

Time commenced – 6.00 pm
Time finished – 7.24 pm

**SCRUTINY MANAGEMENT COMMISSION
28 APRIL 2009**

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

In attendance: Councillor Care

132/08 Apologies for Absence

Apologies for absence were received from Councillors Bolton, Hird and Williams

133/08 Late items introduced by the Chair

There were no late items

134/08 Declarations of Interest

There were no declarations of interest.

135/08 Call in

There were no items.

Items for Discussion

136/08 Councillor Call for Action (CCfA)

The Commission considered a draft protocol by the Director of Corporate and Adult Services which will govern the new Councillor Call for Action process.

The Chair asked how the CCfA would fit into the current processes the Council employs. The Assistant Director – Democratic Services informed the Commission that the guidance states that this course of action should only be used by Councillors on ward issues when all other means had been exhausted by them.

Councillor Poutler expressed the view that members who have raised a CCfA should be present at the meeting to represent their interests. The Commission agreed that it should be considered good practice for members to be present for their own CCfAs and this should be added into the protocol. Councillor Care suggested that members should also submit a written report. This would aid the Scrutiny Management Commission when they come to decide the validity of any submitted CCfAs as the Councillor may be called on to answer questions of clarification.

Councillor Webb expressed doubts about how this new process would fit into the existing Constitutional framework and whether it could be open to abuse. Councillor Hussain welcomed the new practice. He stated that CCfA would slot in above the existing powers

Commissions have and would also devolve power to individual members. The Assistant Director – Democratic Services informed the Commission that under current provisions a Member of the Commission, or three members who are not members of the Commission, can request an item is placed on a Commission agenda, CCfA would look at ward specific issues at a multi-agency level and the Constitution would need to be amended to reflect this. He also suggested that any protocol agreed should be reviewed in 12 months and amended if necessary.

Councillor F Khan expressed concern that councillors could abuse the system and repeatedly bring items back to a Commission. He suggested that items should not be able to come back before a Commission until a period of 12 months had expired. Councillor Webb stated that the current limit for the vast majority of Constitutional action stood at six months and the CCfA timescale would only be in line with these. The Chair informed members that Commissions would have the power to decide if any CCfA was reasonable and this could stop abuse of the system.

Resolved to:

- 1. recommend that Council approve the CCfA protocol subject to the inclusion of the requirement for councillors submitting a CCfA to attend the initial assessment ;**
- 2. will review the protocol after a period of 12 months, if approved by Council; and**
- 3. include CCfA training in the Overview and Scrutiny training package, if approved by Council.**

137/08 Scrutiny of Crime and Disorder Issues

Members considered a report by the Director of Corporate and Adult Services asking for the Commissions views on the best way to discharge new scrutiny responsibilities in respect of crime and disorder. The Scrutiny and Complaints Manager presented three options that would satisfy the requirements of the legislation.

The Acting Director of the Community Safety Partnership (CSP) expressed his for option three and said that this would make the CSP more accountable to the public. He expressed concern that at present the CSP Board consists of only one elected member and the £9m budget at its disposal is not publicly held to account. He suggested that the CSP might administer and support option three. The Chair thanked the Acting Director for his input but suggested that members as well as the Overview and Scrutiny team did not have the capacity to support an additional Commission.

Councillor Hussain said that it was not only the CSP who have limited public scrutiny and pointed out that there are a wide variety of other organisations that could also benefit from increased accountability. The Assistant Director – Democratic Services informed the Commission that although the duty for scrutiny was imposed on the Council the discharge of these duties remains fairly open. However, he advised the Commission that the Council's Overview and Scrutiny officers should be involved in any discussions and that the objective should be to add value to the process.

Councillor Poulter asked the Acting Director of the Community Safety Partnership for

clarification on the current membership of the CSP Board and their current remit. The Acting Director informed the Commission of the Board's membership and explained that the business they conduct each year follows a cycle. At the beginning of the year they receive a strategic intelligence assessment and from this the Board forms its annual plan. The performance of the CSP is then reviewed against the annual plan.

Councillor Poulter suggested that the Commission opt for a variation of option two. He favoured a sub-commission where the Chair would sit on the CSP Board and identify items for the Commission to scrutinise. He added that the CSP could administer the meeting. Councillor Webb agreed with this approach, however, he raised concern about funding being provided by the CSP and about their ability to scrutinise themselves.

Councillor Care favoured a variation of option one and suggested that the Chair of SMC should have a place on the CSP Board and identify items for the Commission to consider.

The Assistant Director – Democratic Services felt that there could be a compromise between the two approaches. He suggested that a Sub-Commission be formed which would meet twice a year; first to review the strategic intelligence assessment and secondly to scrutinise the performance of the CSP against their annual plan. The Sub-Commission would then report back to its parent body.

Councillor F Khan suggested co-opting members of the CSP Board on to a Sub-Commission. The Assistant Director – Democratic Services informed members that this would be unconstitutional as officers of organisations being scrutinised could not be on a Commission. However, an expert such as an ex-police officer could be co-opted onto a Commission.

Resolved to recommend to Council that the current arrangements remain in place until the Chair and Vice Chair bring back a detailed report in June considering capacity issues for both councillors and officers.

138/08 Devolved Neighbourhood Highways Budgets

The Commission considered a paper from the Director of Regeneration and Community which provided some information on proposed improvements and potential costs for maintenance work on road and pedestrian footways and included some indicative costs. Each neighbourhood board had been allocated an additional £10,000 in the 2009/10 budget process to spend on highways improvements in line with their local priorities. The Director told members that the boards now needed to decide what to spend their allocated funding on. However, he stated that the list contained in his paper was not exhaustive but requests need to be reasonable and achievable within a financial year.

An email from the Allestree and Darley Neighbourhood Manager listing questions and concerns about the use of the funding was circulated at the meeting. The Director replied to each of the questions in turn. The Manager had asked when work plans for the neighbourhood boards would be provided and the Director indicated that a progress report would be available in six to eight weeks. The Manager had requested that some costs be provided as a guide, and these were included in the Director's paper. The Director indicated that all requests for works need to be submitted by October 2009. The Neighbourhood Manager also asked for clarification on how underspends could be dealt with, if boards could purchase traffic bollards, whether finances from different financial years could be pooled and if the Regeneration and Community Directorate would provide

a liaison for the boards to contact. The Director indicated that any underspends were not something that he could comment upon. He said that traffic bollards are considered controversial as there are maintenance problems and replacement costs if they are damaged, He advised against funding to be used for this purpose and informed the Commission that verge treatment could be offered as an alternative. The Director indicated that boards could pool their money for larger projects and said that a liaison officer had now been indentified.

The Acting Director of the Community Safety Partnership said that the funding would empower the neighbourhood boards and he felt that restricting this funding to highways improvements was wrong. He said that there were a range of other alternatives that neighbourhood boards could undertake to improve their area. Councillor Hussain echoed the Acting Director's comments and said that each board has their own set of priorities which may rank above highways.

Councillor Care expressed concern that if the ring-fencing on the neighbourhood board finances were completely removed there could be insufficient staff to administer and support what was proposed by the boards.

The Chair expressed concern that neighbourhood boards were not always attended by highways officers and said that the boards would struggle to make decisions on the necessary works without their specialist advice. He added that when officers had attended their advice had been very useful to the board. The Director of Regeneration and Community told members that it was difficult in terms of staffing capacity to send an officer to each meeting of Derby's 17 neighbourhood boards. He added that if applications for works were submitted in good time then the required specialist advice could be provided early to allow the board to make an informed decision.

The Assistant Director – Democratic Services informed the Commission the funds had been allocated by Council resolution. The ring-fencing could be removed if SMC were minded to recommend an amendment to Council for approval.

Resolved to recommend to Council that the Neighbourhood Boards and Forums 'Good Practice Guide' should be amended to include the proposals contained in the Director's paper and the relevant elements of his response to Neighbourhood Board's questions.

MINUTES END