

Date: 5 November 2010
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To: Members of the Overview and Scrutiny Co-ordinating Committee
(Councillors: Ray Bloxham; Peter Bowden; Bob Buxton; Iain Chubb;
Christine Drew; Roger Giles; Pat Graham; Steve Hall; Peter Halse;
John Humphreys; Stephanie Jones; David Key; Frances Newth;
Barry Nicholson; Marion Olive; Helen Parr; Bob Peachey; Ken Potter;
Graham Troman; Eileen Wragg; Steve Wragg)

Portfolio Holders
Other Members of the Council for Information
Chief Executive
Corporate Directors

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Meeting of the Overview and Scrutiny Co-ordinating Committee
Wednesday, 17 November 2010 – 6.30pm
Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting.

- A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman of the Committee will ask if any member of the public would like to speak in respect of the matter and/or ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

AGENDA

- | | Page/s |
|--|--------|
| 1. Public question time – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Committee through the Chairman. Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public | |
| 2. To confirm the minutes of the meetings of the Overview and Scrutiny Co-ordinating Committee held on the 18 October 2010 | 4 - 9 |
| 3. To receive any apologies for absence | |
| 4. To receive any declarations of interest relating to items on the agenda. | |
| 5. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item, who will then consult the Chairman). | |

6. To agree any items to be dealt with after the public (including the press) have been excluded. There are no items that the officers recommend should be dealt with in this way.
7. Decisions made by the Executive Board called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are no items which have been identified.
8. **Scrutinising Scrutiny**
- Members are asked to consider the current scrutiny arrangements in terms of effectiveness, member engagement and potential savings. The attached report covers scrutiny structure options, and good practice for consideration for adoption. 10 – 17
- Members may also wish to debate the future role of the Overview and Scrutiny function in engaging Town and Parish Councils, in light of the current economic climate.
- Also attached is the report submitted to the Executive Board on the consultation on leadership structures, for information. 18 – 22
9. **East and Mid Devon Crime and Disorder Scrutiny Panel Update** 23 - 25
Report back from the Chairman on a recent meeting of the Panel held on the 20 October 2010. The minutes from the meeting are attached, which include recommendations for consideration by this Committee.
10. **Update from the Chairman of each Overview and Scrutiny Committee.** Verbal report
11. **Overview and Scrutiny Committees Forward Plan** 26

Members remember!

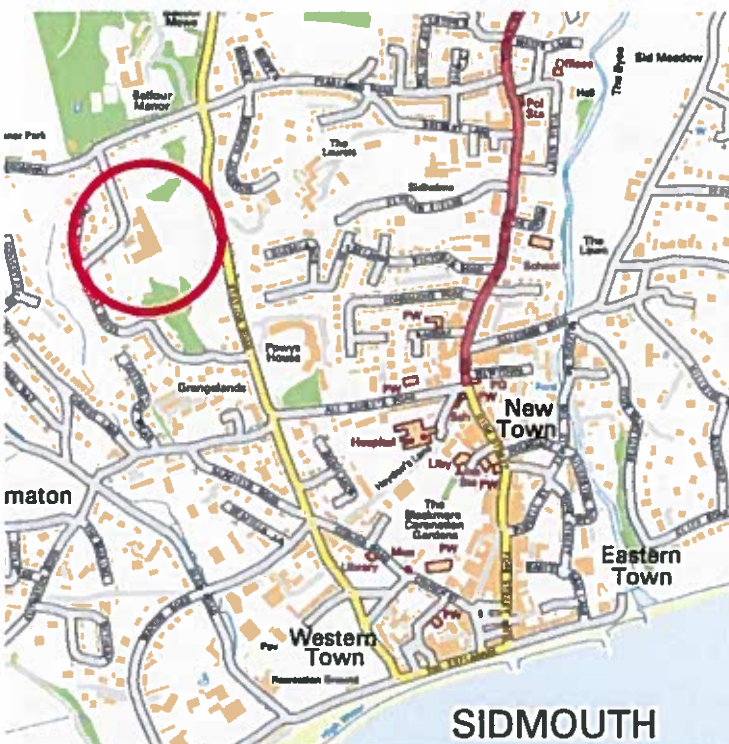
- You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless
 - a) you have obtained a dispensation from the Council's Standards Committee or
 - b) where Para 12(2) of the member Code of Conduct applies. [Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only to the extent the public are allowed the same rights. If you do remain for these purposes, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation, answered questions or given evidence.]
- The Code states that any member of the Executive Board or other decision-making committee or joint committee or sub-committee attending Overview and Scrutiny committees has a prejudicial interest in any business where that member was a member of the committee at the relevant time and present when the decision was made or other action was taken (whether or not implemented). Members with prejudicial interests should declare them and are allowed to remain in the meeting for the limited purposes set out in the Code para 12(2) – see last paragraph.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Suggestions for questioning during an Overview and Scrutiny meeting

Below are some prompts which may help you to form your own questions to ask at an Overview and Scrutiny meeting. Your questioning technique is crucial in creating an atmosphere conducive to open answers. Avoid excessive interrogation and treat those being questioned with courtesy and respect; however don't be afraid to ask supplementary questions if you feel that you haven't been given a clear answer.

- **IS IT REQUIRED?** (do we have this, does it make sense to tackle it, do we really need it).
- **IS IT SYSTEMS THINKING?** (is it evidence based and designed around the customer demands)
- **IS THE INTENTION CLEAR?** (what are we actually trying to achieve)
- **ANY REAL OUTCOMES?** (are we actually, and measurably, achieving things for our customers).
- **WHAT IS THE COST?** (both time and money)
- **DOES IT COMPLY?** (have we checked that it meets our obligations, the law, any formal guidance, and any Council policy or resolutions).
- **OTHERS DO WHAT?** (how do other organisations tackle this, best practice)
- **EFFECTIVE AND EFFICIENT?** (how do we know we're doing things well, in a timely fashion, and at "best value")
- **WHAT IS THE RISK?** (any areas of risk for the Council)
- **ANYONE LOSE OUT?** (are there sections of the community who might be disadvantaged by this approach, or be less able to take advantage, than others)
- **DOES IT LINK?** (have we linked this to other, similar, pieces of work within or outside the Council)

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).
From Exeter – 52A, 52B
From Honiton – 52B
From Seaton – 52A
From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Co-ordinating Committee held at Knowle, Sidmouth on 18 October 2010

Present:

Councillors:

Ray Bloxham (Chairman)
Bob Peachey (Vice-Chairman)
Bob Buxton
Christine Drew
Steve Hall
John Humphreys

David Key
Frances Newth
Marion Olive
Helen Parr
Ken Potter
Graham Troman

Officers:

Donna Best – Principal Estates Officer
Karime Hassan – Corporate Director
Peter Jeffs – Corporate Director
Diccon Pearse – Corporate Director
Debbie Meakin – Democratic Services Officer
Simon Smale – Head of Environmental Health & Health Equalities
John Lacey - Assistant Parking Services Manager
Mark Williams – Chief Executive

Also Present

Councillors:

Vivienne Ash
Christopher Gibbings
Graham Brown
David Cox
Paul Diviani
Jill Elson
Stuart Hughes
Douglas Hull

Mike Green
Graham Godbeer
Ann Liverton
Andrew Moulding
Phillip Skinner

Apologies:

Peter Bowden
Iain Chubb
Pat Graham
Stephanie Jones

Geoff Chamberlain
Graham Liverton

The meeting started at 6.30pm and ended at 9.37pm.

***24 Public question time**

John Petty, representing the Exmouth Transport Partnership, spoke about his concern over the Estuary car park and other car park tariff levels in the town. He appreciated that the car parks were a major asset to the Council in providing revenue. He spoke about the discrepancies between tariffs, giving some specific examples. He asked if it was possible for there to be a dialogue between the District Council and the Exmouth Transport Partnership before tariffs were set during the budget preparation process.

***25 Minutes**

The minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee on 15 September 2010, were confirmed as a true record.

***26 Declarations of Interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Steve Hall	9(b)	Personal	Member of Budleigh Salterton Town Council
Councillor Graham Troman	9(b)	Personal	Owner of business whereby patrons use specific car park in review
Councillor Chris Gibbings	9(b)	Personal	Home address opposite specific car park in review

***27 Exclusion of the Public**

RESOLVED: that the classification given to the documents to be submitted to the Board, be confirmed, and that the reports relating to exempt information, be dealt with under Part B.

***28 Exclusion of the Public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, is likely to be disclosed and on balance the public interest is in discussing the items in private session (Part B)

29 Asset Management

The Chairman reminded the Committee of previous decisions made in November 2009 for the Committee to monitor the Asset Management Plan on a regular basis. The Executive Board, following the recommendation of the Committee, has appointed a Member Champion for Asset Management. He also requested Members bear in mind the Exmouth Master Plan in considering any references in the reports to Exmouth.

Asset Management Plan

Andrew Moulding, Portfolio Holder for Resources and Chairman of the Asset Management Forum (AMF), opened the discussion with a brief history of how the AMF had evolved. The Forum had moved towards a more proactive stance in response to the Audit Commission's requirement of completion of a "Use of Resources" audit, resulting in the production of the Asset Management Plan (AMP). In recent months, the Leader of the Council had identified that the AMP could assist in contributing to budget savings. He outlined to the Committee several of the projects ongoing, and the Forum's commitment to bring those initiatives to fruition.

Donna Best, Principal Estates Officer, gave the Committee an update on the delivery of the Asset Management Plan in terms of various on-going projects such as the Seaton and Exmouth Regeneration programmes and the schemes to bring forward affordable housing on Council owned land. She also updated Members on work in progress, including the Knowle Office Accommodation Review and the Tenanted Non Residential Property Review.

29 **Asset Management (continued)**

She also highlighted that 90% of the workload of the Estates Team covers the day to day estate management of the Council's Portfolio. The Asset Management function and delivery of the plan, along with the time required to be spent on the many projects underway, put strain on the team. This was affecting the speed at which the AMP was being implemented. It was anticipated that following the delivery of the remaining tasks outlined in the AMP, and if the Council was looking to grow its income, that more project work would need to be delivered. The issue around the skill sets available in the Council to enable the delivery of projects was also discussed. This gave Members a picture of the capacity issue facing the team in its current form.

Data management was an issue to be overcome before a fuller review of certain assets could begin. A spreadsheet based Property Register was proposed, which would present information in a format that is clear but comprehensive enough to enable Members to make informed decisions. This would require the collation of information from various systems held across the Council. Once the register was complete, work could begin on reviewing and challenging why each asset was being held. If Members then decide that they want to do something different with any of the Council's assets, options would be considered and the relevant projects implemented.

Members appreciated the clear presentation and debated what they felt should proceed as a result, including:

- Need to have an adequate IT system in place for holding a property register with the required data. Many Members were unhappy that such a system had been requested several years before and was still not in place;
- Team capacity to undertake complex work on projects was an issue that needed addressing;
- A change of approach is needed to make assets work better for the Council in providing income to help bridge the budget shortfall gap;
- To move from simple rent collection and property maintenance towards investment in the portfolio;
- More Member involvement when reviewing and challenging assets; Members could also help by notifying officers of assets they felt could be used in a different way or could realise income;
- Consider the impact on towns and parishes if they undertook asset transfer, in terms of increased cost to the town or parish, including hidden costs such as increased insurance premium;
- Assets that are of little or no value should be considered for disposal;
- Balancing need to generate more income against the community benefit of an asset;
- Property register needed to have a realistic market value for each asset;
- Ensure an equity of delivery of play areas across the District;
- Open dialogue with towns and parishes to ensure accurate data on assets and debate asset review and challenge.

Graham Godbeer, Portfolio Holder for Economy, informed the Committee of recent work by the LDF in looking at area reviews to enable dialogue with Ward Members about the assets in their locality.

The Chairman proposed that capacity issues facing the team could be addressed by using the Growth Point model of a small team of officers with specialist expertise.

Off-Street Car Park Review

Graham Godbeer, Portfolio Holder for Economy, informed the Committee that he had already had some dialogue with the representative of the Exmouth Transport Partnership and agreed to open dialogue with him again on the issue of tariffs in Exmouth.

29 **Asset Management (continued)**

Members raised a number of local issues with specific car parks around usage, tariffs and payment systems, including:

- A need for more specific analysis on usage of each car park;
- Assess the impact of a 3 hour limit on short stay car parks
- Consider barriers to car park for a payment on exit method to alleviate any problems with having to return to purchase further tickets; and how barriers could be one method of dealing with the anti-social behaviour by car drivers. The cost of implementation and the safety issues of barriers were explained to Members;
- Support of the "RingGo" mobile phone system of payment;
- Review permit terms to consider if a monthly standing order option is viable.

Public Open Space, Sport & Recreation Policy

Members agreed that any open space should be regarded as an asset under the asset management plan, and noted the report.

- RECOMMENDED**
- (1) that the Corporate Property Asset Management Plan 2010 – 2013 be endorsed by the Executive Board subject to minor amendments in consultation with the Portfolio Holder for Resources;
 - (2) that Ward Member consultation and liaison be undertaken with any asset review and challenge.
 - (3) that the recommendations agreed by the Overview and Scrutiny Co-ordinating Committee on 18 October 2010 on the car parks review prior to public consultation be referred to the Executive Board under Exempt Information Para 3 Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 - (4) that the programme of work identified for drawing up and implementing a public open space, sport and recreation police be approved.

- RESOLVED**
- (1) that a report be brought back to the Overview and Scrutiny Co-ordinating Committee on proposals to take forward asset management, to include proposal for a multi-disciplinary team shaped on the 'growth point' model;
 - (2) that the report referred to in (1) takes account of a commercial approach to asset management to move towards a better contribution to the Council's revenue and capital budget position; takes account of community value of assets; considers options of market value disposals, asset transfer and alternative use; considers asset acquisition as a spend to save or generate further income option including option of borrowing to acquire; considers reality of office relocation benefits; and considers how assets can be more equitable across the District;
 - (3) that on completion of Resolution (3) a report on the consultation findings and subsequent final recommendations on off-street car parks be submitted to the Overview and Scrutiny Co-ordinating Committee;

29 **Asset Management (continued)**

RESOLVED (4) that the report on public open space, sport and recreation policy be noted.

30 **East Devon and South Somerset Joint Scrutiny Panel**

The Chairman updated the Committee on a recent meeting of the Panel, covering research into other local authorities that had embarked upon shared services, and the proposed Management Structure for consideration of the Joint Integration Committee (JIC).

Mark Williams, Chief Executive, explained to Members the reasoning behind his first proposal for a shared management structure. He had consulted on the structure with the Rationalisation Panel, South Somerset District Council Scrutiny and Audit Committees, and directly with Members, officers and Unison. A second, revised proposal for a shared management structure was circulated.

In response to the recommendations from the Panel, he commented as follows:

- South West Provincial Employers would be involved in the recruitment process which would satisfy the recommendation request for an independent element to the process;
- A report would be provided on the timeframe and process for harmonising terms and conditions;
- In-house capacity concerns were addressed in his report on the second proposal to the JIC;
- The recommendation on stepping appointments had been addressed by the second proposal;
- Both Executives of each Council would consider holding simultaneous meetings in due course if further sharing is agreed.

Some Members present voiced their concern that the process was not transparent, and that sharing services was being forced upon Members without full knowledge of the costs and implications.

The Chairman outlined to Members the previous approval by the Committee to set up a joint scrutiny panel with SSDC in order to scrutinise the work of the JIC and those Members delegated to sit on that panel. The recommendations of the joint Panel are reported back to each Scrutiny Committee to agree or amend, and then refer those recommendations to their respective Executive for a decision. Minutes of the Panel are referred for reference to the JIC as soon as they are available, so that the JIC is aware of what decisions may come before each Executive.

Mark Williams reminded Members that the only decision made on shared services to date was for a shared Chief Executive for a four-year period. He also re-iterated the Council's approval to take a three-pronged approach to address the budget deficit by:

1. Finding internal efficiencies via the Rationalisation Panel;
2. Scoping savings by sharing officers and services;
3. Dialogue with Town and Parish Councils on service and asset transfers.

He responded to a question about geographical distance posing difficulties to officers, outlining his personal experience to date, and other examples of shared services where authorities did have similar or greater geographical distance than the Council and SSDC. No significant issues had arisen from that geographical gap.

30 **East Devon and South Somerset Joint Scrutiny Panel (continued)**

Mark Williams took the Committee through his second proposal for a shared management structure, highlighting the request through consultation of a senior officer based in each location. Whilst he appreciated Member concern about capacity, he re-iterated the difficult financial position the Council faced and the future focus in the next few years on core services as a result – there would not be income to provide service outside of the statutory requirements.

Members agreed that there were difficult decisions to make in a limited time and welcomed explanation by the Chief Executive on a number of issues and the stark choices facing the Council.

- RECOMMENDED**
- (1) that the independent element in the form of SWPE involvement in the recruitment be noted;
 - (2) that a timeframe and process for harmonizing terms and conditions across the two councils be provided if further sharing of officers is approved;
 - (3) that clarity be given on in-house capacity to support both authorities through the transition stage if approved;
 - (4) that evidence of clear project management for the implementation of a shared management structure and shared services (if approved) be provided;
 - (5) that regardless of management structure approved, clarity be provided on the strategic and operational element of each post, due to the concerns about capacity;
 - (6) that each Executive of the respective District Councils consider holding simultaneous Executive meetings when considering recommendations from the JIC, in the interests of expediency and allowing Members to discuss issues collectively.

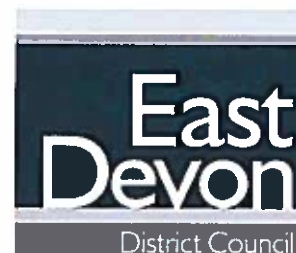
Chairman Date.....

Agenda Item 8

Overview and Scrutiny Co-ordinating Committee

17 November 2010

DM



Scrutinising Scrutiny

Summary

This report covers options for further improvement and changes to the Overview and Scrutiny function, looking at specific scrutiny techniques, identifying relevant topics, and enhanced Member involvement. It does not cover the role of Housing Review Board and Audit and Governance Committee in considering a different committee structure, purely the current structure for the four Overview and Scrutiny Committees and how that may be revised.

Recommendation

- 1) That the proposals for Overview and Scrutiny structures be considered;
- 2) That the good practices of selection criteria; scoping; Member involvement in research; early identification of areas of concern; and closer monitoring of the Executive Forward Plan and workload be adopted for the Committee with immediate effect; with adoption across all Overview and Scrutiny committees from May 2011.

a) Reasons for Recommendation

Priorities for the Council will change to meet the challenges of the current economic climate. In order to further improve the role of Overview and Scrutiny as the Council's "watchdog", good practices need to be developed as standard. Potential reduction in lead officer support prompts the suggestion for a change in the committee structure.

b) Alternative Options

Keep existing structure and current practices for topic selection.

c) Risk Considerations

Less non-executive Member engagement if a smaller structure for Overview and Scrutiny Committees is put in place.

d) Policy and Budgetary Considerations

Adopting a single Overview and Scrutiny Committee reduces expenditure of special allowances

e) Date for Review of Decision

May 2011.

1 Current Overview and Scrutiny Arrangements

1.1. The requirement for scrutiny set out in the Council's Constitution has remained fundamentally the same, with only a change in committee structures in place from May 2009.

1.2. The guiding principles of the arrangements have always been:

- provide a 'critical friend' challenge to the Executive Board as well as external authorities and agencies;
- reflect the voice and concerns of the public and its communities
- take the lead and own the scrutiny process on behalf of the public
- make an impact on the delivery of public services

1.3. The broad remits of the four Committees are:

Overview & Scrutiny Co-ordinating

- Developing partnership working, helping to achieve integrated Devon service delivery;
- Achieving savings through remote working with neighbouring authorities;
- Working with parish councils, Police, Fire and the Primary Care Trust;
- Comprehensive Area Assessment issues;
- Local Strategic Partnership commissioning;
- Crime and Disorder.

Communities Overview & Scrutiny

- Affordable housing, housing availability;
- Urban, rural and Safe Communities;
- Developing, reviewing and monitoring the effectiveness of the Council's work on equality and diversity;
- Developing and implementing the community empowerment visions;
- Scrutinise community engagement and empowerment initiatives and governance arrangements, with input from communities to drive improvement.

Economy Overview & Scrutiny

- Recession recovery;
- Town services and High street future;
- Skills and training;
- School provision for leavers and achievers; further education provision;
- Property based decisions;
- Local government association issues.

Service Delivery and Performance Overview & Scrutiny

- Focus on the right sized establishment;
- Monitoring progress of systems thinking reviews;
- Monitor on-target delivery

1.4. The constitution arrangements currently in place are set out in appendix A for information.

1.5. Informal meetings take place at regular intervals meeting the Chairman and Vice-Chairmen of the four committees, to discuss what topics are coming up and debate which Committee should consider them. This helps co-ordinate work across the four committees.

- 1.6. Attendance to the four Committees up to the beginning of October 2010 has been:
- Communities 79%
 - Economy 68%
 - Service Delivery and Performance 79%
 - Co-ordinating 74%
- 1.7. Topics for review are currently driven from the Corporate Objectives and from outside influences, such as planned changes in partner agencies or justified demand for review from other Councillors
- 1.8. Task and Finish Forums, whilst being an option to use by the four Committees, have not been utilised to date since this structure was put in place as sufficient debate has been held at the Committee meetings themselves. However a number of additional "special" meetings have been called to accommodate the work covered during this civic term.
- 1.9. Support is provided by the Democratic Services Team to service the meetings themselves and attend and advise at agenda briefings. Additional research work is carried out for the Co-ordinating Committee by one DSO on a part time basis. There is no available capacity at present to provide DSO support for research for the remaining three committees.

2 Overview and Scrutiny Arrangements elsewhere

- 2.1. For the purposes of this report, overview and scrutiny arrangements have been researched for other District or similar Councils to EDDC, looking specifically for cases of good practice that receive publicity via the Centre for Public Scrutiny.
- 2.2. In undertaking the research, no clear template for a successful scrutiny structure has emerged – indeed all examples of successful scrutiny cases had differing scrutiny structures. Many Councils have changed their structures at least once since the introduction of the Local Government Act 2000 which enabled the set up of scrutiny committees.
- 2.3. Examples of scrutiny structure include:

2.3.1. East Lindsey District Council

One Overview Committee of 11 Members, who set review terms and allocate work to two Scrutiny Committees of 11 Member each. The main Overview Committee handles call-ins and acts as the committee for Crime and Disorder. These meet every six weeks.

2.3.2. East Hertfordshire District Council

Three Overview and Scrutiny Committees – "Corporate Business", "Community" and "Environment" of 13 members each, covering a total of 16 meetings per civic term.

2.3.3. Forest Heath District Council

One Overview & Scrutiny Committee of 9 Members meeting 18 times per civic term with frequent Task and Finish Forums and Scrutiny Panels for specific review work.

2.3.4. North West Leicestershire District Council

Three Overview and Scrutiny Committees entitled "Communities", "Corporate" and "Environment" consisting of 10 Members each, meeting 7 times each per civic term;

also meeting as a joint Committee to debate performance monitoring and budget seven times per civic term. The Chairmen and Vice-Chairmen act collectively as a "Scrutiny Commission" to decide on work allocation and to scope each review.

2.3.5. South Norfolk District Council

In the process of changing from one main Scrutiny Committee of 9 Members with three sub-committees of 7 Members down to two sub-committees of 7 Members, following cabinet portfolio changes.

2.4. Common themes did arise which are summarised below:

2.4.1. Matching committees to corporate objectives

Some Councils operate four or five overview/scrutiny committees of relatively small size, aligned with their corporate objectives, to focus on delivery of those objectives

2.4.2. Use of Commissions, Panels, and Task and Finish Forums

Many Councils operate these to deal with specific reviews, meeting for a limited period of time or number of meetings and feeding back to a main committee.

2.4.3. Members undertaking research and field trips

In many examples where a review had been undertaken to lead to service improvement, Members either assigned to a Scrutiny Committee or Forum had undertaken research independent of officer work. This included questioning Councillors from other authorities, or viewing service delivery at other authorities, with a view to adding their perspective to the review.

2.4.4. Scoping

Many authorities undertake a scoping exercise prior to any review to establish the scale, skills set needed, outcomes wanted and resource required. Scoping also allows Members to decide just how broad a topic should be, or be clear about what is not included in the review.

2.4.5. Close tracking of the Executive forward plan and agenda items

Topics for review were often driven by Executive decisions to establish if decisions had delivered a desired service change; or undertaking an Overview function in reviewing a topic before a decision came before the Executive. One example is South Somerset District Council who meet as a Scrutiny Committee two days prior to their Executive, with the Executive agenda as a standing item for debate. The Chairman of their Scrutiny Committee then advises the Executive of the outcome of that debate.

3 Improvements to Overview and Scrutiny function

3.1. The Overview and Scrutiny Annual Report 2009/10 demonstrated that some progress had been made in key areas by the work of the four Committees.

3.2. Regardless of the structure taken, there are other options to consider for the continual improvement of the Overview and Scrutiny function of the Council.

3.3. Selection and Prioritising of reviews

Each issue or topic should be considered against a selection criteria, such as set out below:

Selection criteria	Rejection criteria
Topic has high public concern raised via consultation or councillors	Topic already being addressed by another Committee or Board
Poor performing service	Issue is prejudicial to the Council's interests
Issue has high budgetary commitment	Topic is more appropriately addressed by another Committee
New legislation or guidance recently become available that impacts on service	Topic is too broad to undertake a realistic review
Improvements to services would be likely as result of review	Topic is not set out in the Council's priorities
Enhances one or more of the Council's priorities	

Using selection criteria helps to overcome any duplication of effort with other Committees and prioritise issues to enable completion of work planned within the number of meetings scheduled.

3.4. Scope reviews

Regardless of how a topic or issue may come to the attention of an Overview and Scrutiny Committee, it should be assessed to determine the scale of review required, the desired outcomes, and the resources needed to complete. Scoping a review is merely a tool for breaking down the constituent parts of a review so that all Members are clear of what the review entails:

- What is the broad topic?
- What specifically within that topic do Members want to explore?
- What is not covered by the review?
- What outcomes do Members want to reach?
- Who should be consulted during the review to obtain evidence – such as Ward Members, officers, stakeholders
- What evidence already exists – existing consultation, good practice from other authorities
- Who is needed to help with the review – experts, partners, other authorities
- How long will the review take?

3.5 Member involvement in research

Members already undertake some degree of research into the topic being discussed and this could be improved further with assistance from the assigned DSO in providing assistance, such as a list of questions as a prompt to put to other authorities, contact numbers and website addresses, for example. This will give Members a higher degree of confidence in questioning information provided by officers.

3.6 Identifying areas of concern prior to the meeting

Answers can be quickly obtained if the right officers are at the meeting – however, it is not always possible to predict what questions will arise, so some form of notice of what Members expect to be answered would be helpful in preparing a response, rather than protracting an issue across two meetings.

3.7 Closer monitoring of the Executive Forward Plan

Members may wish to consider if the Executive Forward Plan becomes a standard item on their agenda papers for Overview and Scrutiny; or the option of considering the Executive Agenda as is current practice at SSDC. This will then drive reviews from the topics or decisions pending the Executive agenda.

3.8 Recommendation tracking

Smarter working on tracking how recommendations progress will help to ensure that the agreed work of the Overview and Scrutiny function reaches implementation.

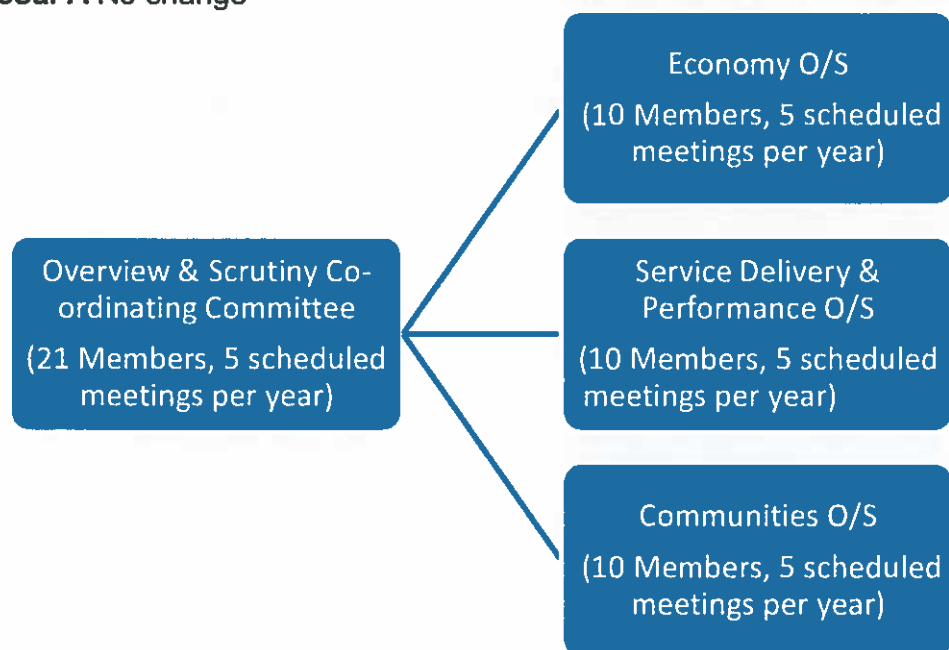
3.9 Resource implications for both Members and officers

Implementing the good practice examples above has a demand of more Member time and smarter working by officers, but does not incur any additional budget cost.

4 Structure possibilities that require constitutional change

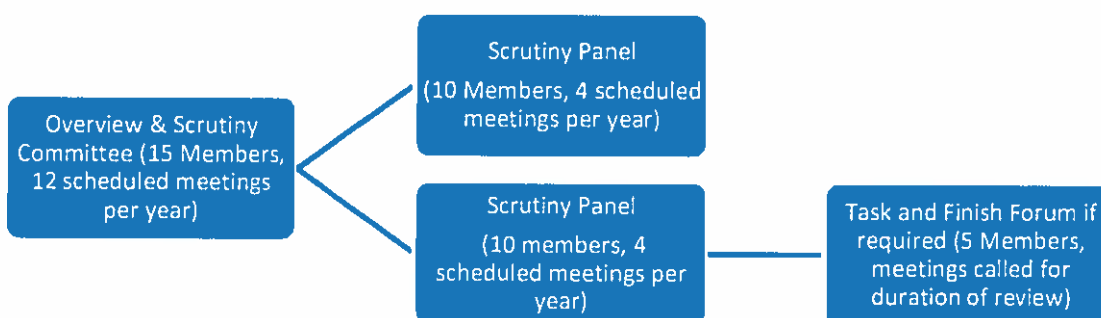
- 4.1 Members will have their own views on the success of the currently structure of four Committees. The currently structure allows for time and consideration to be given to the wide base of issues that fall under the Council's Corporate Strategy. The number of committees and the number of members allocated to each allows for a large proportion of non-executive Members to engage in the overview and scrutiny role. The work of the Chairmen and Vice-Chairmen in an informal meeting capacity helps avoid duplication of work and plan the workload across the four Committees.
- 4.2 Service Delivery and Performance has reached its main aim of reviewing major service delivery issues, with systems thinking improvements now in place. The workload is now diminished and Members may wish to consider if the regular monitoring would be better suited as regular updates sent to Members, with discussion at a committee taking place if a significant performance issue arises.
- 4.3 In light of the current financial situation of the Council and a likely change in the Council's priorities to ensure delivery of core services with a reduced budget, the focus of the overview and scrutiny function seems logical to change. Members may wish to consider the following proposals for the structure of the overview and scrutiny function from May 2011. All proposals assume that a political balance is maintained. Members may also wish to propose alternative structures.

Proposal A No change



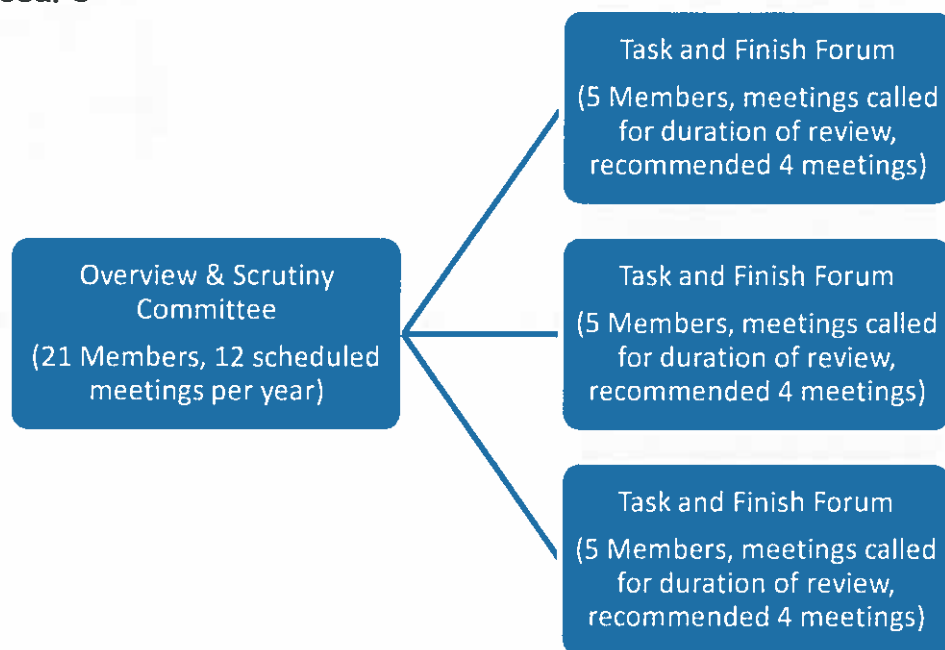
Four Chairman allowances total £10,051 per annum

Proposal B



- Two Scrutiny Panels to be chaired by member of Overview and Committee (OSC), allocated work from programme set by the OSC aligned to the emerging council priorities.
- If detailed review required, Task and Finish Forums could be utilised by a Scrutiny Panel to draw in expertise from other Members with a specific skills set but capacity would have to be verified.
- OSC meets monthly in line with the Executive Board and work is driven by the Executive Board Forward Plan and agenda.
- Panels meet as needed to carry out in-depth review on allocated topic and report back to OSC, with suggested 4 meetings each, spaced out as work determines, giving a total of 22 meetings per year.
- Lead officer only at OSC, service specific officers assisting with panel meetings.
- Less non-executive Members involved in a formal committee – total of 31
- Potential saving of £2010 if allowances allocated to Chairman of OSC and chairman of each Scrutiny Panel at current allowance rate.

Proposal C



- OSC meets monthly in line with the Executive Board and work is driven by the Executive Board Forward Plan and agenda.
- Task and Finish Forums set up as needed for each specific review, calling on members with specific skills sets outside of OSC to be available as and when required. Recommended that, due to officer capacity, no more than three TAFFs can be serviced in one year.
- Less non-executive Members involved in a formal committee but opportunity to become involved in a topic of interest as part of a TAFF.
- Potential saving of £6030 if allowance only allocated to Chairman of OSC.

Legal Implications

Appropriate amendments to the Council's Constitution will be made should Proposal B be the preferred option. Otherwise, no further legal observations.

Financial Implications

The financial implications are included in the report.

Consultation on Reports to the Executive

Not applicable

Background Papers

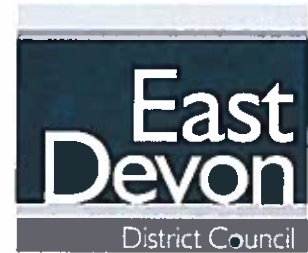
- Centre for Public Scrutiny

Agenda Item

Executive Board

6 October 2010

RP



Statutory Changes: Leader and Executive governance model

Summary

The Local Government and Public Involvement in Health Act 2007 requires every authority which operates a Leader and Cabinet model of Executive to change its executive arrangements in accordance with a statutory timetable. A decision must be made by Council by 31 December 2010. The new arrangements will take effect immediately after the May 2011 elections.

This report outlines the legislation and the choice that must be made between a Leader and Cabinet model or arrangements with an Elected Mayor.

Recommendation

To implement change required by the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to executive arrangements, it be recommended to Council that:

1. Council indicates it is minded to continue to operate the Leader and Cabinet Executive subject to the new requirements imposed by the Act and pending the outcome of consultation;
2. The Council's Solicitor be authorised to carry out appropriate consultation on executive arrangements, indicating the Council's preferred model, as stated in 1, and also including reference to the alternative option provided for in the 2007 Act. The consultation should include information about the differences between the available options and also the implementation timetable; and
3. Following consideration of the consultation response, proposals be reported to a future Meeting of the Council, no later than 31 December 2010, for the Council to resolve as to the form of executive arrangements to be operated by it.

a) Reasons for Recommendation

To comply with statute

b) Alternative Options

Directly elected mayor and cabinet. A local referendum is required before implementing this model.

c) Risk Considerations

If the Council chooses to retain a leader and cabinet model, the key statutory change will be a requirement for the leader to be elected for a term of four years, as opposed to annually at present. This provides the leader with a clear mandate for a longer period and the potential for greater political stability for the authority. The leader may nevertheless be removed by Council resolution if a change in leadership is decided upon.

d) Policy and Budgetary Considerations

The costs of consultation on the scale anticipated within the report can be met from existing budgets.

e) Date for Review of Decision

Further legislative change is expected and it is proposed to update to Executive Board in due course.

Background

1. Within the Leader and Cabinet Executive model permitted by the Local Government Act 2000 there was a considerable degree of local choice as to the relative strengths of Council and of the Leader, ranging from a "weak Leader" pattern in which Council appointed both the Leader and the members of the Cabinet, and in which no delegations were allowed to an individual Cabinet member so that the Cabinet became the sole member-level executive decision-maker, through to a "strong Leader" pattern where the Council elected the Leader and then the Leader appointed the Cabinet, and the Leader determined the degree of delegation of powers to individual Cabinet members.
2. This council adopted the Leader and Cabinet Executive model, following the introduction of the Local Government Act 2000.
3. Part 3 of the Local Government and Public Involvement in Health Act 2007 abolishes the Mayor and Council Manager model and replaces the Leader and Cabinet Executive model with the Leader and Cabinet Executive (England) model. This new model is a different legal form of executive to the current one in East Devon. Therefore the transition to the new Leader and Cabinet Executive (England) model, as required by the Act, is a 'change to the form of executive', even where the authority is operating an old style Leader and Cabinet Executive (as is the case here). The Council must therefore go through the consultation and adoption process set out in the Act to change the arrangements, despite the actual change in the form of executive being very limited.
4. Recently the Minister for Housing and Local Government has advised that the Government intends to give councils the option to revert to the old style committee system in due course and will repeal this part of the 2007 Act. He intends also to remove the requirement to elect a leader for four years by including this amendment in the Localism Bill. In the meantime he has advised they should pursue nevertheless the consultation process the Act requires. The Minister suggests consultation consists of a press release or small advertisement in the local paper and a notice on our web site.

The New Leader and Cabinet Executive Model

5. The new Leader and Cabinet Executive Model (England) Model is very similar to the old "Strong Leader" model of a Leader and Cabinet Executive, but is different in three key respects.
6. In the new model as in the old-style Leader and Cabinet Executive, the Council elects the Leader and the Leader is then responsible for:
 - Determining the size of the Cabinet;
 - Appointing Members of the Cabinet;
 - Allocating Portfolios and areas of responsibility to the various Cabinet Members;
 - Allocating decision-making powers to the Cabinet and to individual Cabinet Members;
 - Removing and replacing Cabinet Members.
7. In the new model, the Leader must be elected for a four-year term of office (or up until the Leader's ordinary term of office as a Councillor expires where the Council holds elections by thirds or halves, and the Leader is elected at a time when he/she has less than four years still to run). This was possible under the old model but it was normal for the Leader to be elected for a one-year term of office.
8. The three key differences referred to above which are required in the new Leader and Cabinet Executive (England) model but cannot be achieved under the old model are:
 - The Leader's term of office is extended beyond the 4th day after the local elections to run up to the day of the first annual meeting after the Leader's normal day as retirement as a Councillor.
 - During his/her term of office, the Leader will automatically cease to be Leader upon death or disqualification but may **only** be removed from office by a resolution of Council.
 - There is a requirement for the Leader to nominate a Deputy Leader, and provision that the Deputy Leader, or in his/her absence the remaining Executive Members, may act if the Leader is unable to act or the post of Leader is vacant. Whilst our current arrangements have a Deputy Leader, the only powers that may be exercised by that person are their portfolio responsibilities.
9. The current constitutional arrangement operating at East Devon is that Council appoints the Leader on an annual basis, and the Leader recommends to Council the designation of seven members of the Executive Board as portfolio holders. The Leader has authority to change the role of a Portfolio holder. The decision-making powers of Executive Board, individual portfolio holders and officers are set out in the Constitution.

Directly Elected Mayor and Cabinet

10. There is an alternative form of executive arrangement and that is for the Council to hold elections for a Directly Elected Mayor who would hold office for a term of four years. In this instance, as the Mayor would have been directly elected, there would be no option for the Council to remove him/her during the period of office. The Mayor would appoint his/her own Cabinet consisting of between 2 and 9 Councillors and allocate all executive functions to them as appropriate.

Differences between the Two Models

11. The main differences between the two models are as follows:

- There is a different means of election for each.
- Unlike the Leader, the Mayor cannot be removed from office by the Council or the controlling group.
- Under the Leader and Cabinet model, the executive recommends the budget and strategic policies to Council, which may approve, amend or overturn them by a simple majority. Under the Mayor and Cabinet model the executive submits the budget and strategic policies to the Council, which can only amend or overturn them by a two-thirds majority.

Timetable for Change

12. The legislation has a different timetable for the differing types of local authority. This Council must pass the relevant resolution by 31 December 2010 and implement the change three days after the next local elections (i.e. May 2011). The change to the new Strong Leader model may only be made in accordance with the statutory timetable.

The Process for Change

13. Essentially there would seem to be a three-stage process:

1. Before drawing up proposals for change the Council must 'take reasonable steps to consult the local government electors and other interested persons in the area'. There is a choice of moving either to a Leader and Cabinet Executive model, which broadly reflects the current arrangements or to a Mayor and Cabinet Executive model. For any consultation to be effective a particular model should be proposed. Accordingly it makes sense for the Executive to recommend to Council, and Council resolve, that this Council's preferred option was to consult on the basis that the authority would prefer, subject to the consultation, to move to a Leader and Cabinet Executive (England) model. It is suggested that there should be a brief statement of what the changes would mean with advantages and disadvantages of the Leader and Mayor structures and follow the consultation process set out earlier.
2. The Council (via its Executive) should then draw up proposals, which should be a schedule of proposed changes to the Constitution, the implementation timetable and any transitional arrangements. In drawing up the proposals the Council must have regard to any impact on economy, efficiency and effectiveness. Once the proposals have been drawn up, the Council must make them available to the public and advertise that they are available (although there is no provision for anyone to comment on them at this stage). The proposals should be made available for inspection by members of the public at Knowle at all reasonable times
3. The Council must resolve to implement the proposals.

It is envisaged that the consultation period of one month should take place during October and November with the outcome being considered by the Executive and then Council in December 2010.

Legal Implications

The legal framework is referred to in the body of the report. Section 72 of the Local Government and Public Involvement in Health Act provides that if an authority fails to implement these provisions, the Secretary of State can intervene in the period before May 2011 and by order prescribe the application of the Leader and Cabinet Executive (England) model as from May 2011. However, the current government intends to amend the legislation in any event.

If the new Leader model is adopted the Council's Constitution will require amendment to set out which executive functions are to be discharged by the Leader personally, which by the executive, or by an individual executive member or by an officer. This is likely to be followed by further amendment when the changes anticipated in the Localism Bill are passed.

Financial Implications

The consultation process would incur officer time at stages 1 and 2.

Consultation on Reports to the Executive

The statutory consultation procedure is referred to in the report.

Background Papers

Paper: Changing Executive Arrangements by Peter Keith Lucas, Bevan Brittan LLP
12 June 2009

Rachel Pocock
Head of Legal, Licensing and Democratic Services

Executive Board
6 October 2010

Minutes of the East and Mid Devon Crime and Disorder Scrutiny Panel
Wednesday, 20 October 2010 – 9.30am
Committee Room, Knowle, Sidmouth

Present:

Councillors:

Ray Bloxham EDDC (Chairman)
Christine Drew EDDC
Steve Hall EDDC
Terry Snow MDDC
Paul Williams MDDC

Officers:

Superintendent Paul Davies, D&CC
Debbie Meakin EDDC
Sarah Lees MDDC
Gerry Moore, East Devon Community Safety Officer
Julia Ryder, Mid Devon Community Safety Officer

Apologies:

Michael Lee MDDC
Nick Way MDDC
Mike Bull Police Authority

The meeting started at 9.30am and finished at 11.20am.

***8 Welcome**

The Chairman welcomed everyone to the meeting of the joint Panel, particularly Supt. Paul Davies. There was no representative from the Police Authority in attendance and the Chairman asked for the request to the Police Authority for attendance to be re-iterated.

***9 Minutes of the Panel 9 June 2010**

The minutes of the Panel of 9 June 2010 were confirmed as a true record subject to an amendment to item 6: General – Public Satisfaction in relation to public safety. Supt. Paul Davis clarified that the public satisfaction statistic relating to the Police and Local Authorities had placed the area 35th out of 42nd in the country and not with the least satisfaction service level as reported in those minutes. The target had now been recognised as flawed and recently scrapped by the new coalition government; a new target based purely on public satisfaction with the police by the Police Authority had produced a much improved result.

9 Community Safety Officers Report

The Chairman welcomed Gerry Moore and Julia Ryder to the meeting.

Cllr Snow raised a question about the partnership working between the police and local authorities in regard to bail hostels. Mid Devon District Council had previously had an example of his concern which was used to illustrate the issue.

Community Safety Officers Report (continued)

The Ministry of Justice manage the bail hostel process and liaise directly with the providers of this service provision, and there is no legal obligation for the providers to liaise with police or local government regarding the location of bail hostels in the districts. Local communities often held concern over local bail hostels because of the perception of the possibility of increased crime from that location. Indications were that the coalition government were due to review bail provision, so once this is known the local impact can be considered. Supt. Paul Davies gave an example of where a bail hostel was run professionally with positive rehabilitation for offenders returning to the community.

Cllr Drew illustrated the need for better communication between local authorities and the prison services/probation terms of housing people who had been released from prison, in order to help avoid future problems brought about by the location of their new home.

Shared resources

The report stated that the CCTV van, purchased by EDDC but managed by the Police, had been sold. The van had reached 10 years in age, was costly to maintain, and the equipment installed within it was out of date. The decision had been taken to sell the van and the receipt, although considerably less than original cost, returned to the District Council. The van had been utilised when first purchased, but could not be utilised for any covert operations because of its size and camera arm presence.

A mobile CCTV unit had been purchased by MDDC but had not been utilised, pending a review of CCTV protocol. Benefits of CCTV were recognised by the Panel but issues still remained for partnerships in the operation, responsibility and maintenance of the system due to high cost. EDDC Members had recently seen the Exmouth CCTV (static) system in operation which worked well, but funding for a system in Sidmouth would now have to be returned as the maintenance of the scheme was no longer viable. Other larger towns had successful CCTV systems in place but had budgets to match that included funding from local businesses. Users of CCTV systems also had to be mindful of the Regulation of Investigatory Powers Act.

Any other physical resources purchased via funding bids normally reside with the benefitting authority or agency – the Community Safety Officers (CSOs) were keen to stress that they did not have a volume of equipment to hand.

Disseminating good practice

Where a scheme or operation had positive effect in one area, the CSOs would communicate this to the other Local Action Groups. They also had the benefit of a network of CSOs in Devon to pick up on other examples of good practice. The regular reports to the Community Safety Partnership contained both reactionary work but also lots of examples of preventative work being carried out in the two Districts, some of which were highlighted to the Panel from Gerry Moore's most recent report. Minutes of the LAGs being circulated also helped to disseminate news of the work being done.

The relevance of PACT meetings was discussed by the Panel and generally these were felt to be poorly attended and could be held only when a local need arose. PACT meetings generally resulted in low level issues such as dog fouling, speeding and anti-social behaviour by car use, litter and parking. Questionnaires conducted by the Police found much the same responses.

The promotion of positive work undertaken by LAGs needed further work and it was suggested that pushing good news stories to the local press should continue, alongside promotion by Members who were involved with such groups to report back to their Councils to raise the profile of the Community Safety Partnership. Wider publication of the Action Plans as they were updated would also benefit, to illustrate work undertaken. The Action Plan was based on the County Council model to fit with the Local Area Agreement targets for the County. The plan would end in March 2011 and there was no guidance yet on what form the next plan should take, because of the change in national priorities and removal of some national targets. This would be an opportunity to review the plan format, but the main themes were unlikely to change.

9 **Community Safety Officers Report (continued)**

Key representation on the CSP

In response to a question of how Members could help the CSP to progress, Supt Paul Davies suggested a more formal process for requesting assistance from other authorities and agencies for specific work, rather than the current practice of relying on informal contact relationships. He had been encouraged by the first CSP that he had chaired, in that it was well attended, and those attendees were fully engaged in the process. There was concern that the Chief Executives of each Authority were no longer able to attend the CSP and that officers attending on their behalf did not have the delegated authority to make decisions on the Council's behalf. This had also been the case with other authorities, such as the Fire Service and Police Authority, where internal structure reviews had led to mixed attendance.

- RECOMMENDED**
1. That on completion of the CCTV review at MDDC, consideration is given to allow a sharing of that resource with EDDC when an identified need arises;
 2. That an officer with sufficient delegated authority attends the CSP to represent the Council if the Chief Executive is unable to attend in person; and that other agencies and authorities in the Partnership be requested to ensure sufficient delegated authority is in place;
 3. That Members representing the Council on LAGs, the CSP or in any other capacity regularly update their Council on progress and positive work undertaken.

The Chairman thanked Gerry Moore, Julia Ryder and Supt. Paul Davies for their attendance and valuable contribution to the meeting. The Panel were in agreement of the high value of the work undertaken by each Community Safety Officer.

*10 **Work Plan of the Panel**

Due to the pending announcement of budget cuts nationally, it was felt that once the authorities and agencies had time to respond to how those cuts would be met, the work plan would be revised for debate at the next meeting of the Panel in January 2011.

*11 **Date of Next Meeting**

The next meeting would be held on 26 January 2010 at Tiverton, time to be confirmed. The meeting would be chaired by Councillor Nick Way.

Forward Plan for all Overview and Scrutiny Committees

Month	Topic	Lead
Communities 12 January 2011	Affordable Housing Review of Home Safeguard Charges Presentation from Member Champion for Culture	
Service Delivery & Performance 19 January 2011	Quarterly Monitoring of Service Plans and Performance Indicators – 3rd Quarter Housing Benefits, Housing, StreetScene and Development Management Service Measures Reports – 2nd Quarter Quarterly Equalities Action Plans	Denise Lyon Heads of Service Heads of Service
Economy 20 January 2011		
Co-ordinating 26 January 2011	Service Planning & Budgets Update from the East and Mid Devon Crime and Disorder Scrutiny Panel	Diccon Pearse
Communities 16 February 2011	Exmouth Street Pastors Members to hear of the work of this group Community Groups and Community Engagement Members to hear of funded Community Groups and also from successful community engagement projects (such as Exmouth model)	
Economy 24 February 2011		
Service Delivery & Performance 9 March 2011	Annual Report of the Service Delivery and Performance Overview and Scrutiny Committee	Denise Lyon
Co-ordinating 16 March 2011	Review of the Year	

Suggestions for Future topics for Communities:

Parish Plans; and presentations from Member Champions (Post Offices; Community Safety; Sustainability) – what work is being done for communities and how can the Council assist further:

Service Delivery and Performance Note:

It is anticipated that the Committee will also be involved in joint implementation work and commenting on new management proposals if joint working with South Somerset District Council proceeds.

Suggestions for Future topics for Economy:

Inviting David Henley from Bicton College to speak; inviting the DCC Cabinet Member for Economy to address the Committee; and what skills employers need from employees and how to achieve these skills.