

**MINUTES OF THE MEETING OF SCRUTINY
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 24 JUNE 2010**

MEMBERS

* Cllr C M Pannell - Chairman

* Cllr K J Baldry - Vice-Chairman

∅ Cllr J H Baverstock

* Cllr P H Cook

∅ Cllr G J Fielden

* Cllr R D Gilbert

* Cllr J W Squire

* Cllr J A Westacott MBE

* Denotes attendance

∅ Denotes apology for absence

Also in attendance and participating:

Cllrs H D Bastone, M J Hicks, M J Howarth and R J Tucker

Officers in attendance:

For all items: Strategic Director (Resources), Member Support Services Manager and Member Support Officer;

Item 9 (Minute SC.09/10 below refers): Head of Landscape and Leisure and Leisure and Recreation Officer; and

Item 11 (Minute SC.11/10 below refers): Community Delivery Manager.

SC.05/10 **MINUTES**

The minutes of the meeting of Scrutiny held on 27 May 2010 were confirmed as a correct record and signed by the Chairman.

SC.06/10 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr R D Gilbert declared a personal interest in Item 9: 'Leisure Centre Dual Use Agreements Negotiation Update' (Minute SC.09/10 below refers) by virtue of his wife's employment and remained in the meeting and took part in the discussion and vote thereon. However, Cllr Gilbert did advise that this interest was potentially prejudicial and if any matter arose which related directly to his wife's employment, he would leave the meeting.

SC.07/10 **SCRUTINY SHADOWING ROLES**

Consideration was given to a report which sought to give consideration to the Scrutiny Shadowing role.

In discussion, particular reference was made to:-

- (a) the merits of retaining the Shadowing role. It was felt that the role had now served its initial purpose of giving Scrutiny Members a greater input into the workings of the Executive. The Group believed that all Members of Scrutiny should examine the collective Executive and not become too concerned with specialist shadow areas of responsibility. The matter of independence was potentially being jeopardised in the event of Scrutiny Members becoming too heavily involved in their shadow roles. It was therefore **PROPOSED** and **SECONDED** that the existing Shadowing practice be ceased with immediate effect. When put to the vote, this recommendation was declared **CARRIED**;
- (b) the views of the Leader of Council. In expressing his support for the discontinuation of the Scrutiny Shadowing process, the Leader advised that he would welcome more rigorous challenge of the Executive from Members of Scrutiny and the Policy Development Groups. Moreover, it was his opinion that to maximise the effectiveness of the Scrutiny process, there was a need to demonstrate independence, which could potentially be compromised by the Shadowing role. As an assurance, the Leader also reiterated that he was always willing to discuss any issues with all non-Executive Members.

It was then:

RESOLVED

That the existing practice of Scrutiny Members formally shadowing their Executive counterparts be ceased with immediate effect.

SC.08/10 **EXCLUSION OF PUBLIC AND PRESS**

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

SC.09/10 LEISURE CENTRE DUAL USE AGREEMENTS NEGOTIATION UPDATE

The Head of Landscape and Leisure provided the Group with a verbal update on the progress being made on the negotiations of the Leisure Centre Dual Use Agreements.

Following a lengthy discussion, the Group concluded that if officers received a positive response to their proposals in the next week, a final update could be presented to its next meeting on 22 July 2010. However, if the outcome suggested that this matter was likely to remain unresolved, then it should be scheduled for further consideration at the meeting on 16 September 2010, with the lead County Council Cabinet Member being invited to attend.

SC.10/10 RE-ADMITTANCE OF PUBLIC AND PRESS

RESOLVED

That the public and press be re-admitted to the meeting.

SC.11/10 PERFORMANCE INDICATORS PROGRESS UPDATE

A report was considered which sought to keep Members informed of achievement against selected Performance Indicators (PI) for the year end (April-March) 2009/10.

In discussion, reference was made to:-

- (a) NI196 (Improved street and environmental cleanliness – fly tipping). When informed that this PI could only show improvements if the number of fly tipping incidents decreased, the Group felt that this PI was meaningless;
- (b) the PIs in relation to Development Management. Members acknowledged that performance had suffered due to the resource implications arising from the recent Vanguard Service Review. Nonetheless, a Member made reference to the proportionately high number of withdrawn applications and therefore questioned why the Council was still failing to hit the target for processing minor applications;
- (c) the supplementary information. It was felt that officers should provide greater explanations to accompany the PIs, which in turn would prevent a number of questions raised by the Group;
- (d) BV12 (working days lost to sickness absence). Some Members outlined their concerns at the continual failure to hit the target for this PI. In particular, a Member stated that he had been questioning this issue since 2007 and the matter did not appear to be resolving itself.

In addition, another Member felt that the target was soft and the Council needed to be much more robust in its management of sickness absence. Officers replied that the results were also of concern to the Joint Management Team and whilst new measures had been put in place, the outcome remained disappointing;

- (e) BV9 (% of Council Tax collected). When considering the current economic climate, the Group wished to commend officers for the excellent performance on this indicator;
- (f) BV156 (Buildings Accessible to People with a Disability). Officers confirmed that this PI was significantly below target due to public conveniences now being included. It was noted that some public conveniences would require significant expenditure to ensure that they were compliant with the requirements of the Disability Discrimination Act. Some Members felt that it would be a retrograde step to close public conveniences if they could not be made compliant. As a consequence, it was agreed that officers would find out the exact legal position regarding the DDA and would advise Members accordingly after the meeting;
- (g) BV11a (Top 5% of Earners: Women), BV11b (Top 5% of Earners: Ethnic Minorities) and BV11c (Top 5% of Earners: with a Disability). Whilst acknowledging the Equalities Agenda and the need to adhere to the Equal Opportunities Policy, some Members queried the merit of considering these PIs. As a consequence, the Group concluded that these PIs should be removed from future reports;
- (h) future method of reporting PIs. The Group agreed that for future progress reports, the PIs should be reported by exception, with emphasis only given to those indicators which were either significantly below target or slightly below target.

RESOLVED

1. That Scrutiny note the content of the Performance Indicators;
2. That officers provide greater explanatory information to accompany the Performance Indicators;
3. That in respect of BV12 (working days lost to sickness absence), Scrutiny feels that performance is not improving and would therefore like its concern expressed at this trend, especially in light of what is perceived to be a soft target;
4. That officers be commended for the excellent performance in respect of BV9 (% of Council Tax collected);

5. That officers find out the exact legal position regarding the Disability Discrimination Act and advise Members accordingly after the meeting;
6. That PIs BV11a (Top 5% of Earners: Women), BV11b (Top 5% of Earners: Ethnic Minorities) and BV11c (Top 5% of Earners: with a Disability) be removed from future progress reports;
7. That for future progress reports, the PIs be reported by exception, with emphasis only given to those indicators which were either significantly below target or slightly below target.

SC.12/10 **ORAL UPDATE FROM JOINT SCRUTINY MEETING REGARDING USE OF PUBLIC RESOURCES FOR PRE PLANNED EVENTS**

Those Members who had attended the Joint Scrutiny meeting with West Devon Borough Council's Overview and Scrutiny Committee on Tuesday, 15 June 2010 provided feedback to the Group.

The informal meeting had been convened to consider the use of police resources for traffic management within Devon and Cornwall at pre planned events.

In discussion, reference was made to:-

- (a) concern that an agenda was not published for the meeting. In addition, further disappointments were stated in respect of the quality of the responses given by the police representative in attendance and the fact that he left the meeting before the conclusions of both Groups had been established;
- (b) the outcome of the meeting. It was noted that both Scrutiny Groups had agreed that the Home Office and the Local Government Association should be contacted to seek clarification on their intentions in light of the police no longer attending pre-planned events.

SC.13/10 **AGENDA ITEMS FOR FUTURE MEETINGS OF SCRUTINY**

BV12 (Working Days Lost Due to Sickness Absence)

The Group agreed that following its concern expressed above (Minute SC.11/10 refers), this matter should be added as a current outstanding issue. In the event of further continual failure to hit the target for this PI, then Members would request that this matter be included as a specific agenda item at a future meeting.

Evaluation of Service Review process and its Contribution to 2010/11 Budget

Due to report timescales, it was agreed that this item should be deferred to 16 September 2010 meeting.

Leisure Centres Dual Use Agreements

As referred to above (Minute SC.10/10 refers), depending on the response to the proposals, this item would be re-considered at the meeting held on either 22 July 2010 or 16 September 2010.

Effectiveness of Choice Based Letting

The Group was content for this item to be considered by the Community Policy Development Group at its meeting on 14 July 2010.

Access to Broadband in Rural Areas / Village Hubs

The majority of Members felt that the Group should consider this matter at its next meeting on 22 July 2010. The Group proceeded to endorse the suggestion of the lead Executive Member for Community Affairs whereby an already completed report on Village Hubs be presented to the meeting, with the Customer Services Manager (as report author) being invited to attend.

Integrated Transport

The Group requested that this proposed agenda item be deleted from its future work programme.

NHS Devon

The Group wished for representatives to provide their annual update at a meeting during early 2011.

(Meeting commenced at 10.00 am and concluded at 11.50 am.)

Chairman