Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Overview and Scrutiny Annual Report

2008/09

July 2009

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Foreword

"Councillors have a good track record of focused scrutiny and involvement in performance management"

"The overview and scrutiny and task and finish groups have been very proactive in challenging services from an external perspective and holding officers to account"

"The scrutiny process in 2004 was traditionally based and the Council has taken action to ensure additional challenge is now provided"

"The scrutiny members continue to press to improve their role…"[1]

I am very pleased to introduce the annual report for Overview and Scrutiny at Cherwell District Council. The report outlines the work of the Overview and Scrutiny Committee, the Resources and Performance Board and individual Task & Finish Groups over the last year.

The Audit Commission Comprehensive Performance Assessment (CPA) assessment of 2004 identified an underdeveloped scrutiny function; and in response the Council took measures to strengthen and nurture the process. As with any emerging process scrutiny has had its share of growing pains and frustrations but it is now beginning to bear the fruits of maturity and I am pleased to say that this was recognised in the recent CPA assessment which rated Cherwell as an excellent Council.

In early 2008 we started to reposition overview and scrutiny within the Council. We did this because we believe that scrutiny is there to assist the Council in achieving corporate priorities and to work with the Executive to this end. Whilst it is clear that Scrutiny and the Executive should be separate, there are no barriers to joint working on these common goals.

Next year a particular focus for the Resources and Performance Scrutiny Board will be the scrutiny of partnerships. Now more than ever this Council has to work with other councils, organisations and voluntary groups to secure funding and deliver services. Overview and scrutiny must provide the check and balance to that process.

I firmly believe that overview and scrutiny has a valuable contribution to make to the continuing success of this Council.

Councillor John Donaldson
Chairman of the Overview and Scrutiny Committee 2008/09

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[1] Audit Commission: Comprehensive Performance Assessment, Cherwell District Council, March 2009

Overview & Scrutiny Committee

Membership

Councillor John Donaldson (Ch)
Councillor Ken Atack
Councillor Nick Cotter
Councillor Nick Mawer
Councillor Les Sibley
Councillor Lawrie Stratford
Councillor Dan Sames (V Ch)
Councillor Rick Atkinson
Councillor Tony Ilott
Councillor Alastair Milne Home
Councillor Chris Smithson
Councillor Trevor Stevens

Terms of reference

The Overview and Scrutiny Committee has responsibility for the performance of all overview and scrutiny functions (under Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007) on behalf of the Council.

The Committee's main functions include:

- To consider Executive decisions after they are put into effect.
- To consider the Forward Plan and comment on key decisions before the Executive takes them.
- To conduct reviews of policy, services and aspects of services by itself or by appointing a Task and Finish Group.
- To make suggestions on the development of existing policies and suggest new policies where appropriate.
- To work with other local authorities and organisations to carry out joint scrutiny.
- To consider and call in any Executive decisions that members feel have not been made in accordance with the Council's decision making principles.

Emergency Planning

The Overview and Scrutiny Committee's review of the Council's emergency planning arrangements in the winter of 2008/09 proved timely as there was a significant "snow event" in the county in February 2009. This meant that the Committee could assess the effectiveness of the Council's arrangements against a real life, real time situation. As part of the review members of the Committee visited the County Council's Emergency Planning Unit.

The Committee concluded that the emergency planning arrangements were satisfactory and was pleased to note that amongst the officer team there was a focus on continued review and improvement of the processes and documentation.

The Committee agreed to maintain a watching brief on the planning and preparations for pandemic influenza.

RAF Bicester Conservation Area

Representatives from Bomber Command Heritage gave a presentation on their proposals for a heritage centre at RAF Bicester. They proposed using the centre to educate the public about the nature of conflicts and also provide practical teaching opportunities in relation to the engineering and machinery of the aircraft which would be on site. Members of the Committee also attended a site visit.

The Portfolio Holder for Planning and Housing also provided the Committee with background information on the site at RAF Bicester and its status as a conservation area which meant that it would not be developed for housing. The Portfolio Holder identified the challenges surrounding RAF Bicester including: finding a suitable use for the site and addressing the disrepair of the buildings as a matter of urgency.

The Committee recommended that the Executive should confirm and recognise the historic status of the site and make a commitment to ensure that the appropriate organisations maintain the historic buildings.

Rural Affordable Housing and Exception Sites

In December 2008 the Portfolio Holder for Planning and Housing invited the Overview and Scrutiny Committee to review the Council's policy and procedures for the delivery of affordable housing on rural exception sites. The topic had been raised at a Parish Liaison meeting in November 2008 a number of Parish Councils who were concerned and frustrated by their experience of the process.

The Overview and Scrutiny Committee decided to focus their review on the following issues:

- Customer satisfaction with the process
- The service offering (performance, costs etc)
- The partnership interface with the Oxfordshire Rural Communities Council and the lead Registered Social Landlord
- The implications for future planning policy (the Local Development Framework - LDF)

The Committee wrote to all Parish Councils asking for their comments and observations and inviting them to give evidence at a committee meeting. About one third of the parish councils responded and councillors from three parishes attended a committee meeting in March 2009.

There was a common theme underpinning all of the evidence considered by the Committee: the desire for a closer working relationship between the District Council and its partners and the parishes seeking rural affordable housing.

The Committee's recommendations, accepted by the Executive, called for a review of the relevant policies for the location of general rural affordable housing (including the potential to generate opportunities for some integral affordable provision), and of the criteria against which exception sites are assessed; and advocated an open and transparent approach to communications associated with the delivery of rural affordable housing and exception sites.

The conclusions of the scrutiny review were presented to the Parish Liaison meeting in June 2009, where they were generally well received and the work of the Committee and the report was commended.

Resources & Performance Scrutiny Board

Membership

Councillor Colin Clarke (Ch)
Councillor Alyas Ahmed
Councillor Margaret Cullip
Councillor Devena Rae
Councillor Carol Steward
Councillor Doug Webb
Councillor Victoria Irvine (V Ch)
Councillor Maurice Billington
Councillor Diana Edwards
Councillor Les Sibley
Councillor Pat Tompson
Councillor Martin Weir

Terms of reference

The Resources and Performance Scrutiny Board has responsibility for carrying out overview and scrutiny for the Council's resources, performance and effectiveness of Partnerships to which the Council appoints representatives.

The Board's main functions include:

- To scrutinise the Council's performance in relation to financial planning, including budgets and target setting.
- To assist and monitor the Executive in the continued development of a medium term budget strategy.
- To review the management of resources and to scrutinise the financial management, treasury management, property and asset acquisition and disposal, capital programme.
- To perform the overview and scrutiny function in relation to all of the Council's corporate performance and value for money activity.
- To carry out the scrutiny of partnerships as set out in Local Government and Public Involvement in Health Act 2007.
- To monitor year-on-year performance indicators.

The members of the Board have divided into two informal working groups that each meet about five times per year to undertake more detailed assessments of the Board's areas of responsibility.

Finance Scrutiny Working Group

Membership:

Cllr Clarke (Chairman) and Cllrs Edwards, Tompson, Rae, Webb and Weir

The Finance Scrutiny Working Group is made up of six members from the Resources and Performance Scrutiny Board. It is supported by the Head of Finance and a Scrutiny Officer.

The Group's role is to carry out detailed consideration of the Council's finances and budgets. At every meeting it reviews the Council's performance against a range of financial indicators covering income, debt, investment, creditors and risk. In 2008/09 much of its focus has been on the Council's response to the Icelandic banking crisis and to the recession, and it has been

working closely with members of the Finance team to look at the Council's treasury management strategy and asset management plan.

Performance Scrutiny Working Group

Membership:

Cllr Irvine (Chairman) and Cllrs Ahmed, Billington, Cullip, Sibley and Steward.

The Performance Scrutiny Working Group is made up of six members from the Resources and Performance Scrutiny Board. The Head of Improvement and a Scrutiny Officer support the work of the Group. It meets informally, usually about four times each year to coincide with the quarterly publication of the performance management information.

The Group's role is to consider the Council's performance, using the Performance Management Framework data as its baseline evidence. During 2008/09 it looked at the Council's performance across a number of areas, including: customer service standards, planning application targets, fly tipping and equalities.

Budget scrutiny: Fees and charges

In 2008 the Board's involvement in budget scrutiny centred on a specific project to look at the Council's fees and charges structure. The primary purpose of the scrutiny review was to identify those service areas where, through reviewing fees and charges, a fair balance could be struck between cost of service provision and income for the Council. The Board paid close attention to those fees and charges which had not been reviewed for some time and had fallen behind being a 'reasonable' charge for the service provided. The objective was to identify service areas which could deliver increased income to help to alleviate future budget pressures.

The Board conducted the review during the autumn and were supported by the Finance Director, Service Accountants and the Scrutiny Officer. Members of the Board met informally on four occasions to gather evidence and discuss ideas with specific Heads of Service. The conclusion was a formal committee meeting on 18 November when the Board "challenged" specific Portfolio Holders and Heads of Service on proposals for income generation.

In addition to a number of specific, and often contentious, recommendations relating to individual fees and charges (e.g. to increase car parking charges) the Board made a number of more general observations:

- That the absence of a uniform policy or system for the review of fees and charges within the Council had resulted in a confusion of individual charges and policies, many of which could not be explained or justified.
- That there should be a regular (annual) review of all fees and charges; and that this should involve objective/independent comment from councillors/officers outside the portfolio/service area.
- That there should be a clear and consistent approach to charging across the Council.

- That any discretionary charge must recover the cost of provision of the service.
- That there was a need for improved management information to inform the review and decision making process. This same information should support and assist Service Heads in the ongoing operation of the service area.

All of the Board's recommendations and observations were welcomed and accepted by the Executive and Council as part of the 2009/10 Budget.

Task and Finish Groups

The future of markets in Cherwell

Membership:

Cllrs Billington, Clarke, Edwards, Ilott, Sibley, Steward and Tompson

The objective of this review was to understand what factors were influencing the current state and prosperity of the district's traditional markets and consider what steps were needed to "retain and enhance" them.

The Task & Finish Group made a number of site visits to each of district's three markets and spoke informally to market traders and customers. This gave them a valuable insight into how the markets change as a result of seasonal and economic influences. They also held discussions with the trader representatives and the market operators to establish their views on the future of the district's markets. Finally the Group met with council officers and representatives from the town and parish councils to find out what they valued about the district's markets and what they would like to see improve.

At the end of this year long review the Group agreed that the three traditional markets in Cherwell have a number of strengths:

- An established history and tradition of market trading.
- A strong desire by those involved in each of the markets (shoppers, traders and elected representatives) to retain a traditional market and bring prosperity to the market towns.
- Town centre locations linked to other retail outlets
- good public transport access from a large catchment area.
- inexpensive car parking available close to the markets.

And weaknesses:

- The recognised national decline of traditional markets in recent years.
- The absence of a clear vision and strategic direction for the markets.
- The absence of established communication channels between the various market stakeholders (councils, operators, traders, retailers, customers).

Recommendations agreed by the Executive included:

- That the future commercial success of the markets in Cherwell is dependent on the development and execution of a clear vision of the role they can play in a district of opportunity.
- That the Council must assume a pro-active role and demonstrate a renewed commitment to the management of its markets.
- The introduction of regular, structured dialogue and communication channels with the local town and parish councils, and trader and retail groups regarding each individual market.
- That all three markets would benefit from greater publicity and improved promotional activities and new initiatives.

Concessionary Travel

Cllrs Atack, Clarke, Rae, Milne Home, Sibley and L Stratford.

The new national concessionary bus pass scheme was implemented on 1 April 2008 and allows any pass holder free travel on any local bus service anywhere in England. The statutory start time for the scheme is 9:30 am, but local authorities have discretion to increase the hours of operation. Within Oxfordshire, Cherwell and Vale of White Horse opted for the statutory start time of 9.30am whilst the other three councils then decided to operate from 9am. As a result some Cherwell pass holders have been unable to benefit from free travel on some cross-border routes whilst for example, a West Oxfordshire resident can.

Age Concern Oxfordshire submitted a petition containing 368 signatures to the Council at its meeting on 21 April 2008 when. The petition set out concerns including that older people would not be able to travel until late into the morning, disabled people will not be able to attend their day services and work placements on time and that many older and disabled people are vulnerable to becoming isolated from community services.

A six member Task & Finish Group was convened to look at the issue and to consider the financial implications of extending the start time of the national concessionary bus pass scheme to 9:00 am. Mindful of the wider economic context and the financial constraints facing the Council the Task & Finish Group could not advocate funding the revised start time at the expense of other Council services.

However, in the course of their work the Task & Finish Group identified a number of wider issues relating to concessionary travel that they agreed to explore in more detail in 2009. Specifically they chose to concentrate on the feasibility of introducing a smart card reader scheme to address concerns about management information and data accuracy of concessionary travel and also to broaden the scope of the review to consider the Council's overall concessionary and community travel offering, which accounts for about £1.3M of Council expenditure per year.

The Task & Finish Group met regularly on eight occasions from January to May 2009. They also held formal and informal discussions with members of their local communities to gather views and opinions on concessionary and community travel. In April 2009 members of the Task & Finish Group attended an open meeting at Age Concern, Banbury.

The Task & Finish Group also sought the views of representatives of some of the bus companies operating the concessionary travel scheme in the district; the Public Transport Policy Officer at Oxfordshire County Council; the Rural Transport Partnership Officer from the Oxfordshire Rural Communities Council; and officers involved in the implementation of a smart card enabled concessionary travel scheme in Northamptonshire. Throughout the review the Task & Finish Group sought to involve the Older People's Champion and the

Portfolio Holder, Community Safety, Street Scene and Rural, in their investigations.

Recommendations agreed by the Executive included:

- not to invest in a Smart Card Reader scheme due to the significant financial investment required and reservations about the current technical capacity of such schemes to meet the Council's needs.

- to monitor the scale and value of the mis-ticketing problem.

- To commission research into the feasibility of introducing alternative community transport schemes in those parts of the district where residents do not benefit from the concessionary bus pass, national travel tokens or the Dial-A-Ride service.

- To talk to the County Council and the District/City councils about a co-ordinated approach to the delivery of the national concessionary travel scheme.

Call-in

There have been no Call-ins during the municipal year 2008/09.

However, there was a Call-in right at the end of the previous municipal year, which was not reported in the last Annual Report. That Call-in considered a Portfolio Holder decision not to award grant funding to the Banbury Benefits Advice Project. The scrutiny committee heard the Call-in at a meeting on 18 March 2008.

The Committee upheld the original Portfolio Holder decision as it was in line with the Council's published policy on grant funding: that "G*rants will be less likely for organisations that displace or compete with the work of other organisations"* in so far as the Banbury Benefits Advice Project offered services similar to those of the Citizens Advice Bureau. The Committee also recommended that the Portfolio Holder should commission a review of the Council's grants and voluntary organisations policy criteria for 2008/09 to ensure that in future the decision making process was open and transparent.

Review of the Call-in process

Although this most recent Call-in at Cherwell in March 2008 was conducted in accordance with the constitution it raised a number of practical concerns for both councillors and officers. It was felt that the process was not "fit for purpose", that the timescales for parts of the process were too long and that overall it was unclear in the expectation that it created as it contained no guidance on the practicalities of preparing for and conducting the hearing.

In response to these concerns the Overview and Scrutiny Committee undertook a review of the Call-in procedures. The review proposals were based on the following assumptions:

- Call-in should be used sparingly as a process of last resort.
- There needs to be a clear, simple process to trigger a Call-in.
- The process needs to be balanced to ensure that it can not be hijacked for political purposes.
- Call-in needs to enfranchise all non-executive Councillors.
- Call-in should not limit the Council through creating unnecessary delays to implementation.

The Overview and Scrutiny Committee sent a questionnaire to all members of the Council and a review meeting was held with scrutiny members. The input from both these exercises was used to inform the discussions at the Overview and Scrutiny Committee, the Executive and Full Council which resulted in a series of recommendations and changes to the Constitution in February 2009. The main outcomes were tighter timescales for conducting and responding to a Call-in, a written protocol for the submission of evidence and the conduct of a Call-in hearing. All of these points were incorporated into the revised constitution in April 2009.

Training and Development

There were three scrutiny related training events for members in 2008/09:

- 10 councillors attended the introduction to overview and scrutiny on 23 May 2009 as part of the induction programme.
- 18 councillors attended the questioning skills sessions held on 19 August and 23 September 2008.

In addition members and officers attended a number of conferences and seminars during the year:

Event	Members	Officers
Centre for Public Scrutiny Conference (CfPS) in June 2008	2	2
LAA scrutiny seminar October 2008		1
CfPS / Parliamentary Select Committee seminar	1	1
CfPS seminar March 2009 (Scrutiny of Partnerships)	1	
CfPS seminar March 2009 (Negotiating skills for scrutiny)		1
LGA Introduction to Overview & Scrutiny March 2009		1
Crime and Community Partnerships May 2009	1	

Statistics

Statistic	2006/07	2007/08	2008/09
Number of scrutiny committee meetings	25	20	20
% attendance at scrutiny committee meetings	76%	78%	82%
Number of completed reviews	7	6	6
Number of committee reviews undertaken	1	1	4
Number of Task & Finish Groups established	12	2	2
Number of Call-ins	0	1	0
% scrutiny recommendations accepted by Executive or other body	-	90%	97%

Corporate priorities checklist

How does the overview and scrutiny function contribute to the Council's corporate priorities?

Corporate priority	Completed reviews					
	Markets	Fees & Charges	Emergency Planning	RAF Bicester	Rural Affordable Housing	Concessionary Travel
A district of opportunity						
• Balance employment and housing growth					✓	
• Support local economic development	✓	✓		✓		
• Support business success by… innovation… helping to recruit and retain skilled employees				✓		
• Secure housing growth… through a mix of market and affordable housing					✓	
• Give you advice and support to find a home					✓	
• Improve the standard of housing					✓	
• Improve local services and opportunities in rural areas		✓				✓
• Develop safe and pleasant urban centres	✓					
A safe and healthy Cherwell						
• Make it easy for you to lead a healthy and active life through our countryside, leisure facilities and tourist attractions		✓				✓
• Provide community facilities and activities to meet local need	✓			✓		✓
A cleaner, greener Cherwell						
• Keep streets and open spaces clean and free…		✓				
• Protect our environment…		✓				
An accessible, value for money Council						
• Put things right quickly if they go wrong	✓					
• Deliver value for money…		✓				
• Reduce financial burden to local taxpayers		✓				
• Explain how your council tax is spent and why		✓				
• Work with other to provide you with local services and access to information about them	✓			✓		✓
• Improve the way we communicate with the public			✓			
• Listen to your views and comments					✓	✓

2009/10 and beyond

As in previous years, scrutiny councillors have continued to identify opportunities to further improve and develop the scrutiny function. This positive approach will be critical in meeting the requirements of the Comprehensive Area Agreement (CAA) and the scrutiny related legislation in the Police and Justice Act 2006 and Local Government and Public Involvement in Health Act 2007.

Scrutiny and CAA will be a two-way process. Scrutiny reviews carried out locally will provide valuable evidence that can feed in to CAA and may help inspectorates understand issues without having to carry out additional work. In return, the findings from CAA will also be helpful to scrutiny committees in identifying potential areas for future reviews.

This will mean that the scrutiny work undertaken by County and District level scrutiny committees will increasingly need to avoid duplication and illustrate a coordinated approach to scrutinising the issues that matter to citizens.

Our challenge in 2009/10 is to embed these new powers into our scrutiny culture and develop the relationships necessary for effective scrutiny with partners.