

Strategic Overview and Scrutiny Panel

Grand Jury Room, Town Hall
21 September 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.

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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
21 September 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 - 4

To confirm as a correct record the minutes of the meeting held on 20 July 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.

8. Referred items under the Call in Procedure

To consider any Portfolio Holder decisions, taken under the Call in Procedure.

The panel may a) confirm the decision, which may then be implemented immediately, b) confirm 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. Review of the work of the Leader of the Council, Portfolio Holder for Strategy and Performance 5 - 7

See report from the Scrutiny Officer.

11. Work Programme 8 - 9

See report from the Scrutiny Officer.

12. 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).

STRATEGIC OVERVIEW AND SCRUTINY PANEL

20 JULY 2010

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

Substitute Members :- Councillor Jackie Maclean
for Councillor Nigel Chapman
Councillor Peter Higgins for Councillor Theresa Higgins

Also in Attendance :- Councillor Paul Smith

8. Minutes

The minutes of the meeting held on 24 June 2010 was confirmed as a correct record.

Councillor Peter Higgins (in respect of his spouse being a member of Essex County Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

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

Greenways Care Home – Serious Case Review

Mr. Gareth Mitchell, Head of Life Opportunities attended the meeting to assist members of the panel in their deliberations in his capacity as the Council's senior manager for safeguarding.

Mr. Mitchell said he was the Council's representative on the Essex Safeguarding Adults Board (ESAB), a multi-agency board that includes membership from the Borough and District Councils whose aim is to promote and develop effective protection systems for vulnerable adults.

The Serious Case Review for "HX Care Home", the care home concerned, was commissioned by the ESAB in order to establish whether there are lessons to be learned from the case about how local agencies and professionals work together to safeguard vulnerable adults.

The Executive Summary and Action Plan resulting from this review have been published by the ESAB. The Overview Report, which is a more detailed report from the review, is a confidential report which was considered and ratified by the ESAB at its January 2010 meeting. All copies of this confidential report were returned to ESAB staff at the end of this meeting to maintain confidentiality. A letter received from Liz Chidgey, Deputy Executive Director at Essex County Council, which was handed out to panel members, sets out the reasons why this report remains confidential.

Mr. Mitchell said that, unlike the safeguarding children agenda, there is currently no statutory duty placed on the Council around the safeguarding vulnerable adults work. The Council participates in this agenda in response to government guidance and as good practice, bearing in mind the important services the Council delivers to vulnerable adults and the Council's community leadership role. He told panel members that he had started attending the ESAB in January 2010 and had attended two meetings so far, including the meeting at which the Serious Case Review report was considered.

In response to Councillor Offen, Mr. Mitchell said that he believed that the ESAB was accountable to the independent regulator of Health and Social Care, the Care Quality Commission (CQC),. Councillors Offen and Young expressed disappointment and doubts about the whole process, not reassured about how the ESAB could deal with the issues.

Councillor Offen, supported by Councillor Willetts, proposed that the panel's concerns about the Serious Case Review be referred to the CQC, although Councillor Willetts was unhappy with the manner in which this issue had been discussed at the first June meeting, with many panel members like him, being told information based on assumptions. Councillor Willetts said whatever actions are taken by the panel should always be based on informed evidence.

Councillor Smith, St Johns Ward, asked that the panel agreed that any request to the CQC would include i) the need to consider the circumstances surrounding the February 2008 decision that the Greenways Care Home had met all requirements set by the Essex County Council Quality and Monitoring Team and ii) with respect to confidentiality, the need to stress that the Council did not wish to make the reports public knowledge, but there was a need to have access to this information to satisfy itself that agencies had done all they could to address the issues.

Councillor P Higgins said any informed opinion that came from future scrutiny would only be possible if those who prepared the report are included in the debate.

Mr. Mitchell requested the panel to consider in the first instance writing to the Chair of the ESAB to request a briefing on the Overview Report, in private session if necessary, and to ask for confirmation of the process to be followed by the panel if it remains unsatisfied with the response from ESAB and wishes to escalate the issue further.

Future of the Greenways Care Home Site

Mr. Robert Judd, Scrutiny Officer confirmed that the Essex County Council Portfolio Holder for Adults, Health and Community Wellbeing, Councillor Ann Naylor had acknowledged a request to provide details on the future of the site and a written response would be sent to the panel as soon as possible.

RESOLVED that the Panel agreed to the following:-

- i) A letter to the Chair of the Essex Safeguarding Adults Board requesting a briefing for the panel on the Serious Case Review Overview Report, in private session if necessary and asking for confirmation of the process for escalating the panel's

concerns beyond the ESAB, if appropriate, to the Care Quality Commission (CQC).

ii) Depending on the response to the letter above, a letter to the Care Quality Commission, asking the CQC to investigate the panel's concerns about the HX Care Home Serious Case Review, with details of the reasons for the concerns, the draft letter to be agreed by the Group Spokespersons.

10. 2011/12 Budget Strategy, Medium Term Financial Forecast and Budget Timetable

2011/12 Budget Strategy, Medium Term Financial Forecast and Budget Timetable

Mr. Sean Plummer, Finance Manager, attended the meeting and presented the Budget Strategy Report.

Mr. Plummer explained in depth the Budget Forecast for 2011/12, highlighting the current forecasted Budget Gap of £1,958,000 including a budget reduction of £770,000 from the removal of the Housing and Planning Delivery Grant and LABGI Grant (Local Authority Business Growth Incentive) and the assumption of a 5% reduction in the Government Grant, equating to £646,000. Mr. Plummer said all the budget assumptions would be confirmed one way or the other by this coming September. The intention was, said Mr. Plummer, to provide a budget for 2011/12 with no increase in Council Tax.

Mr. Plummer explained the 5 Track Approach adopted when determining the proposed strategy, including income generation, efficiencies (including Fundamental Service Reviews), Total Place Projects, Shared Services and Cuts and Reductions.

Ms. Donnelly, Executive Director, later explained that in reference to Total Place, Colchester was recognised as one of the most enthusiastic local Council's, looking at a whole range of activities, naming Essex County Council, neighbouring authorities and the Haven Gateway Partnership, as some of the major partners that Colchester are engaging. Whilst government guidelines on Total Place are still awaited, Colchester is in talks with a number of local Councils considering a range of service provisions that involved pooled resources. Ms. Donnelly confirmed that differentiating between Total Place and Shared Services was becoming difficult. Councillor Smith, Portfolio Holder for Resources and Diversity addressed the panel to explain that Choice Based Lettings and the SOS Bus are good examples of Total Place.

Councillor Arnold, in reference to the Cabinet's wish to continue to improve the Budget process requested the Cabinet to give a strategic update in December 2010 or January 2011, with tables and indexes illustrating the implications on the delivery of the Strategic Plan Action Plan for 2011/12.

RESOLVED that the panel considered and noted the 2011/12 Budget Strategy, Medium Term Financial Forecast and Budget Timetable, and requested the Cabinet to give a strategic update in December 2010 or January 2011, with tables and indexes

illustrating the implications on the delivery of the Strategic Plan Action Plan for 2011/12.

11. Work Programme

The Chairman explained that the work programme had been amended to include all the three major Fundamental Service Reviews being undertaken, with one full business case review (Street Services) and two stage two follow-ups (Housing Services and Revenues and Benefits).

Ms. Donnelly, Executive Director said the Head of Street Services had agreed to invite Members of the Panel to attend a Street Services presentation prior to the September meeting (Members will be notified of the time, date and venue of the presentation), so members will have a better understanding of the process at the time of the scrutiny review.

Ms. Donnelly also confirmed that she was in dialogue with officers concerning a future review of the Museum Service, and a date of the review would be scheduled accordingly. The Chairman also confirmed to the panel that a scoping report would be prepared for future Portfolio Holder reviews with a view to giving clarity to the process and making it more meaningful for both Members of the Panel and the Portfolio Holders.

RESOLVED that the Panel agreed the current work programme for 2010-11.



Strategic Overview and Scrutiny Panel Scoping Document

Item
10

21 September 2010

Committee	Strategic Overview and Scrutiny Panel	
Topic	A review of the work of the Leader of the Council, Portfolio Holder for Strategy and Performance.	Ref: SCR/5
Objective	The Panel is asked to consider the effectiveness of the work undertaken by the Leader over the last twelve months.	
Priorities	<p>Clearly as Leader of the Council and Portfolio Holder for Strategy and Performance, the role covers an enormous range of issues.</p> <p>Over the last year a number of areas have been priority:</p> <ul style="list-style-type: none"> • Strategic overview of performance including the outcomes of Comprehensive Area Assessment, the Organisational Assessment and the National Indicators • An overview of progress against the Strategic Plan • Developing key partnerships <ul style="list-style-type: none"> ○ Haven Gateway ○ Regional Cities East • Other partnerships <ul style="list-style-type: none"> ○ Local Authority partnerships ○ Essex Leaders ○ Community Stadium Board • Overview of Budget Strategy • Strategic overview of Fundamental Service Reviews • Overview of regeneration • Managing emerging issues such as <ul style="list-style-type: none"> ○ Local Enterprise Partnerships ○ Increasing budget pressures <p>The Leader takes a strategic view across these, and other issues, with Portfolio Holders taking responsibility for the detail underneath.</p>	

Scheme of Delegation to Cabinet Members

<h3>Delegation to the Leader of the Council and Portfolio Holder for Strategy and Performance</h3>

1. The promotion of the Council on regional and sub-regional bodies in relation to developing regional partnerships.
2. Relations with the general public, local authorities, the media and all other external agencies including the Local Strategic Partnership (Colchester 2020).
3. Matters relating to financial strategy, the budget and resource allocation.
4. Following consultation with Group Leaders, to make appointments during the municipal year to Council Groups and Outside Bodies.

PUBLIC RELATIONS

To procure the specified service in the provision, implementation, maintenance and management of:-

1. The understanding of the Council's vision, actions and objectives throughout the Borough of Colchester and beyond.

HEALTH & SAFETY

1. To be responsible for the management and monitoring of health and safety provision across the whole of the Councils' undertakings.
(NB. Cabinet are jointly and severally the primary duty holders for health and safety across the Councils' undertakings.)

PERFORMANCE

1. Monitoring of the Council's performance in relation to national performance indicators and local area agreements.
2. Monitoring of the Council's performance dashboard.
3. Monitoring of partner organisations performance in relation to the delivery of the comprehensive area assessment.

COMMUNICATIONS

To procure and or encourage the procurement of the specified service in the provision, implementation, maintenance and management of:-

1. External communications with the media and partners.

Scheme of Delegation to Cabinet Members

Delegation to the Leader of the Council and Portfolio Holder for Strategy and Performance (continued)
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Portfolio Responsibilities

1. To oversee the development and ongoing review of the Council's Strategic Plan.
2. To monitor the implementation of the Council's Strategic Plan, including ensuring Council resources are deployed to support strategic priorities.
3. To promote the Council's Strategic Plan to Councillors, partners and the community as a whole.
4. To develop and promote community leadership in the Borough.
5. To oversee and monitor the Council's financial strategy, budget and resource allocation.
6. To review the opportunities to work with other partners, both within the public and private sectors, to assist in developing 'joined-up' government.
7. To determine a communications strategy that will support and deliver the Council's vision and policy priorities.

Major Project(s) in Portfolio:

Haven Gateway Partnership, Regional Cities East Partnership, Colchester 2020, Comprehensive Area Assessment, Local Area Agreement and Fundamental Service Reviews



Strategic Overview and Scrutiny Panel

Item
10

21 September 2010

Report of	Scrutiny Officer	Author	Robert Judd Tel. 282274
Title	Work Programme 2010-11		
Wards affected	Not applicable		

This report sets out the 2010/11 Work Programme for the Strategic Overview and Scrutiny Panel

1. Action Required

- 1.1 The Panel is asked to consider and note the 2010-11 work programme.

2. Reason for Action

- 2.1 This function forms part of the Panel's Terms of Reference in the Constitution.

3. Work in progress

- 3.1 Scoping reports have been drafted for the London 2012 Partnership Plan and is to be considered by the Chairman and Group Spokespersons at a forthcoming Chairman / Group Spokespersons briefing.
- 3.2 The Street Services Fundamental Service Review and Review of the Portfolio Holder for Street and Waste Services is now scheduled for the 16 November meeting, switching with the review of the Leader of the Council, brought forward to the September meeting.
- 3.3 Panel members are invited to attend a presentation of the Street Services Fundamental Service Review on Monday 8th November at midday, in room S17 of Rowan House. Substitute members are welcome to this presentation.
- 3.4 Preparations are still ongoing in respect of future discussions with officers from Essex County Council in connection with the HX Care Home Serious Case Review.

4. Current Work Programme

The work programme for the Strategic Overview and Scrutiny Panel includes the work of the Crime and Disorder Committee.

4.1 8 June 2010

1. 2009-10 Year End Performance Report (Head of Corporate Management)

24 June 2010 (extra meeting)

1. HRA Reform – Consultation paper (Head of Strategic Policy and Regeneration)

20 July 2010

1. Budget Strategy, Timetable and MTFF (Head of Resource Management)

24 August 2010

1. Safer Colchester Partnership (**Crime and Disorder Committee**)

21 September 2010

1. Review of the Leader, Portfolio Holder for Strategy and Performance

16 November 2010

1. Street Services FSR (Head of Street Services)
2. Review of the Portfolio Holder for Street and Waste Services

14 December 2010

1. Review of the Budget – Strategic update (Head of Resource Management)
2. Performance report (6-monthly 2010-11) (Head of Corporate Management)
3. Review of the Portfolio Holder for Resources and Diversity

11 January 2011

1. Review of NEE Local Children's Trust Board (LCTB) (Head of Life Opportunities) - invitation accepted by the Chair of LCTB.
2. Review of the Portfolio Holder for Communities

8 February 2011

1. Revenues and Benefits FSR / stage2 - follow-up to Full Business Case Review
2. Review of the Portfolio Holder for Planning and Sustainability
3. Review of the Portfolio Holder for Economic Development, Culture and Tourism

22 March 2011

1. Housing Services FSR / stage2 – follow-up to Full Business Case Review
2. Review of the Portfolio Holder for Customers
3. Review of the Portfolio Holder for Housing and Community Safety

