Democracy Bill has recently become an Act of Parliament. Implications will be considered and actions followed up. Information will also be distributed to other departments for consideration.

8.4 CMS10 – Community governance reviews will be an ongoing action. Arrangements for receiving requests for a review and lead project officers will need to be identified prior to undertaking a review.

9. RECOMMENDATION(S)

9.1 That members note the updates on CMS2, CMS3, CMS4 and CMS10.

10. CONSULTATION CARRIED OUT

10.1 None

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

Contact Officer	
Name	Carolyn Sharples
Position	Acting Committee and Member Services Manager
Service / Team	Committee and Member Services
Telephone	01706 252422
Email address	carolynsharples@rossendalebc.gov.uk