

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meeting Held on 7th July, 2003

Membership:

Councillors: T.M. James (Chairman), Councillor Mrs. P.A. Andrews (Vice-Chairman) W.L.S. Bowen, A.C.R. Chappell, J.H.R. Goodwin, Mrs M.D. Lloyd-Hayes, D.C. Short MBE, J.Stone, J.P. Thomas, W.J.S. Thomas.

REVIEW OF THE CONSTITUTION

1. The Committee has considered a number of amendments to the Constitution proposed by the Constitutional Review Working Group arising from the review of Cabinet and Scrutiny responsibilities by Council in May.
2. The Committee agreed to recommend the proposed changes, set out in the County Secretary and Solicitor's report, to Cabinet and Council for approval, but highlighting 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

3. This issue related to whether Members should have a right to attend and speak at Cabinet when decisions were taken affecting individual wards. Some Members expressed the view that there should be an automatic right to speak. 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.
4. 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.
5. 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.

6. The Constitutional Review Working Group had proposed to amend the Scrutiny Committee Rules. The 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.
7. 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

8. 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 Independent 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.

FINAL REVENUE OUTTURN/CAPITAL PROGRAMME – FINAL OUTTURN – 2002/2003

9. The Committee has noted the final revenue and capital budget outturns. It was advised that the continuing pressure on the Social Care revenue budget will require particular attention.

LOCAL PUBLIC SERVICE AGREEMENT

10. The Committee has noted the performance outturn for the first full year of the Council's Local Public Service Agreement. It has been 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 has been emphasised.

RACE EQUALITY SCHEME PROGRESS REPORT

11. The first report on progress against the Race Equality Scheme Action Plan has been received by the Committee.
12. It has welcomed work underway including research into the numbers and needs of seasonal migrant workers. However, it has also expressed concern that the Commission for Racial Equality (CRE) did not appear to be recognising that the issues facing Herefordshire in this area were markedly different from those facing many other areas. The CRE had indicated that it would not be continuing funding for some projects within the County. The Committee noted that this issue will have to be given further consideration by the Cabinet.

PAYMENT OF INVOICES

13. In July 2002 the Committee was advised that performance in respect of Best Value Performance Indicator (BVPI) 8: "the percentage of undisputed invoices for goods and services which were paid by the authority within 30 days of such invoices being sent to the authority." was unacceptable across the Council. It was also one of a centrally selected list of 15 BVPIs which would apply to authorities subject to Comprehensive Performance Assessment for 2002/2003 and upon which the external auditors were being asked to focus. It noted that the need for improvement had been recognised and action taken to attempt to bring about improvement. However, the performance remained unacceptable. The Committee had therefore requested that reports go to individual scrutiny committees on the issue.
14. Regular reports have been submitted to the Scrutiny Committees over the past year. The Committee was advised that the figures for 2002/2003 had shown an improvement particularly in the second half of the year, although the performance was still well short of the 100% target. The percentage performance for the last six months was just under 87%.
15. The Committee has agreed that payment of invoices performance data will be reported to the Committee on an exception basis as part of the corporate health performance report, with reports to individual Scrutiny Committees if necessary.

PERFORMANCE MONITORING – CORPORATE HEALTH

16. The Committee has noted corporate performance for the period 1 April 2002 – 31 March 2003. Information was also included on action designed to improve performance during 2003/2004.
17. It has been suggested that the setting of a target relating to “percentage of electorate from wards affected by content attending Council/Committee meetings” needed to be revisited.

COMPLAINTS AND COMPLIMENTS MONITORING

18. The Committee has noted the complaints and compliments recorded for the year ended 31 March 2003 and the first quarter of 2003/2004.
19. 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.
20. Compliments recorded over the first quarter had more than doubled as a result of encouraging staff to record them.
21. 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.

LOCAL GOVERNMENT OMBUDSMAN AND COMPLAINTS PANEL

22. Complaints determined by the Local Government Ombudsman and the Council's complaints panel for the year ended 31 March, 2003 have been noted.
23. 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.

WORK PROGRAMMES

24. The Committee has endorsed its own work programme and those of the individual Scrutiny Committees as a basis for its work whilst signalling the intention to develop the approach towards Scrutiny.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

25. The work of the Committees is analysed below as far as practicable under the following five roles for overview and scrutiny: holding the executive to account, best value reviews, policy development and review, external scrutiny, and improvement (performance management and review), the first four of which are identified as key roles in report on “The Development of Overview and Scrutiny in Local Government published by the Office of the Deputy Prime Minister”. Issues considered by the Strategic Monitoring Committee, as referred to above, are listed for completeness.

26. The Education Scrutiny Committee met on 14th July, 2003.

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Best Value Review Programme 2003/2006 Home to School Transport – Discretionary Areas of Policy
Policy Development and Review	Excellence Cluster and leadership Incentive Grant School Organisation Plan Pupil Admissions policy for Community High Schools Standard School Year
External Scrutiny	
Improvement (Performance Management and Review)	Outcome of individual OFSTED inspections. LPSA Compliments Complaints and Appeals Capital Programme
Other	Anne Frank Exhibition Work Programme

27. The Environment Scrutiny Committee met on 13 June, 2003 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Commercial Enforcement – Progress Report Implementation of Improvement Plans
Policy Development and Review	Parking Enforcement in Herefordshire
External Scrutiny	-
Improvement (Performance Management and Review)	Human Resources Capital Programme Monitoring Revenue Budget Monitoring Payment of Invoices within 30 days Performance Indicators GEM Performance
Other	Work programme

28. The Social Care and Housing Scrutiny Committee met on 17 June 2003 and considered the following issues:

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	Progress Report/Membership of Review Teams
Policy Development and Review	Extra Care Housing
External Scrutiny	Patient and Public Involvement in Health/Health Scrutiny
Improvement (Performance Management and Review)	Budget Monitoring Serious Case Review Payment of Invoices
Other	

29. The Social and Economic Development Scrutiny Committee met on 19 June 2003 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Membership of Voluntary Sector Review Team
Policy Development and Review	
External Scrutiny	
Improvement (Performance Management and Review)	Performance Indicators Payment of invoices
Other	Work Programme Review of Community and Partner Involvement in Scrutiny

31. The Health Scrutiny Committee has not met formally and is familiarising itself with its remit through a series of informal visits.

32. The business conducted by the Strategic Monitoring Committee at its meeting on 7th July, 2003 is summarised below.

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	
Policy Development and Review	Review of the Constitution
External Scrutiny	
Improvement (Performance Management and Review)	Final Revenue Outturn 2002/2003 Capital Programme – Final Outturn – 2002/2003 Local Public Service Agreement Race Equality Scheme Progress Report Payment of Invoices Performance Monitoring – Corporate Health Complaints and Compliments Monitoring Local Government Ombudsman and Complaints Panel – 2002/2003
Other	Work Programmes

**T.M. JAMES
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

BACKGROUND PAPERS

- Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 7th July, 2003.