

Executive Scrutiny Committee

A meeting of Executive Scrutiny Committee was held on Tuesday, 30th September, 2008.

Present: Cllr Robert Gibson (Chairman), Cllr Mrs Ann Cains, Cllr Dick Cains, Cllr Mick Eddy, Cllr Colin Leckonby, Cllr Mrs Liz Nesbitt, Cllr Mrs Jean O'Donnell, Cllr Maurice Perry, Cllr Mrs Maureen Rigg, Cllr Mick Stoker, P.Connaughton (Parent Governor Representative).

Officers: N.Hart, Ms J.Trainer, Ms M.Waggott (LD), G.Cummings (R).

Also in attendance: N/A

Apologies: Submitted on behalf of Councillors Harrington, Narroway, Sherris, Smith, Ms Trainer, Womphrey and Woodhead.

EXC 39/08 **Declarations of Interest**

Councillor Mrs Rigg declared a personal, non-prejudicial interest in respect of item 7 entitled 'Appointment of Task & Finish Group-Area Partnerships and Support Arrangements' on the grounds of her current involvement with an Area Partnership Board.

Councillor Gibson declared a personal, prejudicial interest in respect of Matters Arising regarding Neighbourhood Nurseries as a result of his involvement as a Director of SMASH; and left the meeting room during the consideration and voting on this particular item.

EXC 40/08 **Draft Minutes - 2nd September 2008**

The draft minutes of the Meeting held on 2nd September 2008 were agreed as a correct record.

EXC 41/08 **Matters Arising:-**

(i) Neighbourhood Nurseries-Update

(ii) Planning Appeals Protocols

(i) Neighbourhood Nurseries Update

Councillor Leckonby in the Chair.

Further to the last meeting, consideration was given to the information requested regarding occupancy numbers of the two nurseries still in operation, as well as details of the occupancy of the two centres that were closed. Information was also provided regarding a breakdown of the costs incurred by the Council, together with any future deficit spend which had been allocated up to £350k.

Members continued to identify questions regarding the tender process, the effects of provision of a subsidy being offered, and the proposal to consider charging commercial rent for those organisations who had received NOF funding.

The Committee considered that these issues would be best be addressed by a Task & Finish Group, established from this Committee, undertaking a scrutiny review of the entire process. Consideration was given to the impact of this additional piece of work on the overall scrutiny work programme.

(ii) Planning Appeals Protocols

The Committee was advised of the recent decisions taken by Cabinet/Council to improve the scheme of delegation for officer determination of planning decisions, where appropriate, the reduction of officer time involved in 'signing off' proposals within the scheme of delegation, and the criteria for site visits. The criteria for applications to be determined by Planning Committee was also noted.

As a result of several recent cases where applications contrary to officer recommendations had been the subject of informal hearings through the appeals process, Cabinet had recently recommended to Council a proposed protocol to establish the roles and responsibilities of officers and members in this regard, as well as a procedure to be adopted in the event of the Planning Committee being mindful of making decisions contrary to officers professional recommendation. Details of the report seeking establishment of such a protocol were submitted. Reference was made to the requirement for members to receive mandatory training when they are involved in attending an informal hearing to determine appeals against planning decisions made by the Authority. It was requested that legal clarification of the necessity and validity of this mandatory training be provided for members.

Members expressed concern that the on-line Planning web site facility, which contained details of all planning applications received and under consideration, appeared to be unavailable on many occasions. It was requested that in the light of the current difficulties, members be provided with an electronic notification of all planning applications that had been determined by officers under delegation on a weekly basis via e-mail.

RESOLVED that:-

1. The proposal for a scrutiny review of Neighbourhood Nurseries being carried out by a Task & Finish Group, established from this Committee, be considered as part of the item later on this agenda regarding the proposed scrutiny review of Area Partnerships alongside the issue of the impact of this additional piece of work on the overall scrutiny work programme.

**EXC
42/08** **Minutes**

The minutes of the Meeting held on 8th July 2008 were signed by the Chairman as a correct record.

**EXC
43/08** **Financial Update Report - Q1**

Consideration was given to the Council's projected outturn position for the period Quarter 1, April to July 2008, the Medium Term Financial Plan and the

level of working balances.

Particular note was made of the impact of escalating energy and fuel costs and the effects of the credit crunch generally, which had had a significant effect on the cost of street lighting, Direct Services transport and a reduction in the number of planning applications received and income generated.

Reference was also made to the costs faced by this Council; and other local authorities, in accommodating additional numbers of children requiring specialist residential placements (£528k). Members sought clarification as to the Association of North East Council's view on this issue and queried whether consideration was being given to making savings in this area, and whether the development of a sub-regional facility, serving local authorities in this area, would be a feasible contribution to making future savings.

Members also queried the extent to which the Council was faced with consultancy costs; and requested further information as to expenditure in this regard.

RESOLVED that:-

1. The report be noted.
2. The revised Medium Term Financial Plan be noted.
3. The level of working balances be noted and retained at £9.1M.
4. The proposed re-profiled capital expenditure (£824,000) and reduced programme (£118,000) be approved.
5. The Corporate Director of Children, Education & Social Care be requested to investigate the concerns identified by the Committee regarding Agency Placements; and report back to this Committee on possible options to redress the matter.
6. The Corporate Director of Resources be requested to provide information regarding the extent of the Council's expenditure on consultancy costs.

**EXC
44/08** **Report on Chairs Updates**

The Chairman/Vice Chairman of the following Select Committees provided an update on their current reviews/work programme:-

Corporate, Adult Services & Social Inclusion Select Committee-Review of Older People Strategy

Due to the need to receive further evidence/feedback from older people events in October, and the results of the latest MORI feedback and consultation undertaken by the Northern Housing Consortium, it was necessary for completion of the review to be rescheduled to March 2009.

Arts, Leisure & Culture Select Committee-Review of Tees Active

The anticipated completion date for this review was now January 2009 in order for the results of staff consultation to be incorporated.

Reference was made to the progress being made by the Working Groups established to promote and develop use of the River Tees; in accordance with the recommendations of the previous scrutiny review; and it was suggested that it would be useful for members to be kept apprised of their progress. The Chairman advised that she would look into how this could best be achieved.

Housing & Community Safety Select Committee-Review of Registered Social Landlords

It was noted that the above review was scheduled to be completed by November; and the Committee would then focus on the next review topic-Neighbourhood Policing/Neighbourhood Watch/Outward Facing Aspects of CCTV.

Environment Select Committee-Review of Customer First; Review of Animal Welfare Service & Dog Fouling

It was noted that as part of Local Democracy Week, a group of young people would be invited to take part in initial discussions by the Committee on the review of the Animal Welfare Service/Dog Fouling as demonstration of the opportunities available for people to contribute to the work of scrutiny reviews.

Regeneration & Transport Select Committee-Review of Highway Network Management & Pavement Parking

In order to allow for the review to take into account information and findings regarding highways from this year's Ipsos MORI poll and the results from the review of Pavement Parking, the review would now report to Cabinet in February 2009.

Children & Young People Select Committee-Review of Obesity

Further meetings to obtain evidence had been scheduled into the work programme of the Committee.

Health Select Committee-Review of Audiology/Momentum

Initial discussions and scoping of the review of Audiology had been undertaken, building upon work already completed on this topic by Middlesbrough's Health Select Committee.

It was noted that a decision by the NHS Joint Committee had been postponed until the 23rd October 2008. Objections to both of the considered sites had been lodged by residents of the Wynyard Estate.

RESOLVED that the Chairs Update reports be noted.

EXC 45/08 Appointment of Task and Finish Group - Scrutiny Review of Area Partnerships and support arrangements.

Consideration was given to the capacity of the overall Scrutiny Work Programme in the light of the previously agreed need to undertake a Task & Finish Scrutiny Review of Area Partnerships and their Support Arrangements; and the need arising from earlier discussions during this meeting for scrutiny resources to be given priority towards a Task & Finish Scrutiny Review Group to look at Neighbourhood Nurseries.

Various options in terms of how this additional review could be accommodated, were considered. Given that the deadline for influencing service/budget planning for 09/10 for Area Partnerships would be extremely tight, it was proposed that this review be deferred and that priority be given within the work programme for a Task & Finish Group being established from the membership of this Committee, to look into the review of Neighbourhood Nurseries.

RESOLVED that a Task & Finish Group be established from the membership of this Committee, to examine the commissioning process for the Neighbourhood Nurseries; and that this replace the scrutiny review of Area Partnerships & Support Arrangements in the Scrutiny Work Programme.

**EXC
46/08**

Forward Plan

Members referred to the need to receive an update regarding proposals for the allocation of Communities Fund monies to improve Employability, Skills and Enterprise.

Reference was also made to the proposed BSF Strategy for Change Part 2 submission and the need to involve Councillors within the suggested consultation; and it was requested that an update be provided to this Committee at the next available meeting.

It was also noted that consultation regarding the proposed development of Billingham Town Centre needed to also involve Billingham Town Council.

RESOLVED that the content of the Forward Plan be noted and the suggested actions be approved.