

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 19 April 2012.

PRESENT: Councillor Brunton (Chair), Councillors Cole, Harvey (as substitute for Councillor Dryden), Kerr, Mawston, McIntyre, Purvis, Sanderson, J A Walker and Williams.

OFFICERS: J Bennington, P Clark and C Davies.

****APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Dryden, C Hobson and Saunders.

**** DECLARATIONS OF INTERESTS**

There were no declarations of interest made at this point of the meeting.

LOCAL BOUNDARY REVIEW

In a report of the Members' Office Manager, Members' views were sought on the overall size of the Council as required by the Local Government Boundary Commission in respect of the forthcoming Electoral Review. The overall size of the Council was defined as the number of elected Members that the Council required to properly undertake its legal duties and democratic responsibilities; to enable a high standard of governance; and to ensure effective and convenient local government.

Confirmation was given that the draft report appended as Attachment 1 of the report submitted took into account information and guidance presented at briefings involving the Commission, one with the Mayor and Group Leaders (12 January 2012), full Council (22 February 2012) and a Seminar held on 28 February 2012 which had been run by the Commission for councils to be reviewed. At such a seminar it had been evident that the councils being reviewed were very different in terms of their operation.

In considering the Introduction to the draft report Members suggested the inclusion of reference to the Council acting as a licensing authority as a result of changes to licensing legislation emanating from the Licensing Act 2003.

The Board noted Section 1 of the report which demonstrated the wide range of roles undertaken by Councillors which essentially fell into four main categories of ward and community work; Council work; Executive duties; and other duties and responsibilities such as membership of outside bodies and serving as school governors.

Section 2 of the draft report related to the Background which covered the action taken by the Council in recognition of the White Paper 'Modern Local Government – in touch with the people' which stressed the importance of a close relationship between Councillors and their communities and the introduction of a pilot Executive and Scrutiny model, two years prior to the Local Government Act 2000 which required changes to the governance arrangements of the Council. The information contained in paragraph 5 of the draft report relating to the development of the Members' Office offering a range of support for Members was part of the evidence which would be required by the Commission.

Although it was acknowledged as stressed by the Commission that there were no absolute Member/constituent ratios and weighting in respect of deprivation or other related factors it was considered that there was a case to be made for Middlesbrough given that it was the second most disadvantaged local authority area in England.

Taking into account emerging evidence of escalating problems not just in the wards categorised as the most deprived, Members suggested that the report should make reference to increasing levels of deprivation across the Town. Although the draft report demonstrates the wide range of work undertaken by Members and makes overall reference that in areas of high deprivation and multiple deprivation there should be a higher, rather than a lower, ratio of elected Members per

constituent, the Board was advised of the Boundary Commission's criteria in determining the average number of electors per councillor, in dividing the electorate by the number of councillors on the authority. The aim of the review was to ensure that each councillor represented approximately the same number of electors regardless of the nature of the work undertaken in each ward.

The Board noted the information outlined in Section 4 of the draft report relating to Councillors' Ward and community work.

It was pointed out that the main focus of the detailed information provided in respect of Section 5 relating to Councillors' Council work was to demonstrate the areas of work embraced by the Council in terms of the role of scrutiny as well as the quasi judicial and other main committees. Reference was also made to the potential impact of changes in relation to amendments to the scheme of office delegations in respect of the Planning and Development Committee; changes to the Standards Committee and current Standards Sub-Committees as a result of the Localism Act; and changes with effect from 2013 in respect of the Audit and Governance Committee in accordance with requirements of the Localism Act and forthcoming legislation concerning Audit arrangements. It was confirmed that reference would also be included regarding changes to the licensing legislation as previously indicated.

In discussing the information provided in relation to the scrutiny role Members suggested that paragraph 19 of the draft report be developed further to cover the operation of scrutiny including involvement with the community and identifying Scrutiny reports such as those regarded as examples of good practice by the Centre for Public Scrutiny and Birmingham University.

Members discussed the information provided in Section 6 of the draft report relating to a potential committee structure in 2014 of 120 Members for a projected 131 meetings per annum which was considered to be in keeping with the Boundary Commissions' guidelines. The draft report stated that in the light of revised governance arrangements over the past 10 years it was considered reasonable to expect each elected Member to serve on three committees which was close to the average that currently existed. Although not wishing to increase membership Members expressed concerns at achieving a quorum at certain meetings if the membership was reduced. The Board also considered it important that information was provided on other committees and advisory bodies on which Councillors served.

The information provided in relation to the Executive in terms of duties and responsibilities; membership; Scrutiny Call-In and holding the Executive to account; as outlined in Sections 7, 8 and 9 respectively of the draft report were noted. In commenting on the Call-In procedure with particular regard to paragraph 34 Members suggested the inclusion of a reference to current arrangements whereby briefings and seminars were organised on a regular basis to which all elected Members had the opportunity of attending. Such activities often involved key issues and in some cases topics of a controversial nature. It was considered that such arrangements lessened the use of the Call-In procedures.

The Board discussed the basis upon which the Electorate projections and ward representation had been shown under Section 11 and in particular at Appendix 5 of the draft report. Members were advised that such projections had been compiled in accordance with the Boundary Commission's guidelines and incorporated new build housing projections. In response to clarification sought from Members regarding the impact of recent planning application approvals for areas of significant development it was explained that the Boundary Commission required evidence of intent to build in the near future and beyond to 2018. As in the case of Middlehaven Ward in Middlesbrough and other examples across the UK projected developments had not always been fully achieved. Confirmation was given that the figures provided had been checked and approved by the Executive Director of Regeneration. Members suggested that it would be useful if relevant Officers could attend a further meeting of the Board in order to clarify the basis upon which the suggested electorate projections and ward representations had been determined.

The Board considered the Executive Summary outlined at Attachment 1 of the draft report. In terms of the information provided at paragraph (iv) arising from indications given at recent Boundary Commission briefings relating to a review of the Executive with a view to reducing the

number of Members on the Executive, Members suggested that a reference should be included that circumstances may arise whereby this may not necessarily be the case in the next Municipal Year;

In overall terms, Members discussed the extent to which the draft report reflected the wide range of community related activities undertaken by Councillors covering such areas as Community Councils, Area Forums, Residents Associations meetings and others. In order to demonstrate such community based activities and the frequency of such events it was suggested that a sample survey be undertaken by Members of the Overview and Scrutiny Board covering a period of six months.

ORDERED as follows:-

1. That the draft report be amended and incorporate Members' views as outlined including the following:
 - (a) Introduction to include reference to the Council acting as a licensing authority as a result of changes to licensing legislation emanating from the Licensing Act 2003;
 - (b) Under 'Section 3: Middlesbrough; areas of significant disadvantage' to include a reference to the 'increasing' levels of deprivation across the Town;
 - (c) Paragraph 19 under the heading of 'Section 5: Councillors: Council work' be developed further to cover the operation of scrutiny including involvement with the community.
 - (d) Further information be provided in relation to 'Section 6: Proposed Committee structure', to include a list of other committees and advisory bodies which Councillors served on;
 - (e) Under 'Section 9: Scrutiny Call-in and holding the Executive to account' reference be made to current arrangements whereby briefings and seminars were organised on a regular basis to which all elected Members had the opportunity of attending;
 - (f) That under (iv) of the 'Executive Summary' a reference be included that circumstances may arise whereby this may not necessarily be the case in the next Municipal Year.
2. That in order to demonstrate more fully the community based activities undertaken by Councillors and the frequency of such events a sample survey be undertaken by Members of the Overview and Scrutiny Board covering a period of six months and that the Members' Office Manager in consultation with the Chair formulate an appropriate pro forma to undertake such an exercise.
3. That endeavours be made for a meeting of the Overview and Scrutiny Board to be held on Tuesday 8 May 2012 at 10.00 a.m. and that relevant Council Officers and/or representative of the Boundary Commission attend in order to clarify the basis upon which the suggested electorate projections and ward representations had been determined.
4. That a copy of the revised draft report on the submission to the Local Government Boundary Commission be submitted to the Overview and Scrutiny Board at the meeting referred to in recommendation (3) above.