

# Minutes

## Overview and Scrutiny Committee

29<sup>th</sup> October 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	No	F. Swallow	Yes

Cllrs. Mrs. J. C. Beavis, N. R. H. O. Harley and M. C. M. Lager were also in attendance.

#### 44. DECLARATIONS OF INTEREST

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

#### 45. MINUTES

**DECISION:** That the minutes of the meeting of the Overview and Scrutiny Committee held on 17<sup>th</sup> September 2008 be approved as a correct record and signed by the Chairman.

#### 46. QUESTION TIME

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

#### 47. BUDGET SCRUTINY – CONSULTATION ON THE MEDIUM TERM FINANCIAL STRATEGY 2008/09 TO 2011/12 AND BUDGET PROCESS

Cllr. Lager the Cabinet Member for Efficiency and Resources introduced this item and referred to the report headed Medium Term Financial Strategy Update that had been considered by Cabinet at its meeting on 9<sup>th</sup> October 2008. He also outlined the budgetary consultation process timetable for 2009/10, and indicated that the Cabinet welcomed the views and the input of the Overview and Scrutiny Committee to the budget making process.

Cllr. Lager indicated that as in previous years, the Cabinet had established a spending envelope with an approximate indication of the level at which the Council Tax could be set. This process identifies an affordability gap because the Council's aspirations to spend exceed the resources available. He emphasised that the budget needs to ensure that the Council's key priorities are met. A considerable amount of work is being undertaken to establish how the affordability gap could be bridged with the minimum impact on the services that the Council provides to its customers. In particular, it was

necessary to ensure that the vulnerable sectors of our community were not adversely affected. Cllr. Lager indicated that as the Council's funding was limited the Council was increasingly becoming involved in partnership and joint ventures in order to fund a number of projects.

The Committee discussed the Medium Term Financial Strategy Update report and Cllr. Lager answered members questions.

Members noted that the significant changes in the world economy meant that there were a number of factors that are likely to have an impact as the Council reviews its Medium Term Financial Strategy for 2009/10 to 2012/13. Trevor Wilson the Head of Finance indicated that these factors and their impact on the 2009/10 budget are being kept under regular review. At present, the affordability gap for 2009/10 is likely to arise to around £1million.

In response to a member's question regarding the issue of the Council's investment in Icelandic Banks, Trevor Wilson undertook to seek further information from Tendring District Council concerning the circumstances in which that authority was apparently able to withdraw its funds prior to the Banks concerned going into insolvency.

**Action Point:** that Trevor Wilson makes appropriate enquiries and reports back to the Committee at its next meeting.

Trevor Wilson also circulated to members at the meeting summary extracts from the base budget to assist the Committee in its budget scrutiny role.

In conclusion, Cllr. Gage thanked Cllr. Lager and Trevor Wilson for attending the Committee and for presenting the Medium Term Financial Strategy Update and answering Members' questions.

The Cabinet's budget proposals for 09/10 will be considered by the Committee at its next meeting on 10<sup>th</sup> December 2008 following the Cabinet meeting on 1<sup>st</sup> December.

(For information, a copy of the budget timetable is included in Appendix 1 to these minutes)

48. PROGRAMME FOR MEMBERS OF THE CABINET TO ATTEND MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE – CLLR. N. HARLEY THE PORTFOLIO HOLDER FOR ENTERPRISE, CULTURE AND LEISURE

Cllr. Gage advised Members that Councillor Schmitt the Portfolio Holder for Communities and Housing was also due to attend tonight's meeting, but had submitted her apologies as she had recently suffered a bereavement. Steve Bore the Council's Scrutiny Manager would make arrangements for Cllr. Schmitt to attend another meeting of the Committee later in the civic year.

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

Cllr. Gage advised Members that the purpose of the sessions with Cabinet Members 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 welcomed Cllr. Harley to the meeting.

Cllr. Harley took the Committee through the various responsibilities of his portfolio (see appendix 2 attached) and highlighted what he saw as the main challenges. His portfolio consisted of two elements:-

- \* sustainable development;
- \* enterprise, culture and leisure.

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

#### Question from Cllr. J. Gyford

As regards the recent review of Cultural Services, can you be more specific as to what recommendations were contained in the review report?

#### Answer

We have been looking at the various entities that comprise the Service including the Warners Textile Archive, the Museum and the Tourist Office. Ideally, we want to bring all the elements together to make it more accessible, but that is going to be difficult. There are financial losses connected with the Archive and the Museum Trust, and the Council has to identify opportunities to mitigate these and to generate more income. It is very much a “works in progress” at the present time.

#### Question from Cllr. J. Gyford

As regards the difficulties in recruiting planning officers, do we regularly review our recruitment and retention policies?

#### Answer

Our recruitment and retention policies are kept under regular review in an endeavour to overcome the problems in recruiting and retaining professional planning officers, but we are in competition with other local authorities and the private sector.

#### Question from Cllr. Mrs. C. Sandbrook

Will the future of the Warners Textile Archive be put before members and the public as it is clearly one of the Council's “crown jewels” and a decision needs to be made about its future?

#### Answer

An examination of the various options will need to be made and public consultations undertaken. The matter will ultimately be brought before members to consider the possible solutions.

#### Question from Cllr. Mrs. J. Smith

I understood that the Warners Textile Archive was run as a commercial undertaking?

#### Answer

It is not an asset that is exploited to the full, and expenditure currently exceeds income.

#### Question from Cllr. M. Dunn

On the subject of planning and sustainability, to what extent does the Council have discretion in determining planning policies as opposed to being required to follow the policies, advice and guidance set by government bodies. Have the Council's powers been eroded in recent years?

#### Answer

There is a quite an element of prescription. However, through the Local Development Framework we do have an opportunity to craft the document so that it reflects the characteristics and diversity of the district in terms of housing and business development.

#### Question from Cllr. M. Gage

Is action being taken through the Local Government Association and the organisations that represent the business community, to lobby the Government to ensure that a greater portion of the business rates collected in this district is returned to the Council and which will then enable the Council to use these resources to fund appropriate schemes/projects that benefit our citizens?

#### Answer

I agree that the Council should use the various lobby groups to the best of its ability with a view to seeking a greater proportion of business rates being returned to the Council, and will do whatever I can to highlight this issue including within the business community.

#### Question from Cllr. R. Ramage

What is the Council doing to address the skills shortfall in the District?

#### Answer

The Council works in liaison with its partners (Skills Councils, Colleges etc) because this is not an area that the Council can address alone.

#### Question from Cllr. Mrs. C. Sandbrook

In the context of joint strategic working arrangements with the Haven Gateway Partnership, the 3 towns regeneration proposals and other similar major initiatives, how do these concepts emerge and what research, analysis and reports are undertaken before the Council adopts them. Do we have a strategy to engage with Stansted Airport as an economic hub?

#### Answer

The Haven Gateway Partnership is seen as a key element in the District's economic development strategy, but the Council could align itself with a number of economic hubs including the Stansted/M25 hub to the west.

The 3 towns – one vision regeneration proposals are more localised in that it is recognised that the town centres need to be re-invigorated. Consultants would have been commissioned to examine the feasibility of the town centre regeneration proposals

and to carry out market research studies.

A more detailed response will be provided in writing.

**Action Point:** *Cllr. Harley to provide a more detailed written response to the Committee in respect of this question.*

Question by Cllr. R. Ramage

In relation to the DC Leisure management of sport centres contract, when does the current contract expire?

Answer

The current contract runs until 2012.

Question by Cllr. M. Gage

Given the current downturn in the economy and the fact that house builders are severely cutting down on the number of new builds, will there be a review of the government target that requires approximately 7700 new houses to be built in the District over the next ten years?

Answer

It is clear that the current economic situation will no doubt necessitate a review of this target.

Question by Cllr. A. Shelton

As well as the east, west and south economic hubs, has any thought been given to developing a link with the Cambridge hub to the north?

Answer

There is no link with it at present, but there is no reason why it should not be examined.

Question by Cllr. Mrs. J. Smith

As opposed to people in the District going to work in the economic hubs outside the District, do we encourage employers to come to Braintree District with a view to creating jobs?

Answer

The Council is committed to keeping and providing more jobs in this District, but we have to be realistic as many people in the District will travel to work outside the area. There may be opportunities to attract employers who wish to decentralise from London. The District has a great deal to offer to any prospective employer.

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At the conclusion of the session, Councillor Gage thanked Cllr. Harley for his presentation

and for the answers that he had given in response to Members questions. It was clear that Cllr. Harley's portfolio was very wide ranging. Cllr. Gage hoped that Members now had a clearer understanding of Cllr. Harley's responsibilities and that this had also proved useful in the context of the budget scrutiny process.

(Cllrs. N. Harley and M. Lager left the meeting at the conclusion of this item)

49. ANNUAL WORK PROGRAMME 2008/09 – INVESTIGATION OF TWO ISSUES IN RELATION TO DISABLED PROVISION IN THE DISTRICT.

The Scrutiny Manager presented a scoping report relating to a study of the following two issues:-

(i) Problems being caused to people with disabilities as a result of vehicles parking across and on pavements;

(ii) Whether there is adequate provision of public toilets in the District.

**DECISION:**

That the arrangements as set out in paragraphs 2 and 3 of the report be endorsed.

**Action Point:** *that the Scrutiny Manager takes the appropriate action to commence this investigation.*

50. TASK AND FINISH GROUPS

(i) Rural Isolation Task and Finish Group

It was noted that the Group's report will now be submitted to the Cabinet at its meeting on 1<sup>st</sup> December 2008 as Cllr. Spray the Chairman was unable to attend Cabinet on 9<sup>th</sup> October 2008 to present the report as originally planned.

(ii) Fees and Charges Task and Finish Group

Cllr. Mrs. Sandbrook gave a verbal update on progress. The complexity of unravelling and reviewing the numerous fees and charges has proved to be a very difficult task. Of necessity, the Group was tackling the work at a speedy pace in alignment with the budget timetable with a view to ensuring that the revised fees and charges could be included in the 2009/10 budget setting process. Every effort was being made to ensure the exercise was undertaken in a fair and equitable manner. Future reviews should at least benefit from the methodology that was being followed by the Group.

(iii) Bus and Rail Services Task and Finish Group

Cllr. Shelton gave a verbal update on progress and reported that the first meeting of the Group had taken place last week where the Group had received a scoping report and background paper. Members were very enthusiastic and would be tackling the study on an area basis (Halstead Area, Braintree Area, Witham Area). A number of further meetings had been scheduled and various lines of enquiry identified. The consultation process had commenced and comments invited from the public and local stakeholders. A number of members had also indicated that they would be interested in joining the Group.

**DECISION:** It was agreed that Cllrs. D. Mann, R. Ramage; Mrs. J. Smith and Cllr. Cohen (if he so wishes) also serve on the Group.

51. ESSEX SCRUTINY CONFERENCE – 8<sup>TH</sup> OCTOBER 2008

This conference took place at Hylands House, Chelmsford. The main items in the morning session consisted of a series of presentations covering effective scrutiny, the Councillor Call for Action, and the proposed new scrutiny powers contained in the White Paper 'Communities in Control'. There were workshops in the afternoon on 'Chairing Overview and Scrutiny Committees', and 'Developing Scrutiny'.

Cllrs. Mrs. J. Beavis, Mrs. C. Sandbrook, A. Shelton and Mrs. J. Smith attended together with the Scrutiny Manager.

The feedback from the Council's representatives was very positive, and the general consensus was that it had enhanced Members' knowledge of the scrutiny issues covered and raised a number of ideas on making scrutiny more effective. It also enabled participants to network with other Councillors/Officers in the same field.

A copy of the handouts from the conference had been previously circulated to Members.

In considering the benefits of the conference and the way in which other Councils tackle overview and scrutiny, the Committee also discussed the role of the Council's Scrutiny Steering Board.

Arising from the overall discussion the following action points were agreed.

**Action Points:-**

*(i) The Scrutiny Manager is to invite Anne Reeder (the Centre for Public Scrutiny) who gave the presentation on effective scrutiny, the Councillor Call for Action and the proposed new scrutiny powers contained in the White Paper 'Communities in Action', to give a similar presentation to the Committee; (Since the meeting the Scrutiny Manager has obtained a copy of the Conference day web cast and is investigating whether it is technically feasible to show this to members in the large screen in the Council Chamber);*

*(ii) The Scrutiny Manager is to place an item on the Agenda for the next meeting as follows:- "To consider whether there is an adequate level of officer resources available to support the Council's Overview and Scrutiny function.";*

*(iii) The Scrutiny Manager is to contact Tending District Council and Essex County Council to seek information from those authorities as to how they tackle budget scrutiny;*

*(iv) The Scrutiny Manager is to investigate further the issue of mapping out across the County what Councils are doing or plan to do in the way of scrutiny studies, and report back to a future meeting.*

52. FORWARD PLAN – 1<sup>ST</sup> NOVEMBER 2008 TO 28<sup>TH</sup> FEBRUARY 2009

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

**DECISION:** that the contents of the Forward Plan be received and noted.

53. ISSUES ARISING FROM MINUTES OF COUNCIL MEETING HELD ON 20/10/08

Cllr. Gage drew the Committee's attention to two items (A and B below) that had arisen in the discussion at the Council meeting on 20<sup>th</sup> October 2008 as follows:-

**A**

**Minute 49 – Policy Recommendations and References (Public Session)**

(ii) Cabinet 9<sup>th</sup> October 2008 – Joint Municipal Waste Management Strategy for Essex.

Cllr. Gage reminded the Committee that the Council decided at its meeting on 20<sup>th</sup> October 2008 to adopt the Joint Municipal Waste Management Strategy for Essex.

During the course of the Council debate Members raised a number of issues and the relevant Council minute records that *“The Chairman and Vice Chairman of the Overview and Scrutiny Committee stated that some of these aspects could be discussed, i.e. Private Finance Initiative(PFI), Mechanical Biological Treatment (MBT)plants, or may suggest a Task and Finish Group.”*

Following discussion, it was agreed that the Committee itself would look at the PFI and MBT plants with a view to ensuring that the fullest amount of information is available in the public domain on these issues.

**DECISION:** that the Committee looks at aspects of the Joint Municipal Waste Strategy for Essex by focussing on the PFI aspects and the operation of MBT plants. If practicable, a relevant expert is to be invited to attend the Committee at its meeting on 28<sup>th</sup> January 2009 to speak to members about these issues, and arrangements are to be made for members of the Committee to visit a MBT plant in February 2009.

**B**

**Minute 51 Question time (Public Session)**

(i) Statements by the Leader/Cabinet Members and Deputy Cabinet Members

Cllr. Gage reminded the Committee that the Leader of the Council had made a statement concerning assets of the Council invested with three banks in Iceland, and had also answered Cllr. Gyford's oral question on this issue. The relevant Council minute also indicates that *“Councillor Sandbrook referred to the Overview and Scrutiny Committee and queried if that Committee should also scrutinise the investment portfolio of the Council. The Leader stated that this has to be determined by the Overview and Scrutiny Committee.”*

Following discussion and taking into account that the Leader indicated at full Council that the Council would be reviewing its investment policies to ensure the safety of the Council's investments, the Committee did not feel that it was appropriate to scrutinise the issue at this stage, but that it would be prudent to do so once the review was complete. It was therefore agreed that in 6 months time the Committee should examine how our Treasury Management processes evolved, what sources of advice were obtained, and what changes in policy are now being considered.

**DECISION:** that the Committee examines in 6 months time how our Treasury Management processes evolved, what sources of advice were obtained, and what changes in policy are now being considered.

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The meeting closed at 10.13pm.

M. Gage  
Chairman