

Minutes

Overview and Scrutiny Committee



10th December 2008

Councillors	Present	Councillors	Present
M. Dunn	Yes	Vacancy	
Dr. R. L. Evans	Yes	R. Ramage	Yes
Ms. L. B. Flint	Apologies	Mrs. C. Sandbrook	Yes
M. Gage (Chairman)	Yes	A. F. Shelton	Yes
J. E. B. Gyford	Yes	Mrs. J. Smith	Yes
A. M. Meyer	Yes	F. Swallow	Apologies

Cllr. G. Butland the Leader of the Council was also in attendance.

Cllr. M. C. M. Lager the Cabinet Member for Efficiency and Resources who was due to attend this meeting of the Committee submitted his apologies as he was suffering from a heavy cold.

54. DECLARATIONS OF INTEREST

INFORMATION: Cllr. C. Sandbrook declared a personal interest in respect of the budget scrutiny item and the point raised in relation to the Council's debt recovery process as her business interests included enforcement of court judgements.

55. MINUTES

DECISION: That the minutes of the meeting of the Overview and Scrutiny Committee held on 29th October 2008 be approved as a correct record and signed by the Chairman.

56. QUESTION TIME

INFORMATION: There were no questions asked or statements made.

57. BUDGET SCRUTINY – UPDATE ON THE MEDIUM TERM FINANCIAL STRATEGY

As part of the continuing budget scrutiny process, the Committee had before it copies of the following reports that had been considered by Cabinet at its meeting on 1st December 2008:-

Medium Term Financial Strategy Update and the accompanying appendices;
Proposed Capital Programme 2009/10 – For Consultation;
Feedback on Local Priorities, Proposed Areas for Budget Increases;
Possible Areas for Review and Future Savings.

A copy of the draft minute for the meeting of the Cabinet on 1st December 2008 was also circulated at the meeting.

Cllr. Butland the Leader of the Council introduced this item. He advised the Committee that the Medium Term Financial Strategy had originally indicated a Council Tax rise for 2009/10 of 3.7%. However, due to the significant downturn in the economy and the impact that this is likely to have on the residents of the District it was now proposed that the percentage increase in Council Tax for 2009/10 should be 2.5%, and that this percentage increase should also be applied to 2010/11 and 2011/12. At the same time, Parish and Town Councils would be encouraged not to increase their precepts by more than 2.5%. Where increases exceed 2.5% there would be corresponding decreases in the Parish Support Grant provided by the District Council.

Action was also being taken through the local press to highlight services and advice for residents and small businesses who were facing difficult times during the recession, and to publicise benefits and business rate relief.

The Cabinet was also looking at the option of allowing Council Tax and Business Rate payers who paid by direct debit over 10 months, the facility to pay over 12 months if they were struggling financially. Cllr. Butland emphasised, however, that this may have an adverse impact on the performance indicator relating to collection rates.

The Cabinet was also looking at supporting local organisations, and had given a commitment that it would provide additional resources to the Citizens Advice Bureau as it was likely to receive a substantial increase in enquiries from people during the recession.

It was also proposed to put aside a fund of £50,000 for an Economic Support Fund to assist appropriate schemes in 2009/10.

The Cabinet's budget proposals were now at the consultation phase. Cllr. Butland reminded Members that the Council was having to find savings of £1.5m over the next two years to bridge the spending gap, and that the Committee would also be aware from the reports submitted to Cabinet that a number of areas had been identified for review and possible savings. He recognised that these were difficult issues and would involve some staff redundancies.

Cllr. Butland concluded that the Cabinet's first priority in these difficult economic circumstances was to keep the level of increase in Council Tax down and to help people through the recession. The Council will also be working with the County Council in ensuring that people in the rural areas were made aware of benefit entitlements. He also commended the work of the Fees and Charges Task and Finish Group and advised that the Cabinet accepted in principle the Group's recommendations. However, because of the economic circumstances, this was not the time to implement the recommendations and the Cabinet was proposing that there should be no increase in current fees and charges levied by the Council until 1/4/10.

Members of the Committee then went on to ask questions regarding the Cabinet's budget proposals which were answered either by Cllr. Butland, Chris Fleetham, Corporate Director or Phil Myers, Accountancy Services Manager as appropriate.

Chris Fleetham agreed to provide a written response to the following questions:-

How many persons are employed by the Council?;

How much money owed to the Council had been written off over the past six years from

whatever source, and what processes do we have to recover debts?

How do we identify people in genuine hardship?

Action Point: *that Chris Fleetham provides the Committee with this information at the meeting of the Committee on 28th January 2009.*

In relation to a question concerning the draft Cabinet minute for 1st December 2008, Cllr. Butland advised the Committee that the section headed Medium Term Financial Strategy (RECOMMENDATION TO COUNCIL) will be amended to indicate that recommendations 5 and 6 are subject to the results of the budget consultation exercise.

The Committee noted that there is a Members Seminar on Saturday 24th January 2009 and that this will include a session on local government finance issues.

At the conclusion of the session, Cllr. Gage the Chairman of the Committee thanked Cllr. Butland and the officers Chris Fleetham and Phil Myers for answering members questions on the proposed budget and associated items.

The Committee will have its final budget scrutiny session at the meeting of the Committee on 28th January 2009 when the results of the public consultation process on the Cabinet's proposed budget will be known.

58. PROGRAMME FOR MEMBERS OF THE CABINET TO ATTEND MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE – CLLR. G. BUTLAND, THE LEADER OF THE COUNCIL

Cllr. Gage advised Members that Councillor Lager the Portfolio Holder for Efficiencies and Resources was also due to attend tonight's meeting, but had submitted his apologies as he was suffering from a heavy cold.

The Committee expressed its best wishes to Cllr. Lager and hoped that he would make a swift recovery.

Steve Bore the Council's Scrutiny Manager would make arrangements for Cllr. Lager to attend another meeting of the Committee later in the civic year.

Action Point: *that Steve Bore makes the necessary arrangements.*

Cllr. Gage reminded members that the purpose of the session was to help the Committee understand the Portfolio Holder's responsibilities and priorities, and to link this with the current budget setting process.

Cllr. Gage invited Cllr. Butland to give his presentation.

Cllr. Butland referred to the role of Council Leader and the job description that was set out in the constitution. He saw his main role as taking the lead on the Council's overall strategy, and the longer term vision on how the District develops, and how the Council approached a number of issues. He also had a responsibility to ensure the performance of the individual Cabinet Portfolio Holders, and to see that their work was integrated and co-ordinated. Therefore, Cllr. Butland (in liaison with the Chief Executive) had instituted a series of review meetings with Cabinet Members and their senior officers to discuss how Cabinet Members are approaching their key objectives and what progress is being made

in achieving them. Therefore, there is a role for the Leader in ensuring performance on the political side just as there is a requirement for the Chief Executive to ensure performance on the officer side.

Also, the role of Leader carries with it the first point of call from outside agencies and the press, who would frequently contact him for a view as to what the Council's policy is on specific issues.

The Leader also has a role in representing the Council on outside bodies such as the Local Government Association, and the East of England Regional Assembly including some of its sub-groups. It was important for the Council to be represented and to be on the radar of the various regional organisations.

Cllr. Butland also has a role in consulting the Leaders of the other political Groups and he felt that the Council worked very well across political boundaries. He also felt that there was much to do to enhance the role of elected members and to make them more active. He was concerned that some decisions affecting the residents of the District are made by quango's or non elected representatives and was keen to see the democratically elected local Councillor play a greater role in the decision making process.

There then followed a question and answer session which is summarised below.

Question from Cllr. J. Gyford

As regards the Leader's role in the Local Strategic Partnership (LSP), can you comment on your view of that arrangement with particular reference to the transparency and accountability of the LSP?

Answer

There are real issues about the accountability of LSPs. The concept of organisations coming together and sharing the Agenda is laudable, but I am not sure we have the right formula yet for doing it. There is little link or connectivity between an elected member on a District Council and the activities and decisions taken by the LSP, and what the LSP and the Local Area Agreement (LAA) means for an elected member's constituents. We have not yet got the link back into the democratic forum. The involvement of other organisations has in a way removed the involvement of the locally elected member. Some discussions have taken place with other Group leaders about whether the LSP/LAA could be cascaded down to Local Committee level. However, there is a lot of work to be done on this particular issue. The LSP/LAA is very complex. The concept of getting both statutory organisations, the voluntary sector and the business sector working together is something to be commended, but it appears to have been set up in a very bureaucratic way and has taken quite a bit of the involvement away from local authorities and their members.

Question from Cllr. J. Gyford

In connection with the whole system of LSP's/LAA's, my understanding is that the Essex County Council seems to be moving towards inviting tenders across the European Union for a large portion of its services which presumably would have some implications for the nature and operation of future LAA's. Were you consulted about this prior to the County Council taking this action?

Answer

No, I was not consulted. The actual way in which individual members of the LSP operate is for them to determine.

There are arguments to be made both ways as to whether you can have a commissioning local authority which commissions services, but does not necessarily provide them and either outsources the delivery in total or in part, as opposed to a local authority that actually delivery those services. There are examples of where outsourcing has been successful, and other examples where outsourcing has not been successful and has been more expensive.

One of the advantages of the LSP is that of sharing the experience and lessons learnt from change. The outcome of the County Council's latest initiative is awaited with interest.

Question from Cllr. A. Shelton

There are many benefits to the District if we get the structure of the LSP/LAA right and make it more democratic, but if there a timetable for this within the process?

Answer

We have to accept that LAAs and LSPs are about ceding sovereignty from organisations to the partnership. That is something that takes time to adjust to and is quite difficult for local authorities. My concern is that all of the other local partners have no democratic mandate whether they be from the health sector, the police, the voluntary sector or the business sector. The Council's Local Government Reform Sub-Group has been looking at how we might link this, for instance, through the Local Committee system and possibly by a system of smaller Local Committee groupings to make them even more local. This may be an item for discussion at the Members Seminar in January. If the Local Committees had a link into LAA targets and LSP partners got round the table with elected members that would strengthen the involvement. There is an issue concerning accountability with regards to the LAA/LSP that needs to be worked through.

Question from Cllr. Mrs. C. Sandbrook

How do you see the role of the Overview and Scrutiny Committee developing particularly in its role of 'critical friend'. I do not believe we have got it quite right?

Answer

Most Councils are having difficulty in getting it completely right because it is a relatively new concept. Some councillors may prefer the old committee system where they had more of a direct input into the decision making process.

Overview and Scrutiny needs to be most vigilant where you have administrations that want to work in a secretive way. I would argue that at Braintree we have a very open cabinet system. Many decisions are also referred by Cabinet to full Council. At Braintree, members reach a consensus on the majority of issues.

There is a great deal of worthwhile work that the Overview and Scrutiny Committee can

and does do. Developing the critical friend role may be an area to expand further, but I do not feel it is my role to advise you on what you should be doing.

However, at all stages you need to be aware of the abuse of power by the executive.

Question by Cllr. R. Ramage

- (i) How do you find the time to carry out all your duties as Leader?
- (ii) As regards support for new members, what do you have in mind as regards member support for the future?

Answer

- (i) If you want to do something you make the time to do it.
- (ii) We have to acknowledge that our induction programme for new councillors is not as good as it could be. This is something that we are looking at. Individual Councillor aspirations and ambitions do vary. There is a basic level of training that is needed for every Councillor, but then further trainings needs will depend on individual councillor aspirations. The matter has been discussed at the Local Government Reform Sub-group, but clearly there is more work to do on this issue particularly in relation to induction training and the training needs of individual members post induction.

Question by Cllr. M. Dunn

Given that you have frequent contact with Leaders from other Councils, is there a way in which you can benchmark the activities of the Council (particularly from the political side) i.e are there things that we can learn from other Councils and vice versa?

Answer

There are a number of good authorities in the area, and members may like to browse the web site of St. Edmundsbury Borough Council in Suffolk. This Council has an 'excellent' rating and I would commend the written reports of Cabinet Members which can be accessed from the web site. The web site has an excellent system for tracking reports. Therefore, we do try and pick up good practice issues from other authorities.

There are a number of tools that BDC itself has put in place to enable members to participate such as:-

- * Task and Finish Groups - members with a genuine interest and expertise in the subject to be studied can participate as opposed to being appointed by a political party;
- * The introduction of Members' written questions at full Council (although the use of this process by members appears to have diminished);
- * The facility for Members to have up to 3 minutes to make a statement at full Council (again little used by Members).

These provisions put BDC ahead of many Councils, but it is disappointing that Members do not make fuller use of them.

Question by Cllr. M. Gage

In view of the straightened budgetary circumstances for 09/10 and future years, are you certain that the Cabinet has budgeted effectively (i.e. limiting the proposed increase of the Council Tax to 2.5% for 2009/10 to 2012/13) to meet the priorities within your portfolio?

Answer

Yes.

At the conclusion of the session, Cllr. Gage thanked Cllr. Butland for attending the Committee and for giving an insight into his portfolio responsibilities, and answering members questions.

(Cllr. Butland left the meeting at the conclusion of this item)

59. TASK AND FINISH GROUPS

(i) Fees and Charges Task and Finish Group

Cllr. Mrs. Sandbrook the Chairman of the Group gave a verbal update.

She had attended Cabinet on 1st December and had given a progress report on the further work undertaken by the Group. Cllr. Sandbrook supported the Cabinet's proposal that any increase in charges (including those proposed by the Fees and Charges Group) should be deferred until 1st April 2010. The Group had previously been concerned at the pace at which they had to consider the numerous individual fees and charges, and there had been much debate within the Group on a number charging issues. The fact that implementation was being deferred would help ensure that when decisions were finally implemented they would be based on all the relevant information and data, and there would be a methodology and template to assist with future reviews on fees and charges.

Cllr. Sandbrook expressed her thanks to Members of the Group and Chris McCloud the Support Officer, for their continuing support and efforts.

(ii) Bus and Rail Services Task and Finish Group

Cllr. A. Shelton the Chairman of the Group gave a verbal update.

The Group had now had its second meeting, and members were continuing with their individual research on the bus and rail services within the District. One of the contentious issues that had been raised concerned the changes to the First Essex Bus Service 352 (Halstead to Chelmsford) and this matter will be one of the subjects that will be discussed when the Group meet with the bus operators in the new year.

Cllr. Shelton expressed his thanks to members of the Group who were enthusiastically tackling the work and pursuing a number of lines of enquiry. The Group's study was quite wide in its scope, and there were a number of associated issues such as parking at railway stations that were relevant to the Group's investigations.

The Scrutiny Manager reported that Cllr. R. Wilkins had applied to join the Group. If the Committee were mindful to approve this application then the Group would have a full complement of 12 members.

DECISION: It was agreed that Cllr. R. Wilkins also serve on the Group.

60. OFFICER SUPPORT RESOURCES – OVERVIEW AND SCRUTINY

The Committee gave consideration to a report that had been prepared to facilitate discussion on whether there was an adequate level of officer resources available to support the Council's Overview and Scrutiny function. The report set out the Scrutiny Manager's duties associated with supporting the Committee, the duties associated with the Support Officer's role for a Task and Finish Group, and current and future work pressures.

Cllr. Gage drew members attention to the earlier discussion on the Council's budgetary difficulties that clearly had an impact when considering increasing officer resources. Another pertinent issue was how members themselves saw the overview and scrutiny function developing.

The Committee was advised that the precise extent of the increased workload for the Committee arising from the new scrutiny legislation (i.e. the statutory Local Petitions process; the Councillor Call for Action; scrutinising aspects of Local Area Agreements) was difficult to estimate at this point in time pending receipt of the relevant government guidance. It was also difficult to assess how many petitions and Councillor Calls for Action would be referred to the Committee. However, it was noted from the report that the Head of Law and Governance, to ensure that there was adequate officer resource, would play a leading role within the scrutiny function and would also ensure provision was made to commission external support as and when required to provide immediate impact and support. This support would be in addition to that provided by the Scrutiny Manager.

Members also felt that it would be useful to benchmark the Council's Overview and Scrutiny function with other similar authorities to compare how they tackled overview and scrutiny and what resources were allocated.

Following discussion, it was agreed that:-

(1) the Council's Overview and Scrutiny function should be bench-marked with other similar authorities;

(2) the Committee note that the Head of Law and Governance will ensure that an adequate officer resource is available by playing a leading role within the scrutiny function, and that she will also ensure provision is made to commission external support as and when required to provide immediate impact and support. This support would be in addition to that provided by the Scrutiny Manager.

Action Point: *that the Scrutiny Manager undertakes the bench-marking exercise in respect of (1) above.*

61. FORWARD PLAN – 1ST DECEMBER 2008 TO 31ST MARCH 2009

Members received the four month Forward Plan for the above period.

Cllr. Gage reminded the Committee that one of the functions of the Forward Plan was to identify 'Key Decisions' made by the Cabinet. Key decisions can be subject to the 'Call-In' process set out in the constitution.

It was agreed that the Scrutiny Manager should submit a report to the meeting of the Committee on 28th January 2009 explaining the 'Call-In' procedure.

DECISION: that action be taken as above, and that the contents of the Forward Plan be received and noted.

Action Point: *that the Scrutiny Manager compile the report on the 'Call –In' procedure.*

The meeting closed at 9.33pm.

M. Gage
Chairman

NB

Will members please note that the next meeting of the Committee will take place on Monday 19th January 2009 at 7.15pm at Causeway House to conduct the Project Management scrutiny exercise.