

Time commenced – 5.30pm
Time finished – 9.05pm

SCRUTINY MANAGEMENT COMMISSION 2 FEBRUARY 2010

Present: Councillor Higginbottom (in the Chair)
Councillors Batey, Hussain, F Khan Poulter and Webb

Co-opted Members Councillor Hickson and
for the Crime and Chief Superintendent Andy Hough Divisional Commander,
Disorder matters, Derbyshire Constabulary

In attendance Councillor Jones

80/09 Apologies for Absence

An apology for absence was received from Councillor Hird.

81/09 Late items introduced by the Chair

There were no late items.

82/09 Declarations of Interest

There were no declarations of interest.

83/09 Minutes

The minutes of the meeting held on 14 December 2009 were agreed as a correct record and signed by the Chair.

84/09 Call-in

There were no items.

85/09 Councillor Call for Action

The Commission considered a Councillor Call for Action (CCfA) from Councillor Holmes in respect of the pathway on West Avenue North and Venice Close in Chellaston. The main issues related to motorbikes riding along the pathway and the area being used as a taxi pick up and drop point and the associated anti-social behaviour. It was reported that Members needed to give initial consideration to the CCfA when it is received and decide whether or not to accept it.

Councillor Holmes was asked to clarify what he had done so far to warrant a CCfA. Councillor Holmes told members he had contacted taxi licensing, the police and the community safety officer.

Councillor Webb stated that when the protocol was considered by the Scrutiny

Management Commission it was made quite clear that this procedure should be used only as a last resort by councillors and only when all other means had been exhausted.

It was suggested that in this case that every option had not been explored. It was suggested that for the conditions to be met to consider this CCfA that there needed to be evidence of discussions with the relevant senior or chief police officer, the Council's Chief Executive or Chief Officer as well as the relevant Partner organisations, the Footpath Officer, local police, and consideration by the Neighbourhood Board.

Superintendent Hough informally offered a meeting of the key people to look at the issues.

Resolved to not accept Councillor Holmes' CCfA but if he took further steps but they were unsuccessful to solving his problems the CCfA could be reconsidered.

86/09 Responses of the Council Cabinet to any reports of the Commission

There were no responses from Council Cabinet to any recommendations or reports of the Commission.

87/09 Revenue Budget Proposals 2010/11 – 2012/13

The Commission considered a report on Scrutiny Management related budget proposals and a report on the recommendations from the other Overview and Scrutiny Commission on the draft revenue and Capital Budgets 2010/11-2012/12.

Resolved to make the following recommendations to Council Cabinet:

- **That a full cost benefit analysis should be undertaken before any decision to cease funding of the Osnabruck Envoy twinning arrangements.**
- **That Council Cabinet should not proceed with the savings proposal in the overview and scrutiny budget.**
- **That additional funds should be found for the promotion of the markets and to encourage take up of vacant stalls including provision of adequate staff resources to do this.**
- **That the inspection service review be implemented on the basis of an integrated team to achieve the potential for maximum efficiency.**
- **That the deliverability of projected future savings from the 'One Derby One Council' be robustly assessed.**
- **To support the retention of the service 9 bus**

88/09 Proposed Capital Budgets 2010/11 – 2012/13

The Commission considered a report on the development of the Corporate capital

Programme 2010/11 to 2013/14 which detailed the estimated resources available to the corporate capital programme and the proposed allocation to capital schemes 2010/11 to 2013/14. The report provided details of the process to identify the future capital strategy and priorities. The Commission also considered a report which set out the proposed Environmental Services and Public Realm Capital Programmes for 2010/11 to 2012/13.

Resolved

- 1. To note the proposed Environmental Services and Public Realm Capital Programmes for 2010/11 to 2012/13.**
- 2. To make the following recommendations to Council Cabinet on the Corporate Capital Programme:**
 - To minimise the risk of triggering a VAT liability the leisure strategy be rephased to remain below the 5% threshold.**
 - With regard to the 23 capital investment aspirations listed at paragraph 3.16 of the report, Council Cabinet take account of the Commission's five unranked priorities: Disabled Facilities Grants, Highways and associated footways, Silk Mill, Osmaston Master Plan and CCTV replacement and upgrade.**
 - To invite the two opposition group leaders to the capital strategy and priorities workshop on 12 March 2010.**

89/09 Corporate Plan 2010/11 – 12/13

The Commission considered a report which stated that an interim corporate plan was being prepared outlining objectives for 2010/11 in line with the aims of Derby's Sustainable Community Strategy. Work was continuing to draft the Corporate Plan book and a leaflet for circulation to all members and Council employees. Comments on the final list of objectives together with the draft content and layout of the Corporate Plan book and leaflet were sought. Members commented about the format, the need for milestones, for contributing officers to meet drafting deadlines, and requested less 'generalities' in headings and better reference tracking between versions. Concern was expressed about changed wording between versions as CYP1 on outcomes for Children In Care and the rewording needed to City of Growth targets to take account of the council resolution.

Resolved to note the draft Corporate Plan book and leaflet and for officers to take account of the views expressed.

90/09 Local Area Agreement Review and Refresh

The Commission considered a report which stated that Derby's Local Area Agreement (LAA) had been in place since April 2008 and was due to finish in March 2011. LAAs nationally were required to be reviewed by Government Office once a year. The second review of Derby's LAA took place on 20 January 2010 with Government Office for the East Midlands (GOEM).

Though the Annual Review was the second to have taken place during the current LAA, it was the first review to link with the findings from the recent 2009 Comprehensive Area Assessment (CAA). Running alongside the LAA Review was the LAA Refresh process. This would look at a small number of indicators to finalise targets where they had previously been unable to be set due to a lack of historical data and amend targets where the downturn in the economy had had a significant affect on performance.

Resolved to note the areas reviewed as part of the 2010 LAA Annual Review and the indicator targets to be reviewed as part of the 2010 LAA Annual Refresh and the revised targets where agreed.

91/09 Street Pride

The Commission received an oral update from Paul Robinson on progress with Street Pride.

Resolved to note the update.

92/09 Review of Grants to Voluntary Organisations

The Commission considered a report which stated that in 2009 it had been agreed that there was a need to restate the Council's policies and practices on grants to voluntary and community organisations. A review team was established to complete the work and the report outlined the key findings from the review and made a number of recommendations. The recommendations were subject to consultation with the voluntary sector in line with the Compact Agreement.

Resolved

- 1. To note the report.**
- 2. To support the centralisation of the allocations team along with the team that assist groups to find additional external funding.**
- 3. To ensure that all paperwork and monitoring is standardised.**

93/09 A Protocol on Overview and Scrutiny Investigations

The Commission considered a report which stated that it had been many years since the methodology for conducting scrutiny reviews had been approved and since then things had changed. Scrutiny Officers and managers had reflected on experience since 2001 and drawn up and updated and strengthened Protocol for Members' consideration. The aim was to provide a framework for investigations so that scrutiny review recommendations could be accepted as fair, if not always welcome, by all parties based on the evidence available. The Protocol also sought to ensure that decision makers who were being scrutinised were engaged in the process. In drawing up the Protocol, guidance and good practice had been taken into account.

Resolved to approve and adopt the draft Protocol.

94/09 Petitions

The Commission considered a report which stated that Chapter 2 of the Local Democracy, Economic Development and Construction Act 2009 imposed new duties on local authorities to consider and respond to petitions.

Section 10 stipulated that the authority must provide a facility for making petitions in electronic form, to be known as 'e-petitions'. Chapter 2 comes into force on a date to be specified by the Secretary of State. Current indications are that this may be 1 April 2010 but it could be later.

The Department for Communities and Local Government (DCLG) had issued a consultation paper on the Draft Statutory Guidance on the Duty to Respond to Petitions. This was attached as Appendix 2 to the report and the deadline for responses was 24 February 2010.

The Commission responded to a previous DCLG consultation on local petitions in March 2008. That consultation was conducted in the lead up to the Local Democracy, Economic Development and Construction Bill. The issues raised by the Commission had now been overtaken by the final provisions in the 2009 Act. Officers were currently considering whether it was necessary to make a response to this latest consultation.

The Council could have to provide an e-petition facility by 1 April 2010. Our committee management system (CMIS) could be upgraded to provide an e-petition facility as part of a version upgrade. The version upgrade also provided a number of improvements to CMIS functionality which would facilitate improvements in information management which would benefit all parts of the Council, including scrutiny. Officers feel that the upgrade would provide a very cost effective solution.

Other authorities, e.g. Leicestershire County Council, were beginning to implement e-petition arrangements. If the new statutory duty was not brought into effect on 1 April 2010, then the new facility could be brought in at an appropriate time to be decided by the Council.

Resolved

- 1. To note the DCLG Consultation Paper and Draft Statutory Guidance on the Duty to respond to Petitions and to authorise the Director of Corporate and Adult Services to approve any appropriate response in consultation with the Chair, Vice Chair and a representative of the Liberal Democrat Group.**
- 2. To approve expenditure of up to £8,000 from the 2009/10 scrutiny research budget to provide an petitions facility.**

95/09 Structure and Resourcing of Overview and Scrutiny

The Commission considered a report which stated that at the last meeting the Commission considered two reports relating to the structure and resourcing of overview and scrutiny at the Council. The Commission resolved to refer both reports along with the information of the future workload of scrutiny commission, to the Group Leaders asking for the views of the political groups.

Resolved to defer a decision on any structural changes until after the Local elections and the departmental restructure is finalised.

96/09 Forward Plan Analysis

This item would form part of the Annual Report and be considered at the next meeting.

97/09 Retrospective Scrutiny

There were no items requested.

98/09 Council Cabinet Forward Plan

There were no items requested.

99/09 Matters Referred to the Commission by Council Cabinet

There were no matters referred to the Commission by Council Cabinet.

Chair of the next ensuing meeting
at which these minutes were signed