

SCRUTINY BOARD

Wednesday, 30th June 2004 at 7.00 pm

PRESENT: Councillor Roden (Chair); Councillors Bashir, R.J. Davies, A. Hussain, Mead and Siederer.

20 APOLOGY FOR ABSENCE (REF: 1)

Apologies for absence from the meeting were received on behalf of Councillors Garrett and Hand.

21 MINUTES (REF: 2.1)

Resolved: That the Minutes of the meetings of the Board held on 14th April and 20th May 2004 be taken as read, agreed as a correct record and signed by the Chair.

22 FREEDOM OF INFORMATION ACT 2000 (REF: 7.1)

The Head of Customer Services submitted a report on the Freedom of Information Act 2000 and the action currently being taken by the Council to ensure that it was ready to meet its obligations when the Act was fully implemented on 1st January 2005.

The Head of Customer Services reported that the Regulations and Guidance under the Act would be issued later in the year but they were unlikely to be available before November 2004. The Office of the Deputy Prime Minister (ODPM) was currently reviewing the need to revise existing legislation. Particular consideration was being given on how to achieve a consistent approach between information which was “exempt” under Schedule 12A of the Local Government Act 1972 and the exemptions contained in the Act.

Members welcomed the report and the benefits the Act would bring to the Council and the Scrutiny process, but expressed concern about the time available to implement the proposed action plan.

Members wanted to ensure that an easily and readily accessible service, with sufficient resources, was provided.

Members also expressed serious concern regarding the availability of sensitive and personal information, which may be released into the public domain. The Head of Customer Services reported that comprehensive guidance would be issued by the ODPM. Amendments may be required to the current provisions of Schedule 12A of the Local Government Act 1972. Members of the public would be able to request information on any area of the Council’s business.

The Director of Scrutiny reported that the Act may enable scrutiny members to have access to information they were not able to access under current legislation. This would have wide ranging implications for the Council's scrutiny process.

Resolved: (i) That the Council's Implementation Action Plan be noted.

(ii) That a report be brought to the meeting on 30th November 2004 which will:

- a. Explain exemptions within the Act.
- b. Provide guidelines on how these will be applied by the Council including expected ODPM guidance on Schedule 12A Local Government Act 1972.
- c. Explore the question of how Scrutiny can use the Act to obtain information that is not currently accessible

(iii) That the report be noted (Ref: 7.1).

23 BUDGET SCRUTINY 2005-06 (REF: 7.2)

The Director of Scrutiny advised the Board about a scrutiny topic chosen by Performance, Resources and Assets Scrutiny Committee (PR&ASC) on the Budget Scrutiny Process and sought its approval for a number of interim arrangements.

The Director of Scrutiny advised that, if the PR&ASC completed the study of the Budget Scrutiny Process and the Executive accepted the recommendations of the Committee, there should be a protocol and timetable, which could be implemented. However, should the study not be completed in time or the recommendations were not agreed by the Executive, then an alternative approach would be that the process used for the 2004-05 budget scrutiny, including the additional steps introduced during the process, should be used as a model for the process for the 2005-06 budget scrutiny.

Resolved: (i) That in the event that a protocol and timetable for the budget scrutiny process is not agreed in time for whatever reason, the process used for the 2004-05 budget scrutiny, including the additional steps introduced during the process, should be used as a model for the process for the 2005-06 budget scrutiny (Ref 7.2).

24 PROGRESS REPORT (REF: 7.3)

The Director of Scrutiny submitted a report which covered the progress on major topics being studied by the five scrutiny committees and the development of the scrutiny handbook.

The report set out the background to the Bedfordshire and Luton Joint Health Scrutiny and proposed the establishment of a Luton, Bedfordshire and Hertfordshire Joint Scrutiny Committee comprising of two Members of the Council. The remit of the joint committee would be to consider and respond to the consultation on improving mental health services throughout the two counties and to deal with any and all further consultations on substantial changes to health services affecting Hertfordshire and Bedfordshire.

The Director of Scrutiny proposed that the recommendations be amended to include the following:

“That the Council ask the Monitoring Officer to make such amendments to the Constitution as are necessary and appropriate to provide for a standing Joint Health Scrutiny Committee with Bedfordshire and Hertfordshire County Councils to consider and respond to any statutory consultation by a health body about proposals affecting the areas or residents of all three authorities and to appoint two Members to serve on the joint committee.”

In relation to the progress report on the review of achievement being conducted by Lifelong Learning Scrutiny Committee, the Chair expressed the view that, to ensure a full and proper consultation, all Primary and Secondary Head Teachers should be included in the consultation process from all schools across the Borough.

Members considered a tabled preliminary report on the Drug Seminar which had been held on the 29th June 2004, and noted that a more detailed report would be presented at the next meeting of the Board.

Resolved: (i) That the progress report be noted (Ref: 7.3).

(ii) That the Council be recommended to constitute a joint health scrutiny committee with Bedfordshire and Hertfordshire County Councils for the purpose of considering and responding to statutory consultations by a health body about proposals affecting the area or residents of the three authorities.

(iii) That the Council be recommended to appoint two Members of the Council to serve on the joint health scrutiny committee with Bedfordshire and Hertfordshire County Councils (One Liberal Democrat Member and one Labour Member).

(iv) That the Council be recommended to authorise the Monitoring Officer to make any necessary amendments to the Council's Constitution to bring the above proposals into effect.

(v) That the tabled report on the Community Safety Drug Seminar be noted.

(vi) That the final report on the Drug Seminar be presented at the next meeting of the Scrutiny Board.

25 SCRUTINY NEWSLETTER (7.4)

The Scrutiny Officer presented the first draft of the Scrutiny Newsletter, (attached as Appendix A) for consideration of the Board, which in line with Best Practice and the Council's Service Plan 2004/05, aimed to "improve communications with all members and staff to inform them about Scrutiny topics". The newsletter could be divided into a number of sections under the headings of "Audience", "Format", "Frequency" and "Content". The first edition of the newsletter would be circulated to all Members and senior managers who would cascade the relevant information to their staff during team meetings.

Resolved: (i) That contents, style and format of the newsletter be approved.

(ii) That the Newsletter be distributed to Members and Council Officers (Corporate Directors, Heads of Service and Third Tier Managers) twice a year.

26 CfPS PARLIAMENTARY SEMINAR (REF: 7.5)

The report of the Director of Scrutiny summarised the feedback on the CfPS Parliamentary Scrutiny Seminar recently attended by the Chair of the Board and himself.

At its meeting on 14th April 2004 the Board agreed that the Chair and Director of Scrutiny should attend the Parliamentary Scrutiny Seminar organised by the Centre for Public Scrutiny on 28th April 2004. They were asked to report back to enable the Board to decide whether the opportunity to attend future Parliamentary seminars should be extended to other scrutiny Members or whether a visit should be organised for all Members through one of the MPs.

The Chair reported that the majority of the work was carried out in public session and that a considerable amount was done for MPs by support staff.

Members expressed the following views:

- That policy review was part of the remit of Scrutiny Committees at Luton Borough Council.
- By looking outside the Council a better overview of the Borough would be obtained.
- Everyone in Luton should be involved in the scrutiny process.
- Scrutiny Members needed to know why they wanted to scrutinise a particular topic before a review was undertaken.
- Additional visits to future Parliamentary scrutiny seminars would be welcomed.

Resolved: (i) That the report on the CfPS Parliamentary Scrutiny Seminar be noted (Ref 7.5).

(ii) That the Director of Scrutiny arrange further visits for Members to the CfPS Parliamentary Scrutiny Seminar.

27 MEMBER TRAINING

The Scrutiny Officer reported that the Member Training event, which had been arranged for Monday 28th June 2004, had been postponed because the trainer had been unable to attend for personal reasons. However, training would be rearranged. Members would be advised accordingly.

Resolved: (i) That the Members training event be rearranged and Members be advised accordingly (Ref:7.6).

28 BEST VALUE SCRUTINY PANEL – TERMS OF REFERENCE (REF: 7.7)

The Director of Scrutiny submitted a report which requested that the Board considered extending the remit of the Best Value Scrutiny Panel to enable the Panel to review the monitoring of performance and the Council's policy and practice in relation to procurement and the provision to advise the Performance, Resources and Assets Scrutiny Committee accordingly.

Resolved: (i) That the remit of the Best Value Scrutiny Panel be extended to include the review the monitoring of performance and Council's policy and practice in relation to procurement and to advise the Performance, Resources and Assets Scrutiny Committee accordingly.

(ii) That the terms of reference for the Best Value Scrutiny Panel be amended to include:

- Consideration of information and reports on the Council's performance generally including performance indicators, CPA, PSAs etc.
- Monitor the production and reporting of performance information.
- Provide advice and guidance on the production and reporting of performance information.
- Advise the appropriate scrutiny committees on any performance issues.
- Review the Council's policy and practice in relation to procurement and advise Performance, Resources and Assets Scrutiny Committee.

(iii) That the report be noted (Ref: 7.7).

29 WORK PROGRAMME (REF: 7.8)

The Director of Scrutiny submitted the latest version of the scrutiny work programme.

The Board, at its meeting on 14th April 2004, considered the work programmes of the Scrutiny Committees, which were then submitted to each of the committees (except the Regeneration and Citizenship Scrutiny committee that meets on 1st July 2004 and Performance, Resources and Assets Scrutiny Committee that meets on 17th July 2004) together with the advice of the Board that they should review and revise their work programmes.

The latest version of the work programme, including any changes made by Social Inclusion Committee at their meeting on 24th June 2004, was tabled at the meeting.

Resolved: (i) That the latest version of the work programme be noted and endorsed (Ref: 7.8).

27 CONSIDERATION BY THE EXECUTIVE OF SCRUTINY RECOMMENDATIONS (REF: 7.9).

The Director of Scrutiny reported orally that the Chair and Councillor R.J. Davis had expressed concern about the number of items which the Scrutiny Committees had submitted to the Executive, but which in their view, had not been given serious consideration by the Executive.

Councillor Davis referred to the Protocol for Scrutiny, which gave guidance on the conduct of Scrutiny and included the relationship between Scrutiny and the Executive was set out in the Council's Constitution. He felt that the Protocol should be brought to the attention of the Executive Leader at a meeting with the Chair and Vice Chair of the Scrutiny Board.

Resolved: (i) That the concerns of the Scrutiny Board regarding the consideration given by the Executive to the recommendations of the Council's Scrutiny Committee be noted.

(ii) That the Director of Scrutiny arrange a meeting between the Chair and Vice-Chair of the Scrutiny Board, the Executive Leader and himself to discuss the how the Protocol for Scrutiny could be used more effectively.

30 WORK OF SCRUTINY COMMITTEES – MONITORING (REF: 8.1)

There was nothing to report under this item.

Resolved: That the information be noted (Ref: 8.1).

(Note: the meeting ended at 8.41 pm)