

OVERVIEW COMMITTEE

1st July 2002

**PRESENT:-**

**Labour Group**

Councillors Bambrick, Bell and Harrington.

**Conservative Group**

Councillors Bladen and Mrs. Robbins.

OV/1. **APPOINTMENT OF CHAIR**

**RESOLVED:-**

*That Councillor Bell be appointed Chair of the Committee for the ensuing year.*

OV/2. **APPOINTMENT OF VICE-CHAIR**

**RESOLVED:-**

*That Councillor Harrington be appointed Vice-Chair of the Committee for the ensuing year.*

OV/3. **MINUTES**

The Open Minutes of the Special Meetings held on 3rd April and 2nd May 2002 and the Meeting held on 13th May 2002 were taken as read, approved as true records and signed by the Chair.

OV/4. **TIME OF FUTURE MEETINGS**

It was agreed that future Meetings of the Committee would continue to be held at 4.00 p.m.

OV/5. **REPORTS OF THE COMMUNITY AND CORPORATE SCRUTINY COMMITTEES**

Councillor Harrington reported on the deliberations of the Community Scrutiny Committee at its Meeting held on 17th June 2002. The Committee had discussed leisure facilities for young people (including play areas and equipment), Service Plans relating to Community and Leisure Development and Technical Services (Leisure), the Derbyshire Cultural Strategy, policies for leisure and recreation in relation to the Local Plan (which had been deferred to the next Meeting to enable the Planning Services Manager to attend), the South Derbyshire Community Strategy and the future work programme. With regard to the item relating to leisure facilities for young people, Councillor Bladen reported on associated issues in Repton and it was suggested that a report be considered at a future Meeting of the Committee on District-wide facilities in this regard.

The Chair outlined those issues considered by the Corporate Scrutiny Committee at its Meeting held on 24th June 2002. These included the Procurement Strategy, Best Value Reviews in respect of Asset Management and Human Resources, the action plan for Financial Management and Control, the IEG Action Plan, “How Green is the Council”, the Best Value Performance Plan and the future work programme.

OV/6. **REVIEW OF PLANNING PROCEDURES**

Further to consideration of this matter at the last Meeting of the Committee held on 13th May 2002, the Chair outlined the background for the benefit of new Members of the Committee. The Council’s temporary Legal and Democratic Services Manager had now expressed an opinion, which had been endorsed by the County Secretary, that a Scrutiny Committee did not have the power to scrutinise a quasi-judicial decision, nor did it have the subsidiary power to look behind that decision. The Monitoring Officer advised that further legal opinions were to be obtained together with information on the method in which other authorities were dealing with such cases in relation to the scrutiny process and any appropriate mechanism for investigation.

The Vice-Chair advised that he had recently contacted the Local Government Information Unit, which had expressed an opinion that it would be appropriate to scrutinise the processes associated with quasi-judicial decisions, including actions leading to recommendations. However, the Monitoring Officer reiterated that at the present time, he was obliged to observe the advice of the District Council’s temporary Legal and Democratic Services Manager. Members expressed concern at their potential inability to scrutinise processes leading to a recommendation prior to a quasi-judicial decision and it was agreed to continue to pursue further legal opinions in conjunction with the temporary Legal and Democratic Services Manager and in consultation with the Chair and Vice-Chair of the Committee.

OV/7. **CONSTITUTION – ACTION PLAN**

Members were reminded that this Committee had been charged with the responsibility of monitoring progress on this action plan following approval of the plan by the Council on 16th May 2002.

(Councillor Mrs. Robbins left the Meeting at 5.35 p.m.)

It was noted that several scrutiny functions were contained in the action plan, including the need to review arrangements for the call-in mechanism. The Committee discussed this matter and the Chair circulated a suggested revised procedure together with a pro-forma which he had prepared. The Committee accepted that there was a need to incorporate reasons for call-in on any form, which should relate to a breach of the principles of decision-making or the budget and policy framework.

The Monitoring Officer advised that the establishment of a Working Group may be appropriate to progress the various outstanding items on the constitution. The monitoring of the action plan would be an ongoing agenda item for this Committee.

**RESOLVED:-**

***That the matter be considered further at the next Meeting of the Committee and in the meantime, the call-in mechanism and pro-forma be developed further in conjunction with the Chair of the Committee.***

OV/8. **FUTURE WORK PROGRAMME**

It was agreed that the Committee should continue to operate on a responsive basis without a fixed work programme.

OV/9. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**MINUTES**

***The Exempt Minutes of the Special Meeting held on 2nd May 2002 were received.***

R.L. BELL

CHAIR