

CORPORATE AFFAIRS COMMITTEE

A meeting of the Corporate Affairs Committee was held on 24 August 2005.

PRESENT: Councillor Clark (Chair), Councillors J A Jones, McPartland, Mrs H Pearson and Porley.

OFFICIALS: C Arbuthnot, C Davies, V Flynn, I Nicholls and R Painter.

** DECLARATIONS OF INTEREST

| | | |
|-------------------|-------------------|--|
| Councillor Porley | Personal Interest | School Governing Body (St. Pius X R C Primary School). |
| | | School and Park End Primary School). |

** MINUTES

The minutes of the meeting of the Corporate Affairs Committee held on 27 July 2005 were submitted and approved as a correct record.

SCHOOL GOVERNING BODIES - LEA SCHOOL GOVERNORS - APPOINTMENTS

The Head of Education Planning and Information submitted a report relating to vacancies for LEA appointed School Governors, which had arisen as a result of resignations, the expiry of terms of office or the removal of School Governors owing to non-attendance, and any vacancies deferred from previous meetings of the Corporate Affairs Committee.

Members were required to consider certain Governors whose terms of office would have or were to expire on 30 October and 5 December 2005.

It was noted that there were currently 9 vacancies out of a total of 142 Governorships for LEA representatives, which equated to 6.3 %.

In view of the forthcoming changes to Governing Body constitutional arrangements whereby the number of LEA Governors on each Governing Body was likely to reduce it was suggested that consideration be given to ensuring that there was adequate LEA representation on all Governing Bodies. Where there was only one vacancy, the filling of this was not a priority; however, new nominees would not be discouraged.

ORDERED as follows: -

1. That the following appointments be approved with immediate effect until such time as the respective Governing Body is reconstituted:

| <u>School</u> | <u>Governors</u> |
|----------------------|---------------------|
| Breckon Hill Primary | Councillor Dryden |
| Green Lane Primary | Mr A Beg |
| Kader Primary | Councillor J Harris |

2. That the following be re-appointed for a four year term of office:

| <u>School</u> | <u>Governors</u> |
|-------------------------|---------------------|
| Captain Cook Primary | Mr B Fitzgerald |
| Easterside Primary | Mr J W Holliday |
| Hemlington Hall Primary | Reverend A Howard |
| Newham Bridge Primary | Mrs M Barnbrooke |
| Park End Primary | Councillor P Porley |

Sunnyside Primary

Mrs S Nicholson

Secondary

Hall Garth

Mr D H Rudd

Special

Priory Woods

Dr P McCormack
Mrs Newbould

3. That the following be re-appointed as a result of reconstitution of the governing body:-

Viewley Hill Primary

Councillor B M Williams
Mr R Said
Councillor N J Walker

St Pius X RC Primary

Councillor Porley

- 4 It was agreed that the additional nominee listed in the report, Miss Hussain, be offered a place as governor at another school with a vacancy, namely Newham Bridge Primary.

NOTED

LOCAL GOVERNMENT OMBUDSMAN: OMBUDSMAN ANNUAL LETTER 2004/05

The Members' Office Manager presented a report, the purpose of which was to inform Members of the Local Government's Annual Letter, which commented on the performance of the Council in respect of complaints to the Ombudsman.

Members were advised that, each year the Ombudsman wrote to the Council providing statistics relating to the complaints made against the Council, including observations on the performance of the Council in relation to Ombudsman complaints. Comments were also included on the general working relationship between the Council and the Ombudsman's office.

A copy of the Ombudsman annual letter was attached as Appendix 1 of the report.

The main points to note were:-

1. there had been a general downward trend in complaints to the Ombudsman in respect of Middlesbrough Council, from 59 in 2003/04 to 25 in 2004/05
2. this had resulted in a reduction in the numbers of decision relating to Middlesbrough Council, also this was the second year when there had been no findings of maladministration against the Council
3. there had been a small increase in the number of local settlements, where the Council had settled the complaints to the satisfaction of both the Complainant and the Ombudsman
4. the Ombudsman had noted her gratitude to the Council for its co-operation in settling complaints locally and added that this reflected well on the Council
5. the Ombudsman noted that, of the five premature complaints referred to the Council for consideration through the internal Corporate Complaints Procedure, only one was subsequently resubmitted to the Ombudsman by the Complainant
6. the Ombudsman observed that this indicated a robustness in the Council's internal complaints procedure
7. the Council's response time to complaints had also improved, to 19.4 days, which was one of the best performances nationally and amongst the top 11% of Unitary authorities.

In conclusion, the Ombudsman's letter had demonstrated that the Council was performing well in respect of the decrease in the number of complaints to the Ombudsman, and overall was a very positive report. The Council was praised by the Ombudsman in respect of both the process and outcomes relating to Ombudsman complaints.

In response, Members wished their thanks be offered to all Council officers responsible for dealing with the council's Complaints Procedures.

In response to a query, the Members' Office Manager confirmed that no complaints had been brought against Councillors and that insurance was available should any complaints against councillors result in Standards Boards proceedings.

The Members' Office Manager also informed the Committee that he had received the Confirmation of Notices of Consultation Changes to the way the Ombudsman operated. It was agreed that a report on this would be presented at the next meeting of the Corporate Affairs Committee.

ORDERED as follows: -

1. That the report and its contents be noted and approved.
2. That the Committee's thanks be given to all Council officers responsible for dealing with the Council's Complaints Procedures.
3. That the Members' Office Manager present a report to the next meeting, to advise the Committee of the Notices of Consultation Changes to the way the Ombudsman operated.

REVIEW OF LICENSING ARRANGEMENTS

A report of the Head of Legal and Democratic Services was presented, the purpose of which was to inform Members of correspondence which had taken place between Councillor Coppinger, Executive Member with responsibility for Community Safety and Leisure and the Members' Office Manager. The correspondence proposed that a letter be sent requesting that the Department for Culture, Media and Sport review the guidance in respect of Licensing Authorities.

Members were reminded of the recent changes in the responsibilities for liquor licensing, which was now controlled by Middlesbrough Council. However, the Guidance provided regarding the informing of local residents of license applications and the role of Ward Councillors with regard to these applications, had caused a degree of uncertainty in respect of the role of Ward Councillors.

Councillor Coppinger's concerns were indicated in his letter, which was attached as Appendix 1 of the report. These could be summarised as follows:-

- the legislation prevents the Council from seeking representations from the public in respect of licensing applications
- the guidance states that the Ward Councillors were unable to represent the area in which they were elected to represent, unless specifically requested to do so by residents
- Members had been advised that the Councillors could distribute information to residents, Community Councils and other bodies, however, Councillors were not permitted to 'pass on' the correspondence sent to them by the Licensing Authority as this could be construed as seeking representations
- Councillors could not sit on Licensing Committees considering applications relating to their Wards, whether or not they were deemed to have a 'prejudicial interest'.

Members were advised that the Guidance severely limited the role of Councillors as representatives of their community and communicators, as detailed in the White Paper 'Modern Local Government in touch with the people'.

Following general discussion, Members' expressed concern regarding the current licensing process, although it was noted that should licensees breach any of the conditions imposed with the granting of a license, it could be brought back to Licensing Committee, for review. At the request of a Member, the Members' Office Manager agreed to contact the Licensing Section and express Members' concerns regarding the use of data sheets to record any adverse incidents at licensed premises, in order to bring such matters to the attention of the Licensing Authority.

Members agreed to support Councillor Coppinger's proposal and the Members' Office Manager agreed to write to the Department for Culture, Media and Sport requesting that a review of the guidance relating to the consultation process that local licensing authorities could undertake, in order to enable the licensing authority to contact residents directly regarding applications within their community.

ORDERED as follows:-

1. That a letter of concern be sent to the Department of Culture, Media and Sport requesting a review of the guidance relating to the consultation process in connection with license applications.
2. That the Licensing Service be contacted regarding the use of data sheets to record adverse incidents at licensed premises.