
REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	15 APRIL 2004	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN:
MEMBERS' CONTACT POINTS:	ANDREA McCASKIE (Ext. 5831) <i>Please note: A number of officers have contributed to the preparation of this report. Details of other contacts can be found at the end of this report.</i>	DOC:
SUBJECT:	REVIEW OF POLICY AND DECISION MAKING	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS (all)

1.0 Recommendations

1.1 That the Committee in making recommendations to Council on proposed changes to the Constitution in respect of policy and decision making:

- receives this report
- considers the recommendations made in Section 11 of this report

2.0 Purpose of Report

2.1 The purpose of this report is to:

- explain the background to this review of how the Committee makes policies and takes decisions
- put forward proposals to streamline decision making and enable the Committee to perform a more strategic, policy orientated role
- clarify roles and responsibilities with the Development Control Committee

3.0 Executive Summary

3.1 The report discusses:

- the background to this review
- management of the project by the Member Working Panel
- the Committee's current workload
- the process for dealing with Members' questions and reports

- decision making (focusing on linkages to the work of the Development Control Committee and the present scheme for delegating decisions to officers)
- the development of a work programme for the Committee
- implementing the proposals (including changes to the Council's Constitution)

3.2 Detailed recommendations are set out listed in Section 11 of the report.

4.0 Background to the Review

- 4.1 The Local Government Act 2000 required all Councils to revise their political management arrangements to make decision-making more open, efficient and accountable. In July 2001, the Council adopted a new structure based on a 'streamlined' committee system for a trial period.
- 4.2 The Overview Committee was made responsible for reviewing the 'interim' arrangements, prior to formal adoption. This work was informed by an independent assessment conducted by the District Auditor.
- 4.3 The Committee reported back to Council in May 2002. At that meeting, Council confirmed the new arrangements and agreed an Action Plan for addressing issues raised during the review. A large number of recommendations in the Plan concerned decision-making by policy committees (an issue also highlighted by the District Auditor).
- 4.4 In September, the Overview Committee invited this Committee to take part in a 'pilot' project designed to:
- review the extent to which decision making might be 'streamlined' further
 - develop proposals to enable the Committee to perform a more strategic, policy orientated role
- 4.5 This report represents the conclusions of this work.

5.0 Managing the Project

The Working Panel

- 5.1 A small Working Panel comprising the Chair, Vice Chair and Cllr Bladen was established to manage the project.
- 5.2 After the first meeting (18 September), it was agreed to invite the Chair and Vice Chair of the Development Control Committee to join the Panel in view of the potential areas of common interest.
- 5.3 Further meetings of the Panel were held on 12 November, 9 December and 6 January.
- 5.4 **Annexe A** (by way of background) lists the Committee's areas of areas of responsibility.

Analysis of Committee Workload

5.5 The first task to be completed was an analysis of the Committee's workload over the period May 2001 to July 2003 (**Annexe B**).

5.6 The analysis highlighted a number of issues:

- whilst Members have taken the opportunity to raise issues under 'Members Reports', this is not contributing to policy development and review because of uncertainty over procedural matters
- the Committee is monitoring and reviewing only a small number of the plans and strategies for which it is responsible (a point made previously by the Corporate Scrutiny Committee)
- performance management is limited, for the most part, to the consideration of Service Plans
- the implementation of Action Plans (resulting from Best Value Reviews) is not monitored on a regular basis (due to confusion over the role of scrutiny committees in the process)
- there is limited discussion of budget issues(during the year); many of the purchasing decisions taken by the Committee relate to the work of the Technical Services Division (waste management, street, cleansing and facilities management etc)
- a large number agenda items relate to applications to divert footpaths

5.7 This prompted the Working Panel to ask officers to report back on the following matters:

- procedures relating to Members' questions and reports
- the operation of the current scheme of delegation; and, in particular, whether there was any scope for transferring responsibility for determining applications to divert footpaths to the Development Control Committee and/or increasing delegation to officers
- the development of a 'work programme' which would give the Committee the 'time and space' to focus on planning for the future, policy development and performance management

6.0 Members' Questions and Reports

6.1 The Council's Rules of Procedure (**Annexe C**) explain the circumstances in which a Member may ask questions at Committee.

6.2 Essentially, Members can ask the Chair (without notice) any question about any agenda item (*Rule 11.1*).

6.3 For other matters, Members may only ask a question, if they have given the required notice to the Chief Executive (*Rule 11.4(a)*) or the question relates to an urgent matter and the agreement of the Chair has been obtained (*Rule 11.4(b)*). An answer may take the form of a verbal response or a written response at a later date.

- 6.4 The Working Panel noted the position and recommended that advice on the operation of the procedure rules be given to all Members as part of their induction and development programme.

7.0 Making Decisions

Responsibility for functions

- 7.1 The Working Panel reviewed the Committee's areas of responsibility (**Annexe A**) and noted that there was a need to include a specific reference to the Committee's role in overseeing and co-ordinating the Council's approach to the environment and environmental management.
- 7.2 The Working Panel also reviewed arrangements for approving or amending plans and strategies.
- 7.3 At the present time, the Committee has the authority to approve all of the plans and strategies for which it is responsible with the exception of the Local Plan. This forms part of the Council's budget and policy framework (Article 4 of the Constitution) and must be referred to Council for approval.
- 7.3 Members were advised that the Corporate Management Team (CMT) would be carrying out a risk assessment of significant county or regional plans and strategies to identify those which ought to be considered by full Council, in view of their potential impact on local people, services, resource allocations etc.
- 7.4 The Working Panel concluded that no action was needed at the present time, although the issue should be 'revisited' when the CMT assessment had been completed.

Development Control Committee

- 7.5 As mentioned previously, the Chair and Vice Chair of the Development Control Committee were invited to join the Panel to discuss areas of common interest. One such area is historic building and conservation area grants.
- 7.6 At the present time, the Development Control Committee is responsible for administering the Swadlincote Heritage Economic Regeneration (HERS) Scheme and other Historic Building and Conservation Area Grants. However, the Panel considered that the determination of these grants is essentially a 'policy' matter, rather than a 'quasi judicial' process, as applies to planning applications.
- 7.7 Accordingly, a report will be made to the April 20 meeting of the Development Committee recommending that the function be transferred to this committee.
- 7.8 If the proposal is acceptable to the Development Control Committee, the Committee will need to consider ways of rationalising the present arrangements whereby the HERS scheme is administered by a Sub Committee whilst Historic Building and Conservation Area Grants are reported directly to Committee.

Scheme of Delegation

- 7.9 The last major review of the Scheme of Delegation was undertaken in 1997. Since then, there have been a number of "piecemeal" changes relating to, for example, new legislation or new organisational structures.
- 7.10 The current Delegation to Officers in respect of this Committee's main areas of responsibility is attached at **Annexe D**.
- 7.11 Each Division responsible to this Committee was asked by the Working Panel to consider the current level of Delegation to Officers and comment on whether further delegation would be desirable. The reports of the Environmental Health, Technical (including Refuse Collection) and Economic Development (including Tourism and Footpaths) Services are attached at (**Annexe E, F, and G respectively**).
- 7.12 Both Environmental Health and Technical Services are of the opinion that the current Scheme of Delegation allows for effective and efficient service provision within their respective Divisions, with relevant policy issues being referred to Committee for determination. It was acknowledged that changes to procedures relating to the procurement of goods, works and services may further increase the Delegation to Officers, however this area would need to be considered at a later date by the Finance and Management Committee, as it will apply to all service areas.
- 7.13 Currently, all matters concerning Footpath Diversion and Extinguishment are referred to this Committee for determination. The Economic Development Manager suggests that in those cases where there are no objections to the Footpath Diversion and/or Extinguishment proposals that these decisions are delegated to Officers. However, if there are objections, then a report would be brought to this Committee for determination of the matter.
- 7.14 Currently, in all footpath related matters, the local Ward Members are consulted prior to the commencement of the formal statutory consultation process. To ensure that all Members are aware of such cases, it is proposed that details of new applications be included on the monthly planning list presently circulated by the Planning Department. It is proposed that if the Scheme of Delegation is extended in those cases where there are no objections, that the Officer decision is reported back to Members in a similar way.

8.0 Development of a Work Programme

- 8.1 The Working Panel recognised that the establishment of a work programme is a means of giving the Committee the 'time and space' to focus on planning for the future, developing policy and managing performance management. It would also allow Members to have a greater role in 'shaping' the agenda and managing the workload.
- 8.2 An example of a possible framework for a work programme is given at **Annexe H**. It will be noted that covers 5 main areas of work:
- plans, strategies and policies
 - service projects and developments
 - managing performance (focussing on the Corporate Plan and Service Plans)

- Committee administration (which would also include budget and responsive issues)
- 'special projects' (initiated and led by Members)

8.3 Ideally, the programme would cover a municipal year and be reviewed on a meeting by meeting basis to allow new issues to be brought forward. It might also be linked to an annual report setting out the Committee's achievements and it's plans for the future.

9.0 Implementing the changes

9.1 If Members are minded to accept the recommendations set out in Section 11 of this report, it will be necessary to refer the decision to Council as this will require changes to the Constitution (which can only be made by Council).

10.0 Financial Implications

10.1 None arising directly from this report.

11.0 Recommendations

11.1 It is recommended that:

- (a) amend the Committee's terms of reference to recognise the Committee's role in overseeing and co-ordinating the Council's approach to the environment and environmental management.
- (b) a further report be brought to this Committee to consider any recommendations from the Development Control Committee in relation to the transferring of responsibility, for the administering of the Swadlincote Heritage Economic Regeneration (HERS) Scheme and the Historic Building and Conservation Area Grants, to this Committee.
- (c) determination of applications for Footpath Diversion and Extinguishment Orders be delegated to the Economic Development Manager in those cases where there are no outstanding objections to the proposals.
- (d) an Annual Report and work programme be introduced at the commencement of the Municipal Year.

12.0 Contact Points

Subject	Contact Point(s)
Background to the establishment of the Working Panel and the operation of the Council's Constitution	Andrea McCaskie (ext. 5831)/ Ian Reid (ext. 5790)/Paul Spencer (ext. 5722)
Analysis of Committee workload and work programme	Sally Knight (ext.5728)/ John Porter (ext. 5780)
Environmental Health	Alan Twells (ext. 5945)
Technical Services	Paul Evans (ext. 5764)
Economic Development (including footpaths)	David Soanes (ext. 5714)
Conservation Area Grants/HERS Scheme	John Birkett (ext.5742)

13.0 Background Papers

South Derbyshire District Council Constitution

