

Strategic Overview and Scrutiny Panel

Grand Jury Room, Town Hall
12 October 2010 at 6.00pm

Strategic Overview and Scrutiny Panel deals with reviewing corporate strategies within the Council's Strategic Plan, the Council's budgetary guidelines for the forthcoming year, scrutinising the Forward Plan, the performance of Portfolio Holders and scrutiny of Cabinet decisions or Cabinet Member decisions (with delegated power) which have been called in.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the first floor and ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Terms of Reference

Strategic Overview and Scrutiny Panel

- To review corporate strategies.
- To ensure the actions of the Cabinet accord with the policies and budget of the Council.
- To monitor and scrutinise the financial performance of the Council, and make recommendations to the Cabinet particularly in relation to annual revenue and capital guidelines, bids and submissions.
- To link the Council's spending proposals to the policy priorities and review progress towards achieving those priorities against the Strategic / Action Plans.
- To scrutinise executive decisions made by Cabinet, the East Essex Area Waste Management Joint Committee, the Colchester and Ipswich Joint Museums Committee and Cabinet Member decisions (with delegated authority taking a corporate / strategic decision) which have been made but not implemented, and referred to the Panel through call-in.
- To monitor the Council's operational performance in relation to the Strategic Plan, Local Area Agreement targets and National Indicators.
- To scrutinise the Cabinet's performance in relation to the Forward Plan and to scrutinise the performance of Portfolio Holders.
- At the request of the Cabinet, make decisions about the priority of referrals made in the event of the volume of reports to the Cabinet or creating difficulty for the running of Cabinet business or jeopardising the efficient running of Council business.
- The panel will be the appropriate route for any member to refer a 'local government matter' in the context of Councillor Call for Action.

Process for Councillor Call for Action

- Councillors have the ability to call for debate and discussion a topic of neighbourhood concern, limited to issues affecting a single ward, in an attempt to bring about specific solutions for local problems. This enables members to get things done without going through the Council's executive decision making process.
- Members may bring an action on any issue they choose, with exceptions, for example, if the issue is vexatious or deals with an individual complaint. Local Government matters specifically excluded from the regime are namely matters relating to a planning decision, a licensing decision or where a right of recourse to a review or right of appeal is already provided for in law.
- Poor service performance or increased anti-social behaviour are examples of where a member will bring an action to the panel's attention.
- The scrutiny panel may reject a request as not within the guidance, or the usual channels have not been exhausted, or accept that an investigation is the appropriate action.
- The panel may conduct an investigation in the usual scrutiny manner, seeking information from the Council and/or partners and inviting them to attend meetings.
- A report with recommendations will be compiled and brought to the Council and/or partners attention, with the Council and/or partners having a duty to respond.
- The panel will consider and publish the responses to their recommendations and feed back this information to the Councillor calling for the action.

**COLCHESTER BOROUGH COUNCIL
STRATEGIC OVERVIEW AND SCRUTINY PANEL
12 October 2010 at 6:00pm**

Members

Chairman : Councillor Christopher Arnold.
Deputy Chairman : Councillor Dennis Willetts.
Councillors Nigel Offen, Gerard Oxford, Julie Young,
Nigel Chapman, Mark Cory, Andrew Ellis, Bill Frame and
Theresa Higgins.

Substitute Members : All members of the Council who are not Cabinet members or members of this Panel.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that agenda items 1 to 5 are normally brief and agenda items 6 to 9 are standard items for which there may be no business to consider.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

5. Minutes

1 - 3

To confirm as a correct record the minutes of the meeting held on 21 September 2010.

6. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

7. Items requested by members of the Panel and other Members

(a) To evaluate requests by members of the Panel for an item relevant to the Panel's functions to be considered.

(b) To evaluate requests by other members of the Council for an item relevant to the Panel's functions to be considered.

Members of the panel may use agenda item 'a' (all other members will use agenda item 'b') as the appropriate route for referring a 'local government matter' in the context of the Councillor Call for Action to the panel. Please refer to the panel's terms of reference for further procedural arrangements.

8. Referred items under the Call in Procedure

To consider any decisions taken under the Call in Procedure. *The panel may a) confirm the decision, which may then be implemented immediately, b) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or c) refer the matter to full Council in the event that the panel considers the decision to be contrary to the Policy Framework of the Council or contrary to, or not wholly in accordance with the Budget.*

9. Decisions taken under special urgency provisions

To consider any Portfolio Holder decisions taken under the special urgency provisions.

10. Exclusion of the public

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**COLCHESTER BOROUGH COUNCIL
STRATEGIC OVERVIEW AND SCRUTINY PANEL
12 October 2010 at 6:00pm**

Agenda - Part B

(not open to the public or the media)

Pages

11. HX Care Home - Serious Case Review

4 - 16

The following report contains exempt information (information relating to an individual) as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

and The following report contains exempt information (information likely to reveal identity of individual) as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972.

The HX Care Serious Case Review summary report is provided for members to consider, along with the minute from the meeting on 20 July 2010, when the Panel first discussed this matter.

Ms. Liz Chidgey, Essex County Council Deputy Executive Director for Adults, Health and Community Wellbeing and the Chair of Essex Safeguarding Adults Board Management Committee will attend the meeting to discuss the review with panel members.

STRATEGIC OVERVIEW AND SCRUTINY PANEL

21 SEPTEMBER 2010

Present :- Councillor Christopher Arnold (Chairman)
Councillors Bill Frame, Nigel Offen, Gerard Oxford,
Dennis Willetts and Julie Young

Substitute Members :- Councillor Jackie Maclean
for Councillor Nigel Chapman
Councillor Jon Manning for Councillor Mark Cory
Councillor Kevin Bentley for Councillor Andrew Ellis
Councillor Peter Higgins for Councillor Theresa Higgins

Also in Attendance :- Councillor Anne Turrell
Councillor Beverley Oxford
Councillor Richard Martin
Councillor Paul Smith
Councillor Pauline Hazell

12. Minutes

The minutes of the meeting held on 20 July 2010 was confirmed as a correct record.

Councillor Kevin Bentley (in respect of being a board member of the Haven Gateway Partnership) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Anne Turrell (in respect of being the Council's representative to the Haven Gateway Partnership and Regional Cities East) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Anne Turrell (in respect of her membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Kevin Bentley (in respect of his membership of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Bill Frame (in respect of working for the Mental Health Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

13. Review of the work of the Leader of the Council, Portfolio Holder for Strategy and Performance

Councillor Turrell, Leader of the Council and Portfolio Holder for performance, and Mr.

Adrian Pritchard, Chief Executive, both attended the meeting for this item.

The Panel was asked to consider the effectiveness of the work undertaken by the Leader over the last twelve months, and Councillor Turrell responded to questions from panel members.

Councillor Turrell responded to members enquiring about the future of Local Economic Partnerships (LEP). Councillor Turrell said that Colchester had responded to the Government consultation, in support of an Essex LEP, and was awaiting a Government response. Councillor Turrell was not aware of what would happen should the Government not support any of the LEP bids.

In response to questions on the new A12 junction / park and ride scheme and northern approach road, Councillor Turrell said the completion of the A12 junction was ahead of schedule and she remained hopeful that it would be opened in December 2010, with the park and ride scheme and northern approach road due for completion in 2012. Councillor Turrell confirmed that she remained in continuous dialogue with Essex County Council to gain support and secure the completion of these projects as early as possible. Essex County Council is underwriting the funding of these projects in respect of future contributions to be made from funding partners such as the Mental Health Trust.

Councillor Turrell confirmed to Councillor Gerard Oxford that whilst the regeneration of the Hythe and St Botolphs areas appeared to have stopped, progress, be it very slow, was continuing, and she remained hopeful that there would in the not too distant future be confirmation of new private investment.

Councillor Turrell confirmed that the Council continued to negotiate, to find a way forward in regards to the flooding issues around the Community Stadium.

In regards to the RCE, Councillor Turrell responded to Councillor Bentley, saying RCE was a partnership made up of the six major towns and cities in the region, with the aim of working collectively to provide the leverage in the creation of jobs and affordable homes, and thereby generate sustainable growth in the East of England. The partnership was in dialogue with various business franchises to secure improvements to rail travel in the region as well as endeavouring to provide regional strategies on carbon management and the arts. Mr. Pritchard confirmed that the cost of supporting RCE was £20,000 per annum. Councillor Turrell agreed to provide members of the panel with a written response detailing the gains made locally through the RCE partnership.

Councillor Turrell confirmed to Councillor Bentley that the sale of Tymperleys was only the start of a process for determining a sustainable long term future of the building. It was appreciated that given recent press coverage on the proposed sale, that the public may respond to the Budget Consultation in proposing that this building should remain in Council ownership. Councillor Turrell said such responses would be considered by the Cabinet.

Councillor Turrell also confirmed to Councillor Young that as part of the budget

consultation process, all suggested cuts in spending would be quality impact assessed. With regards to future reductions in staffing levels, Councillor Turrell, in response to Councillor Willetts said the first step had been to undertake Fundamental Service Reviews (FSR), in which the process was to break down the whole service and all its component parts, and then rebuild the service in a smarter way. There was no pre-determined idea of the required staffing levels following a review, though improvements in procedures including a reduction in duplication have and could continue to lead to staff reductions.

It was anticipated that the October spending review by the Government would lead to an anticipated 20% cut in the Government funding for 2011-12, with a further overall 20% reduction over the following three years. Councillor Turrell responded to Councillor Bentley by confirming that whilst the Cabinet would strive to retain as many non-regulatory front-line services as possible, this could not be guaranteed, but all service areas will form part of an overall budget assessment once the Council's funding is known.

In response to Councillor Willetts, Councillor Turrell said the twice yearly performance monitor, including the performance results of all national indicators are reviewed by the Cabinet, along with the mitigation action where performance is below the annual target. Councillor Turrell said that in respect of the Strategic Plan Action Plan (SPAP), progress is regularly discussed by Cabinet members. All decisions taken are linked to the SPAP, and it is inevitable that future budget assessments will have a knock-on effect on the SPAP.

Councillor Arnold said members of the panel had previously expressed a wish that the Leader should attend the December meeting to discuss the 2011-12 Budget papers, and if she had not been already, invited the Leader to attend this meeting. Councillor Arnold said the panel had requested the Cabinet to give a strategic update with tables and indexes illustrating the implications on the delivery of the SPAP.

RESOLVED that the panel noted the responses from the Leader of the Council and thanked her for attending the meeting.

14. Work Programme

The panel considered and noted the 2010-11 Work Programme.

