

Title:	<b>Scrutiny Committee Annual Report</b>
Reporting Member:	<b>Cllr Phillips OBE – Chairman of the Scrutiny Committee</b>
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### **Purpose**

The purpose of this report is to provide details of the work undertaken by the Scrutiny Committee during the year April 2006 to March 2007 and to set out the Committee's plans for future agenda items in 2007-08.

### **Background**

The Scrutiny Committee was established in May 2005 following a review of the internal and external overview and scrutiny functions. It has responsibility for the overview of policy and scrutiny of decisions, reviewing future proposals and any other matters of importance referred to it. It has the ability to 'call-in' decisions made but not yet implemented by Cabinet, and has the power to establish task and finish groups, allowing issues to be investigated in greater depth where necessary.

The Scrutiny Committee has a forward work plan which is regularly reviewed and updated. In developing the forward work plan the Chairman and Vice Chairman of the Committee regularly review the Cabinet forward work plan.

The Committee consists of 17 members. It met on 10 occasions during the year. The attendance figures show that one member attended all 10 meetings, and the majority of members, 14, attended two thirds or more of the meetings held. The performance monitoring group met four times during the year and two task and finish groups were set up.

The Scrutiny Committee would like to thank members of the task and finish groups and peer review, the portfolio holders, and all others who have contributed their time and effort to the Committee.

### **Key Issues**

The Committee considered a range of items during the year, including a review of its own functions in respect of the Constitution, performance and financial monitoring, as well as selected external issues which could have a wider impact across the community.

### ***Role, functions and capacity of the Committee***

The role of the Scrutiny Committee has been reviewed in the context of the Council's Constitution by the Standards Committee. The Scrutiny Committee were consulted about possible changes and in order to respond effectively it set up a task and finish

group chaired by Councillor Julian Bower. The group supported the changes proposed. The Standards Committee agreed that the Scrutiny Committee's powers should be enhanced to include the ability to invite other people to attend the Committee; to extend the current scope of the Committee to allow any Committee or the Chairman of the Council to refer matters of specific importance to Scrutiny; and to up-date the call-in process. The scope of the Scrutiny Committee was further defined and clarified in relation to the possible overlapping of work with the Audit Committee.

A number of further changes are likely to impact on the future role and functions of the Committee. They include:

- The recent IDeA Peer Review has made a number of recommendations concerning the future of the Scrutiny Committee, including strengthening its role in capacity building and policy development
- The Local Government and Public Involvement in Health Bill has implications for scrutiny work, such as the Community Call for Action and the extension of its scope to include the activity of partners contributing to the development or delivery of LAAs.
- Under the Police and Justice Act the Committee may have a role in scrutinising the local Crime and Disorder Reduction Partnerships
- Other influences such as the local government reorganisation. Whatever the outcome of this review, county and district scrutiny functions may be rationalised in some way.

During the year the Committee has worked to a six weekly cycle with support provided by Policy and Communications, Member Support and other officers as required. There has been considerable concern within the Committee about its capacity to fulfil all of its functions and to deliver the forward work plan. It was felt the agendas were too long, additional items were being added by Council and Cabinet which created delays, and that there was insufficient officer support available. This situation could be exacerbated by the future changes, as detailed above. In addition, there was limited member interest in forming task and finish groups.

As a result of these issues a number of changes are proposed or have been implemented including:

- It is proposed the Committee moves from a six week to a four week cycle for 2007-08
- Member Support now provide the same level of support to the Scrutiny Committee as other committees. This includes providing administration support, arranging the meetings, and coordinating the agendas, reports and minutes
- Policy and Communications have recruited an additional Policy Officer who is able to support the work of the Scrutiny Committee. The overall support now comprises the Policy and Communications Services Manager and three Policy Officers all contributing in various ways to the work of the Committee, although

none of these officers provide dedicated, full-time support to the Committee. Maternity leave cover is still being arranged for one officer post.

- The Wiltshire Improvement Partnership with support from the IDeA is providing a member training programme for all members across Wiltshire during 2007-08. This includes support to scrutiny members. The Council will also have its own complementary training for new and existing members following the elections in May.

Cabinet has agreed to keep resources for Scrutiny under review in light of the issues above.

### ***Call-ins***

The Scrutiny Committee has exercised its call-in function twice during 2006-07.

The first call-in of a Cabinet decision related to concerns over the use of some sites for the PFI Scheme. The Deputy Monitoring Officer advised that the initial decision taken by Cabinet did not contravene the Constitution, that it was not unlawful nor a case of maladministration. However, the Committee requested that the decision be reconsidered in light of relevant documentation, undertake further research into alternative sites and place less reliance on the planning procedures, with more initial community consultation. Cabinet agreed to amend its decision to include a consultation plan and to remove sites of particular community value if new ones became available.

The second call-in of a Cabinet decision was over the transfer of the lease of the car park at Castle Place in Trowbridge, particularly over the covenant attached to the car park. Having considered the matter, the Scrutiny Committee agreed with the decision made by Cabinet and decided not to proceed with its request for reconsideration of the decision of the lease. However, it identified a number of issues and safeguards that it considered important and requested that these points should be taken into account in the ongoing negotiations on the lease.

### ***Task and finish groups***

Two task and finish groups were set up in 2006-07.

The first task and finish group was established to review the proposed changes to the Constitution that impacted on the Scrutiny function. This has been discussed above.

The second task and finish group was established to consider how the Council could further enhance its youth development role by working in partnership with the county council and other partners. This group met three times and was chaired by Councillor Russell Hawker with internal and external support from Wiltshire County Council. A number of recommendations were made back to the Committee.

Looking back at the task and finish group on street cleansing chaired by Councillor Stephen Oldrieve, good progress has been made against a number of the recommendations. In particular, the Council has employed two new enforcement officers to implement powers under the Clean Neighbourhood and Environment Act. Under operations 'clean sweep' and 'local pride' considerable progress has been

made on tackling litter, abandoned vehicles, fly tipping, and dog fouling. Performance against BVPI 199 has improved significantly during the year.

### ***Updates from portfolio holders***

There were four updates from portfolio holders during the year. Councillor Sarah Content, Leader and portfolio holder for Strategy and Publicity gave a verbal presentation to update the Committee on current projects and developments. The portfolio holder for Planning and Development, Councillor Jeff Osborn, gave an update on the 5 Towns initiative, and the West Wiltshire Economic Partnership. Councillor Tom James presented an update on housing, concentrating on council tax banding, vacant and unfit dwellings, and issues around homelessness. There was also an update from Councillor Trevor Carbin, portfolio holder for Finance and Policy, which looked at pension fund contributions, the cost of consultants, and the current and forecast resourcing issues for a number of services.

### ***Service and resource planning***

Portfolio holders were invited to attend a special meeting in January 2007 to discuss the budget and plans for 2007-08. The Committee considered questions over legal costs, inflation provision, planning appeal costs, and the future provision of concessionary fares, among others, and has asked for further reports where necessary. It also considered how costs for support services are monitored and the case to be made for prudential borrowing. The Committee recommended that if a decision about prudential borrowing were to be taken in the future, that it would be done in a clear and transparent public forum.

### ***Performance monitoring***

The Committee received regular performance updates from the Performance Monitoring Group chaired by Councillor Roy While. This included exception reporting of 'red' indicators and specific issues relating to targets, definitions and other matters. The Committee considered the work of the group to be very useful in helping it to understand performance issues and in raising matters of concern with Cabinet. However, a request was made to consider its future mandate for 2007-08. It was felt this needed to be reviewed given the good progress made on performance improvement in many service areas. The remit of the group could be broadened to include looking at CPA, the IDeA peer review, and the results of consultation work.

### ***Financial monitoring and reviews of contracts***

The Scrutiny Committee received regular financial updates on the Council's current budget and forecast for the year. It recommended compensation for those affected by the Cleanaway industrial action during the summer. Cabinet decided not to take any further action, as any payments due from Cleanaway were to cover the extra costs incurred by the Council during the period, rather than penalties or fines. The Committee also highlighted its concerns over employer contributions to the pension fund, to ensure that they are at the budgeted level rather than taking short-term advantage of staff not paying in to the scheme. This should reduce the risk to the Council of future increases in the employer contribution rate.

The Committee carefully monitored the progress of the retendering of the waste collection contract, and accepted in principle the two-year extension of the ICT facilities contract. A Council resolution during June 2006 requested that a task and

finish group be established to review the current contract monitoring process. However, it was decided this would not be necessary due to the KPMG report and the subsequent establishment of a contract monitoring group, reporting to the Audit Committee.

### ***External agencies and partnership working***

The Scrutiny Committee was given a number of updates and presentations on the work of various partnerships and agencies.

**Local Strategic Partnership:** An update was given on the work of the Local Strategic partnership (LSP), including task groups established and actions taken. The LSP's main business is in working towards the effective implementation of the Community Strategy, considering health inequalities (for which a task group was established), and responding to the Pathways for Change consultation, which is considered below. Significant time had also been spent on neighbourhood working and the Local Area Agreement.

**Jobcentre Plus:** A presentation was given to the Council by the Jobcentre Plus District Partnership Manager, detailing the work undertaken and its aims and objectives. A verbal report was given to the Scrutiny Committee, allowing for feedback. It was agreed that better links should be established between the Council and Jobcentre Plus.

**Neighbourhood Policing Teams:** The Project Manager of the Neighbourhood Policing Implementation Team also gave a presentation on the structure and purpose of the proposed NPTs in Wiltshire. It was explained that these teams would play a strong role in community cohesion, tackling long-standing localised problems, and in working in partnership with other agencies. A further update will be presented to the Committee following 6-12 months operation of these new teams.

### ***Consultation and representations***

The Committee has been actively involved in two areas.

**Health provision in West Wiltshire:** The Committee considered the NHS reform proposals for consultation – the Pathways for Change agenda and Mainstreaming Mental Health. These consider a rationalisation of the way patients are cared for in the local area with new Primary Care Centres and community hospitals, allowing more community treatment and a reduction in the number of beds and financial pressures. Concerns were expressed over the impact on travelling times for both staff and patients, on services provided by local authorities, and on issues of deprivation and health inequalities. There were also issues surrounding the provision of maternity beds and the appropriateness of community care for everyone. The Council made strong representations to the Wiltshire Primary Care Trust and the Mental Health Partnership stating the Council's concerns. These concerns were considered at the County Health Scrutiny Committee, where it was decided that they would endorse the PCT's proposals on the provision that there was continued scrutiny and challenge of them.

**Post offices:** The Scrutiny Committee presented a motion calling for Government to support the functions of post offices. This included a request for a reversal of the

decision to take away TV licences, to maintain the £150m social network payment, and to keep the Post Office Card accounts.

### **Forward work plan for 2007/08**

The Scrutiny Committee's draft forward work plan is attached at Appendix A. Changes may need to be made to the work plan during the year, in response to emerging issues, requests, and changing priorities. A new Scrutiny Committee will be established following the elections in May which may have additional items to be scheduled.

In addition, task and finish groups may be set up to consider specific issues in more depth. The number and scope of these groups will be determined during the year.

### **Effect on strategies and codes**

The work of the Scrutiny Committee may well have an impact on strategies and codes. Recommendations to Cabinet could result in the review or amendment of policies and strategies, both service specific and Council-wide.

### **Finance and performance implications**

There is no specific budget for the Scrutiny Committee. There exists a democratic representation budget for training and conference expenses that the Committee can access. The budget is to cover all general functions and costs generated by the democratic process.

The performance implications of the Scrutiny Committee are wide-ranging and have been detailed in this report.

### **Risk management implications**

There are no specific risk management implications arising from this report. There is a risk that if the Scrutiny Committee does not have enough capacity to fulfil its functions, this could have an impact on its ability to scrutinise and inform policy.

### **Legal and human rights implications**

There are no legal and human rights implications arising from this report.

### **Next Steps**

The Scrutiny Committee's annual report will be considered at Council on 16 May 2007.

### **Recommendations**

Council is asked to note the work undertaken by the Scrutiny Committee during 2006-07 and approve the Committee's annual work programme for 2007-08.

### **Background papers**

Reports and minutes of the Scrutiny Committee 2006/07

### **Appendices**

Appendix A – Scrutiny Committee forward work plan 2007/08