

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 28 August 2007.

PRESENT: Councillor Carr (Chair), Councillors Bishop, Biswas, Cox, Dryden, Ismail, Rooney and Ward.

OFFICIALS: B Baldam, J Bennington, G Brown, P Clark, A Crawford, C Davies, R G Long, J Ord, N Sayer and E Williamson.

**** PRESENT BY INVITATION:** Councillor Coppinger, Executive Member Community Safety and Leisure.

****APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole, Mawston, G Rogers, Sanderson and Williams.

**** DECLARATIONS OF INTEREST**

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

**** MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on 30 July 2007 were taken as read and approved as a correct record subject to the inclusion of Councillor Biswas in the list of those present at the meeting.

OVERVIEW AND SCRUTINY BOARD UPDATE

The Senior Scrutiny Officer submitted a report which outlined progress on a number of issues directed by the Board for future meetings.

It was noted that reports relating to Executive Decisions, Forward Work Plan and the procedures involved in dealing with petitions were the subject of separate reports to be considered later in the meeting.

It was confirmed that arrangements had been made for the Mayor to attend a meeting of the Board on 15 January 2008 to outline his objectives and long-term aspirations. Individual Executive Members had been invited to attend other meetings of the Board in order to present their aims and objectives directly related to their portfolios and to convey the significant issues presently being pursued within their area of operation.

NOTED

EXECUTIVE MEMBER – COMMUNITY SAFETY AND LEISURE

Councillor Coppinger thanked the Board for the invitation and opportunity to outline the work and scope of the portfolio of the Executive Member for Community Safety and Leisure the key areas of which included the following: -

- a) promotion and engagement of community safety and sport and leisure in the widest sense working with Members staff and partner organisations;
- b) advancing a range of specific activities;
- c) awareness of regional and national policy in pursuance of Middlesbrough as a progressive town;
- d) campaign work such as recent events in respect of Fair Trade, climate change and anti-social behaviour;
- e) attending community based meetings as required.

In relation to current activities of particular significance reference was made to the Leisure Needs Analysis to examine the effectiveness of the current service and identify future leisure needs of the Town in the light of the Council's Community Strategy theme of promoting healthier communities for all. It was acknowledged that a difficult balance had to be achieved in terms of meeting both commercial and service demands.

Reference was made to current scrutiny investigations specifically Teenagers Hanging Around and Street Wardens. Street Wardens were now within the portfolio of social care focussing less on crime issues but concentrating on reassuring and helping members of the community become more confident about where they live and work.

In commenting on diversion activities for young people reference was made to the successful Boro Buzz. A suggestion was made that similar programmes involving various services could possibly be developed for school holiday periods. The compilation of a leaflet and/or introductory pack to leisure and sport facilities was also suggested which could be made available to young people starting secondary schools.

In response to Members' questions regarding the overall process in particular the opportunities for non-Executive to influence the decision making process the Executive Member Community Safety and Leisure referred to current procedures which were considered to be open and transparent. An indication was given of the reporting mechanisms which included Member briefings including all Members where considered appropriate.

ORDERED that the Executive Member Community Safety and Leisure be thanked for the information provided and participation in subsequent deliberations.

PETITIONS PROCEDURE

Further to the meeting of the Board held on 30 July 2007 the Members' Office Manager submitted a report on the procedures for dealing with petitions which included the following appendices: -

- Appendix 1: office procedures for dealing with petitions;
- Appendix 2: relevant extract from the Members' Handbook explaining how petitions were dealt with, and giving guidance to Members on how to advise their constituents who wished to present a petition to the Council;
- Appendix 3: petitions received 2004-2007.

It was noted that the procedures for dealing with petitions were continually being updated such as the process now allowed for petitions containing more than 100 signatures to be presented to Council by the lead petitioner(s). Officers were currently working with IT to develop a Petitions Database, which would enable the tracking of petitions and the recording of any actions taken as a result of receiving a petition.

Over the past three years the Council had received 155 petitions. By far, the largest single subject of petitions related to planning matters, which accounted for approximately 40% of all petitions received. The next largest subject of petitions was reported as highway matters, accounting for 17% of petitions.

Members welcomed the development of the tracking system and sought clarification on the possible reporting mechanisms to Council Members and availability of such information to the public. Reference was made to the possibility of including the outcome of petitions to the annual report compiled on complaints submitted to the Corporate Affairs Committee.

ORDERED as follows: -

1. That the information provided be noted and the development of the tracking system as outlined be supported.
2. Those appropriate reporting mechanisms be explored to ensure that the outcome of petitions were made available to Members.

SCRUTINY REVIEWS – IMPLEMENTATION OF RECOMMENDATIONS

The Senior Scrutiny Officer submitted a report which outlined progress achieved in relation to the implementation of agreed Executive actions resulting from the consideration of Scrutiny reports.

In terms of the Executive actions which should have been implemented by July 2007, 418 had been implemented, 15 partially completed and 2 had not been implemented as a result of changed target dates.

Appendix A of the report submitted outlined those recommendations, which had not been fully implemented by the target date.

Appendix B of the report gave an update in relation to the Health Scrutiny Action Plans.

NOTED

SCRUTINY REVIEWS - CONSIDERATION OF REQUESTS

It was confirmed that no requests for scrutiny reviews had been received prior to the meeting from the Executive, Executive Members, Non Executive Members and members of the public since the last meeting of the Board.

SCRUTINY PANELS – PROGRESS REPORTS

A report of the Chair of each Scrutiny Panel was submitted which outlined progress on current activities.

NOTED

EXECUTIVE DECISIONS

Further to the meeting of the Board held on 30 July 2007 the Director of Legal and Democratic Services submitted a report which outlined the procedures adopted in relation to decisions made by the Executive.

The report gave an indication of the Committee arrangements prior to the Local Government Act 2000, which imposed a requirement on local authorities to adopt an Executive form of local government for which there were three different systems.

In Middlesbrough, following a referendum, the Council adopted the Mayor and Cabinet form of Executive.

The 2000 Act made further provision that, subject to any other enactment, any function of the local authority, other than that specified in the Act, should be the responsibility of the Executive which was a major change in the way local authorities operated. It was noted that there were a wide range of functions, which could not be exercised by the Executive including planning, licensing, Member's allowances and election matters.

Whilst the 2000 Act required that there should be a Cabinet of at least the Mayor and one other Councillor, the Act did not prevent the Mayor from personally discharging the functions of the Executive. The Act allowed a Mayor to discharge any of the functions by the Executive, another Member of the Executive, a Committee of the Executive or an officer of the authority.

As it was clearly impractical for the Mayor to exercise all functions the Mayor each year determined what functions would be exercised by Individual Members. Such delegations were identified in a formal scheme of delegation, a copy of which had been appended to the report.

The Executive decision making process differed depending upon whether the decision was classed as a key decision. A key decision was an Executive decision, which was likely to result in the Authority incurring expenditure or making a saving in excess of £75,000 or if the decision had a significant effect on communities living or working in two or more wards.

The regulations and the guidance issued by the Government envisaged decisions would be made by Individual Executive Members. Furthermore the rules also provided for such decisions to be made by the individual in private. The general law relating to meetings stated that there was only a meeting if it involved more than one person. Notwithstanding that, it was decided that if an Individual Executive Member made a delegated decision then a formal meeting (albeit a meeting of one person) would be arranged and generally that meeting would be open to the public.

In relation to Individual Member decisions, the rules provided that if the Member received an officer report in respect of a key decision, the Member may not make a decision until that report had been available for public inspection for at least five clear days.

The current procedure dealing with reports that would result in an Executive decision included provision for the report to be considered at the Council's Corporate Management Team. At that stage, the report is accompanied by a short report giving details of the consultation carried out and the procedure to be followed regarding the decision making process. Reports were drafted on the assumption that the decision would be made by the appropriate body/Member in accordance with the Executive Scheme of Delegation.

Once a report had been considered by CMT it would be placed on the agenda for the next Executive meeting or contact would be made with the Individual Executive Member to agree a suitable date and time.

Members commented on the importance of the overall procedure providing opportunities for non-Executive Members to influence the decision-making process. It was felt that in recent years the current process had become fragmented and an increasing amount of business was transacted at meetings of Individual Executive Members rather than by the Executive.

Overview and Scrutiny was a function whereby non-executive Councillors reviewed the effectiveness of decisions, policies and services which affected Middlesbrough and held the Executive to account. The attendance and participation at meetings was seen as one way of influencing the decision-making process.

Reference was made to the regulations which required the Executive to set out its programme of work in the coming four months in what was known as the 'Forward Plan' which was updated on a monthly basis and dealt with proposed key decisions. It was confirmed that steps had been taken to ensure that Officers were adhering to the agreed procedures.

ORDERED as follows: -

That the information provided be noted.

2. That consideration be given to the establishment of an Ad Hoc Scrutiny Panel to examine the current process of the Executive Scheme of Delegation.

CALL IN REQUESTS

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

DECLARATION OF INTEREST – COUNCILLOR DRYDEN

Name of Member	Type of Interest	Item / Nature of Interest
Councillor Dryden	Personal/Non Prejudicial	Matters relating to Levick Trust – Chair of Levick Trust

ANY OTHER URGENT BUSINESS – REVENUE BUDGET OUTTURN – FIRST QUARTERS 2007/2008

In accordance with Section 100(B) (4) (b) of the Local Government Act 1972 the Chair agreed to consider the following item on the grounds of urgency in view of the time constraints involved.

The Director of Resources submitted a report on the first quarter's review of revenue expenditure against the current year's Revenue Budget. The projected outturn position for 2007/2008, based on the first quarters review was a net saving of (-£111,000).

A summary was provided of the overall outturn variances from budget. The Board's attention was drawn to some areas of fluctuation and potential pressures. The report outlined the proposed action to be taken to address such issues.

NOTED