

Overview & Scrutiny Committee

Monday, 2nd September, 2013
6.00 - 8.30 pm

Attendees	
Councillors:	Klara Sudbury (Chair), Nigel Britter, Barbara Driver, Colin Hay, Ian Bickerton, Diane Hibbert, Chris Ryder, Charles Stewart, Penny Hall (Reserve) and Simon Wheeler (Reserve)
Also in attendance:	Councillor Jon Walklett and Councillor Roger Whyborn

Minutes

1. APOLOGIES

Apologies had been received from the chair Councillor Duncan Smith and Councillor Penny Hall attended as his substitute. Councillor Klara Sudbury as vice-chair of the committee took the chair for this meeting.

Apologies had been received from Councillor McCloskey and Councillor Wheeler was attending as her substitute.

2. DECLARATIONS OF INTEREST

None received.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 16 May 2013 were approved as a correct record.

4. PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None received.

5. MATTERS REFERRED TO COMMITTEE

No matters were referred to the committee.

6. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

As she had given her apologies for this meeting, Councillor McCloskey had provided a written update regarding the meeting of the Police and Crime Panel on 19 July 2013. She was unable to attend the meeting and Councillor Sudbury was not able to attend as her substitute. The main thrust of the meeting had been to hear how plans to develop the first two main themes of the Commissioner's plan were progressing. These themes were Accessibility and Accountability led by ACC Sally Crook and Older but not Overlooked led by Sally Pickering of GAVCA. Two complaints about the Commissioner and his office had been received. One has been dealt with satisfactorily and the other has resulted in the Commissioner's office doing an additional piece of work.

Councillor Penny Hall updated members on the Health and Care Overview and Scrutiny Committee she had attended on 16 July 2013. The committee had received the annual report of the Director of Public Health and she highlighted some of the issues set out in the report. A member asked if there were more details on the reasons for some of the trends highlighted such as Gloucestershire having a lower number of smokers than the national average but a higher incidence of obesity, self harming and suicide. Councillor Hall advised that the annual report had been in a new format and lacked some of the detail contained in previous reports but she could request this on their behalf. Members suggested that when the health scrutiny committee were devising their workplan they could consider setting up task groups, one would be to look at self harming and suicide in more detail.

Councillor Hall agreed to raise this on their behalf together with the committee's request for more detail to back up reported trends. She advised that the next meeting was on the 20th of September and she encouraged members to flag any issues with her that they wished her to raise on their behalf.

Members were referred to the county council website where they could find the full minutes and reports of the meeting.

7. PROGRESS REPORT ON RECOMMENDATIONS FROM GRASS VERGES TASK GROUP

The chair invited Councillor Whyborn, Cabinet Member Sustainability, to introduce the report setting out the progress on implementing the recommendations of the Grass Verges scrutiny task group which had been approved by Cabinet in December 2013. The report provided members with a comprehensive update of the progress made on all the recommendations and the Cabinet Member invited questions. Rob Bell, Managing Director of Ubico and John Rees, Environmental Maintenance Manager at Ubico were also in attendance to answer any questions.

Councillor Hall, as chair of the task group, was pleased with the good progress that had been made and felt the task group had made a real difference. A particular improvement was the regular monthly meetings between officers from Ubico, CBC and the county council where issues could be discussed and resolved. As a ward councillor she had noticed that the level of complaints regarding grass verges had gone down. Although this may be partly due to the weather, she complimented officers on how nice the verges looked.

Members were circulated a further update from Tony McNamara, Community Parks Development Officer regarding para 2.7 in the report. It had now been agreed to trial a flowering meadow seed mix at Coronation Square and the junction of Princess Elizabeth Way and Gloucester Road (A40) with the intention of creating a flowering meadow for 2014.

A member congratulated Ubico and the council on the trials of wildflower meadows which had been very successful. They were keen to encourage developers to create more but asked whether maintenance was an issue and if Ubico had the necessary budget to carry out the work.

Rob Bell advised that if there was an increased cost of maintenance then the service level agreement between Ubico and the council would need to be

amended following appropriate discussions with the Commissioner, i.e the council.

The Cabinet Member advised that the council must be careful what they commit to in terms of maintenance so it was important to discuss this at development stage. The council were looking at planning procedures for new estates which would cover biodiversity issues as well as provision for bins.

In response to a question from a member, John Rees, advised that Ubico sprayed roadside weeds twice a year in April/May and then September/October. The second application was due to commence next week.

Another member referred to the green space strategy and raised a question about sustainable urban drainage. He was particularly concerned about individuals paving over their gardens without the necessary drainage. This may contravene planning regulations but there was no effective planning enforcement.

The Cabinet Member agreed that this was an issue the council needed to be mindful of and confirmed that it was a planning issue.

The chair thanked the Cabinet Member and officers for the update and the committee agreed that this represented the completion of the work of this scrutiny task group.

8. UPDATES FROM SCRUTINY TASK GROUPS

The chair referred members to the summary of scrutiny task groups which had been circulated with the agenda.

The Democratic Services Manager highlighted the good progress that was being made on the dog fouling scrutiny task group. The task group looking at deprivation in the town centre had a wide ranging scope and they were due to report back to this committee in January with an update.

A number of task groups were scheduled to have progress reports on the implementation of their recommendations coming back to this committee.

9. MEMBER WORKING GROUPS

The chair referred members to the summary of other member working groups which had been circulated with the agenda following a request at the last meeting. The report highlighted the various types of member working groups operating within the Council and the differences between them.

The chair initiated the discussion with an example of an issue regarding the green bag scheme that she had wanted to be looked at by a scrutiny task group. However she had been advised that this was an issue being looked at by the Cabinet Member waste working group. In her opinion it was sometimes arbitrary which group looked at an issue. She had also had experience of chairing a Cabinet Member working group looking at the Housing review. In the absence of Councillor Smith, she highlighted his concern that scrutiny was not being given the opportunity to get involved in overview as this was generally being carried out by Cabinet Member working groups.

Councillor Hibbert felt that all of the working groups should be reporting back through this committee. This would enable all members to be better informed and would demonstrate publicly the extent of the work being done by the council outside of the formal committees. She was concerned that many members were not engaging in scrutiny. She suggested that they may be encouraged to attend meetings of this committee if they felt it was going to be a single source of information. Councillor Driver supported the view that working groups should report back to this committee.

Councillor Bickerton asked for clarity on why meetings of task groups and Cabinet Member working groups did not always go in the public domain. Councillor Stewart suggested there needed to be more clarity on when a Cabinet Member should be invited to attend a scrutiny task group.

Councillor Hay agreed there needed to be a reporting mechanism back to this committee as it was important that all members had an understanding of what work was being done across the council. However he was keen to emphasise the real differences between a scrutiny task group and a Cabinet Member working group. The former was free to explore any issues without direction from the Cabinet Member and come up with a report of recommendations for consideration by the Cabinet. He felt it was important that the Cabinet Member was present at the initial meeting of the scrutiny task group, not to direct the group but to update the task group on any other relevant work being done and give ideas. It was also important that the Cabinet Member was involved in the final meeting of the task group to give an opportunity to comment on the recommendations of the task group before they were received by Cabinet. By contrast the Cabinet Member working group was set up at the request of the Cabinet Member as an advisory group to the Cabinet Member. Councillor Hay stressed the importance of these groups being free to explore ideas, some of which may be taken no further, and so putting all their workings in the public domain may not always be helpful. He concluded that effective working between the Cabinet Member and the scrutiny task group was the key to successful scrutiny.

Other members agreed that there were differences between the two types of working groups. Councillor Hall highlighted that scrutiny task groups were task and finish groups which on completion made recommendations. Other groups such as the climate change member working group had a long-term role to provide advice to the Cabinet Member who also chaired the group. Councillor Britter suggested that if the relationship between scrutiny and Cabinet was strong and appropriate linkage between the two was in place then these differences would not be an issue. The priority should be to focus on the relationship and then everything else should fall into place.

Councillor Walklett, as Cabinet Member responsible for scrutiny, was invited to comment. He explained that during his time with the council he had been involved in three scrutiny task groups. As a non Executive member he felt he had been given plenty of opportunities to ask the Cabinet Member questions about their portfolio under the former overview and scrutiny arrangements. He pointed out that if members felt this was no longer the case then Cabinet had not changed but O&S had so the onus was on scrutiny to make the new system work in this respect. Cabinet had worked hard to improve communications to members through arranging member seminars and workshops and he cited the

Council size member seminar as a good example. He accepted that Councillor Hibbert had raised a valid argument about reporting back from the various member working groups. However he was keen to highlight that the vast majority of Cabinet Member working groups did include at least one O&S member so suggested that they should have a duty to report back to their main committee.

Councillor Whyborn, Cabinet Member sustainability, sympathised with the views expressed by members and agreed it was important that the O&S committee needed to be well informed in order to carry out their scrutiny role effectively. He emphasised that scrutiny task groups and Cabinet Member working groups were addressing different needs. The function of the Cabinet Member working group on climate change for example was to get together a group of interested members and other experts to assist him as the responsible Cabinet Member in formulating policy and generating ideas. He stated his intention to carry on chairing this group. Clearly if O&S decided they wanted to scrutinise an issue in more depth then it would not be appropriate for the Cabinet Member to chair the resulting scrutiny task group. However he felt they should be invited to attend scrutiny task groups in order to get their buy in and understanding. In his view, the way forward was to ensure that one or two members of the O&S committee were on each working group and they could then present reports to the main committee. The only alternative was to invite all the Cabinet Members to meetings of O&S to be questioned in detail on a wide range of issues.

The chair had some concerns about a scrutiny member of the Cabinet Member working group reporting back to this committee and felt it should be the Cabinet Member themselves who would have a fuller understanding of all the issues.

The chair referred members to the draft form for setting up a new member working group in appendix 3 of the report. The idea was that this form would be completed and would then come to O&S for discussion. The O&S committee would be acting as a commissioning group for all working groups.

Councillor Hay suggested that one of the functions of this committee should be to manage and co-ordinate the non-executive councillors and the work they do on the council. Therefore it was appropriate for a proposal for a new working group to come to scrutiny that could then source members for the group. If a working group was set up by Council and members appointed by Council then the role of this committee would be to ensure that the working group was operating effectively.

The chair asked for a show of hands on members support for the new form and subsequently receiving updates on the work of all the member working groups. Members gave this their support and the Democratic Services manager agreed to take this forward.

10. THE RELATIONSHIP BETWEEN OVERVIEW AND SCRUTINY AND THE CABINET

The chair referred members to the discussion paper that had been circulated with the agenda and the update of the meeting between the chair and the vice-chair of O&S with representatives from Cabinet. In this meeting, Councillor Smith had been keen for members of the Cabinet to produce a written summary for this meeting and he had suggested that members had the opportunity to

table questions to Cabinet Members at every Cabinet meeting. In her view, Councillor Sudbury, thought that this committee would provide a better forum for questioning Cabinet Members.

Councillor Whyborn, as a Cabinet Member, was invited to give his comments. In his opinion the introduction of the new scrutiny arrangements had made it much more difficult for scrutiny to summon the Cabinet Member and for members to have the opportunity to question and have a dialogue with the Cabinet Member. He did not support producing a written report but he would be very happy to come along every 6-8 weeks and update members on any areas they wished.

Councillor Hay suggested that the inherent difficulty in having the updates at this meeting was that very few other members attended as observers. Other councils had opportunities for Cabinet Members to have open sessions with other members where they could ask questions. Possibly this could be done in the hour before this meeting or Cabinet and every member could be invited to attend.

Council Driver suggested setting up a task group to look at what other councils were doing. The Democratic Services Manager advised that a lot of research had been done in formulating the new scrutiny arrangements and this had included an extensive look at other councils' arrangements. She highlighted an e-mail she had received that morning regarding Surrey County Council where they had experienced a similar problem with defining the differences between working groups. Their advice was that the matter was best resolved by establishing good relationships and establishing terms of reference at the start of any working group. Councillor Hall advised that the matter had been raised at the Gloucestershire Scrutiny network and the advice had been that it was for each council to establish protocols which worked for them and there was no simple solution.

Councillor Hibbert supported Cabinet Members attending scrutiny task groups but was nervous about all the Cabinet Members attending this committee due to the time it would take up. She favoured bullet pointed highlights in a briefing note.

Councillor Walklett as the Cabinet Member responsible to scrutiny referred to the five requests from the informal meeting and gave Cabinet's response:

1. Cabinet Members give more thought to which issues they could potentially give to a scrutiny task group to develop
 - the Cabinet would be happy to support that and the Events scrutiny task group was a good example where scrutiny had developed new policy
2. O&S track the forward plan as part of their work planning and also refer to the corporate objectives to inform them of up-and-coming actions
 - O&S should look to the Forward Plan and the corporate business plan for ideas. O&S would have the option to request a Cabinet Member to attend O&S to give more details about a particular item coming up on the forward plan.
3. The new form for setting up a member working group could be used to facilitate some discussion between Cabinet and O&S when a new working group was being contemplated
 - Cabinet supported this

4. More consideration to be given to the idea of an informative presentation and debate at each Council meeting on a key partnerships or group.
 - Regarding the JMLGs for shared services, he suggested that an annual report was already made to the Senior Leadership Team by each group and these reports could be presented to members. He would have reservations about these reports being made to Council as this may set precedents for the other authorities in the partnership and create an excessive workload for officers.
5. A written briefing from each Cabinet Member at each O&S meeting of up-and-coming issues for that portfolio
 - Cabinet would prefer to provide a one to two page summary highlighting all their key issues and this could be provided one to two days in advance of the meeting and then O&S would have the opportunity to request a Cabinet Member to attend to answer more questions.

After further discussion on this last point, members felt that this summary should be issued with the agenda so the adequate notice could be given if members wanted to invite the Cabinet Member to answer additional questions. All members of Council should be made aware so that they could attend if they were interested in this particular issue. Members agreed that a single summary report from Cabinet would suffice.

There was some discussion about the suggestion for receiving presentations from partnerships. The chair felt that O&S should focus initially on establishing the internal relationships with Cabinet before turning its attention to partnerships outside the council. It was also important for the O&S committee to maintain its management role so some reports may be better dealt with via a wider members' seminar. The committee agreed that they supported the principle of more regular updates to members from working groups and other bodies and they would be happy for the chair and vice-chair of this committee sort out the detail.

Resolved that:

1. **The principle of a member working group initiation form set out in appendix 3 should be adopted and come to O&S for initial discussion and allocation of non-Exec members**
2. **Cabinet Members will prepare a short briefing note for circulation with the agenda for each scrutiny meeting with the option for O&S to invite any Cabinet Member to come along and give more detail and answer questions at the meeting**

The chair/vice-chair to have further discussions with Cabinet regarding how working groups and other member bodies reporting to the wider audience of members

11. CABINET MEMBER BRIEFING

Councillor Rawson, Cabinet Member Finance, gave members a brief update on two significant issues in his portfolio.

Firstly he updated members on the review of Council Tax support which was due to go to the next meeting of Cabinet. The recommendation was that the council along with other Gloucestershire authorities should continue the current council tax support arrangements for another year.

He referred members to the update on the council's accommodation strategy which had been circulated to all members by e-mail. This formed an important part of the council's Bridging the Gap strategy. Members would appreciate that some aspects of the project would be confidential but he would be very happy to provide members with a regular update at whatever frequency they required.

In response to a question from a member regarding whether the refurbishment of the municipal offices and selling off the remainder was being considered, he replied that use of the current building as office space would continue to be a challenge for the council and therefore this option had been ruled out.

12. REVIEW OF SCRUTINY WORKPLAN

The chair referred members to the discussion paper and the latest scrutiny workplan.

Members agreed that it would be helpful if the forward plan was circulated with the agendas for this meeting.

Councillor Hay made a proposal for a scrutiny task group regarding pub closures. He reminded members that in March 2012 he had brought a motion to Council to look at the ways the authority may be able to protect "community pubs" from closing and being redeveloped for some other use, mainly housing. The motion had been passed and included the action to investigate ways in which the authority might be able to adopt policies and procedures in both licensing and planning which may help preserve these community assets. He suggested a task group could be set up to look at what the authority could do by reviewing its policies and procedures. They should be able to take evidence from licensing and planning, Cabinet members and officers and it should also gather information from outside bodies such as CAMRA and look at government and parliamentary debate on the issue. The task group should be no more than 10 members and should be able to report back early in 2014. The outcome would be a improved set of policies and procedures to help preserve the "community pub".

Members supported this as a topic but suggested that lifestyle changes could be the cause. However they felt it was worth investigating why landlords were finding it difficult financially and if community pubs were closed whether this left any gaps in the community. They asked Councillor Hay to work with the Democratic Services Manager to produce a one-page strategy for the review.

Councillor Britter was keen to set up a task group to look at the use of 106 monies and the transparency of the process.

Councillor Driver suggested a scrutiny task group should be set up to look at Planning Enforcement and she was concerned that officer support had been cut down to a minimum. There were some links between this and 106 agreements. Councillor Hay supported this proposal and cited his previous example of enforcement relating to paving over driveways and gave another example of the installation of satellite dishes where the council needed to tackle the installers rather than individual households. Councillor Wheeler highlighted the problem with some businesses giving householders incorrect advice regarding when they need planning permission.

Resolved that Councillors Britter and Hay would work with the Democratic Services Manager to produce one-page strategies for these suggested task groups which could then be brought back to this committee for agreement and initiation.

13. DATE OF NEXT MEETING

Date of next scheduled meeting was 25 November 2013 at 6 pm.

The Democratic Services Manager explained that other meetings had been arranged and were indicated in the diary as 'if required'. These would only go ahead if there was an urgent need to set up a task group, deal with a call in or receive a report which could not wait until the next meeting. At this point the October meeting did not appear to be required.

Klara Sudbury
Chairman

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