

COUNCIL – 23RD JUNE 2008

7. ANNUAL SCRUTINY REPORT 2007/08

Purpose of Report

To consider the 2007/08 Annual Scrutiny Report.

Recommendation

That the work of the Scrutiny Commission and scrutiny committees during 2007/08, as set out in the report, be noted.

Reason

Paragraph 6.04 (d) of Article 6 of the Council's Constitution requires that the Scrutiny Commission must report annually to Council on the workings of scrutiny committees and the operation of the scrutiny function generally.

Background

At its meeting on 21st April 2008, the Scrutiny Commission agreed its Annual Scrutiny Report for 2007/08 (see minute 66 – 2007/08) for submission to Council on 23rd June 2008. That report is attached as an appendix.

ANNUAL SCRUTINY REPORT 2007/08

Paragraph 6.04(d) of Article 6 of the Council's Constitution requires that the Scrutiny Commission must report annually to the Council on the workings of scrutiny committees and the operation of the scrutiny function generally. To accord with that requirement, the Annual Scrutiny Report for 2007/08 is set out below, for submission to Council on 23rd June 2008.

Monitoring the work of the Executive

Scrutiny at Charnwood Borough Council is tasked with undertaking four general roles (Article 6.03 of the Constitution sets these out).

The first is to "review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions". The second is to "make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions". These roles are principally carried out through monitoring of the Forward Plan and the Call-in of decisions. Scrutiny can also consider any matter affecting the area or its inhabitants and consider the effectiveness of the Council's policies, strategies and activities in the context of the Council's aims, objectives and policies. This is generally done by scrutiny committees identifying areas for investigation as part of the ongoing Scrutiny Programme.

Forward Plan and Future Programme of Key Decisions

At each meeting of the Scrutiny Commission, a copy of the most recently published version of the Forward Plan of Key Decisions (including Future Programme of Key Decisions) is submitted for consideration. The purpose of this item is to enable the Commission to be aware of the key decisions to be taken over the coming months in advance and to programme them onto scrutiny agendas where necessary.

The Scrutiny Commission looks forward to the new Corporate Plan being in place (September 2008) and the more comprehensive information in the Forward Programme which will result, enabling scrutiny to better plan its work.

General Exception

As part of the Scrutiny Commission's role in monitoring which Key Decisions are due to be taken, the Chair of the Scrutiny Commission is informed when either Cabinet, or an officer under delegated powers from Cabinet, is likely to take a Key Decision, which was not included in the Forward Plan. This is called the General Exception Procedure and is detailed in Access to Information Procedure Rule 15.

The following Key Decisions were taken by Cabinet under the General Exception Procedure and in accordance with Regulation 15 of the Local Authorities (Executive Arrangement) (Access to Information) (England) Regulations 2000 and Access to Information Procedure Rule 15(b) the Chair of the Scrutiny Commission was informed five working days prior to the decision being taken:

Cabinet Date	Key Decision
24th May 2007	Decent Homes Contract
	Procurement Process for an Interim Facility for Recycling for Charnwood
26th July 2007	Shared Services – Scope and Second Stage
	Capital Programme Amendment Report
22nd November 2007	24 Hour CCTV and Contact Centre Project
7th February 2008	Concessionary Travel Scheme – Revised Scheme Costs
13th March 2008	Shared Services – Property Services
3rd April 2008	Proposed Housing Capital/MRA Programme 2008-2009

Call-in

Overview and Scrutiny Procedure Rule 13 (Call-in) provides a mechanism for reviewing decisions of Cabinet and Key Decisions taken by an Officer under delegated authority from Cabinet prior to those decisions taking effect. If an item is called-in, implementation of the decision is stopped while Scrutiny Commission or an appropriate Scrutiny Committee reviews the decision and the information which was submitted to the decision taker. Following consideration, Scrutiny has one of three options:

- Agree with the Cabinet decision, in which case the decision takes immediate effect. Scrutiny can send comments back to Cabinet for further discussion;
- Disagree with the Cabinet decision and request that the item be reconsidered by Cabinet. In this case Scrutiny must submit an alternative recommendation and a reason behind the alternative recommendation; or
- Disagree with the Cabinet decision because, in the opinion of the Scrutiny Commission/Committee, the decision is contrary to the Council's Policy and Budgetary Framework. In this case Scrutiny must seek the advice of the Council's Monitoring Officer and/or Chief Financial Officer and may, based on that advice, submit an alternative recommendation and a reason to Council, setting out why the original decision is outside the Policy and Budgetary Framework and why the alternative recommendation is within the framework. Council, if it agrees, will resubmit to Cabinet (or the officer, if taken under Delegated Powers from Cabinet).

During the 2007/2008 Council Year, the following items have been called-in and considered by the Scrutiny Commission:

Cabinet Date	Decision Called-in
24th May 2007	Options for Free Bulky Waste Service
22nd November 2007	Street Cleansing Options for Improved Cleaning Frequencies
27th March 2008	Selection of Preferred Bidder for Shared Services

In the first two cases, the Scrutiny Commission did not disagree with the Cabinet decision. However, comments were submitted to Cabinet for their consideration. In the third case the Scrutiny Commission asked Cabinet to reconsider the decision in order to address four key issues, which were raised by the Commission.

Call-in Exemption

An exemption process exists (Overview and Scrutiny Procedure Rule 14 [Call-in and Urgency]) in order to take into account circumstances where, if a decision was not implemented immediately due to being called in, such a delay would seriously prejudice the Council's or the public's interests.

The process involves the Mayor giving prior consent that he/she is satisfied that the decision can be exempt from Call-in and therefore have immediate effect. Details of such decisions are then submitted to the next available Council meeting.

The following decisions of Cabinet during 2007/2008 were exempted from Call-in:

Cabinet Date	Decision exempted from Called-in
24th May 2007	Representatives on Outside Bodies – appointment to East Midlands Regional Assembly
27th September 2007	ALMO Formation Documentation

Scrutiny Programmes

This area of scrutiny's work relates to the review of current policies and practices and making suggestions as to improvement. The Scrutiny process has reported to Cabinet on the following:-

- Shared Services
- Refuse Collection and Cleansing
- IT Services for Parishes
- Election Processes

The principal work of the Scrutiny Commission in 2007/08 has been on the issue of Shared Services, the issue having been considered at four meetings of the Commission between November 2007 and April 2008. It is considered that scrutiny of the matter was undertaken from a neutral position and effectively.

Scrutiny Panels

In 2007-08, the Council has initiated the following Scrutiny "Task and Finish" Panels:-

Review of Election Processes

This has met 6 times since its first meeting on 7th August 2007 and made its recommendations to Cabinet on 3rd April 2008.

Housing Allocation Procedure

Meetings were held on 23rd January, 19th February and 1st April 2008 with its Terms of reference agreed by Committee on 30th January 2008.

Houses in Multiple Occupation – Changes in Legislation

This Panel has recently been established.

Panel Reports Still Being Monitored

The following scrutiny panel reports and recommendations were monitored during the year:

- Arms Length Management Organisation (ALMO) Bid – Improving Tenant Participation
- Consultation Methods
- Conservation Area
- Village Design Statements

Performance Monitoring

The Performance and Audit Scrutiny Committee has overseen the Council's progress in its Best Value Performance Indicators, its "Direction of Travel" and its CPA Re-categorisation. In particular, it has monitored a "Hot List" of key performance indicators such as:-

- Citizen satisfaction
- Council Tax collected
- Non-Domestic Rates due
- Rent collected and arrears
- Processing times for Housing Benefit and Council Tax Benefit
- Household waste sent for re-cycling or composting
- Response times re Local Government Ombudsman enquiries
- Litter
- Local authority housing re-lets
- Race equality

External Scrutiny

The Community and Partnerships Scrutiny Committee has prioritised the introduction of Area Forums and Neighbourhood Management. Its work programme has also included:-

- Public conveniences
- Loughborough Bus partnerships
- Loughborough Eastern Gateway
- Charnwood Community Strategy
- Working in partnership with the ALMO
- Youth Strategy

Audit and Risk Management

The Performance and Audit Scrutiny Committee has the important task of acting as the Council's audit committee. It receives the Annual Audit and Inspection Letter. As part of the 2008-09 budget process, it also scrutinised that draft budget and the Service Development Plans. It has also monitored the Council's Risk Strategy, its Strategic Risk Register and its Operational Risk Register. Members received finance training in January 2008 and further, more advanced training in this area is planned together with use of monthly General Fund and HRA Monitoring Reports.