

# Minutes

## Overview and Scrutiny Committee

2<sup>nd</sup> June 2010



Councillors	Present	Councillors	Present
J. Baugh	Yes	A. M. Meyer	Yes
G. Cohen	Yes	R. Ramage	Yes
M. Dunn	Apologies	D. E. A. Rice	Apologies
Dr. R. L. Evans	Yes	A. F. Shelton	Yes
M. Gage (Chairman)	Yes	Mrs. J. Smith	Yes
J. E. B. Gyford	Yes	F. Swallow	Apologies

The Chairman welcome Sharon Lowe, Assistant Chief Executive and advised Members that Sharon would be attending future meetings of the Committee.

### 3. DECLARATIONS OF INTEREST

**INFORMATION:** There were no interests declared.

### 4. MINUTES

**DECISION:** That the minutes of the meetings of the Overview and Scrutiny Committee held on 7<sup>th</sup> April and 10<sup>th</sup> May 2010 be approved as a correct record and signed by the Chairman.

### 5. QUESTION TIME

**INFORMATION:** There were no questions asked or statements made.

### 6. ANNUAL WORK PROGRAMME 2010/11

The Chairman reported verbally on the recommendations of the Scrutiny Steering Board that had met the previous evening on 1<sup>st</sup> June 2010, regarding the Committee's work programme for 2010/11. A Note of the meeting is set out in the attached Appendix.

Following a detailed discussion, it was agreed as follows:-

(i) the Committee's Work Programme for 2010/11 should comprise the following:-

#### (a) Regular Work Programme Items

Budget Scrutiny; Community Safety Partnership Scrutiny;

#### (b) Items Carried Over from 2009/10

(i) To complete the study into Section 106 Agreements – examining the way in which contributions from Section 106 Agreements (whether in kind or in the form of a financial contribution) are managed by the Council, and how they are used to benefit local communities;

(ii) To receive a report setting out a chronology of events relating to the review of accommodation from 2007 to date with supporting documentation, and focusing in particular on what information was available to Members (and who supplied it) at the point at which a decision was made in 2007 that Causeway House was no longer fit for purpose.

(c) New Major Topic to investigate during 2010/11

Localism/Total Place – the role and function of the local Councillor and Local Committees, and how do you create better partnership working at a local level (to include some research into Total Place – Whole Area Approach to Public Services).

(ii) Task and Finish Groups 10/11

No new Task and Finish Groups should be set up at the present time pending the completion of the work of the Public Services Provision for Older People Task and Finish Group.

Further consideration will be given in September to the setting up of any fresh Task and Finish Group and a decision made at that time as to which topic should be studied.

Possible topics could include:-

- \* Performance Management – service specific – scrutinise delivery and performance against customer needs.
- \* Partnership Working – are the inputs worth the outcomes – focusing on the Local Strategic Partnership.
- \* Investigating the equalisation in the longer term of local tax within the District.

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It was agreed that the topic suggested by Cllr. Mrs. J. Smith concerning 'Procurement – using local suppliers' be referred to the Audit Committee with the request that it takes this study on board in the context of the planned review of Contract Procedure Rules.

## **7. SCRUTINY OF CRIME AND DISORDER MATTERS**

The Committee had previously received a report at its meeting on 16/9/09 (minute 27 refers) concerning new powers to scrutinise local Crime and Disorder Reduction Partnerships (now renamed Community Safety Partnerships) which came into force on 30<sup>th</sup> April 2009. It was agreed at that meeting that the Committee would work with the Community Safety Partnership to develop a protocol on working practices to ensure that the scrutiny process for community safety matters is effective.

The Committee in its capacity as the Crime and Disorder Committee is required to have a minimum of one meeting per civic year which must include scrutiny of crime and disorder issues. The legislation requires scrutiny to focus on the strategic work of the partnership as

opposed to the operational level.

Members had before them a copy of the draft protocol.

The Chairman reported verbally on a meeting of the Braintree District Responsible Authority Group (Community Safety Partnership) that he had attended that afternoon with the Scrutiny Manager, to seek its comments on the draft protocol. He advised that the protocol had been well received.

There were some minor amendments to the protocol as follows:-

- (1) Changing references to the 'Crime and Disorder Reduction Partnership' to 'Community Safety Partnership';
- (2) Adding 'Essex County Probation Service' to the list of Responsible Authorities in Section 1;
- (3) Adding 'and, from 1/4/10, reducing re-offending.' to the final paragraph in Section 1.

The Chairman had suggested to the Partnership that they send representatives to the meeting of the Committee on 1/9/10 to make a presentation to members on:

- \* What the partnership is;
- \* How it operates;
- \* What are the main areas of work;
- \* What are the key current activities.

This would be a workshop/training type session to enable the Committee to develop a thorough understanding of the Community Safety Partnership. The Chairman of the Partnership and other members had welcomed this proposal.

Cllr. Gage advised members that it would be open to the Committee to carry out further scrutiny of the Community Safety Partnership if there was sufficient time available to do so during this final year of the current Council.

The Committee discussed this item in some depth. Members were very conscious of the additional pressures that these new scrutiny powers would put on the Committee's work load, but were also keen to ensure that scrutiny was undertaken in a thorough and informed manner.

Members felt that an additional meeting following the September meeting would need to be convened in October to facilitate further scrutiny of the Partnership.

Members also felt that they needed written information on the work of the Community Safety Partnership including its terms of reference, and any other pertinent information that would assist the Committee in exercising its scrutiny powers. This to be provided well before the September meeting.

### **Action Point**

***Scrutiny Manager to provide further information to the Committee.***

A member commented that the September meeting should include an update of the work of

the Community Safety Partnership since April.

Officers are to seek clarification as to whether recommendations made by the Committee in its capacity as the Crime and Disorder Committee would need to be submitted to Cabinet.

### **Action Point**

***Assistant Chief Executive to clarify.***

### **DECISION**

It was agreed as follows:-

1. The draft protocol be approved subject to the minor amendments indicated above;
2. The arrangements for representatives of the Community Safety Partnership to attend the meeting of the Committee on 1/9/10 to make a presentation to members on:
  - \* What the partnership is;
  - \* How it operates;
  - \* What are the main areas of work (including an update of work undertaken for the period 1/4/10 to 31/8/10);
  - \* What are the key current activities;

be confirmed.

This would be a workshop/training type session to enable the Committee to develop a thorough understanding of the Community Safety Partnership;

3. Following the September meeting, an additional meeting of the Committee to be arranged in October for Members to reflect on what was learnt at the September meeting and to consider further the scrutiny of the Community Safety Partnership.

### **8. STUDY INTO HOW CONTRIBUTIONS FROM SECTION 106 AGREEMENTS ARE MANAGED BY THE COUNCIL.**

The Committee considered a series of draft recommendations in connection with this study following the scrutiny hearings that had been held on 31<sup>st</sup> March and 7<sup>th</sup> April 2010 with Officer and Parish/Town Council representatives respectively.

Following discussion, it was agreed to **RECOMMEND** to Cabinet as follows:-

1. The reporting arrangements for the Section 106 Responsible Officers Group need to be reviewed so that six monthly monitoring reports concerning Section 106 Agreements are submitted to Management Board, the Cabinet and the Planning Committee as appropriate;
2. In the interests of providing easier access and greater transparency, a central Section 106 Agreement/database in spreadsheet form should be included on the Council's web-site so that Members, Parish/Town Councils, developers and members of the public can see, for each agreement, what site the agreement refers to, what the contributions were for and what progress has been made on spending those contributions (and whether those monies have to be repaid to the developer if not used by a specific date). The spreadsheet should also record any variations to Section 106 Agreements that have been agreed. The

spreadsheet should be updated quarterly;

3. We note that under the proposed Community Infrastructure Levy (CIL), the Council will consult with infrastructure providers and draw up a list of infrastructure projects or types of infrastructure which it intends to be wholly or partly funded by the CIL to provide a central database as a basis for completing the charging schedule. We feel that it is important for Parish/Town Councils to be included in this consultation process;

4. Parish and Town Councils should be encouraged to demonstrate their infrastructure requirements through their own Parish Plans as these can provide a useful evidence base of local need;

5. Whilst we accept that there may be some practical difficulties in consulting Parish/Town Councils where the need for a Section 106 Agreement emerges in the life of an application (as opposed to a draft Section 106 Agreement being received with a planning application at the outset) we view consultation with Parish/Town Councils as being of paramount importance. Officers should ensure that Parish/Town Councils are consulted at an early stage and kept informed throughout the Section 106 negotiations, wherever it is feasible and practical to do so;

6. The Council should hold a training session/workshop for Parish/Town Council representatives on the subject of Section 106 Agreements and the new CIL;

7. A brief Guide to Section 106 Agreements and the new CIL (specific to Parish/Town Councils) should be produced and made available on the Council's website;

8. Cabinet should take note that from anecdotal evidence given by a witness at the Parish/Town Council Scrutiny Hearing there appears to be an element of dissatisfaction with the way in which the County Council uses Section 106 money for the provision of infrastructure (e.g. highways and education).

#### 9. TASK AND FINISH GROUPS

Cllr. Ramage the Chairman of the Public Services Provision for Older People –Task and Finish Group, gave a brief verbal update.

He reported that at the last meeting the Group had received very informative presentations from the Chief Executive of Age Concern (Essex) and the Vice Supervisor of Halstead CAB. A representative from Care and Repair (England) would be attending the next meeting on 29<sup>th</sup> June – any other interested members of the Council are welcome to attend.

The Group was making good progress and was on target to complete its work in the autumn.

#### **DECISION**

That the verbal report be noted.

#### 10. FORWARD PLAN – 1/6/10 TO 30/9/10

The Chairman drew the Committee's attention to the new style of the Forward Plan, and highlighted the key decisions that the Cabinet were due to make at its September meeting

on the Empty Homes Strategy and the Museum Trust Options report, and its March 2011 meeting regarding the Asset Management Plan.

## **DECISION**

That the contents of the Forward Plan be received and noted.

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The meeting closed at 9.05pm.

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M. Gage  
Chairman