

OVERVIEW AND SCRUTINY COMMITTEE

7 MARCH 2012

Present: Councillor M Watkin (Chair)
Councillor S Rackett (Vice-Chair)
Councillors N Bell, S Greenslade, K Hastrick, P Jeffree,
S Johnson, R Martins and K McLeod

Also present: Councillor A Wylie, Portfolio Holder for Finance and Shared
Services (for minute numbers 70 to 75),
Councillor J Aron and Councillor M Meerabux

Officers: Head of Legal and Property Services
Partnerships and Performance Section Head
Committee and Scrutiny Officer

64 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There were no apologies for absence.

65 DISCLOSURE OF INTERESTS (IF ANY)

There were no disclosures of interest.

66 MINUTES

The minutes of the meeting held on 2 February 2012 were submitted and signed.

67 MINUTES - BUDGET PANEL AND COMMUNITY SAFETY PARTNERSHIP TASK GROUP

The Scrutiny Committee received a copy of the minutes for Budget Panel, which had met on 8 February 2012, and Community Safety Partnership Task Group, which had met on 30 January 2012.

RESOLVED –

1. that the minutes of Budget Panel held on 8 February 2012 be noted.
2. that the minutes of Community Safety Partnership Task Group held on 30 January 2012 be noted.

OUTSTANDING ACTIONS AND QUESTIONS

The Scrutiny Committee received an update incorporating the outstanding actions and questions raised at previous meetings. Responses were included within the document.

Members considered the responses to each of the outstanding actions and questions. They agreed which actions had been completed.

PI 13 – Town Enforcement Officer

The Scrutiny Committee noted the update from the Environmental Health and Licensing Section Head.

A Member asked whether the officer's work would be extended to other parts of the town.

The Chair suggested that if Members considered that certain areas needed to be covered by the Town Enforcement Officer they should contact the Head of Environmental Services.

WP 8 – Community Safety Partnership Task Group (Provision of Drug Treatment)

The Chair of the Task Group advised that this had been added to the rolling work programme; however it had slipped from July 2012 due to other more pressing issues arising.

The Chair asked that Overview and Scrutiny Committee was informed when the meeting was due to take place.

WP 12 – Draft Commissioning Framework

The Committee and Scrutiny Officer informed the Scrutiny Committee that she had spoken to the Community Services Section Head regarding the additional resolution at Overview and Scrutiny Committee in December 2011.

It was suggested that a Task Group be set up in May to review the draft Commissioning Framework prior to public consultation in June. If agreed by Overview and Scrutiny Committee, the Committee and Scrutiny Officer asked that the membership be delegated to the Chair and Vice-Chair in consultation with the Head of Legal and Property Services.

Following a Member's question, the Committee and Scrutiny Officer suggested that the membership for the Task Group should be in the region of five Councillors.

The Scrutiny Committee agreed to this proposal.

RESOLVED –

1. that a Task Group be established to review the Draft Commissioning Framework.
2. that all non-Executive Members be asked whether they wish to participate in the review.
3. that the appointment of the Task Group membership be delegated to the Head of Legal and Property Services in consultation with the Chair and Vice-Chair of Overview and Scrutiny Committee.
4. that the outstanding actions and questions list be updated as agreed.

69

CALL-IN

No executive decisions had been called in.

70

UPDATE ON THE COUNCIL'S KEY PERFORMANCE INDICATORS AND MEASURES

The Scrutiny Committee received a report of the Partnerships and Performance Section Head including the performance of the eight key performance indicators at the end of quarter 3 (December 2011) and those measures identified by Members for scrutiny during 2011/12.

The Partnerships and Performance Section Head highlighted some of the indicators in the report, including benefits' statistics, waste and recycling, housing and the leisure centres. She also referred to the annual indicators reported in quarter 3, voter registration and Rough Sleepers.

KPI 1 (Benefits processing) and KPI 6 (Households in temporary accommodation)

A Member commented that seven out of the 12 key indicators were below target. He acknowledged the improvements in the Housing Benefits statistics, but he advised that he was still concerned about them, particularly with regard to change of circumstance applications. He added that he had noted the number of families in temporary accommodation and had recently visited a family in bed and breakfast accommodation in Hemel Hempstead and another family in a Watford hostel. He questioned whether the administration needed to put additional funds aside to cover the cost of temporary accommodation. He hoped to soon see an improvement.

The Partnerships and Performance Section Head explained that some of the long term outstanding cases in benefits were gradually being completed and this had an impact on the indicator related to the length of time taken to process applications.

The Portfolio Holder further explained that as the long term cases were completed the processing indicator increased. This was unsatisfactory as it did not show the direction of travel.

The Portfolio Holder informed the Scrutiny Committee that as at 27 February there were 181 new cases outstanding for Watford and 72 for Three Rivers. Over 100 cases were pending waiting for further information. This was the lowest live figure for three years. The outstanding change of circumstance applications were below the trigger level when SERCO would be engaged.

The Portfolio Holder added that it had been hoped that the self-serve function would be introduced this month. Capita had produced a module for the whole country but it had crashed.

The Portfolio Holder acknowledged that the benefits processing had improved and the service was in a good position, which he hoped would continue.

Following a further question from the Member, the Portfolio Holder said that the service would be showing an improvement at the year end. New claims were now being processed quickly. The Department for Works and Pensions (DWP) was currently monitoring the service to check on the rate of progress. The DWP would identify anything missing in the procedures and the service would take on board the suggestions.

In response to the comments about temporary accommodation, the Portfolio Holder said that previously the Council had used bed and breakfast accommodation for two weeks. The service would prefer that bed and breakfast accommodation was not used. The use of this type of accommodation was dependent on the amount of accommodation available for people to move to. It was therefore not possible to set a nil target. The number of people needing to be accommodated in bed and breakfast accommodation was stabilising. The budget set aside for this accommodation was probably about right, but he would reserve judgement. There was a need to provide resources to house people. He added that it was important to work on preventative measures for people.

A Member commented that he had attended the Shared Services Joint Committee on Monday and it had been the most upbeat meeting he had attended.

The Joint Committee questioned officers very carefully about the Revenues and Benefits Service. There had been concern about the closure of the South Oxhey office for one day a week. In relation to the procedure about not taking telephone calls on Wednesdays, Members were not happy that this should become a permanent feature. There were approximately 500 calls per week to the service and these were dealt with by two members of staff. If the situation were to get worse the Portfolio Holders for Watford and Three Rivers would agree to revert to the five day operation. The Shared Services Joint Committee would review the situation in June.

KPI 4iii (ES 6) – Levels of graffiti

The Chair noted that the highest results of graffiti had been recorded in Stanborough and asked if there was a reason for this.

The Partnerships and Performance Section Head advised that often this was because a ‘tagger’ had emerged in the area.

A Member, who chaired Community Safety Partnership Task Group, advised that the Antisocial Behaviour Co-ordinator had attended a Task Group meeting. He had explained that an increase could also be seen due to an increase in reporting incidents. This could culminate in a spike in the statistics. It was necessary to report cases of graffiti in order to get them removed.

The Chair commented that there was far less graffiti across the Borough since he was first elected to the Council six years ago.

Performance Indicators

The Committee and Scrutiny Officer circulated a list of all the performance indicators collected by the Council’s departments. Members were asked to review the list and identify any areas they would want to see added. Any suggestions would need to be sent to the Chair and Partnerships and Performance Section Head by Friday 23 March 2012. The suggestions would then be circulated to officers to see if they were feasible. In June the Scrutiny Committee would be able to review the list and consider which ones they wished to see in the quarterly report.

The Partnerships and Performance Section Head said that an example was if Members wanted trade waste included in the regular report.

A Member commented that it was important not to duplicate the work carried out by the Shared Services Joint Committee.

The Portfolio Holder informed Members that the Shared Services Joint Committee was a council committee. Scrutiny had an over-arching role in monitoring the services. Any concerns from scrutiny could then be referred to Council or the Shared Services Joint Committee.

RESOLVED –

1. that Overview and Scrutiny Committee’s comments on the Council’s key performance indicators for 2011/12 at the end of quarter 3 be noted.
2. that Overview and Scrutiny Committee’s comments on the performance of the additional performance measures identified for the Committee’s consideration at the end of quarter 3 be noted.
3. that Members review the list of performance indicators to identify any areas they would want to see added. Suggestions need to be sent to the

SCRUTINY TASK GROUPS - ACCESS TO MEETINGS AND PAPERS

The Scrutiny Committee received a report of the Head of Legal and Property Services which asked Members to consider the procedures for Task Groups, particularly in relation to access to meetings and papers by the public.

The Head of Legal and Property Services highlighted the suggested procedures which were set out in paragraphs 3.5 and 3.6 of the report. She advised that the procedures were flexible in case it was necessary to set up meetings quickly. Task Groups would be held in public unless it met the exemptions set out in the Access to Information rules in the Local Government Act 1972. Task Groups would complete their review before the minutes were published. This would allow the reader to see the full review and how the Task Group had reached its conclusions. Visits would be classed as informal meetings and would not be open to the public, as they were fact finding sessions. When people had been invited to provide evidence to a Task Group these would be held in public unless it met the exemption rules.

The Vice-Chair welcomed the officer's comments and said that it was important that meetings were open. The County Council had very good practices in place. He was concerned about the status of minutes. The minutes helped the Task Group to look back at the earlier meetings and how it had come to its conclusions. They should be a formal record.

The Head of Legal and Property Services said that she agreed with the Member's views. Each meeting needed to be minuted, but they would not be a verbatim record. She suggested that they were formally published at the conclusion of the Task Group.

The Head of Legal and Property Services added that the minutes were there to provide a flavour of the discussion. They enabled a person to read the nature of the discussion and the Task Group's conclusions. Not every Member's comment would be included. When people attended as witnesses and they were asked specific questions, those questions and the responses would be recorded as fully as possible.

A Member said that he welcomed the Head of Legal and Property Services' comments and her interpretation. In his opinion the purpose of Task Groups was a free ranging discussion. He preferred a 'looser-style' of minutes. He had been involved in two Task Groups and the minutes had been recorded differently. He preferred the minutes which included less detail.

A Member referred to an email the Chair had sent to Opposition Councillors about the way he envisaged Task Groups should operate. The Chair had appeared to have changed his view.

The Chair confirmed that he had changed his views about Task Groups. This had occurred due to his discussion with the Vice-Chair and the Head of Legal and Property Services. He agreed that discussions should be open, but he had been concerned about Members being quoted out of context. The subsequent discussion had allayed his concerns.

Following a Member's question, the Head of Legal and Property Services responded that if Members did not want Task Groups open to the public they would have to be classed as informal meetings. This subject had been reported to Constitution Working Party. The report and minutes had been attached to the Scrutiny Committee's report on the agenda. In her opinion the Council should be as open and transparent as possible. She confirmed that if the Task Groups were treated as formal meetings Members' attendance would be recorded.

A Member asked about the role of the Chair with regard to minutes. He was aware that some of his comments and other Councillors' comments had been deleted from the minutes of a recent Task Group meeting. He asked whether Members could be confident if most views had been noted.

The Head of Legal and Property Services explained that minutes were not a verbatim record of a meeting. The standard practice for all meetings was that draft minutes were circulated to the Chair and officers. They were given a period of time to comment or provide amendments. At the next meeting Members were asked to agree to the signing of the published minutes. This is the point when Members can state if they disagree with the record.

The Chair stated that he had commented on a set of Task Group minutes and as the Vice-Chair had not responded he had assumed he was happy with the amendments. If other Members felt the minutes were inaccurate they should have put forward suggested amendments at the previous meeting. He was not aware of any amendments being submitted.

Another Member said that he had made it clear at the Task Group that he was not satisfied with the changes and it had been agreed they would be discussed at this meeting. He felt the Chair had changed the meaning of the minutes and had excluded some of the comments.

It was acknowledged that this would be further discussed under the appropriate item.

A Councillor asked for confirmation that minutes would be produced each meeting and published at the end of the review. She asked whether they were submitted to Overview and Scrutiny Committee on a regular basis.

The Committee and Scrutiny Officer explained that the minutes of Budget Panel and Community Safety Partnership Task would be included on Overview and Scrutiny Committee's agenda for information, as on this occasion. In respect of other Task Groups, she would continue to provide a verbal update, or Task Group Members present at Overview and Scrutiny Committee would be able to update the Committee, on the Task Group's progress.

The Councillor then asked for further clarification on Part B items. She asked whether it was possible to include it on the Community Safety Partnership Task Group agenda for each meeting.

The Head of Legal and Property Services advised that the exclusion paragraph could only be included on the agenda if there was an exempt report for consideration. If a report was due to be considered in the public section of the meeting and it was felt that exempt information needed to be discussed the membership could agree that the press and public were excluded subject to the relevant exempt reason being recorded.

The Councillor suggested that this was a training opportunity. The Committee and Scrutiny Officer advised that a document could be produced for Chairs setting out the exemptions to the Act.

The Vice-Chair felt that the Police could be very defensive on occasion. They were a public body and needed to be far more open. The Police could present Councillors with sensitive information outside the formal process, for example at briefing sessions.

The Portfolio Holder stated that he had chaired the Constitution Working Party and had suggested that the report should be presented to Overview and Scrutiny Committee to decide how Task Groups should be managed. He felt the suggested procedure was a good way forward. He agreed that Task Groups should hold public bodies to account. There were different procedures for Part B minutes. Three Rivers added an exclusion paragraph to their agenda. He did not recommend this particular procedure to Members. He added that he rarely amended minutes when asked to review a draft set.

Following a Member's question, the Head of Legal and Property Services reiterated that the Task Group would have to decide whether it agreed to exclude the press and public from the meeting due to an exempt reason. If Members decided to remain in public session the person presenting the information would have to consider how much detail they gave to Members.

The Head of Legal and Property Services then repeated that Task Groups would be formal and the dates would be published as soon as they were known.

RESOLVED –

that Overview and Scrutiny Committee's comments be noted.

72

THE WAY AHEAD FOR COUNCIL SERVICES TASK GROUP - REPORT

The Scrutiny Committee received a report of the Head of Legal and Property Services including the Task Group's draft report. Members were also asked to agree the minutes of the Task Group meetings held on 9, 22 and 27 February.

Minutes – 9, 22 and 27 February

The Vice-Chair apologised following the concerns raised about the minutes/notes of the 9 February and whether they were in an appropriate format. Members should be able to trust the officer recording the meeting. There could be times when Members requested something was not recorded. He felt the first draft should be the ones which should be signed.

The Chair replied that he was disappointed that the concerns had not been shared with him. He said that the most important aspect of the review was the Task Group's report.

A Member commented that the Scrutiny Committee could not agree to a set of minutes that not all of the Members had seen. This view was echoed by other Members.

The Head of Legal and Property Services suggested that the original version of the minutes for the meeting held on 9 February could be circulated to the full Overview and Scrutiny Committee membership. Those minutes could then be signed at the first meeting of Overview and Scrutiny Committee in the new Municipal Year or a special Task Group meeting could be set up before Council on 21 March.

It was noted that the minutes formed part of the Appendices to the final report, which was to be presented to Cabinet on 20 March.

The Portfolio Holder informed the Scrutiny Committee that Cabinet was more concerned about the conclusions and recommendations rather than the minutes. The minutes were not necessary for the Cabinet meeting, as they were part of the background information. He felt that it was therefore satisfactory if the minutes for 9 February were not signed until June.

The Scrutiny Committee agreed to the Head of Legal and Property Services' proposal.

The minutes of the Task Group meetings held on 22 and 27 February 2012 were submitted and signed.

Task Group's draft report

The draft report had been circulated to all Task Group Members and the Chair noted that the majority of Councillors had been happy with the draft.

The Vice-Chair said that he wished to thank the Committee and Scrutiny Support Officer for the amount of work she had done to support the Task Group. He suggested the only question was whether the recommendations were appropriate. He referred to paragraph 5.1.7 of the draft report and questioned whether this should be included as a recommendation. The sentiment of the paragraph indicated that the Task Group's view was that services should be retained in-house unless good reasons had been put forward to provide the

service in a different way. Another option would be to ensure that Cabinet's attention was drawn to that particular paragraph.

A Member said that in his opinion the aim of reviewing a service should not just be about saving money. Each service should be considered on its own merits.

The Committee and Scrutiny Officer informed the Scrutiny Committee that the standard procedure was that the Chair of the Task Group would attend Cabinet to present the final report. The Chair confirmed that he would be attending Cabinet on 20 March.

It was agreed that Cabinet's attention would be drawn to that particular paragraph and that an additional recommendation was not required.

RESOLVED –

1. that the Committee and Scrutiny Support Officer's original version of the minutes of the Task Group meeting held on 9 February 2012 be circulated to all members of the Task Group and that the minutes are then forwarded to Overview and Scrutiny Committee in June for signature.
2. that the Chair draws Cabinet's attention to paragraph 5.1.7 of the final report.

73

FORWARD PLAN

The Scrutiny Committee received a report of the Head of Legal and Property Services setting out the changes to the Forward Plan since the previous meeting.

The Committee and Scrutiny Officer advised that one further item had been added to the Forward Plan and that it would be considered by Cabinet at its meeting on 20 March 2012.

RESOLVED –

1. that the additions and amendments to the Forward Plan be noted.

74

PREVIOUS REVIEW UPDATE: GREEN SPACES REVIEW

The Scrutiny Committee received a report of the Head of Legal and Property Services. The Appendix to the report included the original recommendations from the Green Spaces Task Group, the Portfolio Holder's response to the Call-in and Performance Scrutiny Committee, a further follow up by Call-in and Performance Scrutiny Committee at a meeting held on 4 February 2010 and the latest update from Community Services.

Councillor McLeod informed the Scrutiny Committee that she had chaired the Task Group and not Janet Baddeley as printed on the update.

It was agreed that the Task Group's original recommendations had been met and that the review was complete.

RESOLVED –

1. that the latest update be noted.
2. that the Task Group's recommendations have been met and the review is complete.

75

WORK PROGRAMME AND TASK GROUPS

The Scrutiny Committee received a report of the Head of Legal and Property Services including the updated work programme, the rolling work programme from May 2012 and a draft of the Overview and Scrutiny Committee's contribution to the Annual Report.

The Portfolio Holder noted the Affordable Housing Task Group's recommendations included in the 2012/13 rolling work programme. He asked how these would tie into the Housing Advisory Group.

The Committee and Scrutiny Officer explained that the Task Group's recommendation and the response from Cabinet would be forwarded to the Head of Community Services for a further update. The Head of Service would take into consideration any relevant information in the response, including discussions at the Housing Advisory Group.

Annual Report

The Chair asked Members whether they had any observations for inclusion in the Annual Report.

The Vice-Chair said that he had not been completely satisfied with scrutiny's performance this year. Scrutiny training had been arranged for 13 and 26 March and he encouraged everyone to attend. He had thought scrutiny would be involved with more strategic and commissioning reviews. He added that it was important to ensure that scrutiny was reviewed.

The Committee and Scrutiny Officer informed the Scrutiny Committee that the new Task Group to review the draft commissioning framework, agreed earlier in the meeting, was more of a strategic review.

The Chair added that Overview and Scrutiny Committee needed more suggestions put forward by the Executive, officers and Members. Members and officers had been learning the new structure throughout the year. The

involvement of the Managing Director and his scrutiny proposal regarding Council services had given the Scrutiny Committee an important status.

The Chair thanked the Scrutiny Committee for their work during this busy year. A new form of scrutiny had been put in place. He also thanked all the officers for their support.

RESOLVED –

1. that the latest version of the work programme and the rolling work programme from 2012/13 be noted.

Chair

The Meeting started at 7.00 pm
and finished at 8.40 pm