

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 9 February 2010.

PRESENT: Councillor Brunton (Chair), Councillors Cole, Dryden, C Hobson, J Hobson, Ismail, Kerr, Khan, Mawston and Purvis.

OFFICERS: J Bennington, C Breheny, G Brown, P Clark, A Crawford, C Davies, S Joscelyne and J Ord.

PRESENT BY INVITATION: Councillor Budd, Deputy Mayor and Executive Member for Regeneration and Economic Development.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Elder and Sanderson.

**** DECLARATIONS OF INTERESTS**

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 12 January 2010 were submitted and approved as a correct record.

EXECUTIVE MEMBERS – ATTENDANCE AT MEETINGS OF THE OVERVIEW AND SCRUTINY BOARD

In a report of the Scrutiny Support Officer the Board was reminded of arrangements for individual Members of the Executive to attend meetings of the Overview and Scrutiny Board and update Members on their respective work in terms of their aims, aspirations, objectives, priorities and any emerging issues. The process was part of the arrangements of 'holding the Executive to account' and also provided the opportunity for the Board to identify or highlight any issues of concern.

NOTED AND APPROVED

DEPUTY MAYOR AND EXECUTIVE MEMBER FOR REGENERATION AND ECONOMIC DEVELOPMENT

The Chair welcomed Councillor Budd to the meeting who focussed on three main areas of work namely; sustainability, community cohesion and general aspects of regeneration.

In terms of sustainability specific reference was made to the Climate Change Plan which had been included in the Tees Valley Climate Change Plan which encompassed much of the national policy in this regard over the last 12 months. An indication was given of potential funding which was being sought and had been achieved at both regional and local level to promote various schemes.

Reference was made to Community Cohesion with specific regard to preventing violent extremism and areas where it was considered that further clarification was needed from the Government as to what was required. Following clarification sought from a Member the Deputy Mayor explained that being relatively new there was no model to follow and therefore it was important to ensure that the correct measures were put in place. Given the vast array of organisations in Middlesbrough it was important to ensure that there was engagement with appropriate community representatives.

Details were provided of a number of initiatives being pursued at both a local and regional levels regarding general aspects of regeneration including the production of a Regional Plan.

Members enquired as to the extent to which other authorities in the Tees Valley were supportive of the Council's drive to become a sub-regional centre. In response the Deputy Mayor referred to

extensive joint working but indicated that inevitably there were challenges especially with regard to the utilisation of investment.

In response to questions raised as to how the Council was tackling and pursuing employment opportunities especially with regard to 16 to 25 year olds details were provided of significant work which had been undertaken in this regard. Given the current economic climate especially over the last 12 months it was acknowledged that it was difficult and often complex but nevertheless reference was made to success achieved in respect of a number of initiatives such as NEET.

ORDERED that the Deputy Mayor and Executive Member for Regeneration and Economic Development be thanked for the information provided.

EXECUTIVE FEEDBACK – MATCHDAY PARKING – FLOOD PREVENTION – PLAYScheme PROVISION FOR CHILDREN WITH COMPLEX NEEDS

As part of the scrutiny process and in a report of the Executive Office Manager it was reported that the Executive had considered the Board's comments on the reports in respect of the following:-

- a) Matchday Parking- update report of the Economic Regeneration and Transport Scrutiny Panel;
- b) Flood Prevention Arrangements – update report of the Environment Scrutiny Panel;
- c) Playscheme Provision for Children with Complex Needs – final report of the Children and Learning Scrutiny Panel.

The Executive had considered and supported both the Service and Corporate Management Team responses and had also agreed the proposed Action Plans.

NOTED

COUNCILLOR CALLS FOR ACTION

In a report of the Members' Office Manager approval was sought regarding proposed processes to Councillor Calls for Action including the draft Guidance for Councillors.

Councillor Calls for Action (CCfA) had been introduced by the Local Government and Public Involvement in Health Act 2007, which came into force on 1 April 2009. CCfA gave Councillors a new right to raise matters of local concern with their Council's Overview and Scrutiny Committee on issues where local problems had arisen and where other methods of resolution had been exhausted. It was acknowledged that CCfA was intended to complement and build on existing neighbourhood working arrangements by Ward Councillors not to replace them.

It was noted that the protocols within the draft Council guidance also embodied the provisions of the Police and Justice Act 2006 with specific regard to Crime and Disorder 'calls for action'.

A draft copy of the Middlesbrough Guidance was shown in Appendix 1 of the report submitted which was in accordance with the prevailing legislation and national Guidance.

Members' attention was drawn to some of the key issues including: -

- a) Initiation of CCfA rested with local Councillors.
- b) It would be up to individual Councillors to determine any issues to present as a CCfA.
- c) A CCfA may cover any function of the authority, along with broader matters affecting a Councillors' ward and constituents, including crime and disorder. CCfA could not be used for matters involving more than one ward as in such circumstances procedures for requesting Scrutiny to look at matters already existed.

- d) CCfA should reflect matters of genuine community concern, not the views of individuals of those of unrepresentative groups in the community.
- e) CCfA could not be used where other provisions applied such as complaints, Members' One-Stop, Petitions or quasi-judicial or other matters where there were specific routes of appeal.
- f) Ward Members would be expected to undertake a number of actions before a CCfA could be considered by the Overview and Scrutiny Board as set out in Section 2 of the draft Guidance of the report submitted.
- g) Whilst a Councillor may refer the matter for consideration for scrutiny, it would be the decision of the Overview and Scrutiny Board as to whether or not to determine if the issue was to be addressed. Should the Overview and Scrutiny Board choose not to do so it was pointed out that there was no right of appeal.
- h) It was confirmed that CCfA was not a pathway to additional funding. If the Council had already decided not to take a particular course of action it might well be that the funding was not available.

The draft guidance provided a framework as to how to identify issues that might be the subject of a CCfA and the process to be followed. It provided a number of checklists intended to guide and advise Members on when and how to initiate a CCfA.

The actions to be taken by the Ward Councillor to initiate a CCfA were summarised as follows: -

- i) The Member must have given proper consideration to other appropriate actions such as using the One-Stops, the Complaints system, and advising submission of a Petition for instance.
- ii) The issue must be clearly defined and focussed.
- iii) Community views must have been obtained and must be supportive of the subject of the CCfA.
- iv) Relevant groups such as residents' associations and relevant single issue groups must have been contacted for support.
- v) The views of the Community Council must have been sought.
- vi) The Executive Member must have been contacted, or, if the matter was an Environment Department issue, the Member must have taken the matter to the relevant Executive Surgery.
- vii) The relevant Corporate Director must have been written to outlining the issue and the required resolution.
- viii) A report to the Overview and Scrutiny Board must have been prepared by the ward Member setting out the issue, the actions taken to address the issue, any outcomes so far, and the actions required to resolve the matter.

The Board's attention was drawn to section 1.9 of the Guidance and of the need to include 'matters subject of Call-In' in the list of circumstances where CCfA would not be appropriate to deal with such matters.

Reference was made to Section 4 of the Guidance, which dealt with the Scrutiny aspects of the CCfA. If the decision was to undertake a Scrutiny investigation into the CCfA then it was recommended that the Overview and Scrutiny Board would refer the matter to the appropriate Scrutiny Panel for consideration. In accordance with the Police and Justice Act 2006, crime and disorder issues would be considered by the Community Safety and Leisure Scrutiny

Panel all others would be considered by the Ad Hoc Scrutiny Panel, unless there were particular reasons why this would not be appropriate.

Once the investigation had been completed, then Scrutiny recommendations would be reported to the Council and/or the Executive in accordance with the provisions of the Council Constitution. Should this be approved the terms of reference of the Ad Hoc Scrutiny Panel would be amended accordingly.

It was confirmed that the need to deal with CCfA was a legal requirement and that once the draft Guidance had been approved it was confirmed that briefings would be arranged for all Members on the legislation and the local guidance in respect of CCfA.

ORDERED as follows: -

1. That the draft Guidance for Councillors in respect of Councillor Calls for Action as outlined in Appendix 1 of the report submitted be approved subject to the inclusion of 'matters subject of Call-In' in the list of circumstances where CCfA would not be appropriate to deal with under section 1.9 Guidance.
2. That the report be referred to the Corporate Affairs Committee.

SCRUTINY REVIEWS - CONSIDERATION OF REQUESTS

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

NOTED

SCRUTINY PANELS – PROGRESS REPORTS

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

NOTED AND APPROVED

CALL IN REQUESTS

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

NOTED