

ANNUAL REPORT OF THE OVERVIEW COMMITTEE

INTRODUCTION

This is the first annual report of the Overview Scrutiny Committee, produced in accordance with Article 6 of the Council's Constitution.

The report details the work of the Committee between July 2001 and May 2002 and looks forward to the year ahead.

It describes the Committee's membership, functions, terms of reference and working arrangements; reviews the work that has taken place over the last 10 months; considers the District Auditor's recent recommendations on the Council's new political management arrangements; and, proposes a work programme for next twelve months.

The Committee has an 'oversight' and co-ordination role in relation to the Corporate and Community Scrutiny Committees and this report is intended to complement the Annual Reports of those Committees.

BACKGROUND TO THE OVERVIEW COMMITTEE

Article 6 of the Constitution sets out the composition, functions and terms of reference of the Committee.

Composition

The Committee has 6 members, chosen to reflect the 'political balance' of the Council. Membership during 2001/02 comprised:

Labour Group

Councillors Bell (Chair), Richards (Vice-Chair), Harrington and Routledge

Conservative Group

Councillors Bladen and Mrs Robbins

The members of this Committee are drawn from the Community and Corporate Scrutiny Committees. In accordance with statutory guidance, they do not sit on any of the Council's policy committees.

Functions and terms of reference

The Overview Committee, like the 2 Scrutiny Committees, has 3 main functions:

- to contribute to policy development and review

- to scrutinise the decisions made or actions taken in connection with the discharge of the Council's functions
- to review performance and 'oversee' the Best Value process

In addition, the Committee has a number of specific responsibilities covering:

- the management and co-ordination of the overview and scrutiny work programme
- receiving and allocating requests for special investigations from Policy Committees
- exercising the 'call-in' procedures in respect of decisions made by Policy Committees
- undertaking any of the functions of the 2 Scrutiny Committees with the agreement of the relevant Chair
- reporting to Council on matters relating to the Constitution

Meetings

The Committee normally meets every 6 weeks. 8 ordinary and 4 special meetings have been held since July 2001.

Meetings are held in public, unless there are 'exempt' items. So far, there has only been one item in this category and this concerned a 'called-in' decision on the Footpaths Agency.

Members of the public have generally shown little interest in attending the meetings. However, the exception was when the Committee examined proposals for the Sheltered Housing service.

Working arrangements

From the outset, the Committee sought to operate in manner that challenges Members and Officers in an open and constructive way, with contributors being given prior notice of the information required. Generally, this approach has been well received.

Members have conducted their own research (often just by talking to staff), have written reports and made presentations to Policy Committees.

The Committee has also sought to involve external stakeholders in its work. For example, the exit strategy for the Swadlincote Woodlands Forest Park was explored with the Chair of the Regeneration Board.

From the outset, the Committee decided that its work programme should be left as flexible as possible in order to deal with decisions that had been 'called-in' and to respond promptly and effectively to requests from Policy Committees for specific investigations. (Clearly, as a new function, it was not possible to predict the volume of such work at this stage.)

In practice, the work programme has been discussed at every meeting thereby allowing new items to be included as appropriate.

At each meeting, the Committee also reviewed the work programmes of the 2 Scrutiny Committees. The purpose of this exercise was to manage workloads across the overview and scrutiny function, develop consistency of approach and share emerging best practice.

THE 2001/02 WORK PROGRAMME

The work undertaken by the Committee can be divided into 3 parts – special investigations, ‘called-in’ decisions and the review of the Council’s Constitution and new political structures.

Special Investigations

The Committee conducted 2 special investigations at the request of Policy Committees and initiated 2 further investigations on issues of community concern.

The scope and content of this work is summarised below.

| SPECIAL INVESTIGATIONS | |
|---------------------------|---|
| Topic | Commentary |
| Sheltered Housing Service | <p>This investigation was prompted by widespread concern about proposals to restructure the sheltered housing service and their impact on wardens, tenants and the management structure within the housing department.</p> <p>The scope of the investigation was defined to include:</p> <ul style="list-style-type: none"> ▪ the financial viability of the proposals for change both now and in the long term ▪ the effectiveness of the consultation process, in particular the extent to which Councillors and other key stakeholders had been involved ▪ the feasibility of the proposals. <p>The Committee explored these issues with Officers from the Finance and Community Services Departments, the Chair of the Community Services Committee, the Chair of UNISON and representatives of TACT (Tenants Advisory and Consultation Team).</p> <p>A report with recommendations was submitted to the August meeting of the Community Services Committee. This covered current levels of service provision, drivers for change, the consultation process, the practicalities of the proposed new arrangements (which were based on the community warden model), the cost of the proposals and funding plans (particularly in relation to the developing Supporting People Programme).</p> |

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| <p>Public Toilets</p> | <p>In November, the Committee was asked by the then Development Services Committee to investigate public toilet provision in the district. During 2002, 5 public toilets had been closed as a result of the financial crisis and there were now concerns about the effect of this on visitors to the district.</p> <p>The investigation covered options for the provision of urban and rural toilets (excluding those on parks and public buildings), means of financing provision and levels of cleansing.</p> <p>The Committee submitted a report to the January meeting of the Environmental Services Committee. This contained recommendations for the disposal of some closed toilets: the extension of partnership working with Parish Councils to allow facilities to remain open (or re-opened); and, enhanced levels of cleansing for the Bus Station and East End Car Parks (in Swadlincote Town Centre).</p> |
| <p>Exit Strategy - Swadlincote Woodlands Forest Park</p> | <p>In January, the Committee was asked by the Community Services Committee to give further consideration to a report on the future management and development of the Swadlincote Woodlands Forest Park (the 'exit strategy').</p> <p>The Committee explored with Officers and the Chair of the Regeneration Board the background to the project; implementation and funding of the management plan for the site; the 'vision' for the Park and how it might be completed; linkages to other facilities; and, the long term management and development of the site.</p> <p>Recommendations were subsequently made to the Community Services Committee about business planning, alternative revenue funding streams; partnership arrangements and support for a 'Friends of Swadlincote Woodlands Forest Park' Group.</p> |
| <p>Development Control Procedures</p> | <p>This investigation was initiated by the Committee in the light of concern about a recent appeal decision.</p> <p>Members began to explore procedures with Officers at the May meeting.</p> |

Called-in Decisions

Since July, the Committee has scrutinised 2 decisions of Policy Committees "called-in" prior to implementation. These concerned contributions to the Pension Fund and the Footpaths Agency Agreement with Derbyshire County Council. Further details can be found in the following table.

| CALLED-IN DECISIONS | |
|----------------------------|--|
| Topic | Commentary |
| Pension Fund | <p>In January, the Committee scrutinised a decision made by the Finance and Management Committee to make a special contribution of £1million (subject to the availability of capital resources) to the Derbyshire County Council Pension Fund.</p> <p>The Committee explored with the Chief Finance Officer the background to the proposal; current levels of contribution to the Fund by employees and the Council (as employer); proposed increases to the employer's contribution; and, the implications (over both the short and long term) of making the special contribution, including the impact on the revenue budget.</p> <p>The Committee decided that the decision was not in breach of the principles of decision-making set out in Article 12 of the Constitution and no further action was taken.</p> |
| Footpaths Agency | <p>In May, the Committee scrutinised a decision made by the Finance and Management Committee to give notice to Derbyshire County Council to terminate the Footpaths Agency with effect from 1 October 2002.</p> <p>The Committee concluded that the decision was in breach of the principles of decision-making set out in Article 12 and it was referred back to the Finance and Management Committee.</p> |

The Committee's experience of operating the call-in arrangements has highlighted the need to make several changes to improve the openness, transparency and effectiveness of the procedures. The proposed changes, (which it is hoped will be addressed as part of the Council's review of its new political structures), comprise:

- including the reasons for call-in on the notification provided to the Proper Officer
- reviewing timescales to give the Committee more opportunity to gather and consider information
- changing the procedure rules to permit feedback to Policy Committees (apart from where there has been a breach of the principles of decision-making)

Review of the New Political Structure

The Committee is responsible for reviewing the Council's political management arrangements which were adopted in an interim form in July 2001.

As part of this work, the Committee received a presentation from District Audit on a parallel review of the new structures, along with contributions from Officers and Members of both political groups.

A report and Action Plan will be submitted to the Annual Meeting of Council on 16 May 2002. The Action Plan contains recommendations from Members, Officers and the District Auditor on a wide range of issues and these have been classified as either a high, medium or low priority.

It is anticipated that all of the recommendations having a high priority will be addressed by the end of September 2002!

DISTRICT AUDITOR'S REPORT

The District Auditor's report covers the new Constitution, decision making, overview and scrutiny, member support and working relationships. On overview and scrutiny, the report notes:

'We are very impressed by the extent of innovation in developing the overview and scrutiny function. There is much to commend here and we would encourage the Council to build on these foundations..'

Some of the items commended include:

- the development of clear 'rolling' work plans which provide a structured, focused approach
- the examination and reporting on sensitive and thorny issues, such as the sheltered housing service
- Members writing and presenting their own reports to Policy Committees
- visits to departments to meet staff and gain a first-hand perspective
- the engagement of members in the work of their committee (e.g. in contributing to work plans)

The District Auditor makes 5 recommendations which specifically concern this Committee. They are:

- review how performance can be effectively scrutinised
- review the ways in which Scrutiny operates to hold Policy Committees to account
- review the way in which Scrutiny operates, to further develop an outward-looking focus
- ensure that officers and all members are clear about the roles and operation of scrutiny
- review the 'call-in rules'

The Committee accepts these recommendations and in addition, would like to have a review and clarification of the terms of reference for the 3 Overview and Scrutiny Committees. Clearly, these are matters for the Council's wider review of its new political structures.

Having said that, the Committee has sought, as far as possible, to reflect the District Auditor's recommendations in its proposed working arrangements, priorities and work programme for the year ahead.

THE YEAR AHEAD

Working arrangements

It is expected that present working arrangements will continue. However, the Committee acknowledges that there will also be a need to:

- develop (and assist the Scrutiny Committees to develop) a more outward-looking focus. This will involve looking at best practice from outside of the organisation (such as Beacon Councils); inviting external stakeholders to assist in the scrutiny of decisions and the development of policy; and scrutinising the performance of other public bodies operating in the area
- strengthen arrangements for managing performance at a corporate, departmental and service level. The Committee will expect Members as well as service managers to participate in reviews of performance. The Committee will also provide more feedback to Policy Committees on the matters arising. The Scrutiny Committees will be encouraged to adopt a similar approach.
- find ways of sharing the workload amongst members of the Committee, for instance, by working in small teams to collect information
- generate more public interest in, and awareness of, the scrutiny agenda.

Future priorities

The main priorities for Committee in the year ahead comprise:

- helping the Council to prepare for the Corporate Performance Assessment announced in the Local Government White Paper '*Strong Local Leadership, Quality Public Services*'
- responding promptly to requests from Policy Committees to undertake special investigations
- ensuring that there is a balanced workload across the overview and scrutiny function
- co-ordinating the work of the 3 Overview and Scrutiny Committees on performance management
- monitoring the implementation and effectiveness of changes to the Council's Constitution and political structure

2002/03 Work Programme

The Committee does not propose to set out a detailed 12 month work programme because of the need to operate flexibly and responsively. The Committee will, however, continue to review its activities on a meeting by meeting basis and to allow new items to come forward and to adjust work loads accordingly.

ACKNOWLEDGEMENTS

The Committee would like to thank all members, officers and representatives of external organisations who have contributed to meetings or who have provided assistance and support.

Councillor Roy Bell
Chair of the Overview Committee

