

Time commenced - 6.00 pm

Time finished - 7.30 pm

SCRUTINY MANAGEMENT COMMISSION 7 JUNE 2005

Present: Councillor Smalley (in the Chair)
Councillors Ahern, Bayliss, Graves, Hussain, Jones, Lowe,
MacDonald, Repton, Troup and West.

01/05 Apologies for Absence

An apology for absence was received from Councillor P Berry.

02/05 Late items introduced by the Chair

In accordance with Section 100 (B) (4) of the Local Government Act 1972, the Chair agreed to admit an item relating to property disposals as a late item, on the grounds that the item was to be considered at Council Cabinet at its meeting on 14 June 2005.

03/05 Declarations of Interest

There were no declarations of interest.

04/05 Minutes

The minutes of the meeting held on 19 April 2005 were confirmed as a correct record and signed by the Chair.

05/05 Call-In

There had been no call-in of a decision.

Items for Discussion

06/05 Property Disposals: Update on Disposal of 126 Osmaston Road and land at Wood Road/Wayfaring Road, Oakwood

The Commission considered a report of the Director of Corporate Services which set out the current position on disposal of 126 Osmaston Road and land at Wood Road/Wayfaring Road Oakwood.

Resolved

- 1. To note the report.**

- 2. To recommend to Council Cabinet that 126 Osmaston Road should not be converted to a House in Multiple Occupation because the Council has been encouraging landlords in Hartington Street to reduce the number of flats and bed sits in their properties in order to reduce residential density in the area.**

07/05 Adoption of Land

The Commission considered a report from the Planning and Environment Commission which had considered the issues relating to the adoption of land by the Council. The matter was originally raised by Area Panel 1 in respect of Community Facilities at Breadsall Hill Top. However, the Area Panel asked that the Overview and Scrutiny Commission investigate the wider issue of land adoption across the city with a view to preventing the reoccurrence of the situation which had occurred at Breadsall Hill Top. Steve Medlock had previously told the Planning and Environment Commission that one of the ways the Council made sure that public open space was brought up to the proper standard by developers was through conditions on planning permissions but there had been some difficulties with these matters. Another way was under the terms of a Section 106 agreement between the Council and the developer. Stuart Leslie – Chief Legal Officer attended the meeting. He explained the different ways in which the Council could take on open space from a developer. He was not aware of any problems in enforcing the requirements on a Section 106 agreement as none had ever been referred to the Legal Division to take action. He agreed that in order to make sure that proper monitoring by members took place, a quarterly report on Section 106 agreements should be taken to the Planning Control Committee.

Resolved

- 1. To ask the Plans and Policies Section of Development and Cultural Services to consult with Ward Members on the conditions of Section 106 agreements.**
- 2. To request the Overview and Scrutiny and Co-ordination Officer to carry out an investigation to determine:**
 - a. If there are problems with the enforcement of Section 106 agreements and/or co-ordination between departments.**
 - b. The scale of any problems if they exist.**
 - c. The way in which local people are consulted about Section 106 agreements, and whether any improvements can be made.**

08/05 Developing the Use of Performance Eye by the Overview and Scrutiny Commissions

The Commission considered a report of the Director of Corporate Services which asked the Commission to confirm the actions it wished to take in order to promote effective performance monitoring by the Overview and Scrutiny Commissions. The Chair suggested that Commission members look at Performance Eye to identify areas

which should be investigated.

Resolved

- 1. To have Performance Eye as standing item on Commission agendas.**
- 2. To request reports from Chief Officers on all red indicators as a matter of course and to invite Chief Officer and Cabinet Members to provide explanations to Commissions where there were particular areas of concern.**
- 3. To allow time for any remedial action by service departments to take effect.**
- 4. To appoint Councillor Graves as the Performance Eye champion for the Scrutiny Management Commission.**

09/05 Overview and Scrutiny Objectives and Work Planning for 2005/06

The Commission considered a report from the Director of Corporate Services asking the Commission to agree the actions it would take in order to meet the objectives set out in the 2004/2005 Annual Report of the Overview and Scrutiny Commissions and develop a work plan for its topic and scrutiny review activities in the coming year. Consideration was given to retrospective scrutiny and it was agreed that in some cases scrutiny would be more beneficial than topics reviews.

Resolved

- 1. To agree the general approach set out in the report.**
- 2. To include retrospective scrutiny as a standing item on Commission agendas.**
- 3. To request the Director of Corporate Services to prepare a report on improving alignment of Commission portfolios with Council Cabinet members' areas of responsibility.**
- 4. To consider the general structure and function of the Scrutiny Management Commission and its alignment with Council Cabinet as part of the work plan.**
- 5. To extend a standing invitation to the Council Cabinet members to attend Commission pre agenda meetings, but to give the Council Cabinet member an indication of the agenda items beforehand.**
- 6. To review the Annual Report Objectives at a future date in light of experience.**

10/05 Energy Policy for Buildings

The Commission considered a minute extract from Council Cabinet at its meeting on 26 April 2005. The Council Cabinet had approved the Energy Policy for Buildings subject to Paragraph 1.5 of the report being amended, as suggested by the Commission.

Resolved to note the decision of the Council Cabinet.

11/05 The Review of the Council's Overview and Scrutiny Functions – Proposals for a Revised Structure

The Commission considered a minute extract from Council Cabinet at its meeting on 26 April 2005 which stated that a report from the Leader and Deputy Leader of the Council had been considered, seeking a Council Cabinet view on the Review of the Council's Overview and Scrutiny function which had been carried out by this Commission.

The Council Cabinet had commended this Commission for its work in reviewing the current Overview and Scrutiny Function including options for reform.

Resolved to note the decision of Council Cabinet.

12/05 Council Cabinet Forward Plan

The Commission considered the Council Cabinet Forward Plan for June 2005.

Resolved to ask Council Cabinet to look at the format of the forward plan and in particular:

- a) **Make sure officers did not put items on the Forward Plan 'just in case'.**
- b) **Items should only go on the Forward Plan when issues were well thought through.**
- c) **To recognise that items may need to go on later and that there may be cases where urgent approval was required from the Overview and Scrutiny Commission Chairs**

13/05 Best Value Performance Plan 2005-2008

The Commission considered a report of the Director of Finance setting out the Best Value Performance Plan 2005-08 which had been considered by Council Cabinet at its meeting on 17 May 2005 and referred to the Commission for comment.

Resolved

1. To note the report

- 2. To recommend Council Cabinet to review the cost and effectiveness of consultation with the public.**

14/05 Internal Audit Plan 2005/2006

The Commission considered a report from the Director of Finance setting out the Internal Audit Plan 2005/2006 which has been considered and approved by Council Cabinet at its meeting on 17 May 2005 and referred to this Commission for information.

Resolved to note the report

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