

POLICY SCRUTINY PANEL

23rd June, 2008

Present: Councillors Wilkes (in the Chair), Cowper, Kellett, Lightley, McDonnell, Simpson, Walker, and Wolstenholme.

Also Present: Councillors Kelly, D. Smith, Taylor and Turnbull.

Apologies for Absence: Apologies for Absence were received from Cllrs. Simmons, Thompson and Wynn.

Bullet Points from the Meeting held on 28th May, 2008.

- Councillor Robinson had made a request under Any Other Business for an update on the Swimming Pool project. The Chairman had agreed to raise the issue at the next Scrutiny Committee and the request was subsequently forwarded by the Scrutiny Committee to the Leader of the Council.
- Councillor Kellett indicated that he had also requested full financial details of the project and asked that his request to be added to the Bullet Points.
- Subject to the above the Bullet Points from the Meeting held on 28th May, 2008, were approved as a correct record.

Matters Arising

- After further discussion a request was then made by Councillor Kellett and Councillor Taylor for full updated information in relation to the financial position of the Swimming Pool project to be supplied to them in hard copy in advance of the meeting at which the update was to be discussed.
- A further request was made for the Portfolio Holders attendance at the meeting and time for Members to ask questions.
- On behalf of the Panel the Chairman agreed to forward these requests to the Leader of the Council.

BULLET POINTS

DRAFT REPORT – REVIEW OF SICKNESS ABSENCE

- The Panel was presented with the Draft Report of their Review of Sickness Absence.
- Members considered the Draft Report and subject to the recommended review date being brought forward to September, 2008, agreed that the Report be forwarded to the Scrutiny Committee for consideration.

DRAFT REPORT – UPDATE ON TELEPHONE COMMUNICATIONS SYSTEM

- The Panel was presented with the Draft Report of their update on the Telephone Communications System.
- It was noted that problems seemed to be continuing in relation to the unavailability of staff to respond to telephone calls and to Voicemail messages not being responded to.

- Members were reminded that their previously requested instruction to all staff to respond to Voicemail messages within twenty four hours had been carried out.
- It was agreed therefore that the necessary amendments and additions be made to the Draft Report and Recommendations to reflect these ongoing problems.
- It was further agreed that subject to the requested amendments and additions being made the Report be forwarded to the Scrutiny Committee for consideration.

PROPOSED REVIEW – “WORKING WITH PARISH COUNCILS”

- The Panel considered reviewing the “Working with Parish Councils” report which had been deferred by Cabinet in September, 2007, pending the outcome of unitary status developments.
- The original report was submitted by the Policy Scrutiny Panel, however this had been prior to the May 2007 elections and therefore the Panel had been largely made up of different Councillors from the current membership.
- The Panel agreed to look again at the Report in order to establish what, if any, practical measures of assistance the Panel may be able to recommend the new Durham County Council give to Parish Councils in light of Local Government Reorganisation, the possibility of devolution of powers and future developments in community governance.
- It was agreed that the original Report be circulated to Panel Members for the next meeting.
- Members were also informed that the Executive Officer of the County Durham Association of Local Councils had indicated his availability to attend the Panel Meeting in September.

ANY OTHER BUSINESS

- On a related issue some discussion took place on the availability of funding to Parish Councils for Parish Plans.
- A request had been made to the Leader of the Council through the Scrutiny Committee for a list of the Parishes which had received funding for Parish Plans and the criteria under which the funding had been given.
- Members also queried whether the City Council had written to all the Parish Councils within its area advising them that the funding was available.
- On behalf of the Panel the Chairman agreed to ask the Leader if this had been done.

The Meeting Terminated at 6.25pm

POLICY SCRUTINY PANEL

REPORT

WORKING WITH PARISH COUNCILS

BACKGROUND

1. The Panel was asked to look at how City of Durham currently worked with the Parish Councils within its area and were also asked to consider the possible benefits of a Joint Charter and the issues surrounding Quality Council status.

1.1 Panel Members discussed and agreed the scope of this Scrutiny and a Scrutiny Planning Sheet was produced.

AIMS

2. To establish the extent of current support mechanisms for Parish Councils and consider the role of district Councils as “enablers”.

2.1 To assess the need for the development of a Joint Charter between City of Durham and partner Councils.

ACTIONS

3. The overall topic of Working with Parish Councils lent itself to consideration of three linked but distinct issues; Relationships with and support currently available to Parish Councils, Joint Charters, and Quality Council Status. Witnesses were invited to attend the Panel Meetings and discuss, from their own perspective, the issues involved in the overall Scrutiny.

4. Relationships with Local Councils

4.1 Steven Ragg, Executive Officer of the County Durham Association of Local Councils attended the Panel to discuss the support currently available for Parish Councils, with a particular theme of “What is needed and what is wanted”, from the point of view of the District Council as a potential enabler.

5. Joint Charters

5.1 The Director of Legal and Administration Services attended the initial Panel discussion of this topic and briefed Members on work previously carried out in relation to the preparation of a Model Charter.

5.2 Ann Armstrong, Corporate Policy Officer, Durham County Council, attended a further Panel Meeting, to discuss with Members the County Council’s perspective in relation to Joint Charters. Liz Charles of Durham Rural Community Council, attended

the same meeting, as the role of pursuing and co-ordinating Charter Development between partner Authorities, now falls within the remit of the DRCC.

6. Issues and requirements involved in Quality Council status.

6.1 Lesley Swinbank, Regional Development Officer of the National Association of Local Councils, attended the Panel to discuss with Members the significance and requirements of "Quality Council" status.

6.2 Cllr. Bill Jeffrey, the Leader of Peterlee Town Council and Mr. John Arthur, the Clerk to the Council were also in attendance, as was Mrs. Samantha Shippen, Clerk to Horden Parish Council, to advise Panel Members as to their own experiences of Quality Council Status.

OUTCOMES

7. Relationships with Local Councils

7.1 Prior to 2000, various agreements had existed between some Local Councils and some Principal Authorities in the form of Concordats, Codes of Practice, Partnership Agreements etc. These set out the ways in which these two tiers of Local Government exchanged information, consulted and negotiated with each other.

7.2 The Government's Rural White Paper in 2000, introduced a number of initiatives to enhance the role of Local Councils in relation to assuming local leadership and working in partnership with Principal Authorities to improve the quality and range of services available to local people.

7.3 In December, 2004, the County Durham Association of Local Councils urged a common approach to developing working relationships between Councils and in September, 2005, a new Good Practice Guide was issued.

7.4 There is currently no formal joint consultative body to act as an interface or to facilitate direct liaison between the City of Durham and the Parish Councils within its area. Senior Council Managers however do provide a level of support, particularly in relation to advice to Parish Councils and to the training of Parish Councillors, when requested.

7.5 The Executive Officer of the County Durham Association of Local Councils indicated to Panel Members that Principal Authorities could support Local Councils by taking the lead in any development of Joint Charters and involving them in any discussions or negotiations regarding their formation.

7.6 The County Association would in turn encourage Local Councils to participate fully in the formulation of a Charter and would continue current joint work with the Parish Councils to seek the re-establishment of the Durham City Association of Local Councils Committee.

8. Joint Charters

8.1 In August, 2003, the Director of Legal and Administration Services drafted a Model Charter, which was submitted to Portfolio Holders for consideration. The Model Charter was then circulated to Parish Clerks to assess whether Parish Councils would be interested in pursuing a formal Charter with the District Council. The Model Charter was designed to include other partners as well as the Parish

Councils and was also submitted to the LSP Board for comment. There has since been no further development of a Joint Charter.

8.2 In July, 2006, the District of Easington completed a three way Joint Charter with all its 19 Town and Parish Councils and the County Council. However, any potential service delivery arrangements were excluded from the Charter and would be subject to a separate agreement between individual Councils involved. Policy Scrutiny Panel Members considered that a perspective both on joint working and on the potential benefits of a Charter was needed from the County Council.

8.3 The Department for Communities and Local Government have issued a generic Model Charter which can be modified to reflect the individual relationship between a Principal Authority and the Local Councils within its area. The contents of a Charter would normally include a number of topics relevant to the effective development of the relationship:

Sustainability	Standards Committee
Local Community Life	Delegating Responsibility for Service Provision
Local Governance	Financial Arrangements
Consultation	Planning and Practical Support
Information and Complaints	

The Charter is designed and worded specifically:

- To ensure good consultation and communication arrangements between Partners are embedded
- To identify opportunities for further collaboration
- To identify examples of delegated responsibility for service provision where an interest has been expressed by Local Councils.

8.4 Benefits of Charter Development

Policy Panel Members were advised that Charters would provide:

- Enhanced roles for Parish Councils
- Improved working relationships between Local and Principal Councils
- Better Community Planning
- Written rights and responsibilities for all partners.
- Agreed compacts
- Proper Consultation and Involvement

8.5 Durham County Council had been directly involved in the development of the Joint Charter with the District of Easington, however Panel Members were informed that the County Council has now adopted a more "arms length" position in relation to Charter development, as this was now the function of the Durham Rural Community Council. Nonetheless, the County Council has developed its own internal Steering Group to take forward both Charter development and supporting activities and the Steering Group had developed a two year Action Plan, to underpin and support the County Council's commitment to Charters.

8.6 Durham Rural Community Council (DRCC) covers the whole of County Durham and works in support of Rural areas, particularly in respect of Capacity Building issues, Social Exclusion, Village Halls and Affordable Housing. The Council is currently supporting a Rural Social and Community Programme, funded by DEFRA, which is a two year programme, ending in March, 2008.

8.7 As the DRCC has traditionally offered support for Town and Parish Councils, it is now involved in Charter development, both on a Joint and an Individual basis, over a five year timescale. It is the intention to examine how best to build and incorporate Charters into Local Development Frameworks.

8.8 The incorporation of a Local Council into a Joint Charter need not be dependant upon the Local Council's achievement of Quality Status. So far however, progress on Charter development has been slow, with only the one Joint Charter being agreed and signed, in June, 2006.

9. Issues and requirements involved in Quality Council status.

9.1 The Government's Rural White Paper (Our Countryside, the Future; A Fair Deal for Rural England), was published in 2000. This confirmed Government support for Local Councils and highlighted their role as the tier of Local Government closest to the people. The Quality Status scheme was launched in 2003, with the aim of providing a benchmark for Local Councils across the country, to aspire to and attain. The benchmark placing a requirement on Local Councils to demonstrate that they were effectively managed, with Members and Officers upholding a high standard of conduct and that they were capable of delivering local services which give the best deal for the local community.

9.2 There are seven Quality Criteria necessary for Local Councils to achieve before qualifying as a Quality Council. Some of them are mandatory and some are partly discretionary and they relate to the following areas:

1. An 80% Electoral Mandate (Mandatory)
2. Having a CiLCA Qualified Clerk (Mandatory)
3. Council Meetings: minimum of six per year, detailed organisational procedures in place (Mandatory)
4. Production of Annual Report: detailed requirements to be met (Mandatory)
5. Communications/Consultation: detailed requirements to be met (Part Mandatory, Part Discretionary)
6. Accountability
7. Code of Conduct

9.3 In March, 2003, City Council Members were first appraised of the Quality Parish Council Scheme and in May of that year a letter was written to all 15 Parish Council Clerks within the City of Durham area to assess the level of interest in pursuing Quality Parish Council status. The response was mixed, with 2 Parishes expressing a possible interest, whilst some indicated that they had no interest and a response was not received from all 15 Parishes. In June, 2003, new ODPM Guidance was issued which included Model Guidance for Parish Council Charters and discussion of the possible devolution of certain powers from Districts to Parishes.

9.4 Policy Panel Members were advised that the achievement of Quality Status by a Local Council would:

- Demonstrate that the Local Council meets the minimum organisational standards required by the benchmark
- Indicate that the Local Council would therefore be in a better position to influence the decision making process

- Indicate that Local Council would subsequently be in a better position to demonstrate its ability to take on additional services and areas of responsibility from its Principal Authority

Therefore, the achievement of Quality Status would provide benefits for:

The Local Community - From more responsive services, better communication and discussion about, and access to those services.

The Principal Authority – From evidence for the capacity and ability of the Local Council to deliver services on its behalf or in partnership and from a stronger partnership with a Local Council which is demonstrably representative, competent and well managed.

The Local Council – From greater credibility leading to enhanced representation of the local community. Greater civic pride and the ability to articulate the needs and wishes of that community. Enhanced partnership working by demonstrating the organisation is properly and effectively managed with suitably qualified staff.

9.5 With regard to the take up of Quality Status, nationally, there are almost 400 Quality Councils and 11% of all Local Councils either have Quality Status or are preparing to apply. In County Durham however take up is slow, with those Local Councils so far qualifying, being some of the larger Town and Parish Councils, Peterlee, Sedgefield, Great Aycliffe, Seaham and Murton. Horden Parish Council is also actively seeking Quality Status. However, qualification is open to all, regardless of size (the Northumberland parish of Longhorsely with an electorate of approximately 150, has achieved the status).

9.6 It is also apparent that there are a number of significant potential barriers or disincentives to Local Councils when considering applying for Quality Status:

Electoral Mandate – Some Parish Councils do not have sufficient numbers standing for election and need to co-opt.

Size/Capacity – Smaller Parish Councils may perceive difficulties in providing local devolved services because of limitations on their resources.

Funding – For a Parish Council to effectively deliver devolved services, financial resources must be in place. The Parish Council must be guaranteed and must be confident that “The funding will follow the Service”.

Qualified Clerk – Many Local Councils employ Clerks of long standing, many of whom are either already in possession of high level qualifications or have significant comprehensive experience of Local Council administration. There has therefore been reluctance amongst some existing Clerks to re-train in order to gain the CiLCA qualification, which is a mandatory requirement for the Council to achieve Quality Status.

9.7 Principal Councils are in a position to support and encourage Local Councils to participate in the Quality Status process and perhaps offer practical assistance to Local Councils in relation to facilitating the use of available resources eg Information Technology and Training. Specific assistance is also offered by the County Durham Association of Local Councils in relation to the training of Clerks and further general assistance can be offered in relation to the achievement of the other Quality Criteria.

9.8 Examples of assistance offered by other Authorities include:

- District of Easington, offered to pay the Registration Fees of Clerks beginning training for the CiLCA qualification.
- Bradford Borough Council, paid for a Training Course (£195), for each Town/Parish Clerk in their area.
- Cumbria County Council, established a "Parish Champion", liaison Member.

10 Conclusions

10.1 The Policy Scrutiny Panel considers that the following recommendations enable the initiation of partnership working with the Parish Councils within the City Council's area.

10.2 The Panel also considers that the specific examples of practical assistance set out in 9.8 should be taken into consideration in relation to the Panel's Recommendation No.6.

10.3 The Panel acknowledges that this is a first step and that more work needs to be done in relation to establishing the need for any structured, long term support by the City of Durham for the Parish Councils within its area.

10.4 The Policy Scrutiny Panel will therefore review in six months time the progress of the consultation requested in the Recommendations and explore the outstanding issues noted in 10.3 above.

10.5 The Policy Scrutiny Panel accepts this Report as an interim document in relation to this topic and acknowledges the intention that the Report be recognised as a working document and a basis for the future development of working relationships with Parish Councils.

Recommendations

- 1) That the City of Durham Council support in principle the development of a Joint Charter with the Parish Councils within its area.
- 2) That the Consultations, begun in 2003, be further pursued to establish the current level of support for a Joint Charter from Parish Councils.
- 3) That all Parish Councils who subsequently indicate an interest in entering into a Joint Charter be encouraged to do so.
- 4) That Parish Councils indicating an interest in entering into a Joint Charter also be consulted as to their preference either for a Joint Charter with the City of Durham only, or for a Tripartite Charter with the City of Durham and the County Council.
- 5) That the Policy Scrutiny Panel be actively involved in, advised on and consulted about the drafting of any Joint Charter.
- 6) That the City of Durham encourage and offer practical assistance to any Parish Council within its area wishing to attain Quality Council Status.