

Minutes

Overview and Scrutiny Committee

29th April 2009



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

3. DECLARATIONS OF INTEREST

INFORMATION: There were no interests declared.

4. MINUTES

DECISION: That the minutes of the meeting of the Overview and Scrutiny Committee held on 11th March 2009 and 22nd April 2009 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 2009/10

The Committee received the notes and recommendations of the Scrutiny Steering Board held on 22nd April 2009, an informal meeting consisting of the Leader of the Council, the Chairman of the Overview and Scrutiny Committee, the Group Leaders and the Head of Law and Governance.

The Steering Board had made recommendations on the work programme for the Overview and Scrutiny Committee and the Task and Finish Groups for 2009/10.

Members considered and discussed the recommendations of the Board.

It was agreed as follows:-

(i) the Committee's Work Programme should comprise the following:-

(a) Regular Work Programme Item – Budget Scrutiny (to include, in addition, particular reference to staffing costs, and the costs of external advice);

(b) Items Carried Over from 2008/09, or which have been highlighted by the O and S Committee during the course of 08/09 for study in 09/10

(i) In connection with the Council's investment of assets in three banks in Iceland, to examine how our Treasury Management processes evolved, what sources of advice were obtained, and what changes in policy are now being considered;

(ii) To complete the study into two issues surrounding disabled provision across the District i.e.

* the problems caused to people with disabilities as a result of vehicles parking across and on pavements;

* whether there is adequate provision of public disabled toilets in the District;

(iii) to complete the scrutiny of the Municipal Waste Strategy for Essex;

(iv) Implementation of new scrutiny legislation.

(c) New Major Topic to investigate during 2009/10

Section 106 Agreements – to examine 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) Task and Finish Groups 09/10

Two new Groups to be set up in 09/10 as follows:-

* Task and Finish Group to examine the future demands, needs and provision of all the public services provision for older people;

* Task and Finish Group to review in detail, one service area, the level of provision, cost and value of that provision. To make recommendations for service improvement in provision and value. The service area in question to be Leisure Services.

It was noted that the Council's Management Board had indicated that it would be possible to allocate resources to support these Task and Finish Groups.

7. 2010/11 – BUDGET SCRUTINY PROCESS

Members were reminded that this item had been discussed at the last meeting of the Committee (Minute 82 refers) when it had been decided that the Committee would divide into two informal sub-groups. Group 1 would examine each Portfolio holder's budget costs (it will be necessary to seek information from Trevor Wilson, Head of Finance in this respect), and Group 2 would examine the criteria against which the Overview and Scrutiny Committee would operate in terms of carrying out its scrutiny of the Council's budget.

The membership of the groups was agreed as follows:-

Group 1

Cllrs. R. Ramage (Chairman); M. Dunn; A. M. Meyer; A. F. Shelton; Mrs. J. Smith; F. Swallow.

Group 2

Cllrs. M. Gage (Chairman), J. Baugh; G. Cohen; Dr. R. Evans; J. E. B. Gyford; D. E. A. Rice.

The Groups will meet informally and would not be serviced by the Scrutiny Manager.

Action Point: Cllrs. Gage and Ramage to action as appropriate.

The work of the two groups is to be in preparation for the Committee to have two preliminary budget scrutiny meetings with the Cabinet in September - 3 cabinet members at one meeting and 4 at another, as follows:

Cllr. G. Butland, Leader of the Council
Cllr. N. Harley, Cabinet Member for Enterprise and Culture
Cllr. M. Lager, Cabinet Member for Efficiency and Resources

Cllr. R. Walters, Cabinet Member for Environment and Sustainability
Cllr. Mrs. J. Beavis, Cabinet Member for Customers and Communication
Cllr. Mrs. W. Schmitt, Cabinet Member for Communities
Cllr. Lady Newton, Cabinet Member for Housing and Well Being

8. PREVIOUS WORK PROGRAMME ITEM – HOW THE COUNCIL MANAGES SIGNIFICANT PROJECTS.

The Cabinet's decision on the Committee's recommendations in respect of this study were noted.

Implementation of the recommendations will be monitored and progress reports submitted to the Committee in the normal way.

9. WORK PROGRAMME ITEM – STUDY INTO TWO ISSUES SURROUNDING DISABLED PROVISION ACROSS THE DISTRICT – (I) THE PROBLEMS CAUSED TO PEOPLE WITH DISABILITIES AS A RESULT OF VEHICLES PARKING ACROSS AND ON PAVEMENTS; (II) WHETHER THERE IS ADEQUATE PROVISION OF PUBLIC DISABLED TOILETS IN THE DISTRICT

The Committee received the Information Pack setting out the responses received in connection with this study as a result of the consultation exercise.

Members discussed the responses received. A number of members also gave insights into their own experiences in relation to pavement parking, and disabled toilet provision in their respective wards.

Pavement parking was seen as a difficult problem to resolve particularly if the Police do not take a pro-active approach. A member suggested that approaches other than coercive ones may be necessary to try resolving the problem. Some members expressed concern that in the Halstead Area the Police had issued only 8 penalty notices since October 2004, for the offence of unnecessary obstruction.

A query was also raised as to what role the Community Wardens can take in helping to resolve this problem.

A lack of provision of adequate parking in the District was also seen as a contributory factor to the problem.

Members felt that clarification should be sought with the Council's Legal Section concerning item 4 of the Police District Commander's submission which indicated that some London Borough's are using 'parking on footways' legislation and enforcement under the Traffic Management Act 2004, but that no authority in Essex has yet elected to use this legislation.

There were a number of different views expressed as to what the Committee could realistically hope to achieve in pursuing the parking on pavements issue.

In relation to the second element of the study regarding disabled toilet provision, members felt that the study should be expanded to include all the Council's public toilets and not just disabled, and that further information should be sought from Community Services.

DECISION

It was agreed as follows:-

(i) the problems caused to people with disabilities as a result of vehicles parking across and on pavements

A scrutiny hearing should be convened with representatives of the Police (Chief Inspector Gooden plus the local Police Inspectors); Mr. R. Walker, Parking Services Manager, Colchester Borough Council (Parking Enforcement is now undertaken by Colchester Borough on behalf of BDC); Mr. T. Lawrence the Community Wardens Supervisor; a representative of Essex County Highways, to discuss how this problem can be tackled more effectively.

The Scrutiny Manager is to seek clarification from the Council's Legal Section concerning the potential use of the 'parking on footways' legislation and enforcement under the Traffic Management Act 2004.

(ii) whether there is adequate provision of public disabled toilets in the District

The terms of reference for this study should be expanded to include all the Council's public toilets not just disabled.

The Scrutiny Manager to seek further information from Community Services concerning:-

- * the location of all the Council's public toilets;
- * times of opening;
- * why they are located where they are;
- * in planning the provision of public toilets, to ascertain what account is taken of population growth;
- * whether there is any benchmarking information available on the provision of public toilets.

Action Point: Scrutiny Manager to action as above.

10. TASK AND FINISH GROUPS

Cllr. Shelton gave a brief progress report on the Bus and Railway Services Task and Finish Group. A series of witness sessions had recently been held with representatives of bus and rail operators and the Head of Passenger Transport, Essex County Council. The Group should be completing its study in the summer. There would be a break in meetings as Steve Bore the Support Officer would be engaged in the County and European elections due to his role in the Council's Election Team.

DECISION

That the verbal report be noted.

11. FORWARD PLAN – 1ST MAY TO 31ST AUGUST 2009

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

DECISION

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

12. CANCELLATION OF 10TH JUNE MEETING OF THE COMMITTEE

In view of the fact that the Scrutiny Manager would be heavily involved in election work during May and early June in connection with the County and European elections, the Committee agreed that the 10th June meeting of the Committee be cancelled.

The Scrutiny Manager is to fit in a replacement Committee date (possibly August) following consultation with members.

Action Point: Scrutiny Manager to action.

The meeting closed at 9.10pm

M. Gage
Chairman