

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE SCRUTINY BOARD

THURSDAY, 22ND APRIL 2010 AT 6.00 P.M.

PRESENT: Councillors D. L. Pardoe (Chairman), C. B. Taylor (Vice-Chairman),
S. R. Peters, C. R. Scurrall and C. J. Tidmarsh

Officers: Mrs. S. Hanley, Mr. J. Godwin, Ms. R. Dunne, Mr. M. Carr and
Ms. A. Scarce

81/09 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor R. J. Deeming.

82/09 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest or whipping arrangements were received.

83/09 **MINUTES**

The minutes of the meeting of the Scrutiny board held on 23rd March 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

84/09 **VERBAL UPDATE ON PROGRESS OF THE IMPROVING RESIDENTS' SATISFACTION TASK GROUP (TASK GROUP CHAIRMAN: COUNCILLORS. R. COLELLA)**

In the absence of the Chairman of the Improving Residents' Satisfaction Task Group, the Committee Services Officer reported that the draft recommendations had been discussed at a Task Group meeting on 13th April 2010. The meeting had been attended by the Portfolio Holders for Finance and Resources and One Community, who had contributed to the amendment of the draft recommendations. Members were informed that it was anticipated that the final report of the Task Group would be brought to the Scrutiny Board meeting on 15th June 2010.

85/09 **VERBAL UPDATE ON CHAIRMAN'S QUARTERLY MEETING WITH THE LEADER**

The Chairman advised that the following issues had been discussed at the Chairman's quarterly meeting with the Leader:

- The attendance of portfolio holders at task group and Board meetings.

- Pressure on officer time, particularly in respect of attendance at task group meetings. The Scrutiny Officer confirmed that this should be addressed as part of the planning of the new Work Programme.
- The Sports Development Programme as a possible scrutiny exercise. The Head of Leisure and Cultural Services agreed that this would be an interesting exercise for the Board to undertake and gave some background detail as to the funding the Council received and the level of flexibility, which may be less than Members would expect. The Head of Leisure and Cultural Services advised that it would be most appropriate for the Board to consider this investigation in September/October 2010, after the summer activity schemes had been completed. Members could then consider at that time whether it was appropriate to investigate the Sports Development Programme in more detail.
- Working with our partners and in particular the Local Strategic Partnership (LSP). The Scrutiny Officer advised Members that a report on Overview and Scrutiny would be presented to the LSP at its next meeting. This would provide the LSP with background information on the role of Overview and Scrutiny and assist in informing the Boards on key issues and the development of a relationship with the LSP. Members agreed that, as this relationship developed it may be appropriate for the Chairman of the Scrutiny Board to attend a future meeting should any relevant recommendation be presented. It would also provide tangible issues for the Board to consider scrutinising in the future.

86/09 **PRESENTATION - ENGAGING WITH YOUNG PEOPLE IN BROMSGROVE**

The Board received a presentation on Children and Young People including the Every Child Matters agenda, from the Senior Corporate Policy and Performance Officer. The presentation covered the following areas:

- Recent activities organised by the Council including U Decide
- Worcestershire Children & Young People's Plan
- Every Child Matters Agenda
- Every Child Matters Outcomes Framework, which included Stay Safe, Make a Positive Contribution, Be Healthy, Enjoy and Achieve and Achieve Economic Wellbeing
- Upcoming projects and events
- Working in partnership; particularly with the LSP

In response to the presentation, the Board discussed the following in detail:

- The future funding available for the U Decide project
- Diversionary sessions carried out on behalf of the Crime and Disorder Reduction Partnership (CDRP)
- Issues relating to CDRP and which may be more appropriately covered by the Joint Overview and Scrutiny Board
- The work carried out by the TRUNK
- Drug and alcohol related issues and teenage pregnancies
- National indicators relating to the Every Child Matters Outcomes Framework

- Corporate priorities

The Board discussed the inclusion of Children and Young People and Every Child Matters in the Scrutiny Board's Work Programme and the Scrutiny Officer suggested that the draft terms of reference could be "to review the work of the Worcestershire Children and Young People's Plan against the requirements of the Every Child Matters Agenda to identify areas where we are delivering well and areas which need further action".

Members were impressed with the services that the Council already provided for children and young people and suggested that this should receive greater promotion, through an article within Together Bromsgrove. It was also noted that many Members may not be aware of the wide range of services available. The Senior Corporate Policy and Performance Officer confirmed that she was investigating the use of a regular Member/staff briefing or newsletter which would provide information on forthcoming events and also look back at what had been achieved. The Senior Corporate Policy and Performance Officer agreed with Members that the Council should promote its achievements more in the future. Following this discussion it was

RESOLVED that Children and Young People be referred as a possible item for the Scrutiny Board's 2010/11 Work Programme.

87/09 **VERBAL UPDATE ON COUNTYWIDE FLOODING SCRUTINY TASK GROUP REVIEW**

The Chairman confirmed that he had been unable to meeting with the Head of Environmental Services and therefore had sent his apologies to the Countywide Flooding Scrutiny Task Group Review meeting, which had taken place on 22nd April 2010.

Members were concerned that this matter had been allowed to slip and it was confirmed that the Chairman had arranged to meet the Head of Environmental Services on 20th May 2010 and would update Members at the Scrutiny Board meeting to be held on 25th May 2010.

88/09 **CALL-IN PROCEDURE REVIEW**

The Board considered a report on the Annual Review of the Call In Procedure and discussed the Call In that the Scrutiny Board had considered in January 2010. The Constitution required the Scrutiny Board to review the Call in procedure annually. Members' attention was drawn to several inconsistencies within the procedure, the details of which are set out below:

17.1 stated that a Call In should only be used when Members of the Scrutiny Board have evidence that the Cabinet had not made the decision in accordance with article 13. However, it is not the Scrutiny Board that decides to call matters in, the Board considers matters that have been called in. A Call In could be made by any five Members of the Council or the Chairman of the Scrutiny Board and the Monitoring Officer considers whether the Call In is valid in the first instance (17.4).

17.1 detailed the criteria for a valid Call In. These were listed in article 13. Later on at 17.10 it stated that the Board could refer matters to full Council if it found that the decision was in conflict with the Council's Policy and Budgetary framework or was on a matter outside of the Cabinet's legal/constitutional remit. These criteria were not listed at 17.1 so Members would not be able to call it in on these grounds in the first instance. These seemed to be good grounds to call a decision in, and were usually part of a Council's call in criteria. An alternative wording for 17.1 could be:

"Decisions can be called in if they:

- Are not in line with Council policy
- Are not in accordance with the Council's budget
- Are not in accordance with the principles of decision-making set out in Article 13 of the Constitution"

17.7 stated that the Scrutiny Board can consider a Call In in such a manner as it considered appropriate. However, it is usually asked to consider it against the criteria given at 17.1.

At 17.9b and 17.4 it suggested that the Board can refer the decision back to Cabinet in a report which gives its reasons. It was not clear how, in practice, such a report would be prepared and agreed by the Board in time to go to Cabinet and would the "report" need to come from the Board. In practice, officers could prepare a report on behalf of the Monitoring Officer/Head of Service and/or the Cabinet could consider the minutes of the Board.

17.9c stated the decision should only be referred to Council when the Board recommends a change to the policy and budgetary framework. Otherwise Council could only refer the matter back to Cabinet. The Board should refer the decision back to Cabinet – i.e. to ask it to re-consider its decision.

At 17.10 these points should be included at 17.1 for consistency.

After lengthy discussion it was

RESOLVED that the Scrutiny Officer in consultation with Legal Services make the relevant amendments, in track changes, to the Call In procedure for further consideration by the Scrutiny Board at a future meeting.

89/09 **SCRUTINY RECOMMENDATION TRACKER**

The Board considered the latest Recommendation Tracker. The Scrutiny Officer advised that the aim of the new format was to provide Members with updates on outcomes to the recommendations in order to clarify which agreed recommendations had been implemented and what had been achieved.

Members were disappointed to note the response in respect of the Hot Food Takeaways Supplementary Planning Document. Officers confirmed that this would be reported to the Cabinet meeting on 28th April 2010 and after discussion Members agreed to await the outcome from that meeting before taking any further action, if appropriate.

The Board discussed, in detail, the Refuse and Recycling Value for Money recommendations and were disappointed that several of these appeared to be outstanding and felt that this was unacceptable. Officers reminded Members that this Task Group report was due to be reviewed in July 2010 and that this would give Members an opportunity to investigate matters in more detail. The Executive Director for Leisure, Environment and Community Services advised Members that she would contact the relevant Head of Service to provide an update on the issues raised.

90/09 **WORK PROGRAMME**

The Board noted the Work Programme and that the item in respect of the Rights of Residents Living in Almshouses had been deferred, whilst awaiting further clarification of the Council's role from Legal Services.

RESOLVED that the Work Programme be noted.

The meeting closed at 7.45 p.m.

Chairman