

Time commenced: 4.30pm
Time Adjourned: 5.45pm
Time Reconvened: 6.15pm
Time finished: 7.10pm

SCRUTINY MANAGEMENT COMMISSION
29 January 2008

Present: Councillor Higginbottom (Chair)
Councillors Bayliss, Dhindsa, Ingall, Jones and Webb

Also in attendance: Councillors Jackson and Hickson.

72/07 Apologies for Absence

Apologies for absence were received from Councillors Carr and Poulter.

73/07 Late items introduced by the Chair

The Commission agreed to give consideration to the following late items;

- Petition – Derby Playhouse

74/07 Declarations of Interest

There were no declarations of Interest.

75/07 Minutes

The minutes of the meeting held on 23 October 2007 were approved as a correct record and signed by the Chair.

76/07 Call – In

There were no items.

Items for Discussion

**77/07 Consideration of Petition – Asian over 60's Centre –
108 St Thomas Road, Normanton, Derby**

A representative of the Asian Over 60's Advice Centre presented a petition for consideration by the commission. The petition was signed by 918 residents and asked Derby City Council not to close the Over 60's Advisory Project.

Commission members considered the petition and discussed a number of issues, particularly the criteria for the termination and awarding of grants, the work undertaken

by the group to meet the criteria and whether the grant could be reinstated if they complied with the assessment criteria.

Resolved to refer the petition to the Cabinet Member for Adult Services in order that any additional information provided by the group be considered as part of the grant determination and that the Commission write to the Cabinet member to confirm this decision.

78/07 Consideration of a Petition to Save Bramble Brook Residential Home

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The Commission considered a petition relating to Bramble Brook Residential Home signed by 4028 residents.

Members of the Commission referred to the decision of the Council Cabinet at its meeting on 15 January 2008, when consideration was given to the comprehensive and detailed report relating to the proposed closure of Bramble Brook Residential Home. In light of this, Commission members recognised that a decision had been made on this issue and therefore it would be necessary to inform the petitioners of the Council Cabinet decision.

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Resolved that the Commission writes to the petitioners outlining the decision made by the Council Cabinet at its meeting on 15 January 2008 relating to the closure of Bramble Brook Residential Home for Older People.

79/07 Consideration of a Petition from the Independent Retailers of Derby Concerning the Impact of Westfield Centre on the Cathedral Quarter and the Lanes

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The Commission considered a petition in which independent retailers within the city expressed concern over the negative impact of the new Westfield Centre on the Cathedral Quarter and the Lanes areas in the City centre. This petition was signed by 1294 retailers. Considering this petition Members of the Commission made a number of points particularly relating to the Business Improvement District of the Cathedral Quarter and the work being undertaken by the respective Cabinet Member to improve this area.

Resolved to request the Cabinet Member for Planning and Transportation to respond to this petition and a copy of this response to be forwarded by email to Commission Members as soon as possible.

80/07 Consideration of a Petition – Russell Street proposed travellers site

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Members of the Commission gave consideration to a petition signed by 227 residents relating to the proposed travellers site on Russell Street.

Resolved that Commission Members note the petition and request the Cabinet

Member for Neighbourhood, Social Cohesion and Housing Strategy, provide a response to Commission Members as soon as possible with a full report on the issue to be provided at the March meeting of the Commission.

81/07 Consideration of a Petition – Derby Playhouse

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Commission Members gave consideration to a petition relating to the Derby Playhouse signed by 13,759 residents.

Resolved

- 1. To request that the Cabinet Member for Leisure and Direct Services, provide a response to bring to the next meeting of the Commission together with a progress report on the Playhouse.**
- 2. To respond directly to the Lead Petitioner with details of the Commission resolution relating to the Derby Playhouse petition.**

82/07 Performance Eye

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The Commission considered a table outlining performance against the range of best value and key performance indicators for the quarter two period. Commission Members welcomed the new reporting format, how data was presented and the provision of timely data.

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Resolved to note the report.

83/07 Retrospective scrutiny

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No items of retrospective scrutiny were identified by any members of the Commission. Members of the Commission agreed that the standing item relating to the forward plan would be considered as part of a later agenda item on the analysis of the Council Cabinet forward plan.

84/07 Consultation on the Governments proposals for dealing with local petitions and calls for action

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The Commission considered a report which stated that the Department for Communities and Local Government had issued a Consultation paper seeking views on;

- How the arrangements for local petitions could be strengthened and the details on how the new system might operate
- The “call for action” introduced under the Local Government and Public Involvement in Health Act 2007.

A copy of the Consultation document was attached as an appendix to the report and the Commission Members noted that the deadline for responses to this consultation was 20 March 2008. The report sought the Commissions view as to whether it should respond to the Consultation and how best Commission members’ views should be

represented.

The report indicated that a number of petitions had recently been referred to the Commission but as these were presented through scheduled meetings it had on occasion been several months before they had been considered. To address this issue the report sought Commission Members views as to whether a small sub-commission should be established to hear petitions more promptly.

Having considered the report members of the Commission made a number of comments particularly relating to composition of the sub-group, the publication of guidance from Central Government to Local Authorities on how to respond to petitions and how best the Commission could respond to city wide petitions. Following this a number of further comments were made by Commission members relating to timescale of responses to a petition, the quality of the response provided and the future options available to the Council for dealing with petitions.

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In terms of the options available to the Commission, members noted that existing arrangements could be maintained. Arrangements could be made to take petitions to a special meeting of the full Commission as and when required and a further alternative would be to have an established sub-commission comprising of the Chair and Vice Chair of the Commission and the relevant Cabinet Member.

Commission members made a number of further points and concurred that petitions needed to be acted on quickly and streamlining the process would help to ensure a prompt and accurate response was provided. They recognised any arrangements put in place prior to the publication of guidance from Central Government on how to deal with petitions could be amended once this guidance was published. Commission members also recognised there was scope within the arrangements for Officers to meet with petitioners as part of the workings of any sub-commission with its meetings being reported to the full Commission and this could be piloted for a prescribed period.

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Resolved that the report outlining the views and proposals of the Commission be referred to the Council Cabinet and the Commission respond to the consultation following consideration of a report on this issue at the next meeting.

85/07 Draft Corporate Plan 2008/11

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Commission members gave consideration to a report outlining the first draft of the Corporate Plan 2008/11 and the supporting action plan. The report indicated that the Corporate Plan described how the Council would deliver its vision and priorities over the next three years. The draft version of the plan and action plan were reviewed at the meeting of the Council Cabinet held on 2 January 2008 and Cabinet recommended that the report and draft plan be referred to the Scrutiny Management Commission for comment.

Members of the Commission noted that the draft plan and action plan were attached to the report for consideration. Additionally draft versions were also available on Derbynet for further consultation. It was noted that the final version of the Corporate Plan and action plan would be submitted to Council for approval at its meeting on 3 March 2008 alongside approval of the three year budget.

Arising from consideration of the corporate plan and action plan, members of the Commission made a number of comments particularly relating to the inclusion of information to reflect performing arts, amateur arts and theatre groups, and broadening targets relating to heritage and culture to encompass conservation and neighbourhood areas.

Commenting on the action plan, Commission members made a number of further comments specifically relating to raising the quality of social care and inclusion of care at home, support for the provision of a consistent care package, the provision of funding across neighbourhoods within the city and inclusion of actions to support this.

Resolved to note the draft Corporate Plan 2008/11 and Action Plan and that a more detailed provision be made within the plan relating to funding for non-priority neighbourhoods.

86/07 Proposed Scrutiny of the New Local Area Agreement

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The Commission considered a report outlining proposed scrutiny of the new Local Area Agreement. The report stated that at its meeting of 18 September 2007 the Commission agreed to engage in a project with Derby City Partnership. This project was aimed at determining how best the established principals of overview and scrutiny could be incorporated into the working of the partnership. A working group comprising of Councillors Bayliss, Carr and Webb was appointed to take forward this initiative. The first meeting of this working group was held on 14 November 2007, at this meeting it was agreed that the commission would initially concentrate on performance of the new Local Area Agreement, as a first step the Commission should undertake risk based performance monitoring of some of the new LAA performance indicators.

This proposal had been discussed by the Councils Planning and Performance Manager who had advised that the new LAA would not be signed until June 2008 and therefore it was suggested that in the interim period the Commission could usefully inform itself of the likely content of the LAA and the indicators that it proposed to include. The report indicated that the Commission would also undertake some structured training in risk based performance monitoring subject to member agreement.

The report concluded that it was proposed to agree a short training programme in February/March 2008 which would cover form and content of the new LAA and would advise on methods of risk based performance monitoring. Completion of this programme would ensure that when the LAA was signed in June 2008, Commission members would have the skills and knowledge necessary to undertake effective risk based performance monitoring.

Having considered the report, Commission members recognised that the training outline should fit with the Councils overall Member Development Programme and its timing should be suitably flexible to fit with elected members other existing commitments.

Resolved to note the report.

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The Commission considered a report outlining the review of the 2007 forward plan. Appendices 2 and 3 of the report contained extracts from the regulations and guidance relating to the provision of forward plans. Appendix 4 of the report detailed the outcomes of the analysis of the plan and showed that 50% of the decisions on it were made by the Council Cabinet within one month of being placed on the forward plan. In light of this Commission members were asked how they wished to implement the following resolutions made at a meeting on 18 September 2007.

1. To include the Forward Plan as a standard retrospective scrutiny item at future meetings to ensure that all reports were reported correctly and were within the correct time frames.
2. To request a monthly analysis of Forward Plan items that do not appear on the Forward Plan for four months with an explanation of why not.

Having considered the information within the report, Commission members made a number of comments particularly relating to the tracking of decisions through the Forward Plan process, the rules within the constitution relating to items on the Plan and the minimum amount of notice required for the inclusion of an item. This was followed by a discussion during which Commission Members commented that the forward planning process should accurately reflect the decisions that were to be made and it was crucial that the decisions were on there as early as possible.

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Resolved to recommend to Council Cabinet:

1. **That for items which have previously appeared on the Forward Plan, the Forward Plan reference number and the date that the item was placed on the Forward Plan is included on all reports to Council Cabinet on those items, and in the minutes of any subsequent decisions relating to the items.**
2. **That wherever practicable items are retained on the Forward Plan for a minimum of three months before a decision is made by Council Cabinet.**
3. **That before any non-urgent decision on a Forward Plan item is taken, Council Cabinet confirms that adequate opportunity has been given to anyone wishing to make representations about the item and that this is noted in the minute of the decision together with a summary of any representations that were received by the officer identified in the Forward Plan.**
4. **That the list contained in Table 2 of the attached report, or a list of similar content, is maintained and is made accessible through the Council's Committee Information Website (CMIS).**

88/07 Annual report of Overview and Scrutiny Commissions

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The Commission received a verbal update on the preparation of the 2007/8 annual report of the Overview and Scrutiny Commission and it was noted that this was likely to be available for the Commissions March meeting.

Resolved to note the update.

89/07 Arrangements for Commission Members to attend a seminar on the Parliamentary Committee process

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The Commission received a verbal update on the arrangements for Commission members to attend a seminar on the parliamentary select committee process. Commission Members were reminded of the arrangements and date of this event.

90/07 Forward Plan

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The Commission requested a progress report on forward plan item 33/07 "Derby Advice and the Community Legal Advice Centre" for the March meeting.

91/07 Responses of Council Cabinets to any reports of the Commission

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No items.

92/07 Matters referred to the Commission by the Council Cabinet

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There were no matters referred.

93/07 Revenue Budgets 2008/9 – 2010/11

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The Commission gave consideration to the revenue budget proposals for the Council for 2008/9 – 2010/11. These proposals set out pressures and developments, saving proposals and background information. Having considered the budget proposals, members of the Commission made a number of comments particularly relating to income from Friar Gate Studios, the proposed consultation budget, budget proposals for Mayoral Services and savings within electoral services relating to 2009. Additionally Members asked a series of questions relating to burial charges, future budgetary pressures, proposed savings and projected income generation.

Resolved to recommend to Council Cabinet that the proposed saving of £6,000 in the Mayoral Services budget for 2009/10 is deleted.

94/07 Recommendations Made by the Overview and Scrutiny Commissions on the Revenue Budget 2008/9 – 2010/11

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The Commission considered a report for Council Cabinet detailing the recommendations of the scrutiny commissions as set out in appendices to the report. The report indicated the budget proposals for 2008/9 – 2010/11 was set out in the budget consultation document that had been made available to members from 14 January 2008. Additionally subsequent reports to the individual Commissions were considered at their meetings in January and subsequently comments had been collated from each of the Commissions on the budget proposals.

Resolved to recommend that the Council Cabinet considers the recommendations of the Overview and Scrutiny Commissions on proposals contained in the draft budgets 2008/9 – 2010/11.

95/07 Capital Budget 2008/9 – 2010/11 proposals

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The Commission considered capital budget proposals falling within its portfolio. The report recommended to the Council Cabinet the proposed corporate ICT capital programme for 2008/9. It indicated that Council would approve the capital programme for the next financial year at its budget setting meeting on 3 March 2008 after consideration of the final proposals of the Council Cabinet on 19 February. The report set out spending on ICT capital schemes in 2008/9 contained a table providing a breakdown of how the £250,000.00 was to be allocated.

Resolved that the allocation of £250,000.00 within the Corporate ICT capital programme 2008/9 be noted.

96/07 Corporate Capital Programme 2008/9 – 2010/11

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The Commission gave consideration to the proposals contained within the corporate capital programme, this would be subject to approval by Council on 3 March 2008. The report set out the proposed use of available funding with separate reports being presented to the relevant Commissions fully funded from resources specific to those services. The report also set out spending plans for new schemes and provided a table showing sources of funding within the corporate capital programme.

Resolved that the information as set out in the report outlining the corporate capital programme 2008/9 – 2010/11 be noted and that Council Cabinet consider the recommendations of the overview and scrutiny commissions relating to the revenue and capital budgets at its meeting on 19 February 2008.

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

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