

# EXECUTIVE

Minutes of the meeting held on Tuesday 8 April 2008 at the Town Hall, Royal Leamington Spa at 6.30 pm

**PRESENT:** Councillor Coker (Chairman); Councillors Mrs Bunker, Michael Doody, Hammon, Kinson, and Kirton.

**ALSO PRESENT:** Councillor Boad (Chair of Executive Overview and Scrutiny Committee);  
Councillor Caborn (Chairman of the Council);  
Councillor Crowther (Labour Group Observer); and  
Councillor Mrs Knight (Chair of Audit and Resources Overview and Scrutiny Committee).

## 1050. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 1051. **CONSTITUTION REVISIONS**

The Executive considered a report from the Head of Legal Services proposing some revisions to the Constitution in advance of its replacement in due course.

A range of issues had arisen which required the Constitution to be revised. Some were matters to be addressed later this year however, some required more immediate amendment.

There were three planned phases of amendments required to the Constitution. It was hoped that all of the amendments could be made at the same time. That had not proved to be the case. One of the amendments had been delayed because Government guidance was still awaited. The other significant change was dependent on the final details of a Countywide Partnership becoming evident.

The 2006 White Paper 'Stronger Prosperous Communities' contained a number of proposals on a variety of topics. Under the heading of "Effective, accountable and responsive local government" proposals included discussions about unitary authorities and changing political management arrangements. Three options were given for revised arrangements namely directly-elected mayor, directly-elected executive, or an indirectly elected leader for four year terms. Other suggested revisions included strengthened council overview and scrutiny powers and moving the determination of complaints against Councillors from the Standards Board for England to local Standards Committees. Statutory mechanisms to bring elements of the White Papers into practical effect were published in the Local Government and Public Involvement in Health Act 2007.

## **EXECUTIVE MINUTES (Continued)**

Senior members had considered the Leadership options at the Constitutional Working Party (CWP) on an 'away day' and had reached broad conclusions on the subject. However it was difficult to reach any final conclusions until the Government guidance on the subject had been published. As a result final decisions would have to await the publication of the Guidance which was expected would be published in May 2008.

Revised scrutiny arrangements were also considered by the Working Party and it was felt that a clear role for two separate overview and scrutiny committees would enable all of the required functions to be addressed whilst providing members with the opportunity to look at other subjects in depth through 'task and finish' groups that could be established as the need arose.

The Strategic Waste Partnership was a partnership that would emerge later this year. The scrutiny arrangements for the partnership had been of concern to members. It was difficult to develop the appropriate scrutiny arrangements for the Partnership until its structure became clear. This was likely to be developed after the summer.

The revision of the Leadership arrangements for the authority was felt to be so significant that it was proposed that the Constitution should be reprinted at that stage and published afresh. The changes in the meantime would be piecemeal amendments. The reprinted Constitution would include a mechanism to allow partnership changes to be introduced from time to time.

A summary of the current structure of the Constitution and the details of the known and anticipated changes were attached to the report as Appendix 1. It was indicative of future changes, but suggestions from any member for other amendments, with a short explanation of why it was required, could be made through Group Leaders.

There were various changes required to the Constitution which were either good or essential housekeeping. These could be summarised as follows:-

- providing the necessary mechanism for the revised overview and scrutiny arrangements;
- extending the powers of the Standards Committee to provide the final health check on the Annual Governance Statement; This revision would also provide for an annual review of the Constitution which would enable it to be kept up to date more effectively;
- membership of the Standards Committee would be permitted to expand to allow for the establishment of the necessary panels to enable the handling of a predicted increase in workload as result of the local determination of complaints; and
- revisions to the delegations to committees as a result of the above. Revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
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The proposed revisions were set out in Appendix 2 to the report.

## **EXECUTIVE MINUTES (Continued)**

There would be some minor amendments required elsewhere from time to time. These would reflect membership numbers for committees which would need to be changed.

The Executive proposed that the two overview and scrutiny committees should be known as the Audit and Resources Scrutiny Committee and the Overview and Scrutiny Committee.

It was also agreed that the convention of the Committees being chaired by a member from the opposition groups should be retained together with the opposition groups having the majority of members on the Overview and Scrutiny Committee.

The Chair of the Executive Overview & Scrutiny Committee reported the views of the Committee to the Executive.

### **RECOMMENDED** that

- (1) the report be noted;
- (2) the revision to the Constitution, as set out at Appendix D to the minutes, be approved .

(The Portfolio Holder for this item was Councillor Coker)

## **1052. BUDGET WORKING GROUPS**

The Executive considered a report from the Strategic Director (Community Resources) that sought agreement to the working groups and their terms of reference, in accordance with the decisions of the Executive in February.

The budget report indicated that, with the assumptions made, the Council needed to identify £830,000 of ongoing budget reductions from 2011/12. The current medium term financial strategy identified one-off support to the budget of £226,000 and £307,000 in 2009/2010 and 2010/11. If budget reductions were identified and implemented earlier, the Council would be able to use the one-off sums planned in support of the budget for other high priority expenditure.

The strategy for identifying budget reductions should have the following three key themes

- Reducing costs whilst doing the same things
- Increasing income
- Reducing cost by doing fewer things

The report set out the groups proposed to be set up to review areas of budget reduction and the terms of reference for these were appended to the report.

When looking at reducing costs whilst doing the same things the study would be sub divided into six areas, namely:

- Procurement
- Business Process Improvement

## **EXECUTIVE MINUTES (Continued)**

- Employment savings
- Shared services and outsourcing
- Assisted travel
- General efficiency overview

It was agreed to establish the following working parties immediately with the terms of reference as shown:

### **(A) Employment savings**

In consultation with the Portfolio holder, to seek the more economical use of

- temporary staff, or the provision of alternative means of staffing, and
- the provision of staff advertising

Membership (4): Councillors Dhillon, Mobbs and Rhead with the Labour and Liberal Democrat group leaders being invited to appoint one member to representative the opposition parties.

### **(B) Assisted Travel**

In consultation with the Portfolio holder and officers, agree

- how the additional £50,000 allocated in the budget should be spent on identified priorities, and
- how the current scheme should be modified in the light of the experience of the first three years

Membership (4): Councillors Malcolm Doody, Mrs Gallagher and Mrs Sawdon with the Labour and Liberal Democrat group leaders being invited to appoint one member to representative the opposition parties.

The Chair of the Executive Overview & Scrutiny Committee reported the views of the Committee to the Executive.

## **RESOLVED that**

- (1) the working parties and terms of reference, be approved, with a view to reporting to the meeting of the Executive on 4 June 2008 on the planned work programme and timescales for each group;
- (2) the Executive agrees the membership of the working parties, and act as a coordinating group in relation to the work of the working parties;
- (3) the working parties meet as soon as membership is agreed, to confirm their terms of reference and determine a framework and timescales for their work; and

## **EXECUTIVE MINUTES (Continued)**

- (4) any further working parties or changes to the terms of reference for these working parties be approved by the Chief Executive in consultation with the Executive.

(The Portfolio Holder for this item was Councillor Coker)

### **1053. PUBLIC AND PRESS**

**RESOLVED** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following three items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Nos.	Para. Nos.	Reason
1054	1	Information relating to an individual

### **1054. STAFFING ISSUES**

The Executive considered a report from Members' Services on various staffing issues.

The Chair of the Executive Overview & Scrutiny Committee reported the views of the Committee to the Executive.

**RESOLVED** that the recommendations set out in the report be approved subject to the Chief Executive be requested to report back to the Executive on the actions taken to implement the recommendations and all other necessary management actions.

(The Portfolio Holder for this item was Councillor Coker)

(The meeting ended at 8.00pm)

**Minute Number 1051**

**Part 1**

Providing the necessary mechanism for the  
revised Overview and Scrutiny arrangements;

**Article 6 - Overview & Scrutiny Committees**

**Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1  
para 7**

**Local Government Act 2000 – Constitutions Direction – Para 3(k)**

**6.01 Terms of Reference**

The Council will have the two Committees to undertake the Overview and Scrutiny functions. The scope of activity for each of these is set out in the table below.

The prime purpose of the Overview and Scrutiny committee is to review items to be considered by the Executive, to review past decisions, policy development, specific issues, and problems within the following service areas:-

Environmental Services, Economic Services, Cultural Services,  
Housing Services and Customer and Community Services portfolios

It will also be able to address any other matter not otherwise delegated to the Audit and Resources Scrutiny Committee.

The prime purpose of the Audit and Resources Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, issues of an audit nature and to oversee the financial reporting process.

It may also review past decisions, policy development, specific issues, and problems within the following service areas:-

Democratic Representation, Corporate Management, Electoral Services,  
Council Support services, Resource Management, and Commercial  
Property Management

## 6.02 **General role**

Within their terms of reference, overview & scrutiny committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants;
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

## 6.03 **Specific functions**

### (a) **Policy development and review.**

Overview & scrutiny committees may:

- i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### (b) **Scrutiny**

Overview & scrutiny committees may:

- i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the executive and/or committees and chief officers about their decisions and performance of their services, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v) best value: carry out fundamental reviews of Council services in conjunction with the Executive
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and policy committees and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

### (c) **Finance**

Overview and scrutiny committees may exercise overall responsibility for the finances made available to them (if any).

(d) **Annual report**

Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(e) **Audit and Resources Scrutiny Committee**

The prime purpose of the Audit and Resources Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

In addition to the general role of Audit and Resources Scrutiny Committee, the Committee will also:

- Approve (but not direct) internal audit's strategy, plan and performance
- Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- Consider the reports of external audit and inspection agencies
- Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.

Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

- Be satisfied that the authority's assurance statements, properly reflect the risk environment and any actions required to improve it
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.

6.04 **Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

6.05 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there is an uneven number of seats then the odd seat shall be at the discretion of the Leader

6.06 **Task and Finish Groups**

An Overview and Scrutiny Committee may each at any time instruct an officer, in consultation with a group of named members, to establish a Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Executive Cabinet for such a review.



- 6.07 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.