

Minutes

Local Government Reform-Cabinet Sub Group

5th December 2007



Present:

Members	Present
Councillor J Abbott	Yes
Councillor Mrs J Beavis	Yes
Councillor G Butland	Yes
Councillor Dr R L Evans	Apologies
Councillor M Gage	Yes
Councillor N McCrea	Apologies
Councillor J McKee	Yes

17 **DECLARATIONS OF INTERESTS**

INFORMATION: Cllr G Butland declared a personal interest in respect of the Local Government and Public Involvement in Health Act 2007 (Item 6) as he works in the 'third sector' that is referred to in the papers.

18 **MINUTES**

DECISION: That the minutes of the meeting of the Group held on 11th October 2007 be approved as a correct record and signed by the Chairman.

19 **PUBLIC QUESTION TIME**

INFORMATION: - The Head of Law and Governance introduced the report and reminded Members of the proposed revision to the rules of Public Question Time discussed at the last meeting, and changes to meetings of full Council (Appendix 1) and other meetings (Appendix 2). It is also proposed to produce a laymen's guide to help members of the public understand how meetings work and how they can be involved in the process.

The Sub Group reaffirmed their view to allow a member of the public to speak after Public Question Time when they can provide clarification on a material matter at a Planning Committee meeting. However, it was proposed to amend 'the Chairman may exercise his or her discretion and *permit* a member of the public to speak...' to '*invite* a member of the public to speak...'

With regard to Local Committees it was proposed that, when an issue cannot be addressed at the meeting, that a written answer be provided within 10 working days of

the meeting – not included on the agenda of the next meeting, as this would delay a response for two months. There is also a proviso for the Cabinet Member or officer to deal with any outstanding issues, although it needs to be clarified to the member of the public at the meeting when an appropriate response will be made.

The distinction between a statement and a question was raised, and the time restriction of three minutes and two minutes respectively, for each individual speaker during Public Question Time. Members considered that this should be renamed 'representations' and have a time limit of three minutes per speaker.

The Sub Group agreed that '10 working days' is quoted for a written response throughout the guidance (not two weeks).

The reading of a question/statement from a member of the public at a meeting when the member of the public was not present was an issue for concern. It was reported that, at some planning meetings, the Chairman uses their discretion and allows for correspondence to be read when the author is not at the meeting – especially if there is a genuine reason for their absence and the statement assists the material planning consideration. Members had differing views on this aspect and stated that if a speaker who had registered to speak could not attend at the last moment then the Chairman had discretion to allow the statement to be read or classed as a late representation and placed on the table for all members. It was also recognised late written representations are placed on the table at the Planning Committee meeting, plus any other material that speakers in Question Time, i.e. supportive papers or photographs, request to be circulated to provide evidence referred to in their statement. This cumulates with Members having various materials to consider prior to the start of the meeting, although it was highlighted that all relevant material considerations can be accepted up to decision-making time. The final consensus was that this was an issue that required careful wording, and with written representation on the night when the author could not attend then it would be for the Chairman's discretion to allow all members to read the relevant parts, or have the full statement read to the meeting. It was noted that other Councillors (including Essex County Councillors) attending Council meetings where they are not a member of that committee, i.e. Planning Committee and Local Committee, sit on a table separate to the Committee members. The preference was for those members to be allowed to sit with the main committee.

In conclusion, the Sub Group promoted public involvement at meetings and referred to meetings of the Braintree Local Committee and the emphasis on public participation throughout the meeting, giving discretion to the Chairman.

DECISION: - That it be RECOMMENDED to Council

- (1) That the current rules on Public Question Time be amended to reflect the discussion of the Sub Group as follows: -
 - 'permit' to be changed to 'invite'
 - to inform a member of the public regarding the timescale of an answer to an outstanding query at Local Committee
 - at meetings of the Local Committee the Chairman exercise their discretion to allow members of the public to participate in the meeting
 - statement or question being revised to 'representation' and limited to three minutes duration
 - response within 10 working days throughout the guidance

- appropriate wording for statements received by members of the public who had registered for Public Question Time and cannot attend the meeting at the last moment, and advice for Chairman to use their discretion.
- (2) That the amendments shown in bold font as set out in Appendix 1 (meetings of full Council) and the inclusion of Appendix 2 (other Council meetings) including the issues above, be adopted by Council as a new procedure and that the Head of Law and Governance be authorised to make the necessary amendments to the Constitution.

20 **MEMBER DEVELOPMENT**

INFORMATION:- The Sub-Group looked at the way forward for the Council to achieve the EERA Charter for Elected Members, with the first task to complete the self-assessment using the EERA template, including evidence. The initial step is to request volunteers from all Members to contribute to the process, especially those with skills and experience from other backgrounds that can be utilised in this area and on specific projects, e.g. developing web pages.

Councillor Mrs Beavis expressed her interest on being involved on website issues, and it was agreed by the Sub Group that volunteers of frontline Councillors from the political groups be requested – excluding Group Leaders and Chairmen.

It was noted that the Improvement & Development Agency (IDeA) have a training programme on regulating, monitoring and communicating with the public, and this document would be useful for Councillors in understanding their role.

DECISION:

- (1) That the contents of the self-assessment be noted and that an Action Plan be produced and presented to the Sub Group in February 2008.
- (2) That Members work closely with officers on (a) developing the Member Development Framework and Development Plan and (b) trial various learning methods and authorise the Head of Law and Governance to write to all 'frontline' Members requesting volunteers. Councillor Mrs Beavis to represent the Sub Group.

21 **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

INFORMATION:- The Sub-Group considered two reports

- (1) The Department for Communities and Local Government (DCLG), Strong and Prosperous Communities – Implementation Plan: One Year On (issued November 2007) and
- (2) Creating Strong, Safe and Prosperous Communities Statutory Guidance: Draft for Consultation (issued November 2007).

Members were advised that an 'outline timetable' is to be produced to ensure all new guidance from Government is implemented, including work programmes and project/action plans. Some papers will be issued by other organisations and may request consultation.

The Sub Group noted some key issues from the reports:-

- Legislative framework proposals (Page 21) – unitary authorities; single member wards

- Unitary solutions (No. 42 on Page 30)
- Appropriate engagement as standard practice (No. 2.27, Page 74)
- For authorities to demonstrate they are meeting their duty on certain issues through evidence gathered in the normal course of business (No. 2.28, Page 74)
- Data sharing between partners (Page 96)

The Overview & Scrutiny Committee will also be involved in this process – e.g. merging of two directives under the ‘Councillor Call for Action’ that is currently at the consultation stage.

The Boundary Commission changes will also impact on the Council – with revision due in 2010. This could result with Wards of smaller areas or make them too large and unmanageable. The Council will need to adhere to the decision making timetable, with preference for the Leadership Model, and ensure deadlines are met.

The Sub Group agreed that both documents are supplied to all Councillors with a covering letter, to advise them of the proposals in the Act.

Post Meeting note: - Both reports were given to Councillors at the Council meeting 17th December 2007.

DECISION:

- (1) That documents (1) and (2) above are provided to all Councillors
- (2) That a timetable is created to indicate deadlines of relevant stages to ensure the Council makes decisions and implement changes within the appropriate timeframe
- (3) That this Sub Group provide comments on document (2) to the Head of Law and Governance within the consultation deadline of 12th February 2008, with a summary of the response being produced at the next meeting, and
- (4) That it be **RECOMMENDED TO CABINET** for this Sub Group to provide the Council’s response on the consultation document (2) to the Department for Communities and Local Government

22 **ANY OTHER BUSINESS**

No issues to discuss.

23 **DATE OF NEXT MEETING**

INFORMATION: -The next meeting will take place on Wednesday 30th January 2008 at 7.15pm, in the Causeway Room. (*Agenda item - programme of meeting dates*)

The meeting commenced at 7.15pm and closed at 8.26pm.

G BUTLAND (Chairman)