

## **Executive Scrutiny Committee**

A meeting of Executive Scrutiny Committee was held on Tuesday, 5th February, 2008.

**Present:** Cllr Robert Gibson, Cllr Mrs Ann Cains, Cllr Dick Cains, Cllr David Coleman, Cllr Mick Eddy, Cllr Colin Leckonby, Cllr Lee Narrowway, Cllr Mrs Liz Nesbitt, Cllr Mrs Jean O'Donnell, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr Michael Smith, Cllr Mrs Allison Trainer, Cllr Bill Woodhead. Mrs Mustafa (Parent Governor Representative).

**Officers:** P. Mennear, F Shayler, J Trainer, M Waggott (LD).

**Also in attendance:**

**Apologies:** were submitted on behalf of Cllr Harrington, Cllr Sherris and Cllr Womphrey.

### **EXC 64/07      Declarations of Interest**

### **EXC 65/07      Minutes for Signing - 11th December, 2007**

The minutes of the meeting held on 11th December, 2007 were signed by the Chairman as a correct record.

### **EXC 66/07      Draft Minutes - 15th January 2008**

The minutes of the meeting held on 15th January, 2008 were agreed as a correct record with the addition of Councillor Narrowway's apologies.

### **EXC 67/07      Scrutiny Developments**

Members were presented with a summary of recent scrutiny developments and recommendations for widening the involvement of partners in scrutiny including the approach for setting next years scrutiny work programme.

The past year had seen the publication of the White Paper "Strong and Prosperous Communities", the implementation of the Police and Justice Act and the Local Government and Public Involvement in Health Act. These new developments sought to strengthen the role of scrutiny and the powers of Overview and Scrutiny Committees.

An extension of scrutiny powers was proposed in two main policy areas. Firstly, the "place shaping role" of a Council whereby an Authority would be able to oversee relevant aspects of the work of named agencies which were covered by a statutory duty to co-operate and a Councillor's community leadership role whereby he/she would be able to refer a call for action.

The Police and Justice Act required every Local Authority to have a committee to review or scrutinise decisions made by the Local Authority in connection with the discharge of their crime and disorder functions and to make reports or recommendations to the local authority. A local Authority or other body must consider and have regard to the report or recommendations and respond to the committee indicating what if any action it proposed to take. It was proposed that the Council's Housing and Community Safety Select Committee fulfil this role.

There had been a strong emphasis in the recent legislation on developing the role of Local Authorities in relation to external scrutiny and specifically scrutiny of LAA partners in relation to local improvement targets.

The Local Government and Public Involvement in Health Act created a statutory framework within which the Government's new performance framework could operate across all the main bodies involved in delivering local public services. This was achieved by defining partners required to co-operate in the establishment of LAAs containing improvement targets, on which all the relevant local partners had been consulted. The "duty to co-operate" would strengthen scrutiny giving overview and scrutiny committees the power to request information from LAA partners in relation to local improvement targets and make reports and recommendations to partners who, in turn, have a duty to consider them and respond.

The Act also required the Authority or Executive to consider and publish a response to an overview and scrutiny report or recommendations within a 2 month period following receipt of the report or recommendations. The Executive must respond saying what, if any, action it proposed to take. If the matter originated from a Councillor Call for Action, the Executive must provide a copy of the response to the Member who referred the matter.

In addition, the Police and Justice Act placed a similar duty on responsible authorities to consider and respond to reports or recommendations from the crime and disorder committee.

Section 121 of the Local Government and Public Involvement in Health Act concerned the information which "relevant partner authorities" must provide to overview and scrutiny committees and that which may not be disclosed. It did not contain the actual powers but enabled the Secretary of State to implement them through regulations. Details of the "relevant partner authorities" were set out within the report.

The I&DeA paper "A Wider Conversation: effective scrutiny of local strategic partnerships" emphasises the different roles of scrutiny in relation to the scrutiny of LSP, and detail was provided to Members.

It was proposed that the regular performance reports presented to Executive Scrutiny Committee and Cabinet be extended to include information relating to LAA improvement targets.

The Local Government and Public Involvement in Health Act abolished the Commission for Patient and Public Involvement in Health imposing a duty on each local authority to appoint an independent organisation to develop and support Local Involvement Networks (LINKs). Under the legislation, LINKs have the ability to refer social care matters to an overview and scrutiny committee. The committee must acknowledge receipt of the referral and keep the referrer informed of the committee's actions in relation to the matter. Regulations will determine the timescales for consideration of referrals.

The Local Government and Involvement in Health Act strengthened the powers for frontline councillors to refer matters affecting their area for scrutiny. In the

initial versions of the Bill, crime and disorder matters were excluded from the CCA as there was a separate and, potentially, much more bureaucratic provision for these in the Police and Justice Act. However, the Government had amended the Police and Justice Act to create a single procedure on the simpler model contained in the Local Government and Public Involvement in Health Act. This would mean that members of the public would not be able to raise a CCA with the Council or Executive themselves but only through a Councillor and there would be no right of appeal (via the council's executive or otherwise).

The Act enabled any Member of the Council to refer to an overview and scrutiny committee a "local government matter" which fell within the committee's remit.

A referral in this way would ensure that the matter was included in the agenda and discussed at the committee. However, in making such a referral, the Member must have regard to any Guidance issued by the Secretary of State.

The White Paper emphasised that the CCA would be particularly appropriate for the more intractable or strategic issues on which Councillors would need to work with colleagues and take a broader view; in short, a persistent problem which the local Councillor has been unable to resolve through local action and discussion with the Cabinet or relevant services. The White Paper indicated that a Councillor might instigate a CCA after being approached by an individual constituent or identify an issue which was of significant concern to the communities they represented. The CCA was not, however, intended to be a mechanism for dealing with individual complaints. Councils and partner agencies had established complaints mechanisms for this purpose. Local councillors would therefore need to make a judgement about whether the issue was a potential CCA or should be dealt with in another way and it was hoped that, wherever possible, Councillors would be able to deal with relatively straightforward issues themselves.

Further reports would, however, be presented to Members following the receipt of Guidance and the issuing of Regulations by the Secretary of State. In the meantime, the Secretary of State for Communities and Local Government was consulting on local petitions and Calls for Action, specifically seeking views on what, if any matters should be excluded from the Call to Action and what guidance Government should provide on its operation.

All suggestions had been recorded on a standard pro forma and presented for discussion at Scrutiny Liaison Forum prior to consideration/ approval by the Executive Scrutiny Committee which had ultimate responsibility for co-ordinating the scrutiny work programme.

Given the increasing emphasis on external scrutiny and the new legal powers for partnership scrutiny, it was felt timely to review the process for setting future work programmes and consider widening the consultation on potential topics.

In order to assist Members in the prioritisation of topics, it was proposed to operate the PICK system. This would simply require amendment to our existing pro forma which Members or officers were asked to complete when proposing topics for review.

In setting the future scrutiny work programme, it would be important to achieve

a balance between in depth policy development work and performance monitoring. In depth policy development work may also be generated from Cabinet referrals and, in the future, from LINKs referrals and Calls for Action. As well as consideration of performance information by Executive Scrutiny Committee, there was the facility for Executive Scrutiny Committee to refer a particular performance issue to a Select Committee for more detailed examination. In addition, thematic Select Committees would also review progress against implementation of review recommendations.

As well as the increase in 2007/08 in the number of Select Committees from six to seven and the expectation for each Select Committee to undertake a programme of reviews, the proposed strengthening of the scrutiny role in relation to external scrutiny and scrutiny of LAA improvement targets will have implications for the resources of the scrutiny function.

Full detail on current issues and future pressures were detailed. With the resources available it was proving difficult to deal effectively with all of the current issues identified.

RESOLVED that:-

1. Council be requested to consider that, The Housing and Community Safety Select Committee be the committee to fulfil the requirements of the Crime and Disorder Committee.
2. The performance monitoring reports presented to Executive Scrutiny Committee be extended to include monitoring of LAA improvement targets.
3. Further reports on Councillor Calls for Actions be presented to Executive Scrutiny Committee and Cabinet following the receipt of Guidance and Regulations.
4. The Renaissance Board be consulted as part of the process for setting the scrutiny work programme.
5. The PICK system be adopted as a tool for selecting items for in depth scrutiny reviews.
6. Further discussion on scrutiny structures, capacity and all other related issues as detailed be held at the Executive Scrutiny Away Day on 27 February 2008.

**EXC  
68/07**      **Traveller Transit Site Proposals**

Members were provided with a copy of the Review of Traveller Transit Site Selection undertaken by the Housing and Community Safety Select Committee.

The report would be presented to Cabinet on 14th February, 2008.

It was requested that a presentation be arranged to which all Members be invited to receive further information regarding Travellers and Traveller Transit Sites.

RESOLVED that the report be noted and that Members receive a presentation in the future on Travellers.

**EXC  
69/07**      **Forward Plan**

Members were provided with a copy of the Statutory Forward Plan for 1 February 2008 - 31 May 2008.

It was requested that at 6. Billingham Forum Update that the Town Council be added to the list of consultees.

Members raised the matter of the Local Area Agreement 2008-2011 and it was stated that this would be brought to a future meeting.

RESOLVED that the Forward Plan and comments be noted.

**EXC  
70/07**      **Report on Chairs Updates**

Corporate and Social Inclusion Select Committee

Review of Community and Voluntary Sector

The Committee had appointed Members to a smaller task and finish group of the full committee to conduct this review. A scoping meeting had been held and the overall aim and objective of the review was to ensure that there was adequate advice and support to the community and voluntary sector and that appropriate funding was allocated and aligned to the Community Strategy priorities and targets.

The review was due to report to Cabinet in May 2008.

Arts, Leisure and Culture Select Committee

Review of River Based Leisure Facilities

At a meeting on 9 January the Committee heard evidence from representatives of Yarm Town Council and Yarm School in relation to use of the river for recreational use in the Yarm area. The Committee also considered the issue of the Fish Pass at the Tees Barrage, following correspondence in the local media.

Consultation with the business community was being undertaken to investigate the potential for more involvement with activities associated with the river. The Committee would also be considering the results of the Adult and Youth Viewpoint surveys from late 2007.

Additional meetings had been arranged for February and March in order to consider outstanding consultation results and to follow up areas of interest to the committee.

The review remained on schedule and was due to report to Cabinet at the first meeting of the next municipal year.

Housing and Community Safety Select Committee

## Traveller Transit Site Selection

Following discussion at Committee in December, land adjacent to Bowesfield Pumping Station was chosen as the preferred option for consultation.

This option was confirmed at a meeting on 14 January. This meeting also considered a report on another site with a view to providing a reserve option, however no additional sites could be identified.

The Committee considered initial consultation results at a meeting on 31 January in relation to the Bowesfield site.

The final report was to be presented to Cabinet on 14 February.

## Environment Select Committee

### Waste Review

The Committee was continuing to meet to take evidence as part of this review and extensive public consultation had been organised including a questionnaire in the January edition of Stockton News. Future activities would include:

- A visit to the Aerobic Digester at Easington
- Evidence from Jamie McCann (Head of Direct Services) and Sue Daniels (Head of Performance and Business Services)
- Mike Chicken (Environment Policy Manager)
- Arups Consultants

The Waste review was due to report to Cabinet in May 2008.

### Task and Finish Group – Vermin Control

Mark Berry had been identified as the link officer for this review and a three Member Task & Finish Group appointed by the Select Committee. A Tripartite Meeting has been arranged for 7 February 2008 to discuss scope of review.

The estimated completion date for this review was Feb/March 2008.

The Committee have received an action plan in respect of The Management of Memorials Review and a progress report on the implementation of The Future Development of Cemeteries review.

## Regeneration and Transport Select Committee

### Review of Sustainable School Travel Strategy

The current topic for review was the Sustainable School Travel Strategy. This was referred to Executive Scrutiny by Cabinet in August. Cabinet suggested that School Travel Plans be considered as part of the review, in relation to what degree they had been implemented in Stockton and how effective they have been.

The review scope and project plan was determined by the Committee in January following the first tripartite meeting which took place in December. The Committee took evidence from Neil Ellison, Group Leader in Road Safety; and Betty Johns, Assistant Education Officer (Pupils and Students), who provided introductions to the Sustainable School Travel Strategy and School Travel Plans. The Committee had also received evidence from Bill Trewick, Traffic and Road Safety Manager; Elizabeth Bird, Community Transport Manager; and John Kavanagh, Senior Engineer and Public Transport Manager, who provided information on traffic and road safety practice and statutory and non-statutory school travel and transport in Stockton.

The Committee was still to receive evidence from officers concerning the childhood health and environmental considerations of school travel, how parking restrictions were enforced around schools, and from the Regional School Travel Advisor. The Committee had set aside one meeting to hear from members of the Road Safety team and from three of Stockton's schools, Tilery, Junction Farm, and Conyers, as examples of good practice.

A questionnaire was also being sent to all of Stockton's schools with and without a School Travel Plan.

The review was currently on schedule with a view to the final report being presented to Cabinet in April 2008.

#### Children and Young People Select Committee

##### Review of School Organisation Plan

The Select Committee's overall aim/ objectives in doing this work was:

To assist the allocation / location of long-term school provision in Stockton Borough's primary and secondary schools.

The Committee received an initial briefing from John Hegarty, Planning and Policy Development Officer (CESC) and Steve Turner, TVJSU on 19th December to assist the identification of the review remit.

The Committee were due to meet with officers from CESC and Planning departments between 30 January and 13 February and would report to Cabinet on 24 April, 2008.

#### Adult, Health and Social Care Select Committee

##### Review of Parkview Care Home

The Committee would undertake a review of Parkview Care Home as a result of a referral by Cabinet.

The Select Committee's overall aim/ objectives in doing this work was:

To determine:

- The national and local policy framework around services for older people

- The factual issues around Parkview Care Home focusing particularly on the building, occupancy, care standards, financial information and staffing

The timescale for the review was as follows:-

Evidence gathering day - 14 February 2008

Site Visits - 18 February 2008 (Parkview; The Poplars, Thornaby; Aspen Gardens, Hardwick)

Finalise views – 25 February 2008

Report to Cabinet – 13 March 2008

Other Work

The Committee would be consulted by the North Tees PCT and North Tees and Hartlepool Hospitals Trust on 10 March 2008 regarding its submission to the Healthcare Commission's Annual Healthcheck.

The Committee was required to determine its involvement in ensuring Best Value of the procurement of a host organisation to deliver the Local Involvement Network (LINK) in Stockton Borough. This had arisen as a joint procurement process with other Tees Valley authorities could not be achieved because of differing requirements.

RESOLVED that the Chair's Updates be noted.