

ITEM 15



SCRUTINY MANAGEMENT COMMISSION 4 MARCH 2008

Report of the chair of the Scrutiny Management Commission

First Draft of the 2007/08 Annual Report of the Council's Overview and Scrutiny Commissions

RECOMMENDATION

1. That the Commission considers the attached draft of the 2007/08 Annual Report and identifies any amendments or additions that they wish to be made to the report.

SUPPORTING INFORMATION

- 2.1 The first draft of the report is contained in Appendix 2.
- 2.2 It is suggested that SMC members identify any amendments or additions that they wish to be made to the report.
- 2.3 The final report is to be presented to the Annual Meeting of the Council on 21 May 2008. This means that the Annual Report will need to be in its final form by 24 April 2008. As there are no further meetings of the SMC in this Municipal Year, members are asked what arrangements they wish to put in place to 'sign off' the Annual Report for inclusion on the agenda of the Annual Meeting.

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Background papers: Appendix 1 – Implications
List of appendices: Appendix 2 – First draft of the 2007/08 Annual Report

Appendix 1

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. None

Corporate Objectives

5. This Annual Report has the potential to link to all of the Council's Corporate Objectives.



DERBY CITY COUNCIL

Appendix 2

FIRST DRAFT

Annual Report of the
Overview and Scrutiny
Commissions
2007/08

**ONLY FOR DISCUSSION BY
COMMISSIONS**

Contents

A Contents page will be inserted after the format and content of the report have been finalised

1. Foreword

This is the sixth report of the Council's Overview and Scrutiny Commission's and covers the period April 2007 to April 2008.

There have been some notable successes for the Overview and Scrutiny Commissions in the past year. These successes stem from the increasing experience and understanding of scrutiny members and from the support and input that the scrutiny process has received from officers across the whole Council and from the many members of the public and external organisations. I should like to take this opportunity to express my thanks and those of my fellow Commission members to everyone who has in the past year contributed to the work of the Commissions.

The scrutiny reviews conducted this year by some of the Commissions show how the lessons of previous years are now being applied in the form of shorter, more focussed reviews with higher levels of public involvement. It is very encouraging to see how the Commissions are now using their skills and experience to achieve high quality, high value outputs.

The success of scrutiny was recognised during the Council's recent Comprehensive Performance Assessment (CPA) and the CPA inspectors again confirmed that Derby has a strong and effective scrutiny function. However the assessors were also of the view that Scrutiny members do not take full advantage of the training available to improve their effectiveness and they felt that while Scrutiny tracks its recommendations it does not track the full extent to which it has improved services for local people. These are points that the Commissions will need to address in the coming year.

As well as the improvements recommended by the CPA inspectors there is also the potential for the Overview and Scrutiny Commissions to contribute more to the working of the Council. During the past year Council Cabinet has referred very few matters to the Overview and Scrutiny Commissions. Furthermore, the potential for the Commissions to engage in the decision making processes of the Council was adversely affected by the reduction, agreed at the 2007 Annual Meeting, in the number of scheduled meetings of the Commissions. This resulted in most Commissions only meeting five times in the past year which meant that the opportunity for Overview and Scrutiny members to contribute to the decision making process by requesting reports on proposed key decisions in order to consider and comment on them before the decisions are made, was significantly curtailed.

In the current climate of financial constraint and the quest for more efficient methods of working it is a matter of some concern that Council Cabinet and the Council as a whole is not making more use of the resource represented by the Commissions. It is hoped that this particular issue will be recognised and that it can be resolved in the coming year. The new legislation contained in the Local Government and Public Involvement in Health Act 2007 and in the Police and Justice Act 2006 envisages an enhanced role for Overview and

Scrutiny, and it would be a pity for the Council to fail to take advantage of the opportunities that it presents.

The implications of the new legislation have been considered by the Scrutiny Commissions and the opportunity for mutual benefit has been recognised by the Derby City Partnership and it has been suggested that there might be a productive role for the Commissions in scrutinising aspects of the delivery of the Local Area Agreement by the partner organisations. This suggestion and other proposals to address the opportunities offered by the new legislation are being jointly explored by the Scrutiny Management Commission and Derby City Partnership.

It is hoped that in the coming year will bring a change in the way in which scrutiny is regarded within the Council, that this will in turn provide an opportunity for scrutiny to realise its full potential as a contributor to the working of the Council, and that as a consequence Council Cabinet, the service departments of the Council, and the Council's partner organisations will come to make better use of the resource represented by the Scrutiny Commissions.

2. Introduction

The Council's Constitution that came into effect on 3 December 2001 required the establishment of a number of Overview and Scrutiny Commission that would cover all the functions of the Council.

The six original Overview and Scrutiny Commission were reconfigured at the Annual Meeting in 2003 to give each Commission a more balanced workload. A further reconfiguration of the Commissions which was intended to align the Commission portfolios more closely with those of Cabinet was agreed at the Annual Meeting in 2006.

The Commission structure was modified again at the Annual Meeting on 23 May 2007 to reflect the priority being given by the Council to 'Climate Change'. The current six Commission structure is shown in Figure 1.

The portfolios of each of the six Commissions are described in Appendix 1 of this report. The membership of each of the Commission is listed in Appendix 2.

The roles and responsibilities of each of the Overview and Scrutiny Commission are defined in the Council's Constitution and are in general terms to:

- Review and or scrutinise decisions made and actions taken in connection with the discharge of any of the Council's functions
- Make reports and/or recommendations to full Council, Council Cabinet, or any other policy, joint or area panel
- Consider any matter affecting the area or its inhabitants
- Consider decisions that have been called in for reconsideration and decide whether to ask the decision maker to reconsider the decision or, where appropriate, to refer it to full Council.

Figure 2 shows the complementary roles of full Council, Council Cabinet and the Overview and Scrutiny Commission and the linkages between them.

In practice the task of the Overview and Scrutiny Commissions are to:

1. Carry out policy development and review. This involves research and consultation on the development of policy options. The outcome of this process will be recommendations that are aimed at developing and improving Council policies.
2. Scrutinise and review the decisions and performance of Council Cabinet and Council officers. This may also involve research and consultation and will lead to recommendations based on the outcome of the scrutiny process

The policy development and scrutiny work that has been carried out by each of the Commission during the administrative year 2007/08 is described in the following sections of this report.

Subsequent sections of this Annual Report cover other scrutiny related activities that have taken place during the past year.

Figure 1. Overview and Scrutiny Structure 2007/08

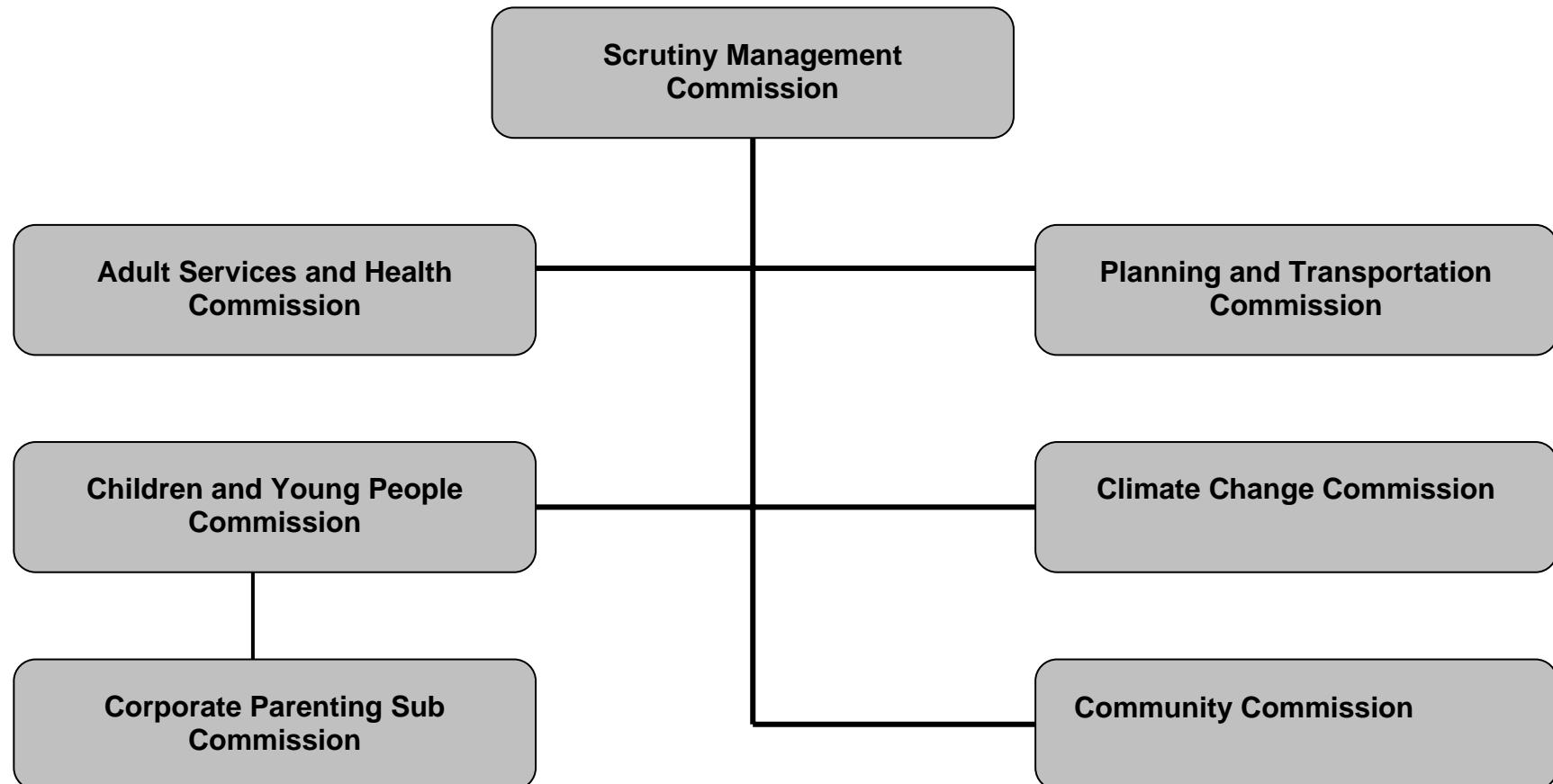
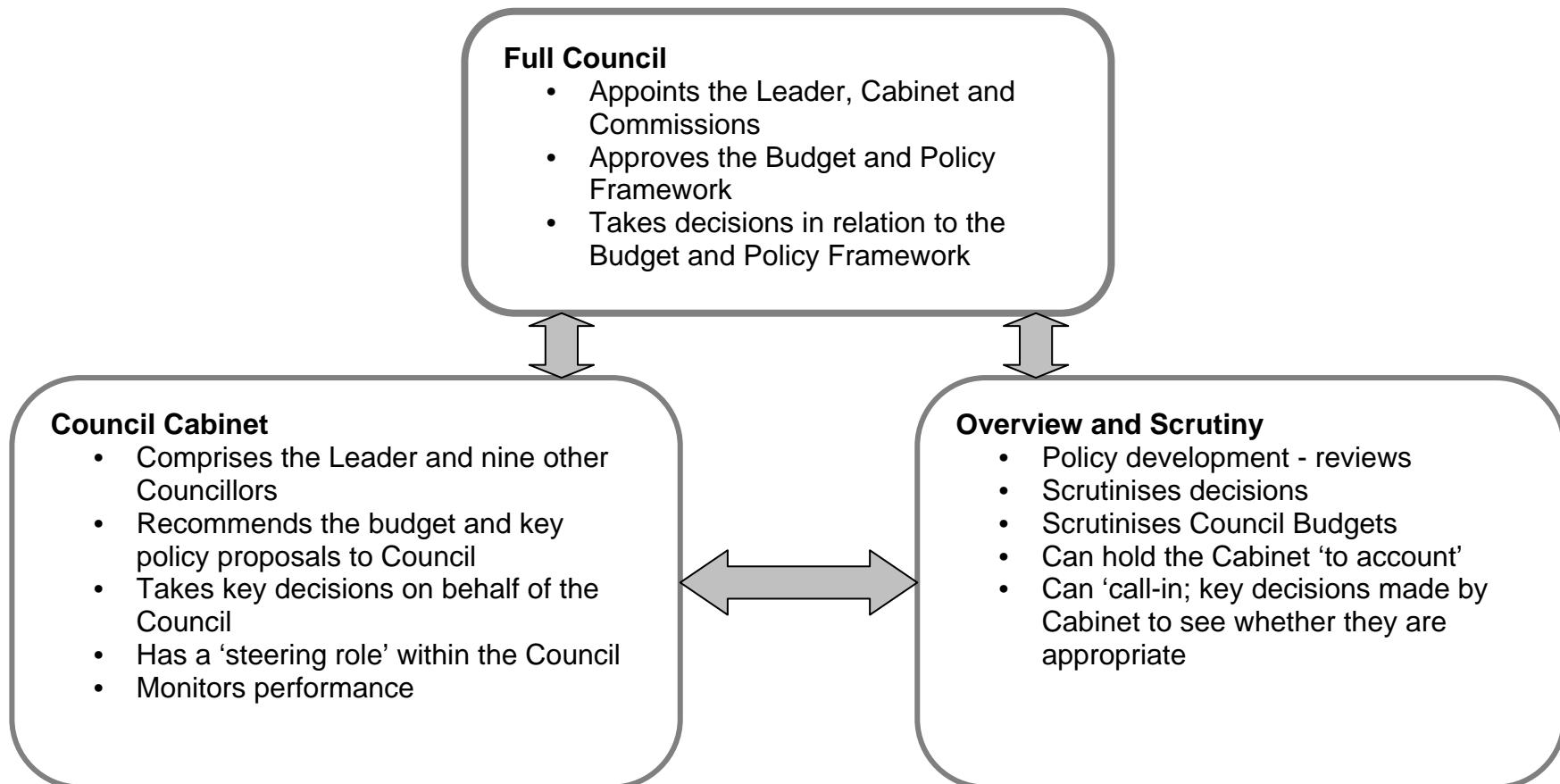


Figure 2. Linkages between Overview and Scrutiny Council Cabinet and the Council



3. Reports of the Individual Overview and Scrutiny Commissions

This chapter of the report describes the activities of the individual Overview and Scrutiny Commissions during 2007/08. The section for each Commission it is divided into:

Policy Development - which describes how the 'topic reviews' and larger scrutiny exercises were conducted by the Commission. Policy development work will often involve the Commissions in extensive and detailed research and consultation with residents, service users and other interested parties. To encourage policy development work the Council's Constitution allows each Commission to carry out up to two 'topic reviews' in any one year.

Items scrutinised by the Commission - this may involve the Commission in scrutiny of a Council Cabinet decision or the performance of a service and will also involve research and consultation.

The outcome of both policy development and scrutiny will be evidence-based recommendations that are aimed at developing and improving Council policies, or influencing the decisions of other agencies. Most reports are submitted to Council Cabinet but those relating to National Health Service (NHS) matters, can be sent to the NHS decision-making body.

The individual Commissions largely control their own agenda and can decide which issues they wish to review or scrutinise and how much time to devote to any matter. Commissions must however be conscious of issues that are of importance to the Council or the people of Derby and must respond accordingly. There were a number of occasions during the past year when Commissions amended their work plans to respond to urgent and previously unexpected circumstances.

3.1 Scrutiny Management Commission

At the Annual Meeting of the Council on 24 May 2006 the decision was taken to link Overview and Scrutiny Commission portfolios more closely to the portfolios of Council Cabinet members. Under this arrangement the Scrutiny Management Commission became responsible for the portfolios of the Council Cabinet members for:

- Corporate Policy
- Personnel, Performance Management and Economic Development
- Community Safety and E-Government

However, at the Annual Meeting of the Council on 23 May 2007 the portfolios of the Overview and Scrutiny Commissions were amended to reflect the changes resulting from the creation of the Climate Change Commission. Under the new arrangement the portfolio of the Scrutiny Management Commission was significantly extended and the Commission became responsible for elements of the portfolios of the Council Cabinet members for:

- Corporate Policy
- Personnel, Performance Management and Economic Development
- Community Safety and E Government
- Enforcement
- Leisure and Direct Services

These additions have significantly increased the scope of the Commission's portfolio.

In addition to the extension of the Commission's portfolio, the number of scheduled Commission meetings was reduced at the Annual Meeting from eight in 2006/07 to six in 2007/08.

Under the new schedule, meetings are not as evenly distributed throughout the year as previously, and there are in some cases gaps of three months between meetings. The difficulty of arranging a workable schedule of meetings for the whole Council is fully appreciated, but the reduction in the number of Overview and Scrutiny meetings combined with the Commission's extended portfolio and the big gaps between some meetings has made it more difficult for SMC to deliver effective scrutiny.

Taken in combination the increase in the scope of the Commission's portfolio and the 25% reduction in the number of scheduled meetings has increased pressure to include items on agendas, making for bigger agendas and longer meetings. Indeed, for the meetings on 18 September and 29 January it was necessary to hold the meetings in two sessions and to start at 4.00 pm rather than at 6.00 pm as has previously been the practice.

The smaller number of meetings has also made it difficult for the Commission to respond in a timely fashion to petitions that are referred to it because they apply to matters that affect more than one ward. This was very apparent at the Commission's meeting on 29 January where members considered no fewer than five large petitions. To address this problem the Commission decided to establish a Sub Commission with the sole responsibility of considering petitions. The Sub Commission, which comprises the Chair and Vice Chair and Councillor Hilary Jones, meets as and when required to consider petitions and make recommendations on them. The petitioners are given the opportunity to speak at the Sub Commission meetings and the appropriate Council Cabinet member and Chief Officer are invited to the meetings.

3.1.1 Policy Development by the Scrutiny Management Commission

The Scrutiny Management Commission's workplan for 2007/08 was considered at the Commission meeting on 30 May 2007. At the Commission meeting on 26 June 2007 the Commission asked the Co-ordination Officers to prepare a report on the effect of a local authority's election cycle on voter turnout at elections and to investigate the possibility of joint working with Derby City Partnership and the Derby Community Safety Partnership.

During the summer recess one of the Commission's Co-ordination officers surveyed all the English Unitary local authorities and asked them for information on:

- Their current election cycle
- Voter turnout
- Election costs
- Their perception of the advantages and disadvantages of their current election system

The investigation showed that for Councils which elected every four years the election turn out was on average around 4.2% higher than for Councils that elected by thirds. The figures from Derby also suggested that moving to a four year election cycle would save the Council around £360,000 over a four year period. The results of the investigation were reported to the SMC meeting on 18 September with the recommendation that Commission members consider whether the potential increase in voter numbers and reduction in costs were sufficient to merit a proposal to Council to change the election cycle in Derby.

The Commission deferred its decision on the recommendation to allow more time for a response from the Council's political groups. The decision, which was eventually made at the Commission meeting on 29 January 2008, was to defer making a decision on the review.

3.1.2 Targeted Scrutiny

On 2 October 2007 the City Council was informed of the proposal by Post Office Counters to close six Branch Post Offices in Derby. The closures proposed for Derby formed part of a nationwide programme to close 2500 Branch Post Offices. The closure programme was intended to address losses by Post Office Counters of nearly £4m/week.

The Chair and Vice Chair took the decision to conduct a short review of the proposals to close the six Derby Post Offices. The review meeting was held on 22 October and the Commission took evidence from Bob Laxton MP, and representatives of Postwatch and of Post Office Counters. As a consequence of the review the Commission recommended that two of the six Post Office branches proposed for closure should be retained, that the Post Office should provide new branch offices in some of the areas affected by closure and that information about closures should be provided in minority ethnic languages. There was also a recommendation by the Commission that the Chair write to local MPs to ask them to press for a debate in Parliament on the proposed closures. The Commission's recommendations were however ignored by Post Office Counters who announced in December 2007 that all six branches proposed for closure in Derby would close.

The possibility of joint working with Derby City Partnership and the Derby Community Safety Partnership was investigated at a meeting on 19 July 2007 between SMC members and Helen Osler, the Director of Derby City Partnership, and was agreed at the Commission meeting on 18 September 2007. A meeting was subsequently arranged in November 2007 between DCP members and representatives of a small working group set up by SMC to develop the proposal. At that meeting it was suggested that the Commission should start by conducting risk based performance monitoring of some of the new Local Area Agreement (LAA) performance indications. As this proposal could not be implemented until the new LAA comes into effect in June 2008, it was agreed at the SMC meeting on 29 January that arrangements would be made in the interim to deliver a member development session to prepare members for their enhanced scrutiny role.

The development session, which included advice on the new scrutiny responsibilities contained in the Local Government and Public Involvement in Health Act 2007, was delivered to members on 6 March 2008. It is intended that the SMC will commence working with the partners after the Annual Meeting in May 2008.

The task of the Commission in the coming year will be to undertake effective scrutiny of the LAA and to maintain an overview of the wide range of issues and topics covered by its extensive portfolio. It is anticipated that the proposed work programme may develop into an intensive and fairly time consuming activity for the SMC which may in future limit the amount of additional policy development work that the Commission can undertake. It is hoped that at the Annual meeting in May 2008 a decision will be made to increase the number of scheduled meetings of the Commissions.

3.1.3 Items Scrutinised by the Scrutiny Management Commission at its scheduled meetings

30 May 2007

06/07 Performance Eye – Members resolved to consider the indicators relating to the percentage of Non-Domestic Rates and Council Tax at the next meeting.

07/07 Retrospective Scrutiny – Members asked for a report to a future meeting on the fire at the Silk Mill.

08/07 Emergency Planning – The Commission considered a bi-annual report on the Council's Emergency Planning Response programme and on the 2007/08 Work Programme for Emergency Planning. Members resolved to note and approve the report and work programme.

09/07 Best Value Performance Plan – The Commission considered a report on Best Value and Performance and noted the draft Best Value Performance Plan for 2007/10. Members also noted that where appropriate performance workshops would be held with the relevant Cabinet member, Scrutiny Commission Chair and Assistant Director to explain reasons for poor performance and provide support for improvement.

10/07 Notification of IDeA Peer Review and meeting with Chairs of Scrutiny – Members were informed of the meeting that had been arranged as part of the IDeA Peer Review and recommended that all Scrutiny Chairs or Vice Chairs should attend the meeting.

11/07 Overview and Scrutiny Performance Management/Monitoring Workshop – The Commission were reminded that the workshop had been arranged for 25 June.

12/07 Overview and Scrutiny Commissions Work Planning and Resources for 2007/08 – The Commission received a report on work planning which identified some possible topics for review in the coming year. Members asked for an overview of each of the topics to be presented to a future meeting and requested that a briefing on the new legislation be provided when this became available.

13/07 Overview and Scrutiny Training – members were informed of the modular training package that had been prepared by the Co-ordination Team.

14/07 Council Cabinet Forward Plan – Members considered the Forward Plan items that fell within the Commission's portfolio but did not ask for any specific reports.

15/07 Responses of Council Cabinet to any Reports of the Commission –
There were no responses

16/07 Matters referred to the Commission by Council Cabinet – There were no matters referred.

26 June 2007

22/07 Overview and Scrutiny Commissions - Work Planning and Resources 2007/08 – Due to the reduction in the number of Overview and Scrutiny Commission scheduled meetings the SMC resolved that for the period up to 18 September 2007 delegated authority would be given to the Chair and Vice Chair and Liberal Democrat member to

23/07 Performance Eye – The Commission considered the SMC Performance Eye sub elements and requested reports to its next meeting on BV9, BV10, BV2a and BV127b. Members also resolved to review targets that could not be achieved and to receive a report to a future meeting on the experience of Performance Surgeries.

24/07 Retrospective Scrutiny - Silk Mill Fire – The Commission considered a report on the fire at the Silk Mill in April 2002 and expressed concern about the anti social behaviour in the Cathedral Green area. Members also enquired about the way in which the training under the Regulatory Reform (Fire Safety) Order was being carried out. The Commission resolved to request reports to a future meeting on the issues concerning the fire, the anti social behaviour at Cathedral Green and on the Council's implementation of the Regulatory Reform (Fire Safety) Order.

25/07 Car Parking Enforcement – The Commission received a report on Car Parking Enforcement from David Gartside, Head of Traffic and Mikk Campbell, Parking Services Manager. Members resolved to note the report and request an update report at a future meeting.

26/07 Review of May 2007 City Council Elections – The Commission considered a report on the May 2007 Elections which were the first held since the Electoral Administration Act 2006 came into effect. An action plan addressing the issues that had arisen with the Election was presented to the Commission. Members were informed of a Bill currently before Parliament that would allow Councils to opt for whole council elections rather than voting in thirds. Members resolved to note the Commission's review of the effect on voting of the election cycle and to approve the action plan. Members also agreed to ask the Director of Corporate and Adult Services to progress a review of the count as soon as possible and to congratulate the staff involved in preparing for and making the election successful.

28/07 Evidence Gathering meeting with Helen Osler – The Commission were informed that a meeting had been arranged with Helen Osler, Chair of Derby City Partnership, for 19 July at 6.00 pm.

29/07 Council Cabinet Forward Plan – The Commission examined the Forward Plan and requested a report to a future meeting on the Derby and Derbyshire Economic Partnership Inward Investment Strategy.

30/07 Responses of Council Cabinet to any Reports of the Commission – There were no responses

31/07 Matters referred to the Commission by Council Cabinet – There were no matters referred.

18 September 2007

37/02 Report on Actions taken to deal with Anti Social Behaviour in the vicinity of the Silk Mill – The Commission considered a report which stated that for a number of years the Silk Mill had suffered from high levels of antisocial behaviour. This included drunk and disorderly behaviour, drug dealing/abuse, graffiti, criminal damage to the building, threats of violence, verbal abuse and firearms incidents. The report outlined the steps taken to tray and combat the problems. The Commission resolved to:

- Urge the police to maintain their current level of patrols
- Support the move for signage on the current alcohol free zone
- Ensure graffiti is removed and criminal damage is repaired promptly
- Support the installation of a mosquito when Cathedral Green is remodelled

38/07 Corporate Asset Management Plan – The Commission considered and resolved to note the Corporate Asset Management Plan 2007-10.

39/07 Outcome of the Review of the effect of Election Cycle on Voter turnout – A report on the review of the effect of election cycle on voter turnout was provided to the Commission. Members thanked Ellen Bird, Assistant Overview and Scrutiny Co-ordination Officer for carrying out the review and preparing the report but decided to defer making any recommendations until all the questionnaire responses had been received from the political parties.

40/07 Petition about Home Care Charges – The Commission resolved to receive the petition and asked for a response to be provided to a future meeting.

41/07 Petition concerning the War Memorial – The lead petitioner attended the meeting and told the Commission she was upset by the way that the memorial was treated with disrespect. She referred to young people sitting on the steps and leaving litter and to skateboarders damaging the edges of the steps. The Commission also received a report on the proposals that had been put forward to protect the war memorial. Members were informed that the war memorial had now been listed and that listed building consent was consequently required to carry out the proposed protection works.
Commission member resolved to note the petition and to inform Council Cabinet of the Commission's comments.

42/07 Likely Involvement of the Scrutiny Commissions in CPA during October 2007 – The Commission considered and noted a report setting out preparations for the Corporate Assessment.

43/07 Performance Eye – The Commission requested a report to their next meeting explaining the new system for Performance Eye.

44/07 Report on BV9 and BV10 - The Commission was provided with the reports it had requested on BV9 and BV10. Members were told that a review of the performance in the Revenues Service had been carried out by an independent consultant and that their recommendations had been incorporated in an Action Plan. The Commission resolved to accept the Action Plan.

45/07 Report on BV2a and 11c – The Commission received a report on these two performance indicators. Members resolved to accept the report.

46/07 Report on BV127b – The Commission received a presentation on BV127b and was given details of Operation Everest which involved dedicated police officers and an analyst who were tackling crime hotspots in Derby. Members were informed that alcohol had been shown to increase the risk of being a victim of robbery. The Commission resolved to note the presentation.

47/07 Retrospective Scrutiny – The Commission requested that a report on the Forward Plan be included as a standing retrospective scrutiny item at all future SMC meetings.

48/07 Report on the implementation of the Fire Risk Regulations and the requirement for Fire Risk Assessments to be carried out by the Council – Members considered a report on the progress made in implementing the Regulatory Reform (Fire Safety) Order 2005 and were told that most of the Council's Health and Safety Advisors and some Property Services Surveyors had undertaken specialised fire training. The Commission resolved to note the report.

49/07 Outcome of the Commission meeting with Helen Osler of Derby City Partnership on 19 July 2007 and outline of the consequent proposals – Members were reminded that when considering its work plan for 2007/08 they had explored the possibility of undertaking some scrutiny of Derby City Partnership (DCP). A meeting had been arranged on 19 July with Helen Osler to explore this possibility. The Commission was asked how they wished to progress the issue and members resolved to set up a working party comprising Cllr s Bayliss, Carr and Webb to meet with DCP representatives and to see how to take things forward.

50/07 Draft Report to Council Cabinet on the Overview and Scrutiny Commission work plans for 2007/08 – The Commission considered a report on the work plans and resolved to ask Council Cabinet to notify the

Commissions of any particular issues or areas within the work plans that they would like to be explored.

51/07 Council Cabinet Forward Plan – Members examined the Forward Plan items that were relevant to its portfolio and resolved to request reports on Dog Fouling Enforcement and on the Network and Telephony Strategy to future meetings of the Commission. Members also requested a monthly analysis of items that did not appear on the Forward Plan for four months.

52/07 Responses of Council Cabinet to any Reports of the Commission – There were no responses

53/07 Matters referred to the Commission by Council Cabinet – The Commission considered and noted a report on Corporate Finance Planning 2008/2011.

23 October 2007

59/07 Consideration of Petition – Crisis in Community Theatre in Derby – The Commission considered a petition entitled 'Crisis in Community Theatre in Derby' which was presented by Keith Bryers and was signed by the chairmen of 23 local amateur theatre groups. The petition asked the Council to:

- Reduce its hire charges to amateur groups
- Apply pressure to persuade the Playhouse to offer more to amateur groups
- Reconvene the Steering Group on performance spaces in the City
- Pursue ways of preserving the Hippodrome theatre and making it available for use by amateur groups.

SMC resolved to refer the petition to the Community Commission and to request that the petition be reported to Council Cabinet.

60/07 Derby City Council's Enforcement of Dog Fouling and Dog Control Legislation – The Commission received a report on the way in which the Environmental Health and Trading Standards Division is enforcing the Dog Fouling and Dog Control legislation. Members were told of actions being taken to resolve problems with the kennelling of collected stray dogs. Members were concerned that only four fixed penalty notices had so far been served and requested a report to a future meeting of the Commission. Members also resolved to inform the Cabinet member for Enforcement of the need for resources that would allow the Dog Warden service to operate more effectively.

61/07 Network and Telephony Strategy – Members considered a report from the Director of Resources on the Network and Telephony Strategy Forward Plan item. Members noted that the network and telephony strategy would need to be developed alongside the accommodation strategy. The Commission asked to visit the QUAD building when it was completed to see how the strategy might be implemented.

62/07 Performance Eye – Members were presented with a new report format for Performance Eye and noted the report.

63/07 Consultation on Proposed Programme of Post Office Closures in Derby – The Commission considered the report from the Director of Corporate and Adult Services that set out the outcomes of the review of the proposal by Post Office Counters to close six branch post offices in Derby. Having considered the report the Commission resolved to further recommend that the Wilmorton Post Office should not be closed and that Post Office Counters should be asked to provide information on the commercial viability of the post offices proposed for closure in Derby.

64/07 Outcomes of the Review of the Effect of Election Cycle on Voter Turnout – The Commission considered a report on the outcome of the review. The report asked members to consider whether the possible increase in voter turnout and the potential cost savings were sufficient to merit a proposal to full Council to change the electoral cycle in Derby. Having considered the report the Commission agreed to defer any decision until its meeting in January 2008.

65/07 Consideration of the Council Cabinet member's response to the Petition about Home Care Charges – Members considered the cabinet members response to the petition and asked that more detail be provided to a future meeting of the petition.

66/07 Report relating to the BV 127b Robberies figures – The Commission received and noted a report on Persistent and Other Priority Offenders in Derby.

67/07 Retrospective Scrutiny – No items were identified for retrospective scrutiny by the Commission.

68/07 Outcome of meeting between SMC and DCP – It was reported that a meeting of the working group had been arranged for 14 November 2007.

69/07 Council Cabinet Forward Plan – Members considered the Forward Plan items relating to the Commission.

70/07 Responses of Council Cabinet to items referred by the Commission – The Commission noted the minutes of the Council Cabinet meeting on 2 October 2007.

71/07 Matters referred to Council Cabinet by the Commission – There were no items referred.

29 January 2008

4 March 2008

3.2 Adult Services and Health Commission

To follow

3.3 Climate Change Commission

The Climate Change Commission is the Council's newest Overview and Scrutiny Commission and its membership and remit were confirmed at the Annual Meeting of the Council on 23 May 2007.

The Commission's portfolio covers elements of the Council Cabinet portfolios for:

- Personnel Performance Management and Economic Development
- Leisure and Direct Services
- Planning and Transportation

However one of the main tasks of the Commission is to support the Council's Climate Change Board and to help it in taking forward the initiatives set out in the Climate Change Programme. To this end the Commission has built upon the work previously carried out by the Planning and Environment Commission and has initiated and promoted actions to monitor and minimise the Council's use of energy, to recruit and enthuse departmental 'Energy Champions', and to develop the awareness of members and officers of the technology available for reducing energy use and carbon emissions.

As part of its programme of awareness raising programme the Commission has organised presentations to officers and members by Lara Curran of Woking Borough Council and by Professor Tony Marmont of Beacon Energy Ltd and John Beardmore of T4 Sustainability Ltd. The Commission has also visited the Vital Earth Composting plant at Ashbourne and has met with a manufacturer of wind turbines to discuss their viability for Derby.

3.3.1 Policy Development by the Climate Change Commission

In its role of supporting the Climate Change Board the Climate Change Commission has provided comments on the draft Climate Change Action Programme and has undertaken two short reviews aimed at providing information needed by the Climate Change Board to progress its Action Programme. These reviews have involved the Commission in examining the Council's procedures and processes for achieving sustainable procurement and in comparing them with those of similar local authorities. The Commission has also surveyed similar local authorities to identify examples of best practice that might be implemented in Derby through the Climate Change Action Programme.

The Commission has been tasked with providing project/programme assurance to the Climate Change Board and, anticipating that this may in future form a significant part of the work of the Commission, has established a small cross party group of members to undertake this activity.

The future tasks of the Climate Change Commission are seen primarily supporting the Climate Change Board and in scrutinising the progress made

by different Council Departments in reducing their use of energy and minimising carbon emissions.

3.3.2 Items Scrutinised by the Climate Change Commission at its scheduled meetings

25 June 2007

05/07 & 06/07 Standing Items – Performance Eye and Retrospective Scrutiny. The Commission was provided with a list of the Performance Eye indicators that related to its portfolio. Members were asked to identify any items they wished to consider under retrospective scrutiny.

07/07 Overview and Scrutiny Training. The Commission considered a report from the Director of Corporate and Adult Services detailing the modular training package that was available to Overview and Scrutiny members.

08/07 Meeting the Energy Challenge White Paper. A report setting out the content of the White Paper was considered by the Commission.

09/07 Update on the Council's Carbon Management Programme. The Council's Energy Manager gave a presentation on the energy saving programmes that had been implemented and were planned for the future. Members discussed the implications of the report and asked for further information to be provided to a future meeting of the Commission.

10/07 Update on the Council's Corporate Climate Change Programme. The Environmental Co-ordination Team Leader gave a presentation on the work that was being carried out within the Council to reduce carbon emissions. Members resolved to invite a representative of Woking Borough Council to provide information on Woking's initiatives for combating Climate Change.

11/07 Work Planning and Resources. The Commission considered a report from the Director of Corporate and Adult Services on the resources available to the Commission. Members indicated there wish to include the following issues in their work programme:

- Involving Green Team and Energy Champions in reading the Council's energy meters
- Cost savings from energy saving solutions
- The use of drugs in public toilets

12/07 Co-option of Members to the Commission. The Commission resolved to co-opt Jane Temple and Peter Robinson onto the Commission.

13/07 Forward Plan. The Commission considered the latest version of the Forward Plan

17 September 2007

19/07 & 20/07 Standing Items – Performance Eye and Retrospective Scrutiny. The Commission was provided with a list of the Performance Eye indicators that related to its portfolio. It was reported that the base measure of the Council's carbon emissions was 26,200, which did not include commuting and waste. Members were asked to identify any items they wished to consider under retrospective scrutiny.

21/07 Report on Local Energy Saving Initiatives. Jeremy Fisk from Commission Changes reported to the Council on the outcomes of an energy saving experiment that he and his neighbours had conducted. Mr Fisk told the Commission that four of the households that took part had saved in excess of 15% of their total energy usage and that over an extended period he had made savings of around 40% which equated to about 2 tonnes of carbon per annum.

The Commission resolved to:

- Recommend to Council Cabinet that they investigate the possibility of implementing energy saving in schools
- Liaise with the Derby Evening Telegraph to promote Mr Fisk's initiative and encourage other families in Derby to follow his example.

22/07 Briefing on the Council's Waste Strategy. The Commission was briefed on the Council's waste strategy by the Contract Development Officer who informed them that the Council was in the process of procuring a new 25 year contract for waste treatment. The Commission also discussed some of the various re-use and recycling projects already running in Derby. Members requested that a visit to the Council's composting plant at Ashbourne was arranged. This subsequently took place in November.

23/07 Proposal to include Carbon implications in Council reports. Jane Temple proposed that any report presented to Council should include details of the carbon emissions. The Commission agreed to submit reports to Council Cabinet and Planning Control Committee outlining this proposal.

24/07 Update report on arrangements to monitor the Council's use of Energy. The Energy Group Leader informed the Commission of the actions that were being taken. This included using energy bills to try and identify poor energy performance. It was reported that the energy champions were active and had achieved some successes and that the Council was looking at new software for PCs to reduce energy consumption.

25/07 Woking Borough Council and Planet Woking. The Commission were informed that arrangements had been made for a meeting at which representatives of Woking Borough Council would present on their Climate Change programme initiatives.

26/07 Work Plan. The Commission considered a report on involving the public in reducing carbon emissions and requested a report on delivering a large scale Climate Change Conference in Derby

27/07 Perth Street Adoption Building. The Commission was advised of the actions proposed to reduce carbon emissions and energy consumption at the Perth Street building.

28/07 Forward Plan. The Commission considered the latest version of the Forward Plan.

12 November 2007

36/07 & 37/07 Standing Items – Performance Eye and Retrospective Scrutiny.

38/07 Climate Change Control Measures in Germany – The Commission received a presentation from Matthias Gocken of Osnabruck City Council on the Climate Change Control measure that have been introduced by local and central government in Germany.

39/07 BV199d Reduction in the number of fly-tips and increase in enforcement action – Malcolm Price, Performance Strategy Manager informed the Commission of the actions that had been taken to reduce the incidence of fly-tipping in Derby and to increase the level of enforcement.

The Commission resolved to write to the Secretary of State for the Environment to ask for action in getting food manufacturers to decrease the amount of packing they use. It was also decided that it would be useful if some Commission members could spend some time with the fly-tipping enforcement team.

40/07 Cost/benefit criteria for Carbon/Climate Change projects – Neil Norwood, Energy Group Leader, updated the Commission on cost/benefit analysis and project payback times for Climate Change projects.

The Commission resolved to request full funding from the Climate Change Board for lighting at Perth Street.

41/07 Consideration of draft Climate Change Action Programme – The Commission considered the draft Climate Change Action Programme and resolved to note the contents and send any suggestions to Andy Hills, the Environmental Co-ordination Team Leader.

42/07 Proposed Climate Change Action Programme and linkage to the Climate Change Commission workplan – The Commission were told that two specific roles had been identified that would assist in the work of the Climate Change Board. These were to:

1. Identify a small working group to work with the Climate Change Board to help them achieve their aims
2. Conduct research on behalf of the Board to help them take issues forward.

The Commission agreed that Councillors Ingall, Richards and Grimadell would form a sub Commission to work alongside the Climate Change Board and that the Commission would help the Board by undertaking research to further their work. It was also agreed to consider adding items that would help the Council in its role as educator on Climate Change.

43/07 Consultation of the Climate Change Commission on the proposed Planning and Transportation Commission questionnaire on highway and footway maintenance. – The Commission were asked for their views on any additional on carbon implications that they felt should be added to the Planning and Transportation Commission's questionnaire on highway and footway maintenance. Members were asked to inform the Co-ordination Officer of suggested questions by 23 November.

44/07 Details of forthcoming Climate Change Commission visits and meetings – Members were informed of the meeting that had been arranged with Tony Marmont and John Beardsmore and of the visit that had been arranged to Vital Earth.

45/07 Council Cabinet Forward Plan – A report on Forward Plan item 28/07 Parks and Open Spaces Strategy was requested for a future meeting of the Commission.

46/07 Response of Council Cabinet to any reports of the Commission – Members noted the response of Council Cabinet to the Commission's proposal that details of carbon implications should be included in Council reports.

15 January 2008

53/07 & 54/07 Standing Items, Performance Eye and Retrospective Scrutiny – Members noted that there was no Performance Eye indicator relating to the Council's target to reduce Carbon emissions and requested that this be carried as a standing agenda item at future meetings.

55/07 Parks and Open Space Strategy – The Commission received a report on the Strategy from Steve Medlock, Head of Parks Services. Members were supportive of the proposals contained in the draft Strategy and resolved to note the presentation and to consider ways whereby the Parks team could engage with the neighbourhood forums to promote the strategy.

56/07 Council's Travel Plan – Rod Wood, Assistant Director Human Resources briefed the Commission on the Council's Travel Plan proposals. He told the Commission that the plan contained two salary sacrifice schemes which were to enable Council employees to:

1. Purchase bicycles that they could use to travel to work
2. Purchase bus season tickets that they could use for travelling to work or for leisure purposes – this was only the second such scheme in the Country

Rod Wood told members that these schemes would be cost neutral to the Council. He reported that the trade unions and the legal team were being consulted on the proposals and the Commission were pleased to note that both Arriva and Trent Barton were supporting the bus scheme.

57/07 Outcomes of the Climate Change Board Meeting on 6 December 2007 - Andy Hills the Environmental Co-ordination Team Leader updated the Commission on the outcomes of the Climate Change Board meeting on 6 December 2007 and told members that the Board was:

1. Compiling a brief for the new Clean Green Energy City Project
2. Holding a workshop on 1 February 2008 for the Climate Change Champions and Green Team members to discuss how they could help their departments cut their carbon emissions.

Mr Hills referred to the comments on the Climate Change Action programme that had been provided by the Commission and informed members that delegated funding of £200k was now available to fund Climate Change initiatives. Members noted the update. It was agreed that Councillor Grimadell should attend the workshop.

58/07 Longbridge Weir Hydro Electric Power Station – Tim Findlay, Maintenance Manager, Design Services, briefed members on the proposals for the Longbridge Weir Hydro Electric Power Station. He said that if it was built the power station would contribute nearly 4% of the Council's 25% carbon reduction target. Mr Findlay said that the total cost of the project would be around £1.5m and that the projected completion date was Easter 2010. He said that the value of the generated power would be around £130k per annum which would make the station self funding.

59/07 Climate Change Commission Work Plan – The Commission considered and approved two reports which outlined the two reviews requested by the Climate Change Board.

60/07 Revenue Budget – The Commission considered those elements of the draft Revenue Budget 2008/9 to 2010/11 that fell within its portfolio. Andrew Hopkin, the Assistant Director Local Environment, answered members' questions on the budget proposals.

Members expressed concern about a number of the proposed budget savings and made recommendations relating to those affecting:

- Parks facilities
- Public conveniences

- Recycling bring sites
- Golf operations

The detailed recommendations of the Commission were reported to the Scrutiny Management Commission meeting on 29 January 2008.

61/07 Capital Budget 2008-2011 – The Commission considered the proposals for the Capital Budget 2008-2011 and members expressed particular interest in the proposal to trial 100% biofuel in some of the Council's vehicle fleet.

1 April 2008

3.4 Community Commission

To follow

3.5 Children and Young People Commission

3.5.1 Policy Development

Created in 2006, the Children and Young People Commission entered its second year with a new Chair, Cllr Poulter, and new Vice Chair, Cllr Rawson.

As all the overview and scrutiny commissions had been reduced to five scheduled meetings per year, the first meeting on 12 June meeting was the only opportunity before the August break to discuss the work plan for 2007/08. In light of external inspections due to take place in the autumn it was decided not to conduct a topic review in the period up to mid-November. Instead it was decided to look at undertaking short reviews that would not distract the Department from its preparations plus, also, to conduct a consultation among the new membership and to delegate the new Chair and Vice Chair team plus a Liberal Democrat member to agree the review subjects. That process identified Children's Centres as the clear favourite.

Although the review was intended to be concise, it was decided that it should not be conducted as a 'committee room' exercise at the Council House. As well as seeing some of the Derby provision it was also considered essential to visit another authority in order to be able to compare and contrast. One other timely contribution was the attendance of the Vice Chair at a national conference, on 20 September, on harnessing the expertise of multi-sector partners to achieve sustainable children's centres.

On 1 October 2007 the Commission visited the new Asterdale Children's Centre in Spondon, then the Osmaston/Allenton Children's Centre premises at Lord Street followed by 'First Steps' on Cockayne Street North. The latter then formed the venue for the formal review interviews, including with the regional adviser. Then on 5 October the Commission visited two Children's Centres in Leicester, a city seen as a model of good practice. The members of the Commission involved on 1 and 5 October met again on 6 November to agree their conclusions and recommendations: they found that Derby was an exemplar authority. [It was due to be considered by Council Cabinet on 18 March 2008.](#)

The second issue selected for review was Reducing Teenage Pregnancies, chosen because, after initial improvements, the annual statistics for Derby had begun to reverse. This was conducted as a one day review. As well as local stakeholders there was a regional contribution from the GOEM adviser and also the perspective gained from a visit to Stoke City Council. Contact was also later made with Lincolnshire CC whose bespoke team has been very successful. At the time of writing recommendations were being prepared.

Two special meetings were held during the municipal year. On 17 July 2007 the Commission held a 'one-item' meeting to consider the proposals on home-to-school transport. Witnesses included the Council Cabinet Member and Director for Children and Young People, the Senior Head of Finance from that

Department, the Assistant Director from the Regeneration and Community Department plus a head teacher and a parent from Roman Catholic schools and two representatives from Arriva who operate some of the local school services. As well as the policy desirability of the proposals, Commission members had regard to the principles of decision making in Article 13 of the Constitution. The evidence-gathering part of the meeting was web-cast.

In light of the Council's financial constraints, the Commission reluctantly supported the increased charges and the introduction of charges for faith schools transport provided six conditions were met. The Council Cabinet responded by deciding to hold a fresh consultation with parents on revised proposals which took substantial account of the Commission's concerns. Improvements included:

- a reduction from £320 or £350 each year for primary children to £290
- a reduction from £420 or £500 each year to £350 each year for secondary age pupils;
- the maximum payment per household being reduced from £1,000 to £850;
- applying the charges for faith schools to 2008 entrants, not the 2007 intake.

The second special meeting, held on 24 October 2007, was on Building Schools for the Future. There was a clear expectation by government that increased 'choice and diversity' would be incorporated into local authorities' BSF plans. Options included: greater self-governance (foundation status), academies, trusts, federations, mergers and the expansion of popular schools.

Derby College's Corporation wished in principle to sponsor one or two academies in the city and a report to Council Cabinet was proposing Bemrose and Sinfen Community Schools for academy status. Academies are all-ability schools, independent of the council. The Commission had invited secondary heads, chairs of governors plus teaching and non-teaching trade unions to submit written comments on the issues.

Andrew Flack, the Corporate Director, explained the drivers for these proposals and then Ian Jennison, NUT representative, presented his members concerns. Each responded to Members' questions.

The Commission decided to support the proposals as the pragmatic means to unlock £150m of capital investment, provided full account was taken of five stated concerns.

The November meeting considered a report detailing progress made against the action plan produced following the Commission's 2006 review of Children Looked After. Of the 34 recommendations 11 have been fully achieved and a further 9 have been achieved and were being monitored on an on-going basis to ensure the progress was sustained. There are 12 recommendations where progress has been made and where there is further work to complete. A

separate was also to be presented to the Corporate Parenting Sub-Commission meeting on the maintenance of the Council's children's homes.

The January meeting devoted considerable time to the budget and made three recommendations regarding the revenue proposals and two on the capital programme. A major concern led to the Commission recording that it 'would not wish to see the implementation of the 2010/11 proposals to reduce spending' by over £900k on six services relating to child protection and looked after children. Cabinet agreed that every effort would be made to find alternative savings options to those identified, so as to avoid the implementation of the proposals.

Performance monitoring had been recognised as important by the Commission yet, in practice, this had been getting squeezed out by other agenda items. In January 2008 the Commission therefore decided to experiment with a Performance Sub-Group of three members, one from each party. This was seen as successful and a year's trial is to be recommended to the March meeting.

The law states that a 'forward plan shall contain details of all the matters likely to be the subject of key decisions for a period of four months'. As an example, the January 2008 Forward Plan, published in December 2007, should include all key decisions where the earliest date for the decision is likely to be before 30 April 2008. An analysis showed that over half of entries relating to the work of this Commission were entered in the Plan and the decision actually taken by Cabinet in the periods between Commission meetings. This meant that members were denied the opportunity to scrutinise the proposals, unless recourse was had to the call-in procedure. Because of similar concerns about compliance with the rules, the September 2007 meeting of the Scrutiny Management Commission decided to request a monthly analysis of items which had not appeared in the Forward Plan for four months, with an explanation of why that had not happened. On the proposal of the Chair the January meeting of the Children and Young People Commission decided to adopt a similar practice.

3.5.2 Items Scrutinised by the Children and Young People Commission

12 June 2007

05/07 Call-in

The Commission considered the details of the procedure and associated protocol for call-in of a decision.

06/07 Performance Eye: Overview.

The Commission considered an overview of Performance Eye and Alison Eldam, Change Management and Performance Team, answered questions and gave a demonstration on how the system worked. Members were encouraged to attend a training event on 25 June 2007.

Performance Eye: Quarter 4 Data 2006/7

The Commission considered performance data for Quarter Four and Annual Indicators for 2006/7 and had a dialogue with the Corporate Director.

Performance Eye: Derbyshire Mental Health Trust

The Commission received a presentation from the Derbyshire Mental Health NHS Trust regarding the 26 week delay for an initial assessment and the measures put in place to reduce this waiting time. It was committed to being back on track by September 2007. The Commission resolved to receive an update from the Trust in September 2007.

07/07 Overview and Scrutiny Commissions – Work Planning and Resources 2007/8

The Commission considered its plan for 2007/08. In light of the pending external inspections it decided not to conduct a topic review in the period up to mid-November and delegated the Chair, Vice Chair together with a Liberal Democrat member to agree the short review subject(s) after consultation with Commission members.

10/07 Overview and Scrutiny Training

The Commission received details of a modular training package that could be taken up by individual members of the Commission. The Chair, Vice Chair and a Liberal Democrat nominee were authorised to prioritise the identified training needs and how these might best be met.

11/07 Council Cabinet Forward Plan

Members considered the Forward Plan. Regarding Home-to-School Transport it was decided that members be provided with the documentation as soon as it entered the public domain and individual members then contact the Chair should they have views about whether the proposals warrant a special meeting.

17 July 2007

16/07 Home to School Transport.

The Commission held a special meeting to consider the proposals on home-to-school transport. Witnesses included the Council Cabinet Member and Director for Children and Young People, the Senior Head of Finance from that Department, the Assistant Director from the Regeneration and Community Department plus a head teacher and a parent from Roman Catholic schools and two representatives from Arriva who operate some of the local school services. As well as the policy desirability of the proposals, Commission members had regard to the principles of decision making in Article 13 of the Constitution.

The evidence-gathering part of the meeting was web-cast. In light of the Council's financial constraints, the Commission reluctantly supported the increased charges and the introduction of charges for faith schools transport provided six conditions were met.

11 September 2007

21/07 Home to School Transport - response of the Council Cabinet

The Commission considered the response to the Commission's report on the proposed Home to School Transport policy. The Council would be consulting again and a questionnaire would go out to schools for distribution to parents in October.

22/07 Derbyshire Mental Health Trust

The Commission considered an update report from Derbyshire Mental Health Services NHS Trust in respect of CAMHS. An action plan for improvement was addressing recruitment and other issues. In July the action plan had been revised, some actions were escalated and it had taken in additional measures. The CAMHS team had achieved a maximum wait of 18 weeks and was now looking at the next target of 12 weeks.

23/07 Performance Eye Quarter 1 Data for 2007/8

The Commission considered the yellow and red indicators, together with examples of success stories, for Quarter 1 2007-08. The Chair, Vice Chair and Councillor Allen were empowered to select determine items from Performance Eye for discussion at future Commission meetings.

24/07 Bullying

Graham Falgate, Education Officer, attended the meeting to answer questions from the Commission about bullying; the main concerns raised were the high number of nil returns and the number of no returns from schools. It was agreed to request that the new annual data be provided to the Commission soon after it has been released and the chair and vice chair would consider if the results warranted fuller scrutiny

25/07 Focussed Scrutiny on Children's Centres

The Commission received an update on the focussed scrutiny of Children's Centres. They noted the update and agreed expenditure of £379 to enable the Vice Chair to attend a related conference in Birmingham on 20 September 2007.

30/07 Building Schools for the Future – Key Decisions 12/07 and 20/07

Andrew Flack reported that it was likely that a report on Choice and Diversity would be considered by Council Cabinet at its meeting on 2 October, although this may be delayed until the following meeting. It was resolved to consider a report at the next meeting of the Commission.

24 October 2007

36/07 Building Schools for the Future – Choice and Diversity

A special meeting considered two Council Cabinet reports on Building Schools for the Future (BSF). A report from 2 October said there is a clear expectation from the Department for Children, Schools and Families (DCSF) that increased 'choice and diversity' will be incorporated into local authorities'

'Strategies for Change' to ensure the approval of their BSF plans. The Government's policy on 'Choice and Diversity' included the options of greater self-governance (foundation status), academies, trusts, federations, mergers and the expansion of popular schools.

Academies are all-ability schools, independent of the council. Each academy has one or more sponsors, contributing £2m in total to a long term endowment to help meet the educational needs of their students. Derby College's Corporation wished in principle to sponsor one or two academies in the city. The 30 October report proposed Bemrose and Sinfin Community Schools for academy status. The Commission had invited secondary heads, chairs of governors plus teaching and non-teaching trade unions to submit written comments on the issues. The Chair summarised the views received. Andrew Flack, Corporate Director for Children and Young People, explained the drivers for these proposals, the range of 'Choice and Diversity' options, addressed issues raised in the written submissions. He then responded to questions and concerns raised by Members of the Commission. Ian Jennison, NUT representative attended the meeting to present his members concerns to the Commission and he also responded to Members' questions.

The Commission decided to support the proposals as the pragmatic means to unlock £150m of capital investment provided full account was taken of five concerns. These included i) securing legally binding protection of the capital value of all transferred assets, ii) Derby College undertaking full consultation to reassure all stakeholders that Academy status will be beneficial iii) an early Equalities Impact Assessment being undertaken and iv) the Commission being informed of key developments and any significant alterations to the current proposals to enable the opportunity for further scrutiny.

6 November 2007

41/07 Building Schools for the Future – Choice and Diversity

The Commission noted that Council Cabinet had resolved to note the recommendations of the Commission and asked the Cabinet Member for Children and Young People to take them into account as the project moved forward.

42/07 Performance Eye Quarter 2 Data for 2007/8

The Commission considered the Quarter 2 data for 2007/8.

Regarding CP1.3civ – Increase in range of voluntary and statutory projects working with disadvantaged young people – the Commission asked for further information as to why, given the current position, the department felt they would meet the year target of 80 projects.

CYP2.1 – Number of weeks waiting time for access to specialist CAMHS services – the Commission were concerned that there was no traffic light for either Quarter 1 or 2 for this indicator that Members had been monitoring. A meeting was due between the Children and Young People's Department and the CAMHS providers to discuss future reporting and measurement against the 2007-08 target of 13 weeks. The Commission asked that a response be

provided by the Derbyshire Mental Health Services Trust and if unsatisfactory to invite the Trust to the January 2008 meeting for further explanation.

43/07 Schools' Performance in Key Stage 1 and 2 Assessments

The Commission considered schools' performance in Key Stage 1 and 2. Mick Seller, Assistant Director - Learning, explained the reasons for the underperformance. These included: the range of teaching quality, continuity of teaching, record keeping and the setting and achieving of targets for individual children. He outlined steps being taken to improve teaching where the quality was not satisfactory or better. Eight School Improvement Partners have recently been appointed to work with the city's 78 primary schools to raise standards overall. 14 schools have been identified for intensive support from the primary strategy consultant team. They undertake 6 week reviews of individual pupils' progress in these schools. This meant that by the end of March 2008 there should be a clear picture of how each of the 14 schools was progressing. Improvement should be apparent in the SATs data out later in the year. Good attendance by pupils and good leadership by the head were cited as key factors. Members resolved to receive a further update in March 2008 based on the tangible results of the 6 week reviews and for this to be a possible subject for focussed scrutiny.

44/07 Looked After Children

The Commission considered a report providing details of the progress being made against the action plan produced following the Commission's review of Children Looked After. The Commission accepted the progress made so far and asked for an update in March 2008.

45/07 Home to School Transport

The Commission considered the revised proposals for the school transport consultation. Keith Forrest explained the changes compared to the original proposals and how the Commission's views had been taken into account. He and Christine Durrant then answered members' questions. Mr Honey expressed concerns about the impact of the proposed policy on St Benedict's. He wanted the Commission to know whether changes in parental preferences had been noticed. It was decided to defer making comment on the proposals until the results of the consultation are available, to ask the Chair and Vice Chair to study the responses as soon as they are available and, if necessary, hold a special meeting of the Commission on 10 January 2008 to further consider the issue ahead of Council Cabinet taking the Key Decision on 15 January 2008.

22 January 2008

55/07 Home to School Transport - Update

The Commission received a statement from John Honey – Roman Catholic Diocese representative regarding the introduction of charges for pupil transport to faith schools. It was clear around the country that other authorities were going down the same route as Derby so the diocese was willing to concede that some charging may be needed but was deeply

saddened by the levels of charges. Councillor Poulter responded that the Commission would ask to be kept informed of any environmental impact. Councillor Bolton said that the Council had tried to deal with this issue in an open and in a fair way and she was sorry the diocese was not happy with the results.

56/07 Budget 2008/09

Members interviewed the Council Cabinet Member and Corporate Director for Children and Young People, later reflected on the information provided and agreed five recommendations.

1. They did not wish to see the implementation of the 2010/11 proposals to reduce spending on: Family Support (£134k), Reception and Hospital Service (£108k), Aspire Leaving Care (£60k), Reduction of post 16 residential beds (£296k), Assessment and Care Planning (£248k), Independent Reviewing Officer function (£72k). The Council Cabinet Member and Corporate Director said that every effort would be made to find ways to avoid the implementation of the proposals.
2. The Commission welcomed the work to reduce the unit costs of independent fostering agency, IFA, placements, whether through contracting arrangements and/or collaboration with other local authorities. It asked Cabinet to recognise that the overall number of in-house foster carers is affected by the rate of allowances they receive and that this has an inter-relationship with the need to make placements with IFAs.
3. Concern was expressed that the re-categorisation of Education Psychology costs to fall within the schools budget may have an adverse impact on individual pupils accessing the service.
4. The Commission suggested that the proposed residential home for autistic children perhaps be larger to help adjacent authorities to meet the needs of similar children.
5. The Commission decided it wished to be involved in a timely way so as to potentially influence the new capital programme 'Primary Strategy for Change'.

57/07 a) Performance Eye Quarter 3 Data for 2007/8

The Chair, Vice Chair and a Liberal Democrat member were delegated to consider the Performance Eye 3rd Quarter data and the progress made regarding the indicators considered at Performance Surgeries.

58/07 Annual Children and Young People's Social Care Services Complaints

The Commission considered the Annual Children and Young People's Social Care Services complaints during 2006/07.

59/07 Annual Performance Assessment of Children and Young People's Services

The Commission considered the outcomes of the 2007 Annual Performance Assessment of Services for Children and Young People. The Commission commented that this was an outstanding report and congratulated the staff.

60/07 The Development of Children's Centres in Derby

The Commission approved the draft report arising from the focussed scrutiny review.

61/07 Focussed Scrutiny

Members were informed that the sub-group of the Chair, Vice Chair and Cllr Allen had agreed to look at progress made in reducing teenage pregnancies, arranged for 5 February 2008.

65/07 Forward Plan Tracking and Reporting System

Because of late entries being made in the Forward Plan the Commission decided to adopt a tracking and reporting system as recently agreed by the Scrutiny Management Commission.

3.6 Corporate Parenting Sub Commission

3.61 Service Monitoring

Derby's only standing scrutiny sub-commission meets quarterly and is the main vehicle to fulfil Members' responsibilities to looked after children. The role of the four members is mainly one of monitoring and the full Commission owns the policy development aspects.

At each meeting the Sub-Commission considers detailed statistical information about the placement, welfare, health and education of the approximately 400 children who are looked after by the City Council.

There is also a rolling programme of reports so that over the course of the year different aspects get thoroughly aired. These have included:

- Inspection and Management Visits to Children's Homes
- The Fostering Service
- Reducing offending by looked after children
- The Adoption Agency
- The Leaving Care Service

Members were also briefed about the proposed development of a new children's home for autistic children, which would avoid the need for out-of-area placements and make family contact easier.

In the autumn of 2007 the Sub-Commission decided to reintroduce rota visits to the five children's homes. These have been very successful and provide for a direct conversation with individual staff and young people. One of the four members takes the lead and is usually accompanied by a local ward member for the home's location plus a third member who represents a different ward. The visits have resulted in recognition that a better approach to maintenance is required and to the commissioning of a full condition survey.

3.3.2 Items Scrutinised by the Corporate Parenting Sub-Commission

Items Scrutinised by the Corporate Parenting Sub-Commission

19 June 2007

Appointment of Chair and Vice Chair

It was agreed to appoint Councillor Rawson as Chair for the 2007/08 municipal year with Councillor Poulter as the Vice Chair.

Children's Home for Autistic Children

The Sub-Commission were informed about the possibility of a new children's home being developed in the City to accommodate autistic children who were currently placed outside the City as Derby did not have the facilities to cater for their needs. A future update was requested.

Reducing Offending by Looked After Children

The Sub Commission considered the work undertaken to reduce offending by Children Looked After and Young People aged 10-17 Years. Agencies were working in partnership to ensure implementation of the Green Paper 'Care Matters'. Measures included

- Training for staff working with vulnerable groups in restorative justice approaches to managing conflict
- The setting up of local arrangements to ensure that there are appropriate responses to incidents in children's homes
- More joined up services for looked after children who go into custody

Inspection and Management Visits to Children's Homes

The Sub Commission considered the outcomes of the latest external inspections and management visits to Children's Homes throughout Derby. Homes were assessed and scored by the Commission for Social Care Improvement, CSCI, against 35 standards. All but five of the 70 management visits required between June 2006 and April 2007 were completed. For the last two inspections there were no unmet standards and some were exceeded. Visit by a senior DCC officer could take up to four hours. The Sub Commission asked to be informed of any issues of concern raised following future OFSTED inspections.

Visits by Elected Members to Children's Homes

The Sub Commission considered how Members could best fulfil their corporate parenting responsibilities by visiting children's homes.

In 2005 Members agreed that each home would host an open event once a year to which Councillors would be invited. In 2005 and 2006 three open evenings took place, attended by four, three and one Councillor respectively, although all Members were invited. A number of open days were arranged but were cancelled at short notice due to lack of attendance and one was not cancelled but no one attended. It was resolved to re-instate unannounced rota visits with a Member of the Sub Commission taking the lead role and involving a Member from the ward that the home is in and one other Member of the Council to accompany them on a visit. This would be in place of the open days currently arranged.

Statistical Information on Children Looked After

The Sub Commission considered the latest statistical information on children looked after, including the progress made towards the Council's objective of healthy, safe and independent communities.

4 September 2007

Statistical Information on Children Looked After

The Commission received the latest data on Children Looked After. Performance had improved or been maintained in all areas despite a significant increase in numbers of Children Looked After, to 410 Children on 1 August 2007, an increase of 19 since 1 May 2007. The number of Children Looked After was the highest it has been since at least 1997, and this number was increasing. Numbers were increasing nationwide, especially within city authorities. Derby's in house placements were currently fully stretched and the use of Independent Agency Foster Carers was increasing.

Fostering Service Report

The Commission received the yearly report about the Derby City Fostering Service for 1 April 2006 to 31 March 2007. In addition, updated figures to July 2007 were provided. There were 181 Foster Carers as of 3 September 2007, compared with 175 at March 2007. There was a detailed and fruitful dialogue with Katie Harris, the Head of Service

Adoption Agency Report

The Commission then received the yearly report about the Derby City Adoption Agency. Katie Harris highlighted an increase in activity and a corresponding number of Adoption Panel meetings, achieved by creating a second panel which made it much easier to deal with cases in a timely fashion. Adoption orders had decreased due to implementation of further sections of the Adoption and Children Act on 31 December 2005 while all parties learned to work with the new legislation. The resulting 'ripple effect' led to a decrease in adoption orders between 1 April 2006 and 31 March 2007 but improvements had been made in the last few months. There was now an agreement with Doncaster Adoption and Welfare Society to take control of inter-country adoptions.

Adoption and Fostering Inspection Report

The Commission considered the outcome of the first joint inspection of the Fostering and Adoption services, conducted by the Commission for Social Care Inspection in November 2006 but published in March 2007. Both inspections were very positive about both adoption and fostering. Councillor Rawson thanked the Fostering Service and Adoption Agency for the very good results shown in the reports, on behalf of the Sub Commission.

Care Matters – Time for Change

The Commission received an update on progress with this major policy initiative from Keith Woodthorpe. Eight of the recommendations had already been achieved. One singled out by the Sub Commission for particular praise was '*Preventing local authorities from discharging young people prematurely from their care placements until they are properly prepared and ready to move on to the next stage of their lives*' (page 11 of Summary). Keith Woodthorpe reported that Derby was a nationally recognised example in this field, improving the chances for the young people in adult life. Members recognised encouraging progress had been made.

Visits by Elected Members to Children's Homes

The Commission agreed to receive an update on the re-instatement of unannounced rota visits by Members to children's homes.

11 December 2007

Statistical Information on Children Looked After

The Sub-Commission were provided with updated statistical information on Children Looked After. There were 413 Children Looked After but numbers had peaked at 425 in early October. As a proportion of total children Derby was exactly average within the comparative local authority 'family' group, at 7.7 per 1000. Most children in the October peak had been placed through the independent sector leading to an overspend. Regarding adoptions, the forecast figure would make Derby one of the top performing Local Authorities.

Maintenance Issues for Children's Homes

The Sub-Commission received a report regarding maintenance in Children's Homes. The five homes were in varying states of repair and sometimes failed to meet minimum Ofsted standards. There was a struggle to maintain and decorate homes, with residential workers often carrying out minor repairs and decorating work themselves. The standard of repairs deemed acceptable under current Council contracts was not always sufficient to meet the requirements of the homes and the current feedback system on work carried out was not always reliable. The Sub-Commission recommended:

- a full condition survey and option appraisal be undertaken for the five children's homes.
- a robust and realistic service level agreement be developed for reactive maintenance repairs
- consideration be given to possibly devolving some of the maintenance budget to home managers and/or employing a dedicated handyperson for the five children's homes
- developing a system of checks to ensure that feedback forms are left.

Issues of Concern Arising from Ofsted Inspections of Children's Homes

The Sub-Commission received a report detailing the inspections made to children's home by Ofsted between 21 June and 11 October 2007, and the issues raised by Ofsted. Queensferry Gardens had been rated as outstanding, the first home in Derby to achieve this level of inspection judgement. Moorfield was judged to be inadequate was on the inspection of 21 June 2007 but in a second inspection it had improved well, but the overall judgement could not be changed until the next key inspection. The priority was to ensure that all five homes in Derby were judged satisfactory or better. The Sub-Commission agreed to issue a letter of congratulation to Queensferry Gardens children's home on achieving an inspection judgement of Outstanding.

Educational achievement of Children in Care – Self assessment using the Audit Commission Toolkit

The Sub-Commission considered Derby's current position as indicated by self assessment using the audit commission tool kit. Of the sixty-eight standards exploring eight lines of enquiry, no standards were assessed as 'Not Met'. The Department would continue to use the toolkit on an annual basis.

Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2006/07

The Sub-Commission received extracts of the Ofsted Annual Report relating to quality and standards in Social care inspections regarding Looked After Children. It was decided to receive this on an annual basis.

Councillor Visits to Children's Residential Establishments

Members considered the arrangements to collectively review the reports made on visits by elected Members to children's residential establishments.

Joint Area Review – Looked After Children

The Sub-Commission received a verbal report on the draft findings of a Joint Area Review of Looked After Children.

3.7 Planning and Transportation Commission

The Planning and Transportation Commission's membership and remit were confirmed at the Annual Meeting of the Council on 23 May 2007.

The Commission's portfolio covers the Council Cabinet portfolio for Planning and Transportation

3.7.1 Policy development by the Planning and Transportation Commission

Much of the Commission's work this year has been taken up by the two topic reviews that the Commission chose to pursue.

The review into backland development began in September 2007. The review explored the problems and difficulties backland development created for local residents. Commission members heard evidence from local people and professionals in Town Planning. Recommendations on policy alterations to new Planning Documents were developed and presented to **Council Cabinet** and the **Planning Committee**.

The Commission started their second review early in 2008. The second review focused on the maintenance of Highways and Footways across the city. The review aimed to explore how other comparable Local Authorities funded maintenance and whether eco-friendly methods were used. It also explored what criteria authorities used to determine when repairs were necessary. The Commission also wanted to understand the public's views about the standards of the roads and footpaths in derby and therefore commissioned a questionnaire, which was sent to 500 people exploring their views.

Over 2007-08 the Commission helped shape policies on a wide variety of performance monitoring issues and received reports on all performance indicators that showed a 'red light' on Performance Eye.

3.7.2 Items Scrutinised by the Planning and Transportation Commission at its scheduled meetings

11 June 2007

06/07 Performance Eye

The Commission considered information relating to a number of performance indicators that had been highlighted at the last meeting on the Environment Commission as needing attention. They identified:

- BV215a – Average number of days taken to repair a street lighting fault
- BV215b – Average time taken to repair a street lighting fault
- BV204 – Percentage of appeals allowed against the authority's decision to refuse planning

08/07 Planning and Transportation Issues in Derby

The Commission considered a verbal report from Jonathan Guest that provided a briefing on the planning and transportation issues faced by the Council.

09/07 Highways Maintenance Term Contract Renewal

The Commission received a verbal report from Christine Durrant – Assistant Director – Highways and Transport - on the renewal of the highways maintenance contract. It was reported that the current contract with Morrisons would be ending on 3 August 2007. It was noted that the process of procuring a new contract had begun in August 2006 and that it was currently at 'preferred bidder' stage.

10/07 Cathedral Green and Derwent River Footbridge

The Commission noted that there was a longstanding requirement for a footbridge and since the successful Growth Point bid by Derby, Nottingham and Leicester, £3.6 million had been approved for the development.

11/07 Revised Derby Cityscape Masterplan

The Commission received a report on the revised Cityscape Masterplan. The report detailed a number of areas where changes had been made to the plan following consultation. These included North Riverside, Castleward, Roundhouse, Becketwell and Kings Street.

12/07 Commission Portfolio and Draft Work Programme

The Commission considered a report which encouraged Commissions to set their annual work programme based around items contained within their respective portfolios at the beginning of each municipal year.

They decided to focus on Funding for Highways Maintenance and Travel Planning as topic review areas

13/07 Council Cabinet Forward Plan

The Commission identified the City Centre Eastern Fringes Area Action Plan item on the Forward Plan for consideration at a future meeting:

24 September 2007

22/07 Performance Eye

The Commission requested that a Performance Eye Report going to SMC to be presented to the Planning and Transportation Commission and for commentaries on indicators marked as red and declining to be brought to the next Commission meeting.

They also received a presentation on BV111 – Percentage of applicants satisfied with the Planning service. It was noted that it was mainly the refused applicants who had returned the survey and this had contributed to the low level of satisfaction with the service.

24/07 Report on Street Lighting Performance Indicators BVPI215a and BVPI215b

The Commission received a briefing on the street lighting performance indicators.

25/07 Report on the Percentage of Planning Appeals Allowed against the Authority's Decision to Refuse Planning

The Commission received a report on Performance Eye indicator BV204.

26/07 Planning White Paper

The Commission received an update on the Planning White Paper: Planning for a Sustainable Future.

27/07 3 Cities New Growth Point

The Commission received a report from the Head of Plans and Policies on the programme of development for the 3 Cities/3 Counties Growth Point.

They resolved to request that the Planning and Transportation Commission be consulted further on the development of the strategy; to ask for future reports on the percentage of land classified as back garden land in developments and to receive report on windfall sites to a future meeting.

28/07 Draft Scoping Report – review of Carriageway and Footway Maintenance

The Commission considered the draft report. The members asked if it was possible to add extra questions to the questionnaire regarding environmental sustainability of the plans and the carbon footprint.

29/07 Draft Scoping Report on proposed review of development on former Domestic Gardens

The Commission considered the draft scoping report for the proposed review of development on former domestic gardens report. The Commission agreed that the timetable outlined in the report.

30/07 Duffield Road Bus Lane

The members discussed the Bus Lane on Duffield Road, which had also been discussed at Full Council.

31/07 Council Cabinet Forward Plan

The Commission identified the following item on the Forward Plan for consideration at a future meeting:

- Proposed changes to the Council's transport procurement and operations services
- Clean Neighbourhood and Environment Act 2006 – Gating Orders
- City Centre Eastern Fringes Area Action Plan – Publication of Amended Preferred Option Report for Public Consultation
- Section 106 Supplementary Planning Document Consultation

5 November 2007

39/07 Performance Eye

The Commission considered the items on the Performance Eye. As requested in the previous meeting, all items showing as red and declining were brought before the commission. No further items were identified as need attention.

40/07 Performance Eye Indicators requested at the last Planning and Transportation Commission Meeting

The Commission received updates on items in Performance Eye which had been showing as red and declining.

BV165 - % of Pedestrian Crossings with facilities for the disabled

Plans were in place to upgrade all non-compliant crossings, and it was believed that the indicator would soon be back to the position it was in at the start of the year. It was noted that some of the remedial work was not on simple sites and so the resultant costs from road closures may be problematic.

BV99i – Number of Road Accident Casualties

It was reported that this indicator was based on the 2006 calendar year, and so it was already known that by the year end this indicator would be showing as green.

BV5.2di – Number of Secure cycle undercover places at schools and colleges.

It was reported that the figures shown in this indicator were corporate plan indicators and not best value indicators, and as such the indicator should show as green rather than red. It was reported that the year end target should be 300 places and the year end forecast is 390 places.

BV102 – Local Bus Service Passenger Journeys per year

It was reported that at the end of Quarter 2 journeys were up by 117,000 compared to this time last year, and that Quarter 3 is the busiest time of year for bus journeys. The opening of Westfield had helped meet this target, with an additional 10 services operating as a consequence.

41/07 Retrospective Scrutiny

The commission identified the following item for Retrospective Scrutiny: Cathedral Green bid to be a growth point.

42/07 Section 106 Supplementary Planning Document

The Commission received a report regarding S106 Supplementary Planning Document. The document consolidated the existing 106 regulations from last year, and also incorporated some new regulations. It was reported that this was a valuable document for developers so that they would know what to expect when submitting planning applications in Derby City. The document had been approved by Cabinet on 30 October 2007 to go to consultation.

The Commission resolved to request members be consulted on the report and that the provision for healthcare facilities under the regulations were felt to be inadequate and that the evidence gathering stages needed to look at the impact of single unit developments and multiple single unit developments

43/07 Clean Neighbourhoods and Environment Act 2006 – Gating Orders

The Commission received a presentation from the Head of Traffic, on Gating Orders.

44/07 Eastern Fringes Forward Plan Item

The Commission received an update from the Senior Planning Officer on the work to date for the Eastern Fringes Cityscape Plan. It was felt that more work needed to be done on Derby's own plans before submitting them to Cabinet, especially in the area of the locality of policy and consequently this plan was not scheduled to go to Cabinet until December 2007.

45/07 Council's Transport and Procurement Plan

The Commission considered the report on the development of the Council's Transport and Procurement Operations Service. The Commission resolved to note the report and to receive a report back to the Commission should the TPOG Manager position not be filled after 6 months.

46/07 The Council's Travel Plan

The Commission received a briefing on the Council's Travel Plan.

The Commission requested that the travel plan be brought back to the Commission for input prior to going to Cabinet.,.

47/07 Work Plan Update

The Commission received an update on results of the initial scoping report on backland development. It was reported that although the original evidence gathering had been successful in establishing the reasons for the public's objections to backland development, it had not given Members a clear picture of the overall situation. It was felt that although the evidence provided by the officer was factual, the views presented by the public were quite naturally biased against backland developments. The Commission resolved to extend the scope of the review.

21 January 2008

58/07 Revenue Items relating to the portfolio of the Planning and Transportation Commission

The Commission considered the revenue items relating to their portfolio. They resolved to request that the Council Cabinet Member explore what can be done to maximise work on the Safer Routes to School Scheme and to recommend that if funding allows, particularly if income generation for planning charging exceeds expectations, the Council Cabinet Member should take action to address the current high workload of the officers of the

Development Control and Plans and Policies teams and that in the medium term regard should also be taken of the additional capacity and support that will be required if these teams are to effectively deliver the new 'place shaping' role that is envisaged by central government.

59/07 Capital Budget 2008-2011 – Funded Programme for Transport

The Commission received a report on the proposed Regeneration and Community Services Capital Programme. The report outlined proposed uses of available funding, including the allocations that were specific to the Regeneration and Community department. The Commission resolved to note the report and to establish a date for a future meeting before the March Council Cabinet meeting to discuss LTP Block Funding in more detail.

60/07 Corporate Capital Programme 2008/9-2010/11

The Commission received a report on the corporate Capital Programme for 2008/9 to 2010/11. The Commission raised concerns about the level of funding for footpath maintenance in 2008/09, as the public had raised many complaints about the current state of the footways. It was reported that the 2008/09 Capital programme was mainly growth point funding, and so funding for footway improvement would only become available in 2009/10. The Commission felt that this was not acceptable, especially as the budget had allocated £300,000 to 'wayfinding' in the city. 'Wayfinding' was not felt to be a local priority. The Commission felt that there should be a consideration to reallocate the budget to try and find some additional funding for footpath maintenance and resolved to ask the Council Cabinet to look again at the funding for new schemes in the Corporate Capital Programme 2008-11 (Appendix 2) to see if half of the proposed £300,000 funding for 'Way Finding design and construction costs' could be spent on Footway Maintenance in 2008/09.

61/07 Performance Eye

The Commission considered the latest information from Performance Eye. It was reported that the data had not changed from the last meeting and that all the red indicators had already been before the Commission.

62/07 Review of Residential Development on Former Domestic Gardens Final Report

The Commission considered the final draft of the report on the review of the development of former domestic gardens. The report was welcomed and the Commission gave thanks to all involved. The final report was then submitted to the Council Cabinet Member for consideration.

63/07 Update on Highways and Footpaths Maintenance Review

The Commission received an oral update on the Highways and Footways Maintenance Review. It was reported that questionnaires had been sent out to 16 Local Authorities on 14 December 2007. Questionnaires had also been sent to 475 members of the Pointer Panel.

64/07 Council Cabinet Forward Plan

It was resolved to request a report on Forward Plan item 60/07 City Centre Eastern Fringes Action Plan to the next Commission meeting.

4. Public involvement in Scrutiny 2007/08

During the past year there has been significant public interest in some of the controversial issues that have been considered by the Commissions and members of the public have attended Commission meetings to witness proceedings and in some instances to give evidence to members. These examples of public involvement in scrutiny are listed below.

4.1 Adult Services and Health Commission

Derbyshire Mental Health Services NHS Trust – proposed reconfiguration of Psychological Therapies Services in Derby and Derbyshire.

The stated aim of the proposed reconfiguration of Psychological Therapies Services was to reduce the time that patients had to wait to access services, and to provide a new specialist service in the north of the County where there this is currently not provided.

When the Trust's proposals were considered by the Adult Services and Health Commission at their July meeting, they generated considerable public interest especially from the service users and staff working within psychological therapies services. Some people were not convinced that the proposed restructure would reduce waiting times and improve access to services for patients in Derby, and a number of psychological therapies staff attended the Commission meeting to observe the proceedings and to give evidence to the Commission.

Closure of the Bramblebrook Residential Home

There was sizeable public attendance at the Commission's October 2007 meeting when the proposed closure of Bramblebrook House, one of the Council's eight older people's residential homes, was discussed.

This Commission meeting was attended by friends and relatives of the residents of Bramblebrook House who wished to show the strength of their feelings and give their views on the proposed closure. A number of the friends and relatives also gave evidence to the Commission on the possible effect of the proposed closure on the home's elderly residents.

4.2 Community Commission

Performing arts is important part of the culture of a city and Derby is no exception in this.

In October 2007 the Derby New Theatre Association submitted a petition to the Council complaining about the lack of suitable venues in the city for amateur groups to perform and asked for help. There was significant public interest when the petition was discussed by the Community Commission at its October meeting. This interest was due in part to public concerns about the

future of Derby Playhouse which had been a hotly debated issue in the city over previous months.

4.3 Scrutiny Management Commission

During the past year the Commission has considered petitions on:

- Home Care Charges
- Protection of the War Memorial
- Crises in Community Theatre
- Asian over 60's centre
- Bramblebrook Nursing Home Closure
- The impact of Westfield on the Independent retailers of the Cathedral Quarter and Lanes
- Russell Street Proposed Travellers Site

A number of members of the public attended the meetings at which some of these petitions were discussed and some availed themselves of the opportunity to put their views on the subject of the petitions to Commission members

4.4 Planning and Transportation Commission

There has been considerable public involvement in the two reviews that the Planning and Transportation Commission has conducted over the past 12 months.

Review of backland development

The Commission's first review considered the control of developments on former domestic gardens or 'backland' sites. The Commission's decision to look at this issue was due in part to the concern that local residents had raised with their local Councillors. As part of this review a successful and well attended meeting was held in the Council Chamber on 25 September 2007. At this meeting 12 members of the public gave evidence to the Commission and expressed their views and concerns about backland developments. Members of the public were also given the opportunity to email their comments to the Commission. A large number of emails were received and were considered by the Commission when it reviewed the evidence and formulated its recommendations.

Review of highway and footway maintenance

The Planning and Transportation Commission also canvassed the public as part of its review of highway and footway maintenance. A questionnaire which asked what the public thought of the state of the roads in Derby and how the Council might improve the way it looked after them was sent to 475 Pointer Panel Members.

Over 250 responses were received from the public and their views were taken into account by the Commission Members when deciding on their recommendations for the review.

4.5 Climate Change Commission

The Climate Change Commission has generated public interest throughout the year and unusually there has been a regular although small attendance by local people at the Commission's meetings.

In September 2007, the Commission received a presentation from Jeremy Fisk, a local resident, about the project he had undertaken to see what he could do to reduce the amount of energy he and his family consumed. As a consequence of the presentation the Commission, in conjunction with the Derby Evening Telegraph, launched a local 'Switch it off' campaign which encouraged members of the public to follow Jeremy's lead in reducing their use of energy.

The Commission also capitalised on the public's interest in its work by holding a special meeting which was open to the public and all City Councillors in the Council House on 19 November 2007. The meeting, which was intended to provide an overview of sustainable power generation, involved some interesting and informative presentations by John Beardmore the Managing Director of T4 Sustainability Limited and Tony Marmont of Beacon Energy, and was attended by about 40 people.

4.6 Children and Young People Commission

There has been little public involvement in the work of the Children and Young People Commission during 2007/08. That was partly because the reviews, which looked at the development of children's centres and reducing teenage pregnancies, required a degree of sensitivity and, whilst they were important issues were not of a type that were of great interest to the general public.

There were two important decisions, which each merited a special meeting, and which did have the potential to engage a large number of Derby's parents. However time constraints beyond the control of the Commission meant the potential for public involvement was not fully realised.

Home to School Transport proposals

The controversial Home to School Transport proposals involved the replacement of the daily fare box by an annual pre-payment arrangement for all pupils and the introduction of charges for travel to and from faith schools. The evidence-gathering part of the special meeting was web-cast.

When considering this proposal the Commission were able to draw upon the all-parent consultation that had been conducted in the spring and a representative of parents voiced the views of Roman Catholic families affected by the proposals.

Part of the concerns that the Commission subsequently expressed to Cabinet was that the public consultation had been compressed into a month which including the Easter break. This comment by the Commission led to the consultation being repeated but over a 12 week period and with the revised proposals taking account of the other Commission's concerns.

In light of the Council's financial constraints, the Commission reluctantly supported the increased charges and the introduction of charges for faith schools transport provided six conditions were met.

Building Schools for the Future

The second special meeting of the Commission considered two Council Cabinet reports on Building Schools for the Future (BSF) - Choice and Diversity.

The essence of the controversy was whether two City secondary schools should be converted into Academies in order to unlock £150m of capital investment for all of Derby's secondary schools. Academies are all-ability schools, independent of the Council. Bemrose and Sinfin Community Schools were proposed with Derby College as the probable 'sponsor'.

The tight timetable meant scrutiny had to take place during half term, but before the schools broke up the Commission was able to invite secondary heads, chairs of governors plus teaching and non-teaching trade unions to submit written comments on the issues. Ian Jennison attended the Commission meeting to present the NUT and other unions' position and to respond to Members' questions.

Although the quantity of responses was undoubtedly compromised by the timing of the review, the range and quality of the evidence obtained was probably the best achievable in the circumstances faced by the Commission.

In deciding to support the proposals as the sole pragmatic means to unlock £150m, the five provisos relayed to Cabinet by the Commission included one requiring Derby College to undertake full consultation to reassure all stakeholders that Academy status will be beneficial.

5. Call-ins Scrutiny members in 2007/08

Under Rule OS33 of the Council's Constitution, the Overview and Scrutiny Commissions can 'call-in' executive Key Decisions that they consider have not been taken in accordance with the principles of decision making set out in Article 13 of the Constitution. These principles relate to:

- Proportionality (the decision must be proportional to the desired outcome)
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Keeping a record of what options were considered and giving the reasons for the options

Key Decisions may also be called-in where relevant issues do not appear to have been taken into consideration.

Call-in should only be used in exceptional circumstances and is triggered when any three members of the Council are of the opinion that one or more of the principles of decision making have been breached. A decision must be called-in during the five working days after the Council Cabinet minutes are published and the relevant Commission must review the decision within ten working days of the call-in notice being received.

If having considered the decision the Commission is still concerned about it, they may refer it back, with their recommendations, to Council Cabinet or to Full Council.

5.1 Call-in of the proposed closure Bramblebrook House Residential Home

Continuing the pattern of frequency for the last four years, during the municipal year 2007/08 one executive Key Decision was called-in and considered.

As explained in the policy development section, on 31 July 2007 the Council Cabinet decided to consult on a proposal to close Bramblebrook House, a council-run residential home for older people. Following a full review in the autumn the Adult Services and Health Commission had recommended the Council Cabinet not to proceed with the proposal. However, on 27 November the Cabinet approved the closure of the home. Subsequently two call-in notices were received, one signed by three Conservative members and the other by three Liberal Democrat members. Both notices stated that the decision was in breach of all of the principles of decision making (above) and, in addition, the Liberal Democrat notice said that other relevant considerations had not been taken into account.

This was the first occasion when two separate notices were submitted on the same issue and it was decided to consider both at a special meeting of the

Adult Services and Health Commission. This took place on 6 December when five of the six signatories attended to present the case for the call-in. The Cabinet Member for Adult Services responded to the points outlined by the call-in signatories. Members of the commission then asked questions of the signatories and the Cabinet Member. After final statements by both call-in signatories and by the Cabinet Member Adult Services, the Commission then deliberated. It was decided, on a vote, that all the grounds for call-in had been proven and the matter was referred back to the Council Cabinet for reconsideration.

A full report addressing the points raised during the call-in meeting was prepared for the 15 January Council Cabinet meeting. The Commission's Chair, Cllr Marshall, attended that meeting to explain why the call-in had been upheld. However, the Cabinet decided to re-affirm its original decision that the home should close.



6. Member development

On 6 March 2008 Derby City Partnership, I&DeA, Overview & Scrutiny, Change Management & Performance and Members' Services came together to deliver a development session intended to give all Council members a feel for the national and local context and the importance of partnership working.

The session which lasted for 2½ hours was run three times during the day in the hope that everyone should be able to attend at some point. The timings were, 8.00am -10.30am, 12.00 noon - 2.30pm, 4.00pm -6.30pm

The main topic of the session was delivering the priorities of Derby Local Area Agreement (LAA) via shared understanding of the local performance framework and guidance for scrutiny of performance management.

The session programme covered:

- Where is public sector going on place shaping, partnerships and efficiency?
- When did this journey on 'public services transformation' really begin?
- Councillor's enabling role in devolution – future of govt is local
- New Local Performance Framework – choice of indicators – less inspection
- Why change is so important?
- What does the new framework mean in practice?
- How are we going to implement it?
- What are LAA Priorities and how can LPF help deliver?
- Is our performance management system fit for purpose?
- The changing role of scrutiny in performance management from 'big stick' to 'open discussion'

The sessions also gave the opportunity to discuss the roles of Members in LAAs and in particular:

- Local leadership
- Partnership working
- Communication
- Political understanding
- Scrutiny and challenge
- Regulating and monitoring

7. Budget Scrutiny by the Overview and Scrutiny Commissions

The budget proposals for 2008/09 to 2010/11 set out in the detailed Budget Consultation Document that was made available to members on 14 January 2008 and in subsequent reports to the Commissions were considered by the Overview and Scrutiny Commissions at their meetings in January 2008.

The proposals were considered by members at their Commission meetings in January 2008 and the following recommendations were made to Council Cabinet.

7.1 Recommendations of the Scrutiny Management Commission on the draft Revenue and Capital Budgets 2008-2011

Draft Revenue Budget

Recommendation 1

That the proposed saving of £6,000 in the Mayoral Services budget for 2009/10 is deleted.

Reason

That the Mayoral budget is already very low when compared to that of similar local authorities and that reducing it still further may have a detrimental effect on the performance of the Mayoral team and on the way in which the Mayor is able to discharge his/her duties.

7.2 Recommendations of the Adult Services and Health Commission on the draft Revenue and Capital Budgets 2008-2011

Draft Revenue Budget

Recommendation 1

The Commission urges the Council Cabinet to bring forward the introduction of the income generation proposals as soon as possible and maximise the income for the Council.

Reasons

The Adult Services and Health Commission at its 29 October 2007 meeting and the Full Council at the 21 November meeting have both requested the Council Cabinet to explore income generation proposals and reduce pressures on Adult Social Services budget. The draft revenue budget proposals identify an income of £500k in 2008/09 budget which rises to £1.5m in 2009/10. It is assumed that the vast majority of this income will be generated from the re-introduction of home care charges and the £500k relates to charging introduced during part of the year. The Commission recommends the income generation measures are introduced as early as

practical, preferably at the start of the financial year in order to maximise the income.

Draft Capital Budget

The Commission welcomes the inclusion of Adult Social Services Capital budget in the Corporate Capital Budget Plan for 2008-2011. The inclusion of the Social Services Capital budget developed from existing resources and not linked to future disposal of capital assets sends out a positive signal about future intention for the service. It also enables service managers to develop effective plans for the future.

7.3 Recommendations of the Climate Change Commission on the draft Revenue and Capital Budgets 2008-2011

Draft Revenue Budget

Recommendation 1

That the Council should not reduce facilities and subsidies on parks activities by a total of £81,000 over the period 2008/9 to 2010/11 and should instead seek other means of making this saving.

No decision to close or fail to refurbish play areas should be made without the Climate Change Commission being consulted on the play areas proposed for closure and on the costs/savings of refurbishment and closure.

Reasons

The Commission is aware of and supports the proposals contained in the Parks and Open Spaces Strategy (Forward Plan item 28/07). Members are concerned that the proposed reduction in facilities and subsidies on parks activities will prevent the effective delivery of the Strategy and will have a detrimental effect on the City's parks and detract from their attractiveness to the public. The proposal to reduce the facilities and subsidies on parks activities does not support the Council's priorities for 2007/10 of:

- Making us proud of our neighbourhoods
- Leading Derby towards a better environment
- Helping us all to be healthy, active and independent
- Giving you excellent services and value for money

Children's play areas provide an important facility for families and contribute to the achievement of the Council's objective of 'Helping us all to be healthy, active and independent'. It is accepted that some play areas may be underutilised but the Commission still wishes to be consulted on any proposed closures.

Recommendation 2

The Commission recommends that recycling bring sites that are well used by the public should not be closed and that any programme of closure of the bring sites should be based on current levels of usage and not on the assumption that the sites are not needed because the Council now provides kerbside collection facilities.

Reasons

The Commission is aware that some of the City's recycling bring sites are underutilised and that there are problems of antisocial behaviour at some of the sites. Members can consequently understand the reasons for a programme to rationalise and consolidate the number of recycling bring sites in Derby. However members consider that the closure of all recycling bring sites in the City no matter what their level of usage, would deny the public an important facility and would have a detrimental effect on the level of recycling in Derby.

No figures have been provided to the Commission to justify the proposal to close all the recycling bring sites and members have requested a list of the sites, and information on the amount of material deposited at each site. It is considered that a rational decision about the sites to be closed cannot be made without this information.

The proposal to close all the recycling bring sites in Derby would not support the Council's objectives of:

- Leading Derby towards a better environment
- Giving you excellent services and value for money.

Recommendation 3

The Commission recommends that the proposal to close the Council run public conveniences in the City centre and elsewhere in Derby is re-examined to see whether it will be possible to retain some of the City centre facilities.

Reasons

The Commission understands the reasoning for the proposal to close the Council run public conveniences in Derby. Members are aware of the problems of vandalism and antisocial behaviour that affect some of these public conveniences and support in principle their closure.

Members are however concerned about the impact that the closure of all the Council run public conveniences will have on residents and visitors to the City. This proposal will penalise law abiding members of the public when they need toilet facilities. Not all of them may be happy with using the facilities in commercial premises, and if they are visitors to the City, they may not know where those facilities are. The closure of Council run public conveniences in the City centre would not support the Council's objective of:

- Creating a 21st century City centre

The Commission accepts the need to close certain public conveniences in Derby. However it is suggested that the implications of the proposal to close all Council run public conveniences requires further consideration and that some City centre facilities should be retained.

Recommendation 4

The Commission recommends that the budget pressure of £70k arising from reduced income from golf operations is covered by increasing the charge to players at the Council's golf courses.

Reasons

Commission members consider it would be reasonable to address the budget pressure by increasing the charge to players at the Council's golf courses.

Members have suggested that off setting this budget pressure in this way might partially remove the requirement to reduce facilities and subsidies on parks activities.

It is considered that increased golf charges would still satisfy the Council's objective of:

- Giving you excellent services and value for money.

The Climate Change Commission made no specific recommendations on the draft Capital Budget proposals that fell within its portfolio.

7.4 Recommendations on the Draft Revenue and Capital Budget 2008-2011 by the Community Commission

Draft Revenue Budget

Recommendation 1.

The Commission recommends that the Council Cabinet provides additional resources, beyond replacing the NRF funding stream, for the neighbourhood working agenda and considers providing each ward, at minimum level a dedicated part-time neighbourhood manager to manage and actions issues raised at the Neighbourhood Forums and Boards.

Reason

Derby is seen as a national leader in Neighbourhood Working and the Commission was disappointed to note that this important service area is not being supported with additional resources. The Council agreed to the new way of working and has developed strong relationships with local residents

and partner organisations but lack of additional resources would seriously limit future progress and credibility to process. The Council can only continue to be visionary if it bends its funding streams to support this new way of community engagement and partnership working.

Recommendation 2

The Commission wishes to see a production theatre performing in the city and therefore welcomes the inclusion £400k in this year's draft budget. The Commission also wishes to support amateur theatre and recommends ring fencing a portion of the budget to support amateur theatre groups, this amount is seen as £50k of the £400k budget allocation. There are various options of supporting the groups and the Commission recommends the Cabinet works with amateur groups to determine how they could best utilise the resources to enable them to continue to flourish in the city.

Reason

There is a debate to be had on how the £400k could be best used for supporting producing theatre in the city since the recently elected new management Board at Derby Playhouse announced that they no longer wish to receive funding from the City Council but would still need the £750,000 grant from the Arts Council. However, the Commission was informed by the Head of Arts and Events that the funding from the Arts Council is provided to the Playhouse on the condition that it receives financial support from the City Council.

Recommendation 3

The Council Cabinet is recommended to carryout an options appraisal as soon as practical on the ending of the additional ALMO's subsidy of more than £2.5m per year in 2011/2012 and initiates the consultation process with the key stakeholders as so that informed choices can be made on the future rent levels and the best strategy for the avoidance of the negative housing subsidy. There is an announcement from Government that maybe helpful in this respect due on the 8th February.

Reason

It is important that early options appraisal is carried out to determine the level of resources available following the end of the £2.5m per annum subsidy and how best they can be utilised. Starting the process early would enable meaningful consultation to be conducted with the relevant stakeholders, including tenants and enable the Council to set a strategic policy on rent levels with sufficient surplus for stock maintenance at its current level of repair.

Recommendation 4

The Community Commission was asked to give its views on the level of rent increase to harmonise council rent with the RSLs. The Commission recommends the rents are increased by 8.2% to bring the convergence in line by 2012 as required by the Government.

Reason

Local authorities are required to harmonise council rents and bring them inline with those charged by RSLs by 2012. The Commission was presented with three options on possible rent increases:

- a) increase rents by 12 %
- b) increase rents by 8.2% to bring them in line by 2012
- c) increase rents by 7.4% to bring them in line by 2016

The commission feels that 12% increase would be excessive and could become a significant burden on those not housing benefits whilst delaying the convergence to a later date could put significant pressure on the HRA. Also the difference between 8.2% and 7.4% would be minimal for the tenant, around 35p per week but could provide substantial resources across the 14,000 housing stock and enable the convergence to be achieved by the timescales set by the Government.

Recommendation 5

The Commission recommends that of the £6m Estates Pride Programme still unspent, £4m could be spent over the next two years to carry out capital improvement on local estates whilst the remainder £2m is used to support neighbourhood working over the next ten years, funding conditions permitting.

Reason

£15m Estates Pride Programme was provided for improvements to estates and to provide facilities for the benefit of tenants. Of this £9m has so far been spent some of which is used to support the Neighbourhood Working agenda. The Commission feels the Neighbourhood Agenda is an important new way of working with local partners and for the benefit for local community including council tenants. Using Estate Pride resources to support Neighbourhood Working would extend the benefit over the next years, providing this was did not contravene funding criteria.

7.5 Recommendations on the Draft Revenue and Capital Budget 2008-2011 by the Children & Young People Commission:

Draft Revenue Budget

Recommendation 1

That Council Cabinet note that the Commission:

- a) would not wish to see the implementation of the 2010/11 proposals to reduce spending on: Family Support (£134k), Reception and Hospital Service (£108k), Aspire Leaving Care (£60k), Reduction of post 16 residential beds (£296k), Assessment and Care Planning (£248k), Independent Reviewing Officer function (£72k),
- b) were informed by the Council Cabinet Member and Corporate Director that every effort would be made to find ways to avoid the implementation of the proposals and
- c) have resolved to receive a regular progress report from the Cabinet Member and Director on the steps taken to avoid implementation in 2010/11, the first of which should be no later than December 2008.

Reasons

These services are central to the Council's statutory obligations in respect of child protection and looked after children; from a risk management approach meeting our responsibilities is highly sensitive both intrinsically and because of the level of external inspection and ramifications should anything go wrong.

Recommendation 2

That Council Cabinet:

- a) note that the Commission welcomes the work to reduce the unit costs of independent fostering agency, IFA, placements, either through contracting arrangements and/or collaboration with other local authorities and
- b) needs to recognise that the overall number of in-house foster carers are affected by the rate of allowances they receive and that this has an inter-relationship with the need to make placements with IFAs.

Reasons

- a) The appointment of an officer to secure unit cost improvements through a commissioning and contracting process is a welcome example of invest-to-save. It may be that, subject to any rules on competition, a sub-regional consortium of unitary/councils may be able to secure even more favourable unit costs.
- b) The Commission decided not to make a specific recommendation regarding the rate of fostering allowances for 2008/9; however, experience has shown that the number of in-house foster carers is not growing fast enough to enable the rising number of looked after children to be accommodated. As a consequence greater and greater use of made of the much more expensive IFAs. Good child care practice means that once placed there, the child is likely to remain and thus create a long term financial commitment. Making increased budget provision in response (£547k extra from April 2008) in tight financial circumstances squeezes out the scope to increase the allowances to

our own foster carers, which would serve as an aid to recruitment and retention and reduce the need for IFA placements. In July 2006 the Commission's own review heard – and agreed - that 'the issue of allowances can't be ignored – it's a competitive market' and that 'we need to strive to reach' the Fostering Network's recommended rates.

Recommendation 3

That Council Cabinet note that the Commission is concerned that the re-categorisation of the costs of the Education Psychology, so as to fall within the schools budget with consequent charging to individual schools, may have an adverse impact on individual pupils accessing the service, as the 'affordability' will depend on i) the level of charges, ii) the number needing referral and iii) the state of the school's budget.

Reasons

At its meeting the Commission was not sure about the 'mechanics' of putting this important service into the schools budget. If the change does not produce any adverse impact on pupils needing referral then the proposal can be welcomed as creative accountancy. The concern is that a school with budgetary difficulties or which by chance has an unusually high number of children needing referral in a year, does not refer all those who would be referred under the present system. Early, appropriate intervention can avoid much costlier responses later, for example, successfully dealing with behavioural issues can avoid permanent exclusion, family breakdown and the need for the child to become looked after by the Council.

Draft Capital Budget

Recommendation 4

That Council Cabinet should consider the feasibility of building a larger residential home for autistic children, perhaps comprising two five beds wings, with the additional places to help adjacent authorities to meet the needs of similar children.

Reasons

There could be a win/win result of income generation for Derby City Council and reduced costs, compared to expensive out-of area placements for neighbouring councils. Accepting the logic that the nature of the children means that specialist units have to be small to manage well and deliver care, two wings could keep the operational scale but also provide significant management economies when compared to two entirely separate homes. Even with a catchment area based on the BVPI indicator of placing a child not more than 20 miles from the parental home, that would include Nottingham City, the Erewash/Amber 'border' towns plus Burton-on-Trent.

Recommendation 5

That Cabinet note that as regards the new capital programme ‘Primary Strategy for Change’ the Commission a) wish to be involved in a timely way so as to have the opportunity to potentially influence the proposals and b) will take a specific interest in the methodology to be used to determine the order that primary schools appear in the programme.

Reasons

The Primary Strategy for Change was described as BSF’s ‘little brother’ because the scale of funding is much smaller. However, the submission to central government has to make projections about primary provision for the following 14 years – making the 15–20 page document much more strategic than most local authority service planning. Working back from the final submission date of 16 June 2008, the timetable needs to factor in engagement with the Commission whilst the proposals are still capable of being shaped and revised. Regarding b) with such limited funds covering such a long period achieving a fair methodology is essential to justify each school’s place in the ranking order.

7.6 Recommendations on the Draft Revenue and Capital Budget 2008 2011 by the Planning and Transportation Commission.

Revenue Budget

Recommendation 1

Request that the Council Cabinet Member explore what can be done to maximise work on the Safer Routes to School Scheme.

Reasons

To promote the Safer Routes to Schools scheme and encourage alternatives to private car use within the City.

Recommendation 2

Recommend that if funding allows, particularly if income generation from planning charging exceeds expectations, the Council Cabinet Member should take action to address the current high workload of the officers of the Development Control and Plans and Policies teams and that in the medium term regard is also taken of the additional capacity and support that will be required if these teams are to effectively deliver the new ‘place shaping’ role that is envisaged by central government.

Reasons

To address the very high work load of Development Control and Plans and Policies staff which has been identified by through the Commission’s review of

'back land' development, and to provide the capacity that these teams need to deliver on their new 'place shaping' role.

Capital Budget

The Planning and Transportation Commission made no specific recommendations and resolved to note the report.

Corporate Capital Programme 2008/9 – 2010/11 Recommendations

Recommendation 3

That the Council Cabinet to look again at the funding for new schemes in the Corporate Capital Programme 2008-11 (Appendix 2) to see if half of the proposed £300,000 funding for 'Way Finding design and construction costs' could be spent on Footway Maintenance in 2008/09.

Reason

The Commission considered that footway maintenance was of a higher priority to residents of the City than the provision of 'Wayfinding' signs.

8. Outcomes of Member Satisfaction Survey

To be added when the survey is completed.

Appendices

To be added later in same format as for 2006/07 Annual Report.