

MINUTES of the meeting of the Strategic Monitoring Committee held at Brockington, 35 Hafod Road, Hereford on Monday, 7th July 2003 at 10.30 am

Present: Councillor T.M. James (Chairman)
Councillor Mrs.P.A. Andrews (Vice-Chairman)

Councillors: W.L.S. Bowen, A.C.R. Chappell, J.H.R. Goodwin, Mrs. M.D. Lloyd-Hayes, J.Stone, J.P. Thomas, W.J.S. Thomas.

In attendance: Councillors Mrs L.O. Barnett (Cabinet Member – Social Care and Strategic Housing), Mrs J.P. French (Cabinet Member - Human Resources and Corporate Support Services) , D.J. Fleet, R.J . Phillips (Leader of the Council), D.B. Wilcox (Cabinet Member – Audit and Performance Management), R.M. Wilson (Cabinet Member – Highways and Transportation).

1. CHAIRMAN AND VICE-CHAIRMAN

It was noted that the Council had appointed Councillor TM James as Chairman of the Committee and Councillor Mrs PA Andrews as Vice-Chairman of the Committee.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor D.C. Short MBE.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 1st April 2003 be approved as a correct record and signed by the Chairman.

5. WORK PROGRAMMES

The Committee considered its own work programme and the work programmes adopted by the individual Scrutiny Committees, with the exception of the newly established Health Scrutiny Committee, and noting that the Education Scrutiny Committee's work programme, as circulated separately, had yet to be considered by that Committee.

It was noted that in general the programmes incorporated a number of items identified as requiring periodic monitoring and attention, providing a basis for the Committee's work, to be added to as required.

The Chairman emphasised that as currently drafted the work programmes would serve as a basis for the work of the Scrutiny Committees, whilst signalling his intention to develop the Council's approach towards scrutiny.

RESOLVED:

THAT (a) the Committee's work programme be confirmed, subject to noting that it served only as a basis for future development;

and

- (b) **the work programmes of the other Scrutiny Committees also be noted as a basis for future development.**

6. REVIEW OF THE CONSTITUTION

The Committee considered a number of amendments to the Constitution arising from the review of Cabinet and Scrutiny responsibilities by Council in May.

The report detailed the proposed changes, which had been recommended by the Constitutional Review Working Group.

In the course of discussion the Committee highlighted the three points set out below as issues warranting further reflection:

- **(Cabinet Procedure Rule 6) the rights of Ward members to attend and speak at Cabinet when decisions are taken affecting individual wards**

Some Members expressed the view that Members should have a right to attend and speak at Cabinet when decisions were taken affecting individual wards. Others agreed that there were practical considerations which supported the proposal to leave the discretion, as at present, to the Leader of Council as Chairman of Cabinet to call Ward Members to contribute.

It was acknowledged that where an individual ward was affected, although this could potentially involve up to 3 Councillors there was unlikely to be an obstacle to them all speaking. In some circumstances, however, a significant number of wards may be affected. Whilst allowing one Councillor to speak on behalf of a number of others would work in some circumstances, in others it might not. There was therefore an argument for leaving the discretion to the Leader of the Council, noting that the arrangement could be monitored and reviewed.

The right of Group Leaders to speak at Cabinet was identified as an additional potential safeguard of the interests of Ward Members. It was also suggested that rather than waiting until the Cabinet meeting Ward Members should raise any concerns they had with the relevant Cabinet Member, to allow account to be taken of any concerns at the earliest opportunity.

- **(Scrutiny Rule 6) the mechanism for dealing with the response by Cabinet to Cabinet decisions which have been called in.**

The proposed amendment would mean that following the call-in of a Cabinet decision if the matter was referred back to the Cabinet the Leader would have the discretion to decide whether to reconsider the matter on behalf of the Cabinet, or to refer the matter back to a meeting of the Cabinet.

Some Members suggested that transparency of decision making would be enhanced by requiring issues to be considered at a meeting of the Cabinet. Others noted that there might be occasions where for practical reasons time constraints would support the adoption of the proposed discretionary mechanism.

- **Part 9 – Operation of the Smallholdings Selection Panel**

The Constitutional Review Working Group had proposed that the Panel should comprise the Cabinet Member (Rural Regeneration and Smallholdings) and two non-executive Councillors (one Conservative and one Liberal Democrat) to carry out an advisory role on smallholding tenant appointments. A view was expressed that a larger Panel was needed with a remit to oversee the smallholdings estate.

The following additional points were raised:

- It was noted that the review of the operation and boundaries of Local Area Forums was ongoing.
- The requirement in Scrutiny Rule 3 that to instigate a call-in the three signatories required must include representatives from at least 2 political groups was discussed. It was noted that the overriding principle was that the Scrutiny function should operate in a non-political fashion and that a decision to call-in a matter should rest solely on the merits of the particular subject.

RESOLVED: That the proposed changes, set out in the County Secretary and Solicitor's report, be recommended to Cabinet and Council for approval, but highlighting the three points in relation to Cabinet Procedure Rule 6, Scrutiny Rule 6 and the operation of the Smallholdings Selection Panel as issues warranting further reflection.

7. FINAL REVENUE OUTTURN 2002/2003

The Committee considered the final outturn position on the revenue budget for 2002/2003.

The report noted that whilst the statutory Statement of Accounts was in the process of being finalised the final outturn picture could be presented to the Committee. The report detailed the outturn by programme area.

In response to a question the County Treasurer confirmed that there was an awareness of the opportunity to pool budgets with Health and he would report further to the Social Care and Housing Scrutiny Committee.

The Committee also noted that the continuing pressure on the Social Care budget would require particular attention.

RESOLVED: That the position be noted.

8. CAPITAL PROGRAMME – FINAL OUTTURN – 2002/2003

The Committee considered the Capital Programme outturn for 2002/2003.

The report summarised the position noting that monitoring systems and procedures continued to be developed and improved.

RESOLVED: That the position be noted

9. LPSA OUTTURN

The Committee considered an updated schedule on the performance outturn for the first full year of the Council's Local Public Service Agreement.

The report noted that in assessing performance against each of the targets it should be borne in mind that the various projects identified to help deliver the improved performance had been introduced during the year and some would therefore have had only a modest impact on performance. It was noted that negotiations were still taking place on two targets. A change in methodology for measuring one of the Best Value Performance Indicators (BVPs) had had a significant effect on the measured performance. It was possible that similar changes could be made to other BVPs during the life of the LPSA.

The Committee was advised that on the current level of performance the Council would fail to achieve a number of the targets. The importance of individual Scrutiny Committees monitoring performance was emphasised.

RESOLVED: That the Local Public Service Agreement Schedule be noted.

10. RACE EQUALITY SCHEME PROGRESS REPORT

The Committee considered progress against the Council's Race Equality Scheme Action Plan.

The report noted that the Council had published its Race Equality Scheme in May 2002, providing a framework for how the Council intended to promote race equality through eliminating unlawful racial discrimination, and promoting equal opportunity, and good relations between people of different racial groups.

Difficulties had been encountered in securing engagement across the Council and a number of broader diversity issues had been identified as requiring a corporate response. However, progress had also been made in a number of areas. It was reported that the Cabinet had made some revisions to the action plan which would be reconsidered by Cabinet and then reported back to the Committee.

The Committee discussed the importance of ensuring young people in particular were educated in these matters and where problems were reported that these were addressed. It was noted that since the appointment of an officer to focus on the concerns of young people more evidence of difficulties had come to light.

It welcomed work underway including research into the numbers and needs of seasonal migrant workers. However, it also expressed concern that the Commission for Racial Equality (CRE) did not appear to recognise that the issues facing Herefordshire were markedly different from those facing many other areas. The CRE had even indicated that it would not be continuing funding for the Race Equality Partnership within the County, an issue which it was noted would have to be given further consideration by the Cabinet.

The provision in the revised action plan for equality training for all Members of the Council not just new Councillors was welcomed.

RESOLVED: That progress to date be noted.

11. PAYMENT OF UNDISPUTED SUPPLIER INVOICES WITHIN 30 DAYS – BEST VALUE INDICATOR BV8

The Committee considered performance against the national Best Value Performance Indicator for the payment of undisputed invoices within 30 days for 2002/2003.

The County Treasurer reported that the figures for 2002/2003 did show an improvement particularly in the second half of the year although performance at 87% for this period was still well short of the 100% target set by the Government.

He suggested that monitoring should continue on an exception basis provided the present level of improvement continued. Monthly information would continue to be circulated to Heads of Service and progress on improvement monitored.

RESOLVED: That the report be noted and payment of invoices performance data reported to the Committee on an exception basis as part of the corporate

health performance report, with reports to individual Scrutiny Committees if necessary.

12. PERFORMANCE MONITORING – CORPORATE HEALTH

The Committee considered the outturn figures for the 2002/2003 national corporate health and local corporate performance indicators.

The report highlighted areas for improvement on an exception basis, identifying the action considered necessary to address any adverse trends.

It was suggested in discussion that the setting of a local target relating to “percentage of electorate from wards affected by content attending Council/Committee meetings” needed to be revisited.

RESOLVED: That corporate performance for the period 1 April 2002 – 31 March 2003 be noted together with the proposed improvement activity for 2003/2004.

13. COMPLAINTS AND COMPLIMENTS MONITORING

The Committee was informed of the figures for complaints and compliments recorded from the year ended 31 March 2003 and the first quarter of 2003/2004 with comparative data.

It was reported that since February 2002 the Council had achieved the implementation of a computerised complaints recording system; provided Complaints Administrators who provided support with the recording and administration of the complaints process; introduced a revised Complaints Leaflet, a revised Comments and Complaints Procedure, and created a Compliments Procedure; and a Customer Service Strategy. It was considered that these improvements to the system had led to the significant increase in the number of complaints recorded in the first quarter of 2003/2004.

Compliments recorded over the first quarter had more than doubled as a result of encouraging staff to record them.

The Committee noted that work was ongoing to review and improve the electronic recording system, improve the process for reviewing and sharing best practice across the Council, and consider changes in working practices following the investigation of complaints. A target had been set for the number of complaints resulting in a change of working practice.

It was requested that consideration be given to separating out the statistics for Social Care and Strategic Housing.

RESOLVED: That the report be noted.

14. LOCAL GOVERNMENT OMBUSMAN AND COMPLAINTS PANEL – 2002/2003

The Committee was informed of the figures for complaints determined by the Local Government Ombudsman and the Council's Complaints Panel for the year ended 31 March 2003.

It was highlighted that in 2002/03 as in every year since the Council's formation in 1998 there had been no findings of maladministration against the Council. In five cases the Council had agreed to take some further action to resolve complaints.

RESOLVED: That the report be noted.

15. SCRUTINY ACTIVITY REPORT

The Committee noted the work being undertaken by the Scrutiny Committees

The meeting ended at 12.30 pm

CHAIRMAN