

## **SCRUTINY LEADERSHIP BOARD**

### **Minutes of a meeting of the Scrutiny Leadership Board held on 9 July, 2009 at 4.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors D.R. W. White (Chairman), R. Aveley, A.A. Mackenzie, A.A. Meredith and K.L. Tomlinson

**ALSO PRESENT:** Victor Brownlees (Interim Chief Executive), Michael Barker (Head of Planning & Environment), Tom Currie (Safer & Stronger Communities Manager), Alison Smith (Scrutiny Manager) and Stephanie Jones (Scrutiny Officer)

#### **SLB-54      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Scrutiny Leadership Board held on 23 June, 2009 be confirmed and signed by the Chairman.

#### **SLB-55      APOLOGY FOR ABSENCE**

Councillor J.A. Francis

#### **SLB-56      DECLARATIONS OF INTEREST AND PARTY WHIP**

None.

#### **SLB-57      SCRUTINY SUGGESTIONS FROM 12 MAY 2009 – FOR FURTHER CONSIDERATION**

Suggestion by Councillor R.K. Austin

Councillor Austin had submitted a Scrutiny Suggestion that the Board should scrutinise the perceived breakdown of communications between Telford & Wrekin Council and Hark Apollo, the owners of Telford Town Centre. This had originally been submitted to the Scrutiny Leadership Board meeting on 12 May but Councillor Austin had subsequently agreed that it be deferred until this meeting.

Victor Brownlees, Interim Chief Executive was invited to inform the Board of the current situation. In doing so he stated that he was only able to speak on the relationship between the Council and Hark Apollo since the date of his appointment, the 7 May 2009.

Since that date he had held four meetings with Rob Cossey of Hark Apollo in addition to speaking to him on the telephone and he considered that their relationship was now harmonious, and although some significant points of issue remained there is now an open and honest dialogue. He spoke of the need for there to be one plan for the Town Centre to which the three partners, Telford & Wrekin Council, Hark Apollo, and the Telford International Centre, could all sign up to. He emphasised that although he could not guarantee that a solution could be formulated which would be agreeable to all parties, they were working hard to achieve a collective vision. He stressed that whilst he was currently

engaged in these discussions, it would be for the Cabinet and full Council to take any decisions.

The Chairman commented on the issues that had arisen in the past between the Council and Hark Apollo and said that whilst it was not possible to change the past, it was possible to ensure that such issues did not arise in the future. The redevelopment of Telford Town Centre was too important an investment project for the partners to be opposing each other and the Council needed to be able to work with the largest landowner in the Centre. It was vital that each of the partners was aware of any changes in policy by the Council before they became public knowledge.

In conclusion, it was agreed that the Suggestion should be left on the table in order to allow for the Chief Executive to continue to develop the relationship and progress discussions and that the Board should be kept informed of progress.

#### Suggestion by Councillor K.L. Tomlinson

Councillor Tomlinson's Suggestion relating to the adoption of new housing estates had been deferred from the 12 May 2009 to enable the current position to be established and Michael Barker, Head of Planning & Environment, had been invited to discuss this with the Board.

Michael Barker explained that problems arose when a development had not been completed, which could be for a variety of reasons. Whilst many developers fulfilled all their contractual obligations others did not and could be in default of their Section 106 obligations. Most instances of non-adoption arose from economic or non-intentional reasons such as bankruptcy. In considering this issue, the legal and financial implications of adoption by the Council would need to be investigated before any action was taken. The situation was further complicated by the differing procedures of other agencies and partners and the fact that the planning and highways processes of the Council operated independently of each other. He, therefore, suggested that appropriate legal or government advice should first be sought and that ascertaining what course of action other local authorities took could also be useful.

Michael Barker said that he was not currently aware of the full extent of this problem in Telford & Wrekin and recommended that Scrutiny should first try and identify the areas affected and the nature of the actual problems before deciding how best to take forward this Suggestion.

Members put forward a number of suggestions including that of considering Best Practice in other authorities. The Chairman recommended that a Spotlight Review be undertaken, following which a decision could be made on how best to take the work forward, and this was agreed by the Board.

### Suggestion by Mrs. J. Clarke

This suggestion regarding the need for improved security in the Town Park had been deferred at the Board's meeting on 12 May 2009 to allow for relevant information on the number and types of offences to be ascertained.

Tom Currie, Safer & Stronger Communities Manager, had been invited to speak to the Board on this issue. As requested he had provided relevant information from the West Mercia incident recording systems on the level of criminal offences and anti-social behaviour incidents committed within the Town Park during the past twelve months. In addition, he had spoken to Dave Ottley, Sport & Recreation Development Officer, on the work of the Town Park Wardens and CSOs. He said that, whilst the problems described by Mrs. Clarke were very serious for the victims, Members needed to be aware that it was not possible to police the Park twenty-four hours a day.

The information provided by West Mercia Police showed that the level of anti-social behaviour in the Park was less than in other areas of the Borough. When incidents did occur they tended to peak at mid-day and were not, therefore, alcohol related. In addition, young people were exposed to assault robbery (relating to mobile phones and ipods) from their own age group.

The following actions were being taken to address issues in the Town Park:

- Active police patrols
- Incidents investigated fairly and fully
- Barriers erected to slow down access from motorbikes, etc. at some entrances
- CSOs were on patrol and Council Park Wardens were equipped with mobile phones
- High visibility patrols helped to increase public confidence

The police, CSOs, and Council staff had a key role in combating anti-social behaviour.

The Board discussed this issue and noted that none of the Park Wardens were currently accredited to issue Fixed Penalty Notices (FPNs) for the offences but, if so authorised by the Chief Constable, their role could be expanded and agreed that accreditation could provide a front line method of dealing with issues. The Board also agreed that this could be further strengthened by erecting notices setting out Codes of Behaviour for users of the Park and the action that would be taken if these were not adhered to.

In response to a question from Councillor Aveley, Tom Currie said that appropriate training could be sourced through the Safer & Stronger Communities Section and the police. Accreditation could also be extended to staff dealing with other problems such as fly tipping and could be extended to other parts of the borough.

The Scrutiny Leadership Board agreed that a recommendation should be made to the Cabinet for the accreditation of appropriate officers to be considered, that

notices setting out Codes of Behaviour for users of the Park and the action that would be taken if these were not adhered to be erected and suggested that the Town Park could be used as a pilot scheme which, if successful, could be extended to other areas of the Council's services such as cleansing and environmental maintenance.

The Scrutiny Manager reminded Members that the Board now had legislative power to scrutinise the Crime & Disorder Partnership. This was a power that needed to be developed for the future and she suggested that this would be an appropriate agenda item for the Board in Autumn 2009 and would enable the context, strategy, patterns of behaviour, and 'hot spots', etc. to be established.

Members further agreed that if accreditation was introduced in respect of the Town Park, a review be carried out once it had been in operation for an appropriate period of 3 or 6 months. In addition, they asked the Scrutiny Manager to inform Mrs. Clarke of the action being proposed by the Board.

**RESOLVED – that a report be submitted to the Cabinet seeking approval for Wardens in the Telford Town Park, including Dog Wardens, to become accredited to issue Fixed Penalty Notices and for appropriate notices warning of this action to be erected.**

#### **SLB-58      NEW LEGISLATION UPDATE**

The report of the Head of Finance & Audit summarised the progress of the three pieces of new legislation that would affect the future remit of Scrutiny.

##### The Local Government and Public Involvement in Health Act 2007

The Act enabled Scrutiny Committees to scrutinise the actions of certain public service providers in relation to the delivery of their Local Area Agreement (LAA) targets. It also enabled Scrutiny Committees to require a response from the executive/council and partner authorities would have to have regard to reports and recommendations from Scrutiny.

##### The Police & Justice Act 2006

The Police & Justice Act 2006 was enacted on 30 April 2009 following which Regulations and guidance had been issued on the scrutiny of local Crime & Disorder Reduction Partnerships (the Safer and Stronger Communities Partnership in Telford & Wrekin). A copy of the guidance was attached as Appendix B of the report.

The main objective of this legislation was to enable Scrutiny to scrutinise its local Safer & Stronger Communities Partnership, as set out in the report. A more detailed report on the ways in which the scrutiny of the Safer & Stronger Communities Partnership could potentially operate would be brought to the Scrutiny Leadership Board in September for consideration.

## The Local Democracy, Economic Development and Construction Bill 2008-09

This Bill sought to create greater opportunities for community and individual involvement in local decision making, as set out in the report. It was currently in Committee Stage but the Department for Communities & Local Government anticipated that it would receive Royal Assent before the summer recess of Parliament on 21 July. They foresaw that, for the statutory scrutiny officer and joint Scrutiny parts of the Bill, the power would come into effect in September with guidance following shortly after. The part of the Bill relating to petitions was not likely to come into force until April 2010.

### Review of Health Scrutiny by the Department of Health

The Department of Health (DoH) was undertaking a review of Health Scrutiny, which it had begun by running a number of listening events in the autumn of 2008. The two drivers for the review were:

- a) Lord Darzi's review of the NHS and the reconfiguration of health services had prompted the DoH to look at whether timescales should be introduced for the determination of substantial variations by Health Scrutiny and the process for referral to the Secretary of State by scrutiny of NHS consultations;
- b) The legislation on Health Scrutiny had been introduced six years ago and the structure of the NHS had changed significantly with the introduction of Foundation Trusts and the developing role of PCTs through commissioning.

The DoH's current position was that there was no case for the introduction of timescales in relation to determining substantial variation and these should continue to be worked out locally by Health Scrutiny members and local NHS partners. There were no plans to reduce the remit of Health Scrutiny to determine substantial variation of services. The DoH had also highlighted concerns around the interaction of Health Scrutiny and Foundation Trusts from the listening exercises which it wanted to address. Following two further listening events in 27 July, which would be facilitated by the Centre for Public Scrutiny, the draft guidance would be made available in autumn 2009.

### **RESOLVED:**

- (a) That the progress on the following legislation, that would affect the remit of Scrutiny, be noted:**
  - (i) The Local Government and Public Involvement in Health Act 2007;**
  - (ii) The Policy & Justice Act 2006;**
  - (iii) The Local Democracy, Economic Development and Construction Bill 2008-09;**
- (b) That the progress on the Department of Health review of Health Scrutiny be noted.**

**SLB-59**      **SCRUTINY LEADERSHIP BOARD APPOINTMENTS TO JOINT HEALTH SCRUTINY COMMITTEE WITH STAFFORDSHIRE, STOKE-ON-TRENT AND SHROPSHIRE COUNCILS**

The report of the Head of Finance & Audit informed Members of the need for appointments to be made from the Council's Scrutiny Health Monitoring Sub-Group to a Joint Health Scrutiny Committee with Staffordshire, Shropshire and Stoke-on-Trent Councils for the purpose of considering whether the proposal by the Specialist Commissioning Team for the West Midlands to develop Primary Angioplasty (PPCI) was a substantial variation in service that would require public consultation.

Councillor D.R.W. White, as Chairman of the Health Scrutiny Monitoring Sub-Group, had been approached by the Specialist Commissioning Team (SCT) for the West Midlands with regard to a development they wished to make to specialist heart treatment for a small number of patients in Shropshire and Staffordshire. The SCT was unsure whether this development would constitute a substantial variation or development in service which would, if so, require a three month public consultation.

The Joint Committee would be convened under the relevant direction from the Secretary of State, which related to consultations by NHS bodies under the Health and Social Care Act 2001 whereby people from more than one local authority area might be affected by proposed variations or developments to NHS services. In these circumstances all Health Scrutiny Committees consulted must decide whether they considered the proposals to be "substantial" and those that did were required to form a Joint Health Scrutiny Committee to deal with the consultation and to respond on behalf of their communities.

In consultation with the Staffordshire, Shropshire and Stoke-on-Trent Scrutiny functions, Councillor Derek White, as Chairman of the Sub-Group, had agreed to a Joint Committee being convened for this purpose and that, as agreed with the other authorities, the requirement for political proportionality in Joint Committees should be waived in this instance. It had also been agreed that three Health Scrutiny Members would be nominated by each Local Authority taking part and it was proposed that the following members of the Health Scrutiny Monitoring Group be nominated as Telford & Wrekin Council's representatives on the Joint Health Scrutiny Committee.

Councillor Derek White  
Councillor Angela McClements  
Ms Dilys Davis (Co-optee)

**RESOLVED:**

- (a) **That the requirement for a Joint Health Scrutiny Committee with Staffordshire, Shropshire and Stoke-on-Trent Councils to consider whether the introduction of Primary Angioplasty (PPCI) was a substantial variation in service and required public consultation be noted;**

- (b) That Councillors Derek White and Angela McClements and Ms. Dilys Davis (co-optee) be nominated to sit on the Joint Health Committee;
- (c) That it be agreed that political proportionality be waived for this Joint Health Scrutiny Committee.

**SLB-60      SIX MONTHLY REVIEW OF NEW SCRUTINY ARRANGEMENTS**

**Attendance/Involvement Update**

Details of Member participation in the In-depth and Special Interest Meeting reviews during 2009-10 was tabled for the Board's information. Following a discussion, it was agreed that the Chairman should write to those Members who had not yet put their names forward to attend any of these meetings. Those Members who were currently unable to attend meetings due to ill-health, would be requested to inform the Chairman of this in writing, with an e-mail being acceptable.

**Progress with Work Programme**

The update on 2008 Programme and the 2009 In-depth Review Programme and Special Interest Meetings, as tabled, was noted by the Board.

**Scrutiny Assembly Sessions**

Stephanie Jones, the Scrutiny Officer, informed Members that the October Scrutiny Assembly would take the form of a meeting with the Chief Executive and the Leader of the Council and asked what format they would wish this meeting to have. A Question Time format was suggested.

The Chairman said that the format should be that of a dialogue between the Chief Executive and the Leader to inform the Board of the political and policy objectives of the Council but that there should not be a workshop session.

The Scrutiny Manager suggested that, in order for the Chief Executive and the Leader to be sufficiently challenged, questions should be submitted before hand with the Scrutiny Leadership Board acting as a filter but the Chairman said that he would wish there to be a Question Time open to the floor of the meeting. He would also be in favour of the Chief Executive and the Leader seeing the questions before the Assembly Session in order that they could give considered responses rather than their immediate reactions. However, supplementary questions could then be asked in order to probe the original responses given. In conclusion the Chairman suggested that suggested questions should be sought from the Scrutiny Assembly Members and that the Scrutiny Leadership Board would then approve an agreed small number of questions to be put at the Assembly Session and a final decision taken on the format of the Question Time in the light of these.

Councillor K.L. Tomlinson commented on the Assembly Session held on 19 May, 2009 and said that in future she would prefer to have a discussion rather than a Quiz and the Chairman responded that a new mechanism would be drawn up for the next Scrutiny Assembly.

**Other Issues**

Councillor K.L. Tomlinson asked for details of the Council's current organisational structure to be made available and Councillor A.A. Meredith asked for information on the South Telford Cluster.

**SLB-61      CHAIRMAN'S UPDATE**

As a result of the recent change in the Council's political balance, following the establishment of the Independent/Liberal Democrat Group, the seat on the Board previously held by TAWPA was now held by the new Group with Councillor K.L. Tomlinson as the current member.

Councillor H.J. Williams, who had been the TAWPA representative on the Board, had subsequently resigned from the Value for Money Scrutiny Group of which she had been the Chairman. As Councillor K.L. Tomlinson did not wish to be appointed to this vacancy, the Chairman agreed that the Leader of the Independent/Liberal Democrat Group should be invited to nominate a representative to join the Value for Money Scrutiny Group and that a new Chairman would be sought from the existing Value for Money group Members.

The Chairman reminded the Board that he and Councillor R.E. Groom had previously proposed, unsuccessfully, that a Staff Suggestion Scheme should be introduced. He and Councillor Groom had now spoken to relevant people, and decided that in the current climate the scheme should be reconsidered. As a result, the original proposals would be reviewed with a view to submitting a report to Cabinet. .

**SLB-62      FORWARD PLAN – AGENDA ITEMS 2009-10**

The Board noted the Scrutiny Forward Plan items, as set out in Appendix D.

**SLB-63      DATE OF NEXT MEETING**

Members noted that the next scheduled meeting of the Board would take place on Wednesday, 16 September, 2009.

The meeting ended at 6.12 p.m.

**Chairman:** .....

**Date:** .....