

OVERVIEW COMMITTEE

23rd February 2004

PRESENT:-

Labour Group

Councillor Bell (Chair) and Councillors Harrington and Murphy.

Conservative Group

Councillor Hood (Vice-Chair).

APOLOGY

An apology for absence was received from Councillor Bale (Conservative Group).

OV/20. **MINUTES**

The Open Minutes of the Meeting held on 3rd November 2003 were taken as read, approved as a true record and signed by the Chair.

OV/.21 **MEMBERS QUESTIONS AND REPORTS**

Councillor Bell advised that both he and Councillor Murphy had attended a Seminar recently by invitation from Selby District Council. The Seminar was attended by '4th Option' Councils and provided an opportunity to exchange information and make comparisons with similar Authorities. Councillor Murphy advised that representatives at the Seminar had agreed to approach the Local Government Association seeking more support and assistance for 4th Option Councils and possibly to establish a web-site.

Councillor Bell reported that further Meetings would be held and a pack of information was available for other Members on request.

OV/22. **REPORTS OF THE COMMUNITY AND CORPORATE SCRUTINY COMMITTEES**

Councillor Harrington outlined those issues considered by the Community Scrutiny Committee at its Meeting held on 16th February 2004. The Committee had discussed a scope for a car parking study, an Audit Commission report on 'A Healthy Outlook, Local Authority Overview and Scrutiny of Health', and the Work Programme. The Deputy Chief Executive advised of the need to give thought to how the private sector car park owners were engaged in the car parking study as some might be reluctant to have open discussions which might give some advantage to their competitors.

Councillor Bell reported on the deliberations of the Corporate Scrutiny Committee at its Special Meetings held on 26th January and 2nd February 2004 and the Ordinary Meeting held on 9th February 2004. The Special Meetings had considered budget issues and a special project relating to Customer Care. As part of the Customer Care project, site visits had been

made to the Waste Management and Refuse Collection Section at the Depot and the Environmental Protection Section of the Community Services Directorate. Councillor Bell advised that it was intended to undertake similar visits to other departments and have an input into customer related issues and he would be submitting a report to the Environmental and Development Services Committee accordingly. At the Ordinary Meeting, Members had considered Best Value Reviews relating to Asset Management and Human Resource Management, budget issues, the Best Value Performance Plan Summary, the Corporate Plan, a response to reports to Policy Committees and the Work Programme.

OV/23. **CONSTITUTION ACTION PLAN**

A copy of the Constitution Action Plan had been circulated to Members, from which it was noted that items 7, 8 and 9 related to the Overview and Scrutiny function. These matters had now been discussed by the Chairs of the Scrutiny Committees and their thoughts were outlined in the report. Members had also received a copy of Article 6 of the Constitution relating to Overview and Scrutiny Committees together with a copy of the Overview and Scrutiny Procedure Rules. It was acknowledged that many aspects of the Overview and Scrutiny function had progressed significantly since the initial preparation of the Action Plan following the report of the Council's External Auditors in May 2002.

With regard to Terms of Reference (Action Plan item 7), it was considered that the Terms of Reference contained in Article 6.04 of the Council's Constitution now covered all the necessary functions of each Committee.

Several points were contained under Operation and Supporting Actions (Action Plan item 8). With regard to the need to effectively scrutinise performance, it was considered that this was already in operation. In connection with holding Policy Committees to account, it was felt that following a request from a Policy Committee or Full Council to review particular areas, the Overview and Scrutiny Committees should report their findings back within six months of the request. Likewise, Policy Committees should respond to any recommendations from Overview and Scrutiny Committees within six months of receipt. There was a reference to developing an outward-looking focus further and it was felt that this was already in operation. Several examples were provided to justify this outward-looking focus and it was noted that consideration had been given to the County Council's Best Value Review of Elderly People's Services and the NHS LIFT Project. The Community Scrutiny Committee had also been involved in the provision of a young people's skateboarding facility working in partnership with the Derbyshire Youth Service and a Meeting had been attended by several young people utilising the facility. Meetings had also been attended by TACT representatives, Youth Service Officers and representatives of the Primary Care Trust. It was considered that Officers and all Members were clear about the roles and operation of scrutiny and that staff resources were in balance with the Work Programme and Member expectations. Finally, with regard to arrangements for substitution at Scrutiny Committee Meetings, the Council had always felt that substitutions for Scrutiny Committees were inappropriate as due to the nature of the work, it would not be fair or correct to introduce a new Member into an ongoing scrutiny process on a particular matter, perhaps for only one Meeting. Accordingly, the Council had always chosen to appoint substitutes for Scrutiny Committees at a level of 0%

i.e. nil. A general discussion took place regarding substitution for Overview and Scrutiny Committees and it was felt that the Council Procedure Rule 4.2 should be amended to make it clear that the Council will not substitute on Overview and Scrutiny Committees. A general discussion also took place regarding Members and Officers giving account at Meetings of Overview and Scrutiny but the consensus was that the Procedure Rules were adequate in this regard.

With regard to Call-In (Action Plan item 9), a copy of the proposed proforma was attached for Members' consideration, which now incorporated a requirement to provide a full explanation of the reasons for Call-In. It was felt that the opportunity should also be taken to clarify the timescale involved in the process. In particular, it should be made clear that following a Call-In, the necessary Meeting of the Overview Committee should be held within seven working days of the date of receipt of the Call-In (Overview and Scrutiny Procedure Rule 14(d)). Similarly, the date on which a decision should take effect under Overview and Scrutiny Procedure Rule 14(g) should be corrected from ten working days to seven working days, to reflect the above period in which the Meeting of the Overview Committee must be held.

RECOMMENDED TO COUNCIL:-

- (1) That the appropriate amendments be made to the Constitution to reflect the following:-**
 - (a) That, following a request from a Policy Committee or Full Council to review particular areas, the Overview and Scrutiny Committees should report their findings back within six months of the request and likewise, Policy Committees should respond to any recommendations from Overview and Scrutiny Committees within six months of receipt.**
 - (b) That, following a Call-In, the necessary Meeting of the Overview Committee shall be held within seven working days of the date of receipt of the Call-In and the date on which a decision shall take effect under Overview and Scrutiny Procedure Rule 14(g) be corrected from ten working days to seven working days.**
- (2) That Procedure Rule No. 4.2 be amended to read “For each Committee or Sub-Committee, Full Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee up to a maximum of 100% of the ordinary seats held with the exception of Overview and Scrutiny Committees.”**

OV/24. **FEEDBACK ON REPORTS TO POLICY COMMITTEES**

The Policy and Best Value Officer circulated documents updating the Committee on feedback on reports to Policy Committees. Recommendations had been made on issues such as Sheltered Housing, Public Toilets, the Exit Strategy for Swadlincote Woodlands, the Constitution/Review of Political Management Structures and the Council's Budget. Some of the recommendations had been agreed and implemented, others had been noted.

The recommendations on the Exit Strategy for Swadlincote Woodlands had not been progressed owing to staff vacancies.

Councillor Murphy advised of a need for a process to be in place to monitor the outcomes of such recommendations and the Deputy Chief Executive suggested that this could be included as part of the Committee's Annual Report process.

A general discussion took place regarding the recommendations of the Corporate Scrutiny Committee on the Council's budget, submitted to the Finance and Management Committee on 17th February 2004. These recommendations had been 'noted' but no explanation had been given as to why they were not to be accepted and implemented. It was suggested that the Chair of the Finance and Management Committee could be invited to attend the next Meeting of the Corporate Scrutiny Committee to discuss this issue. Members also discussed inviting the Chair of the appropriate Committee to attend Meetings of Scrutiny Committees in future to discuss particular topics of relevance.

RESOLVED:-

That the Chair of the Finance and Management Committee be invited to attend the next Meeting of the Corporate Scrutiny Committee to discuss the budget recommendations noted at the Meeting of the Finance and Management Committee on 17th February 2004.

OV/25. **WORK PROGRAMMES**

The Work Programmes for the Community and Corporate Scrutiny Committees were circulated to the Committee, which detailed the matters to be considered relating to Best Value Reviews, the policy framework, special projects and responsive issues. The Committee expressed the need to give consideration to the Annual Report and issues for the forthcoming year at the next Meeting.

R. L. BELL

CHAIR

The Meeting terminated at 5.35 p.m.