

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 21 September 2004.

PRESENT: Councillor Carr (Chair); Councillors Booth, Cole, Dryden, Ferrier, Robson, Rogers, T Ward and Wilson.

OFFICIALS: J Bennington, K Brooks, C Burnham, P Clark, H White and E Williamson.

PRESENT AS AN OBSERVER: B Colpitts (Chairman of Linthorpe Community Council).

**** AN APOLOGY FOR ABSENCE** was submitted on behalf of Councillor Rooney.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

**** MINUTES**

The minutes of the meetings of the Overview and Scrutiny Board held on 24 August and 1 September 2004 were submitted and approved.

PROVISION OF TOILET FACILITIES - LIBRARY USERS

The Chair of the Economic Regeneration and Transport Scrutiny Panel presented a report on the Panel's findings relating to the provision of toilet facilities for library users which was in response for a scrutiny request from a member of the public as follows: -

- (i) 'The library function is changing as homework rooms and computer facilities are being introduced which is encouraging people to use libraries for extended periods of time.
- (ii) The lack of toilet provision is discouraging some people to walk to their local library, which in effect goes against the Councils healthy living initiatives. '

Members had considered the above alongside the responses received from the Head of Libraries and Information, the key points of which were as follows: -

- There were 13 libraries in total, nine of which had toilets available and five of those included toilet facilities for a person with a physical disability.
- The library service had received limited evidence that there was a demand for toilet provision. From the 79 complaints/comments received in 2003/04 only seven related to toilet facilities. Furthermore only 12 out of 2134 responses in respect of the User Survey of 2003 had indicated that toilet facilities should be introduced.
- All libraries had staff toilets which library users could use at the staff discretion. It was noted that although requests were unlikely to be refused, there had been instances relating to drug/alcohol misuse which had led to a certain reluctance from staff to allow such requests. Members had acknowledged issues concerning health, safety and aspects of security.
- The Working Team had noted that costs of cleaning and maintaining toilets.
- The lack of appropriate space in most libraries had been highlighted in particular the Central Library for which listed building consent would be required for any structural alterations.
- It was noted that Newcastle, Hartlepool and North Tyneside Councils did not provide toilet facilities in libraries and Redcar and Cleveland Council operated a discretion policy whereby a deposit was paid for a key to use such facilities.

The Panel had concluded that owing to budget implications and the possible risk to staff it would not be appropriate for toilet facilities to be introduced in libraries for library users but that the matter be kept under review by the Library service.

In commenting on the recommendations Members expressed support for the informal arrangements operated by library staff when considered appropriate.

ORDERED that the findings and recommendations of the Economic Regeneration and Transport Scrutiny Panel be endorsed and referred to the Executive.

SCRUTINY REVIEWS – CONSIDERATION OF REQUESTS

It was confirmed that no requests for scrutiny reviews had been received from the Executive, Executive Members and Non-Executive Members.

NOTED

SCRUTINY REVIEWS - CONSIDERATION OF REQUESTS - MEMBERS OF THE PUBLIC

In a report of the Senior Scrutiny Officer details were given of a response which had been received from a member of the public to a Scrutiny Leaflet which had been assessed in accordance with the criteria approved by the Board at its meeting held on 7 October 2003.

The topics, which had been put forward for consideration focussed upon the following: -

- (a) the design and layout of the Middlehaven project,
- (b) funding of the Hill Street Shopmobility wheelchair hire.

ORDERED as follows: -

1. That the comments in respect of (a) above be referred to the respective Service Unit.
2. That following an initial referral to the respective Service Unit and depending on the response regarding the current position, consideration be given to the possibility of including (b) above in a future work programme.

INCLUSION OF NON EXECUTIVE MEMBERS - DRAFT REPORT

Further to the request by the Mayor which was subsequently agreed by the Overview and Scrutiny Board at its meeting held on 24 August 2004 the Chair presented a report which gave an analysis of the opportunities for non-Executive Members to take an active part in the work of Middlesbrough Council.

As part of the process a questionnaire as shown at Appendix 1 had been distributed to all Members and a summary of the responses (25%) was provided in Appendix 2 of the report submitted. In addition, reference was made to a number of verbal comments, which had been received, from a range of elected Members.

The report outlined the political and legislative background prior to the late 1990's and since the introduction of the Local Government Act 2000. It was acknowledged that both before and after the introduction of the mayoral model, many non-Executive Members, particularly those with experience of the former committee system, had complained of feeling marginalised from the principal activities of the Council.

In terms of the remit the report gave two possible definitions of 'inclusion', which could be applied in the context of the role of Council Members:

- that all members are kept informed of what is happening in terms of Mayoral and Executive decisions, and the other activities of the Council and its partners;

- that all Members have some opportunity to contribute to and influence decisions of the Mayor and Executive, and had sufficient power in their representative role to effect the ways in which Council services were delivered in their Wards.

It was suggested that elected Members, particularly non-Executive Members, would probably take the view that both forms of inclusion were necessary for them effectively to fulfil their role in town government and as representatives of their communities.

Based partly on the evidence received and also on the twenty-eight years' personal experience as an elected Member, the Chair in his report demonstrated the extent to which either or both of the above forms of inclusion were in operation in Middlesbrough Council at the present time with specific regard to the following.

- Personal Contact with the Mayor and Executive Members
- Council Meetings -problems encountered with the current format
- Executive meetings- the ability to make representations
- Seminars and Presentations
- Presentations to political groups by the Mayor
- Overview and Scrutiny Process.

Although the issue of the representative role of Members was not included in the questionnaire it was considered in many ways to be at the heart of the inclusion of Members. Reference was made to community councils, community consultation clusters and one-stop system.

The Chair outlined the following proposals which were offered as possible means of improving the inclusion of elected Members in the Council's processes, not only in terms of improving the information available to Members, but also by improving their opportunities to contribute to and influence decisions: -

- (i) Individual Executive Members should improve inclusion for non-executive Members by holding regular, possibly monthly informal discussion groups with all interested Members; and / or they should establish 'backbench' advisory groups of non-executive Members.
- (ii) Council meetings should be re-configured. Executive Members' reports should focus on decisions taken since the last Council meeting and issues for decision before the next Council meeting. Additional information about departmental activity should be provided (if at all) in an appendix. Executive Members should not repeat verbally and at length the content of the report. All Councillors should be entitled to make time-limited statements (not only questions) on past or future decisions on behalf of their constituents or on political or other grounds.
- (iii) The present formal questioning procedure should be retained, but other Members should be able to ask supplementary questions, at the discretion of the Chair. Short-notice questions, with 24 or 48 hours notice, to the appropriate Executive Member should be considered.
- (iv) The Mayor should remove the 'question-only' restriction on non-executive Members at meetings of the Executive Board. It is reasonable to permit Councillors to make representations to the Executive before it takes any decision. Members in their turn should accept the need for brevity, and the right of the Chair to rule on relevance and timing.
- (v) Seminars and presentations should continue to be offered as a means of passing on information to Members. Continued attention should be given to appropriate timing.

Seminars and presentations should not be used as a substitute for other means of enabling Members to make formal representations to decision-makers on significant issues.

- (vi) The Mayor's briefings of the political groups should continue. Independent Members can only expect to access this offer if they constitute themselves as a group.
- (vii) The scrutiny process should be supported as the principal formal means that non-executive Members have of influencing decisions of the Mayor and Executive. Members and Officers should explore ways of enhancing Members' role in policy formulation. Scrutiny Panels are capable of dealing with a wider range of business than is currently the case. However, that is dependent on an increase in staff resources.
- (viii) The procedure for calling-in Executive decisions should be made easier by reducing the number of Members required for a call-in from five to three.
- (ix) The review of the newly introduced arrangements for community councils should take, as its starting point, the importance of re-establishing the role of elected Members as community representatives and community champions.
- (x) The Council should consider the creation of area committees, based on the cluster areas, but constituting elected Members as decision-makers, with a degree of devolved political responsibility and with a devolved budget. These area committees should be able to feed issues in to the scrutiny process.
- (xi) The 'one-stop' system should be reconfigured as an aid to Members' representative role and not as a constraint on it. Members should not be discouraged from approaching Officers direct with constituents' complaints or queries. Members are entitled to expect a response, within a reasonable time, from Officers dealing with their complaints and queries, whether through the 'one-stop' system or by direct approach.

The report concluded that 'simply offering more 'information' and debates without any meaningful outcome did not do justice to the democratic responsibilities of elected Members. To fulfil their executive, scrutiny and representative roles, Members have to be able to 'make a difference'. Taken together, these suggestions could make a major contribution to enhancing inclusion of all elected Members in the Council's processes and will assist them to make that difference.'

The key points arising from the ensuing discussion with particular regard to the proposals were as follows: -

- (a) the discussion/advisory groups ((i) above refers) needed to be on a more formal basis but accessible to all Members;
- (b) Constitution should be re-examined in so far as it related to the format of meetings of the Council and more clearly state the purpose of such meetings and enhance the opportunity for Members to make representations;
- (c) in terms of the one-stop shop system it was considered important for Members to know if a complaint had been actioned, resolved and Members had the opportunity to contact Officers where necessary;
- (d) although there were inevitable links and joint working it was considered important to have a clear demarcation between the various consultative mechanisms;
- (e) the agreed report be used as a basis to be developed further following discussions with the Deputy Mayor and Officers prior to submission to the Council.

ORDERED that with the exception of amendments regarding issues to be considered as part of the review by the Community Engagement Ad Hoc Scrutiny Panel the report and proposals contained therein be supported and form the basis of a detailed report to be circulated to the Board for comment/approval prior to submission to the Executive and the Council.

SCRUTINY REPORTS – PROGRESS REPORTS

A report of the Chair of the Board and of each Scrutiny Panel was submitted outlining progress on current activities.

Specific reference was made to the following: -

Overview and Scrutiny Board

- Issues dealt with by the Board,
- reference was made to the need to establish an Ad Hoc Scrutiny Panel to undertake a review of the Community Engagement Framework which could include: -
 - a response to the Executive report on Area Community Consultation Clusters
 - how to progress the proposed review of Community Engagement'
- whilst accepting it was important for Members to have access to training it was acknowledged that there was a need to ensure that the topics and times of the events were relevant and convenient to Members.

ORDERED as follows: -

1. That the information provided be noted.
2. That Councillors Bloundele, Booth, Carr (Chair), Elder, Ferrier, J A Jones, Mawston and T Ward be appointed to the Community Engagement Ad Hoc Scrutiny Panel.

CALL IN REQUESTS

It was confirmed that no requests had been received to call-in a decision.

ANY OTHER BUSINESS - HOME OFFICE CONSULTATION - PROSTITUTION

The Chair referred to a recent Home Office Consultation paper on prostitution, which sought the views of local authorities on a number of key questions and had asked for a response by 26 November 2004.

It was suggested that the previous work undertaken by scrutiny could be utilised as part of the Council's formal response.

ORDERED that in view of the time constraints a draft report be compiled and circulated to Members of the Board for comment prior to submission to the Executive.