

Overview & Scrutiny Committee

Overview and Scrutiny Work Programme 2009/2010

9 June 2009

Report of Head of Legal and Democratic Services

PURPOSE OF REPORT

To provide the Committee with a work programme for 2009/10.

This report is public

Recommendations

- (1) That the Committee note the changes to the overview and scrutiny work programme for 2009/10
- (2) That the Committee note the responses to the annual work programme canvas;
- (3) That the Committee agree which topics to add to the work programme either for further research and scoping or as the agreed topic for a scrutiny review by the Committee or a Task and Finish Group;
- (4) That the Chairman and the Democratic, Scrutiny and Elections Manager be delegated, in consultation with the Chairman of the Overview and Scrutiny Committee, to finalise the details of the 2009/10 work programme following an assessment of the available resources.

Details

1 Existing work programme

- 1.1 Appendix 1 sets out the existing work programme for both the Overview and Scrutiny Committee and the Resources and Performance Scrutiny Board, as agreed at the committee meetings in April 2009.

1.2 The Committee will wish to note that:

Affordable Housing and Rural Exception Sites

The Executive considered this report on 11 May 2009 and all of the Committee's recommendations were accepted. The Executive further resolved:

That in addition to the recommendations of the Overview and Scrutiny Committee the following be agreed:

- a) That Officers be requested to produce a further report on the potential advantages and disadvantages of employing directly an Enabling Officer
- b) That Officers be requested to produce a further report requesting relevant outside bodies to release land for rural exception sites
- c) That Officers be requested to produce a further report explaining how the work of the Rural Housing Trust has been taken up by other organisations

The Portfolio Holder for Planning and Housing will present the conclusions of the work at the Parish Liaison meeting on 17 June 2009. The topic is on the monitoring section of the work programme and the Committee will be able to check on developments when it meets in July.

Concessionary Fares

The work of this Task & Finish Group is due to conclude in early June and consideration of their report is included as a separate item on the agenda for this meeting.

Private Sector Housing Strategy

The Task & Finish Group met for the first time on 12 May and work is underway by the individual topic review teams.

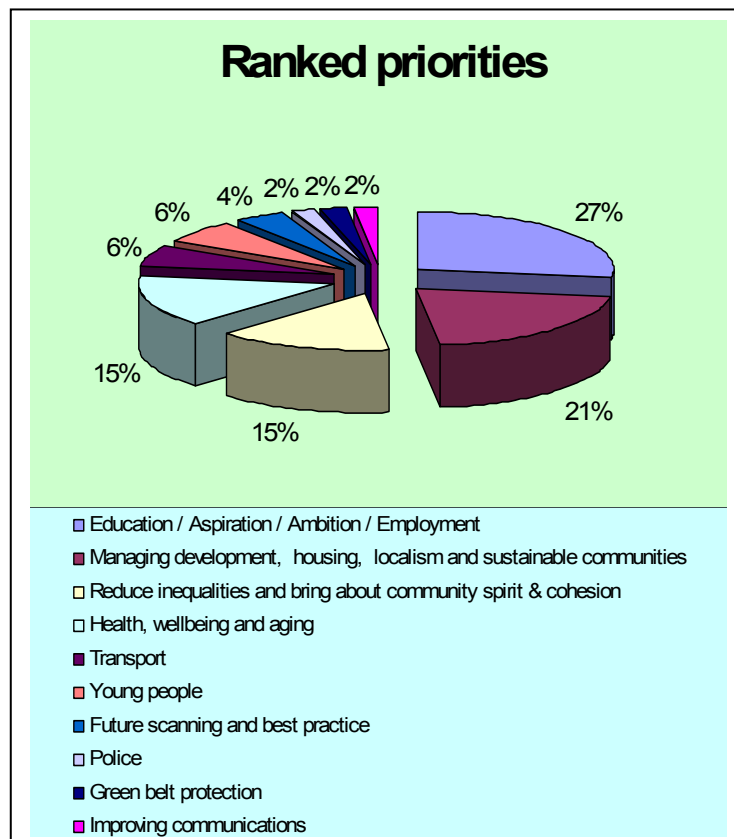
Crime and Anti-social Behaviour

The conclusion of this Task & Finish Group has slipped to the autumn due to election commitments and to accommodate a round table discussion with the National Youth Agency. There will be a VFM review on Anti Social Behaviour in late 2009 and the work of this scrutiny review will serve to inform that study.

2 Annual work programme canvass

2.1 The annual work programme canvas took place during late April and May 2009. The Chairman of Overview and Scrutiny wrote to all District Councillors, the local MP and to Town and Parish Councils asking for suggestions for potential scrutiny topics. There was also an article on the website and a press release. This year there has been an encouraging response to this exercise; to date Parish Councils have put forward suggestions and the local MP has also put forward some topics.

- 2.2 Appendix 2 contains a summary list of the responses to the work programme canvas and the issues identified by scrutiny councillors. Appendix 2A – B provides more detailed information on individual topics.
- 2.3 Other sources of information include the latest version of the Forward Plan (Appendix 3), the Annual Audit letter, the CPA assessment, and the issues identified in the end year performance management framework report (as submitted to the 15 June meeting of the Executive).
- 2.4 The Committee will also need to take into account the planned work programmes of the Accounts, Audit and Risk Committee and the Improvement Team's Value for Money schedule (Appendix 4).
- 2.5 The emerging evidence from the current work on the development of the Council's Sustainable Communities Strategy provides an important context for the consideration and prioritisation of potential scrutiny topics. The main issues arising from the councillor workshops held in the spring of 2009 were:



Resources

- 2.6 In considering these suggestions for the work programme and prioritising the topics the Committee will wish to take note of the resources available to support the work and the proposed timescales. Experience suggests that in general the Democratic and Scrutiny officers are able to support the Overview and Scrutiny

Committee and the Resources and Performance Board on about 2 and 3 topical scrutiny reviews at any one time; this is in addition to the support for the formal committee meetings and informal working groups and the quite onerous commitment to the budget scrutiny work of the Resources and Performance Scrutiny Board.

- 2.7 The Committee should also reflect on the demands that scrutiny reviews place on the resources in the individual service areas.

Priority checklist

- 2.8 The current, informal criteria applied to all suggestions for a scrutiny review are that it must:
- be of concern to a group of people living within the Cherwell District;
 - relate to a service, event or issue in which the Council has a significant stake or over which the Council has an influence;
 - not be an issue which scrutiny has considered during the last 12 months;
 - not relate to an individual service complaint;
 - not relate to an individual planning or licensing application.

Excluded Matters

- 2.9 In addition to these informal guidelines the constitution has been amended to take account of the recent legislative changes regarding issues that are not appropriate for overview and scrutiny to consider (known as 'excluded matters') which came into force on 1 April 2009¹:
- a) Any matter relating to a decision on a specific planning application
 - b) Any matter relating to a decision on a specific licensing application
 - c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to:
 - Standards decisions and items which may be brought for decision;
 - Appeals decisions and items which may be brought for decision;
 - Breaches of the Constitution and its protocols e.g. Code of Conduct;
 - Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members.
 - d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

¹ Constitution, 1.2 Terms of Reference for Committees

- e) Audit process and items which are likely to be considered by the Audit process.
- f) Matters within the proper remit of the Section 151 and Monitoring Officers.
- g) Matters relating to a particular identifiable service recipient or potential service recipient.
- h) Complaints or matters before the courts or local government Ombudsman.
- i) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.

Committee meeting schedule

2.10 The 2009/10 meeting schedule for the Overview and Scrutiny Committee is set out below; all meetings are at Bodicote House and start at 6.30 pm unless otherwise stated:

9 June 2009	5 January 2010
14 July 2009	9 February 2010
15 September 2009	9 March 2010
13 October 2009	6 April 2010
10 November 2009	

Implications

- Financial:** There are no financial implications arising directly from this report. The report of the individual scrutiny reviews will address any specific financial issues.
Comments checked by Denise Westlake, Service Accountant, 01295 221559
- Legal:** There are no legal implications arising directly from this report. The report of the individual scrutiny reviews will address any specific legal issues.
- Risk Management:** If too many items are included on the work programme there is a risk that scrutiny agendas become overloaded. This undermines effective scrutiny because Members are unable to concentrate on the key issues and officer resources are over-stretched. It may be necessary to hold further meetings during the year if the risk of not achieving the work programme becomes apparent. The report of the individual scrutiny reviews will address any specific risk issues.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Document Information

Appendix No	Title
Appendix 1	Draft work programme
Appendix 2	Summary list of suggested scrutiny topics
Appendix 2a	Response from Tony Baldry MP
Appendix 2b	Scoping document for Built Area Conservation
Appendix 3	Forward Plan June ~ Sept 2009
Appendix 4	Improvement Team VFM schedule 2009/10
Background Papers	
Annual Audit letter CPA Assessment 2009 Performance Management Framework End of Year Report (Executive 15 June 2009)	
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