



OVERVIEW & SCRUTINY COMMITTEE

MINUTES of the OPEN section of the meeting of the OVERVIEW & SCRUTINY COMMITTEE held on 7 JULY 2003 at 7.00 p.m. at Southwark Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Kim HUMPHREYS (Chair)
Councillor Linda MANCHESTER (Vice-Chair)
Councillors John FRIARY, Barrie HARGROVE, Eliza MANN,
Andy SIMMONS and Neil WATSON

ALSO PRESENT: Bob Coomber – Chief Executive
Sarah Naylor – Assistant Chief Executive
Ian Hughes – Head of Corporate Strategy
Alan Layton – Head of Corporate & Strategic Finance
Dr Roger Smith – Director of Education & Culture
Shelley Burke – Head of Overview and Scrutiny
Rachel Prosser – Legal Officer
Glen Egan – Assistant Borough Solicitor
Amanda Hirst – Head of Communications & Customer Relations
Jon Horne – Corporate Strategy Officer
Susan Came – Cabinet Manager, Hillingdon Council
Leigh Henderson – Scrutiny Team
Neil Grey – District Audit

APOLOGIES FOR ABSENCE

Apologies were received from Anne Yates.

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMED URGENT

There were no other items, which the Chair deemed urgent. The Chair notified the Committee to a minor change to the order of business whereby agenda items 6 and 7 were interchanged to accommodate the needs of invitees.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none made.

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17(5) allows a Member to record her/his vote in respect of any motions and amendments. Such requests are detailed in the following Minutes.

Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Committee considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

MINUTES

The Minutes of the open meeting held on 9 June 2003 were agreed subject to amendment of Item 3, resolution 2 to reflect the inclusion of the medium-term strategy for LEA and London Challenge in the 2003/04 work programme of the Education, Youth & Leisure Scrutiny Sub-Committee.

6. INDIVIDUAL DECISION MAKING

Additional Information Requested by OSC.

The officer presenting the report, informed the Committee of a number of corrections in the final Report on Individual Decision Making specifically paragraphs 8, 10 and 21.

Susan Came, Hillingdon Council's Cabinet Manager discussed Hillingdon's arrangements and level of individual decision making. The following comments were noted from the discussion:

- All executive and individual decision-making is identified in the Forward Plan;
- Decision-making can be delegated to portfolio holder or officers;
- The call-in of an executive member decision is referred to the individual who can in turn refer the call-in to the Executive;
- Hillingdon operate on a 5 day call-in period and suggested that the Southwark 3 day call-in period might need to be extended if individual decision-making were adopted;
- Individuals currently make approximately 40% of decisions. Most of these relate to traffic and best value progress reports; and
- Individual decision-making is currently under review and is likely to be increased to 50% of all decisions.

Members sought advice regarding the referral of call-ins. The Legal Officer advised that according to the legislation, an individual decision which had been called-in would be referred back to the individual who made the decision rather than to the full Executive. However, this could be checked to see if it was possible for the call-in to refer the decision to the full executive.

The Committee agreed the following recommendations to be referred to the Executive, Standards Committee and Council Assembly for consideration:

RESOLVED: That the following recommendations be referred to the Executive, Standards Committee and Council Assembly for consideration, i.e.

1. That with regards to the options outlined in paragraph 22 of the report, OSC recommends option 2 or 3, subject to review at Constitutional Council, on the basis that this is a learning process.
2. With regards to paragraph 23 of the report, OSC supports a combined approach of a generic scheme of delegations with specific lists of responsibilities for each portfolio.

3. With regards to paragraph 24 of the report, the extent of individual decision making, OSC agrees that some 30% decisions should be on an individual basis however no controversial decisions were to be made by individuals. OSC agrees the following key areas for individual decision making by Executive members:
 - a) Approving alterations to service provision within their portfolio's budget;
 - b) Approving departmental business plan;
 - c) Best Value progress reports (not final reports);
 - d) Inspection reports
 - e) Approving exemptions to procurement rules subject to legal and EU requirements;
 - f) Dealing with petitions;
 - g) Approving responses to consultations;
 - h) Approving grants;
 - i) Approving debt write-offs;
 - j) Approving fees & charges;
 - k) Approving submissions of bids for additional Government or external resources;
 - l) Approving compensation payments under the complaints procedure;
 - m) Agreeing Contract Tenders as set out in Contract Standing Orders; and
 - n) Approving variations to contracts as set out in Contract Standing Orders.

OSC also recommended the inclusion of:

- o) Traffic Decisions – preferably made in an open forum where the public can make representations.
4. OSC recommends the following arrangements for individual decision making in relation to the issues a, b, c, d and e:
 - a) *Arrangements when the portfolio holder is unavailable*
Leader or Deputy able to take decision
 - b) *Arrangements when the decision affects more than one portfolio*
Decision referred to full meeting of the Executive
 - c) *Crosscutting Issues*
Consideration should be given to the use of Executive Committees for regular crosscutting issues
 - d) *Controversial Decisions*
The Leader and/or the CE is able to direct that the decision be reserved to a full meeting of the Executive
 - e) *Reporting of Decisions*
The Forward Plan must show all decisions and a decision sheet to record decision is sent to the individual decision-maker with the report.
4. OSC also recommends:
 - a) That the call-in period should be extended from 3 to 5 working days
 - b) That a notification list of upcoming decisions should be produced on a fortnightly basis.

EXCLUSION OF PRESS AND PUBLIC

It was proposed, seconded and

RESOLVED: That the public be excluded from the meeting for consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information that falls within categories 7, 8, 9 & 10 as defined in paragraph 10.4 of the Council's Access to Information Procedure Rules.

7. SCRUTINY: CHARTER SCHOOL OVERSPEND

The meeting went into closed session to discuss the draft Audit Commission (AC) report 'Overview of Capital Project at the Charter School'.

Following consideration of this item it was proposed, seconded and

RESOLVED: That the meeting return to open session.

8. SCRUTINY: COMPLAINTS HANDLING

The Head of Communications & Customer Relations, discussed the report to OSC on central complaints handling and addressed Members' questions. The following comments were noted during the discussion:

- Use of complaints data needs to be improved;
- Complaints data needs to be monitored regularly by the Executive and mechanisms to close the loop need to be developed;
- The degree to which departments follow Council procedures varies;
- The implementation of the Audit Commission report recommendations will set a standard across the Council for complaints handling;
- Corporate Strategy accepts Audit Commission recommendations 1-5 however questions the merit of recommendation 6 outlined on p110;
- Corporate Strategy believe that the increase in the number of complaints is a result of the publicity of the Council's new complaints procedures policy; and
- That the increase in housing complaints is related to number of major works being undertaken.

RESOLVED The Committee agreed to receive a further report from the Head of Communications and Customer Relations covering:

- a) The number of complaints and the time taken to resolve complaints per department;
- b) Satisfaction levels among complainants; and
- c) Comparative data from other boroughs.

9. SCRUTINY ANNUAL REPORT

The Committee provided comments on the Overview and Scrutiny draft Annual Report, having accepted an amendment to paragraph 14.6 "Evaluation".

RESOLVED That the Chair of Overview & Scrutiny Committee and the Head of Scrutiny will agree amendments to the following sections of the Annual Report:

- a) Section 1.2 – to reflect the developmental nature of Overview

- and Scrutiny;
- b) Section 8 – to provide a description of the Sub-Committee;
- c) Section 10.2 – to reflect the tight timeframes in developing community councils and the majority of decisions; and
- d) Note that the work undertaken by Sub-Committees is a subset of their work programmes.

10. **SCRUTINY SUB-COMMITTEE WORK PROGRAMMES: UPDATE REPORT**

The Chairs of the Sub-Committees (with the exception of Finance & Economic Development Scrutiny Sub-Committee Chair, Councillor Toby Eckersley who is not a Member of Overview & Scrutiny Committee) discussed their 2003/04 work programmes.

RESOLVED

Overview & Scrutiny Committee agreed the 2003/04 work programmes of each of the Sub-Committees with the following amendments/comments:

1. Environment and Community Support
 - a) That a review of the Civic Awards will be undertaken by OSC rather than this Sub-Committee
 - b) That the briefing on the role of the Southwark Alliance in respect of the Community Strategy will be referred to OSC
 - c) That the Sub-Committee establish a panel (to report to OSC) with the Housing Scrutiny Sub-Committee on the anti-social behaviour strategy (estates with crack houses)
2. Finance and Economic Development
No amendments to proposed 2003/04 work programme
3. Health and Social Care
 - a) That the priority of the Sub-Committee is monitoring the implementation of the Modernising of Day Care review
 - b) That the Sub-Committee establish a panel with the Education Scrutiny Sub-Committee to review sexual health and teenage pregnancy
 - c) Include in the intermediate care update the education achievement of children in care
4. Regeneration and Transport
 - a) That the Sub-Committee undertake a brief review of the Elephant and Castle regeneration project discussing reasons for the delay and lessons to be learnt
 - b) That the review of Local Strategic Partnerships (LSP) to be discussed by OSC later in the year and review of anti-poverty should initially be considered by the Finance and Economic Development Scrutiny Sub-Committee as the chair has initiated some work
 - c) Note the current review of parking which went to the Executive in June/July when scoping the review of policy in relation to Controlled Parking Zones (CPZs)
5. Education, Youth & Leisure
 - No amendments to proposed 2003/04 work programme

6. Housing

- That the Best Value reviews of the tenant involvement and housing management be given priority

7. In addition, the Committee agreed

- a) That OSC will undertake reviews of members IT and Civic Awards;
- b) That the Terms of Reference for the Environment and Community Support Scrutiny Sub-Committee be amended to reflect that they are responsible for the review of parks exclusively;
- c) That Health & Social Care Scrutiny Sub-Committee respond to a letter from Guys & St Thomas' NHS Hospital Board accepting their invitation to meet on 22nd October 2003;
- d) To endorse Housing Scrutiny Sub-Committee's decision to invite 2 tenants and 1 lease holder to become non-voting co-optees;
- e) That Health & Social Care Scrutiny Sub-Committee should invite representatives of the Pensioner Forum and Southwark Community Care Forum to Sub-Committee meetings;
- f) That Environment & Community Support Sub-Committee should invite Southwark Environmental Forum and the Southwark Police Community Consultative Forum.

The meeting ended at 10.20pm.

CHAIR:

DATED: