

Monday 6 April 2009
at 6.00pm



Scrutiny Committee

MEMBERSHIP:-

Councillor MARSDEN (Chairman) Councillor STANLEY (Deputy Chairman), Councillors BELSEY, GOODWIN, Mrs HEAPS and Miss WOODALL.

(Councillor Mrs Goodall also attended in respect of minute 24 below.)

22 Minutes.

The minutes of the meeting held on 9 February 2009 were submitted and approved and the Chairman was authorised to sign them as a correct record.

23 Declarations of Interest.

None were given.

24 Democratic participation - embracing the new Scrutiny agenda.

The committee considered the report and presentation given by the Local Democracy Manager on recent and forthcoming legislative developments which were extending the role of Scrutiny and generally giving additional opportunities to local citizens to influence and participate in local decision making. All members of the Council had been invited to attend for this item. Legislation features included the Police and Justice Act 2006, the Local Government and Public Involvement in Health Act 2007, the Local Democracy, Economic Development and Construction Bill and a yet to be published Community Empowerment Bill. Topics covered included:

- A general background to Scrutiny and Overview in Local Government
- Councillor Call for Action (CCfA) (effective 1 April 2009)
- Scrutiny of crime and disorder matters (to be implemented 30 April 2009)
- Devolved power to individual ward members (effective 1 April 2009)
- Scrutiny of Local Area Agreements (effective 1 April 2009)
- The new Duty to Involve (effective 1 April 2009)
- Petitions (to be implemented summer/autumn 2009 or later)
- Duty to promote local democracy (to be implemented summer/autumn 2009 or later)
- Remote voting for councillors
- Encouraging change to directly elected mayors
- Changes to restrictions on political activity of local government staff

In addition the report included draft procedures for Councillor Call for Action and Petitions.

Full details of the above were given in the report. The presentation gave particular focus to the new Councillor Call for Action (CCfA), scrutiny of crime and disorder matters and forthcoming legislation in respect of petitions.

With regard to CCfA, a provision whereby a ward councillor could refer a matter of local concern to the Scrutiny Committee, members expressed some concern in case there were a large number of such calls. The Local Democracy Manager circulated a suggested flowchart which emphasised the "longstop" nature of CCfA and the need for members to have exhausted all other avenues for seeking resolution of an issue before submitting a formal CCfA request. Pilots undertaken by other councils (a summary of such pilots was circulated) had indicated that the numbers were unlikely to be significant. Simple guidance to complement the procedure rules and a pro forma would be drawn up and published on the website in due course.

New provisions relating to the scrutiny of crime and disorder matters would require the Council to designate one of its scrutiny and overview committees as its "Crime and Disorder Committee"; require the committee to consider crime and disorder matters a minimum of twice a year; allow such matters to be raised as CCfAs; and also permit the committee to require the attendance of representatives from the police or other public authorities who were members of the local crime and disorder reduction partnership. It was understood that the Eastbourne Crime Reduction Partnership would be looking at the opportunities these new powers would provide for co-operation with the Scrutiny Committee in the near future.

With regard to the proposed petitions procedure rules, these were proposed in advance of the expected legislation that would require councils to have a petitions scheme. In addition such schemes would have to allow for electronic petitions to be submitted and also a procedure whereby petitions receiving a certain number of signatures could be the subject of full Council debate. The proposals at this stage sought to follow existing practices but also to provide for a role for the Chairman and Deputy Chairman of the Scrutiny Committee to review any petitions received and be kept advised of progress – something the new legislation was also expected to require. The rules would need to be reviewed once the form of the new legislation was finally known. Possible cost implications for the e-petitions facility were highlighted. Members noted the suggestion that the feature whereby petitioners obtaining a certain number of signatures could demand a full Council debate be introduced at this stage. They considered that this proposal needed to be the subject of further discussion among members and no recommendation was made to Council at this time. Members asked for information on the total number of petitions currently received and also whether a lower threshold of signatures would be appropriate for matters of affecting a single ward. Section 7 of the proposed procedure rules would therefore be withdrawn at this stage.

RESOLVED: (1) That full Council be recommended to approve the proposed amendment to the Scrutiny Procedure Rules in the Council's Constitution to show the new Councillor Call for Action (CCfA) power as set out in appendix 1 to the report.

(2) That the Scrutiny Committee draw up guidance for Councillors on how issues subject to a potential CCfA might best be handled in order to reflect best practice and ensure that issues are dealt with effectively and in a timely fashion.

(3) That the Committee review CCfA after 12 months and at the same time consider the issue of opening up CCfA to other community representatives and groups.

(4) That full Council be recommended to designate the Scrutiny Committee as the Council's "Crime and Disorder Committee" under S. 19(9) of the Police and Justice Act 2006 and to amend the Committee's terms of reference and procedures accordingly.

(5) That the Scrutiny Committee review crime and disorder CCfA in due course in the light of comments from the CDRP and consider whether or not co-option to the Scrutiny Committee when dealing with crime and disorder matters is appropriate.

(6) To note that new powers in respect of the scrutiny of Local Area Agreements will primarily rest with the County Council and ensure that in any future scrutiny reviews reference is made to LAA targets where applicable.

(7) To note the new Duty to Involve and ask that full account is given to the duty prior to decisions being taken by the Council, its Committees, the Cabinet and by officers when carrying out their functions.

(8) That full Council be recommended to adopt the proposed Petitions Procedure Rules as an interim measure pending expected Government legislation.

(9) Note the remaining proposals detailed in this report which are still subject to parliamentary consideration and implementation of legislation.

(10) That the Local Democracy Manager be authorised to make all necessary changes to the Council's Constitution in respect of the relevant recommendations above where approved by full Council.

25 Audit of environmental practices – monitoring report.

The committee considered a progress report from the Environment Scrutiny Task Group presented by the Environmental Health Manager and Energy Initiatives Officer. Updates were given on the new Community Environment Partnership, environment performance indicators and initiatives to improve the energy efficiency of the Council's own estate and operations.

Cabinet, at their meeting on 3 September 2008, had agreed the setting up of Community Environment Partnership to develop strategies in respect of climate change, air quality, water supply and use, waste, land use and biodiversity. The Eastbourne Strategic Partnership (ESP) had agreed that

the new environment group should be a sub-group of the main partnership body. The ESP had received terms of reference for the sub-group at their meeting on 19 March 2009 and these were now appended to the report. The terms of reference also specified the expected roles for the group's members and provided for membership of 2 elected members to represent the Council. These would be the Cabinet member for the Environment and his opposition shadow (Councillors Steve Wallis and Sandie Howlett, or their respective nominees).

The second part of the report dealt with performance indicators. The report listed the national indicators relevant to the environment and in Appendix 2 details of targets and how the Council was planning to carrying out monitoring were given.

One of the objectives of the Community Environment Partnership was to reduce carbon emissions by 80% by 2050 (in line with the Climate Change Act 2008). This would require a year on year reduction of 3.5%. The report reviewed steps currently being taken to meet this target in respect of the Council's own estate and operations. The creation of a project board, staff energy awareness raising events, installation of smart energy meters and other initiatives were highlighted.

Members also noted the holding of a Scrutiny Seminar on 23 March 2009 which had looked at the Corporate Plan priority for actions to demonstrate the Council's leadership within the local community for environmental sustainability.

RESOLVED: That the progress report be noted.

26 2009/10 Scrutiny Programme.

The Chairman took the opportunity to remind members that suggestions for issues to be the subject of Scrutiny reviews in the coming year should be notified to the Scrutiny Co-ordinator at the earliest opportunity.

NOTED.

The meeting finished at 7.22pm.

Councillor Marsden
Chairman