

Scrutiny Annual Monitoring Report 2008-2009



Fifth Annual Monitoring report July 2009

Introduction

Chairman - Cllr Marsden



"The Scrutiny Committee has an important role to play in Council business by ensuring that policy decisions by the Cabinet and the functions of the Council are closely monitored. It is the eyes and ears of residents making sure that policy decisions are genuinely made on their behalf and for their benefit. In that respect the Committee may hold hearings and investigate any matters relating to the delivery of Council services.

In the last year there have been a range of reviews including an urgent one which investigated the income shortfall at Airbourne 2008. The annual programme included three reviews of different sections of Council services as well as two seminars which examined progress towards achieving corporate aims in tourism and waste management. In addition it receives regular reports on the performance of the Council. In the coming year it will assume further powers to scrutinize the work of those involved in Crime reduction across the town.

As Chairman I would welcome any comments on the work of the Council where you as residents believe that performance is less than might be accepted as reasonable. This could lead to the Committee setting up a review of that service in order to ensure improvement. All members of the Committee are keen to improve the process of checks and balances to Council decision making so that it is always carried out in the best interest of the residents of Eastbourne."

About Overview and Scrutiny

Scrutiny is still a comparatively new function for local authorities. It has been introduced as part of the modernisation agenda for local government and the Local Government Act 2000 requires Council's to have at least one scrutiny committee.

What is Scrutiny?

There is no single definition of overview and scrutiny. It therefore should be viewed as an umbrella term covering a wide range of possible roles. However, the four key legislative roles are:

- holding the Executive to account
- policy development and review
- best value reviews
- External scrutiny.

This suggests an emphasis towards:

- acting as a watchdog for Executive decision-making
- checking on whether existing policies are effective and helping to shape new ones
- contributing towards the continuous improvement of Council services
- reviewing or investigating matters of particular concern either within the Council or within the Community.

The scrutiny role also provides new opportunities for public involvement and debate. This can support elected members in taking a community-orientated approach and brings new ideas

and experience to scrutiny. Above all, the process needs to be firmly focussed both on matters of importance, and in making a difference, as this will be key to scrutiny reaching its potential and being of value to the Council and to local people.

The main role

The main role of Scrutiny is to help improve the council's performance through monitoring and review; to examine the Cabinet's decisions and challenge where necessary; and to help in the development and monitoring of the council's policies and strategies. The Committee can also look at the effectiveness of outside organisations and the council's external partnerships.

Scrutiny's approach is loosely based on the model of Select Committees at Westminster.

It is one of the most effective ways in which councillors who are not on Cabinet can independently challenge and influence those making decisions.

How does it work?

The Scrutiny Committee meets in public and members of the public are encouraged to take part and join in the discussion.

The Committee can invite Cabinet Members, Council officers and representatives of outside organisations to discuss how things are currently being done and how they can be improved.

Scrutiny Committee can also gather evidence in other ways, for example public consultation.

The Scrutiny Committee has a work programme that sets priorities for the coming year.

How do Scrutiny Task Groups operate?

Scrutiny task groups meet in an informal atmosphere. They invite those who they believe can help with their investigations to come along to a task group meeting to provide information or views about a particular issue – and usually working through a list of questions prepared in advance helps to do this.

What powers do Task Groups have?

Scrutiny task groups, like the main scrutiny committee, cannot automatically change earlier Cabinet decisions or alter the way services are provided. A task

group's recommendations go to the Scrutiny Committee for consideration and possible amendment. They then go to the Cabinet and Council for evaluation.

Recommendations arising from reviews are monitored and reported back to the main committee at a later date.

How can I find out more?

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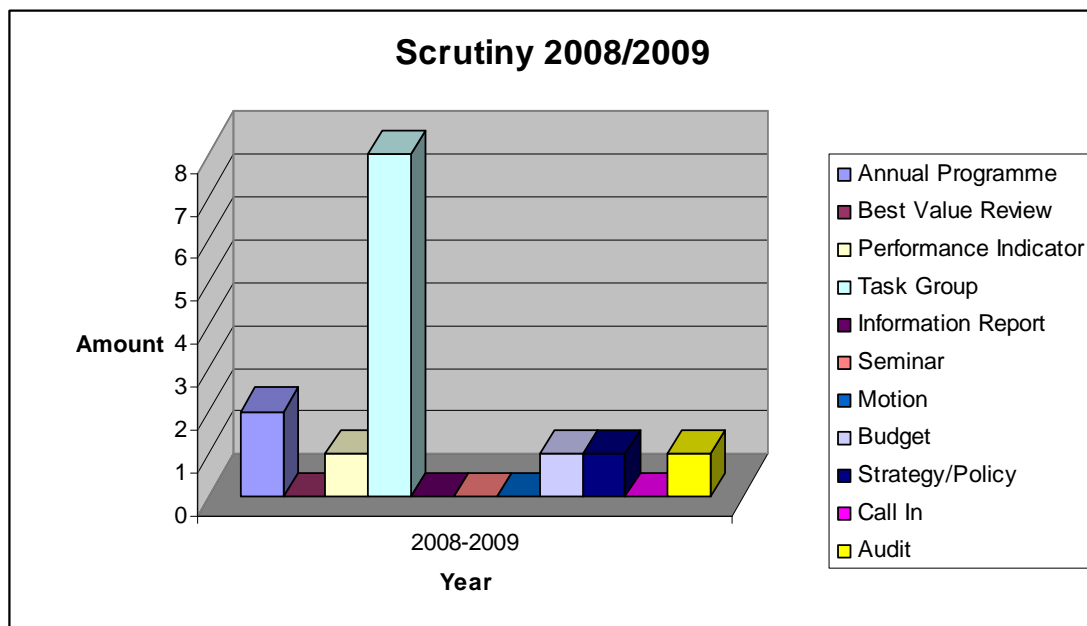
www.eastbourne.gov.uk

Review of the Annual Programme 2008-2009

At its meeting on 4 July 2005, Scrutiny agreed that an Annual report would be produced detailing the work of the Committee, the reviews conducted, the outcomes of each review and the work programme for the forthcoming year. This is the fifth annual monitoring report.

Review of the 2008/09 Programme - Items considered.

The table below details the actual items Scrutiny have considered over the past year.



(These items have been grouped to enable easier analysis, for example there have been 8 items for Task Groups, which covers the formulation of the Groups and includes the final reports).

Performance Indicator Reports

In 2008/9, the Best Value National Indicators (BVPIs) were replaced with a new National Indicator Suite (NIS) of 199 indicators that reflect priorities across different public services and service providers. These form the foundation of the new Comprehensive Area Assessment regime. As many of the National Indicators were new, targets were not set unless they featured in the Local Area Agreement (LAA). Also, many of the National Indicators are no longer reported directly by Eastbourne Borough Council but via other agencies so official in-year information and outturns will not all be readily available at the same time. Those indicators where Eastbourne Borough Council does have responsibility have been integrated into the Corporate Plan. Some work is underway across East Sussex to develop a local hub for interim indicative NIS data to be posted for partners to use.

Scrutiny Seminars

Members agreed that the committee would receive presentations based on two of the Council priorities each year giving the members the opportunity to discuss and review progress. The presentations highlighted the actions and activity including information on the National indicators listed for each area, and the Council's performance for the two priority areas so far.

The development of seminars on Corporate Priority areas should enable greater involvement of Scrutiny at an earlier stage than in previous years – allowing the Committee to further influence process rather than merely comment.

3 November 2008 - Tourism

The first of this year's seminars was held on Monday 3 November 2008 and was based on Priority Policy 2 - Tourism.

Members were also advised further on the challenges for delivery, value of our events versus their costs, a further breakdown on Events (Tennis, Go Fast, and Extreme) including information on performance against targets, attendance and budget for each event. In addition information was also requested on how the budget for each event performed and the cost to the Council Tax payer.

23 March 2009 - Environment

The second of this year's seminars was held on Monday 23rd March 2009 and was based on Priority Policy 5 Environment.

Members were also advised further on the challenges for delivery, recycling and waste streams. Other topics included:

Climate Change, Eastbourne Park, Protection of the Downland, Uncontrolled Development and Air Quality

Officers and the Cabinet Portfolio Holder were in attendance to answer member's questions for both seminars.

Following the presentation a background report and slides were circulated to those members who were unable to attend both seminars. For copies of these please contact Katie Armstrong, Scrutiny Co-ordinator 415023 or Katie.armstrong@eastbourne.gov.uk.

Budget reports – This year a special meeting was held in February 2009 to consider the Council's budget for 2008/09. To enable the members to participate more fully in the yearly budget for 2010/11; a Seminar based on the corporate priority for Finance would be held in November 2009, to better inform members ahead of the Budget meeting in February 2010.

Monthly meetings

As part of the continuous development of the scrutiny function a monthly meeting was introduced for the Chair and Deputy Chair of the Committee giving members an opportunity to consider the Cabinet forward plan. In addition the Councillors can request updates from officers on various issues affecting the Council.

During 2008-09 members considered the following:

May 2008

Business Improvement District - Members discussed the draft report and in particular the demand street trading (Markets) and the Council's current policies. It was suggested that allowing markets within the town Centre may increase footfall in other Town Centre premises – a report on the development of a Business Improvement District would be submitted to Cabinet in June 2008.

June 2008

Asset Management Plan – Members were updated on the progress of the Council's Asset Management plan and considered an action plan. Members were keen to monitor this at future meetings.

Benefits – Members were updated on the improvements to the benefits section and the changes to performance indicators and new methods for reporting performance. Other issues considered included improving accuracy, staffing issues including recruitment and retention and

training. Further discussions would also be taking place with Human Resources regarding the Council's DRIVE initiative.

Section 106 Agreements – Members received an update on Section 106 contributions and were given examples of agreed schemes and timelines for when contributions would need to be spent. Members were advised that assistance had been sought to improve the current processes for the use of Section 106 monies.

July 2008

Seminar – Tourism - Members discussed the development of the first seminar into the Corporate Priority for Tourism.

August 2008.

Members received updates on the progress of outstanding reviews, and an update on the progress towards improving the Council's Data Quality. Members were advised that the annual audit would commence in September 2008.

Downland – Members received an update on Downland tours and asked if they could be reinstated after being withdrawn due to lack of participation. Members were advised that the Downland forum was still running, and were updated on the changes in subsidies for farmers, support for tenants of downland farms and progress towards National Park status.

September 2008

IT Transformation – members received an update on the four

priority areas for the IT transformation of the Council; namely Server Virtualisation, Printer/Copy rationalisation, Replacement of Box Office sever and a review of the network links and Customer Relationship Management in Revenues and Benefits.

DRIVE – The Chief Executive updated members on the progress of the Council's DRIVE initiative. A report publishing the outcomes would be presented to Cabinet in October 2008. The report looked at the development of a project board tasked with five work streams; Capacity and Structures, People and Performance Management, Customer Focus, Infrastructure / IT and Communication with staff. The Chief Executive also highlighted other key projects which would come to fruition within the next five months; Budget for 2009/10 and projects such as Sovereign Harbour development, Green Waste, Local Development Framework and the redevelopment of the Town Centre.

Development of Conferencing – members were advised on the Conference Membership Scheme whereby members are asked for a financial contribution in return for a host of benefits. Eastbourne Hotels Association had been very supportive of the scheme offering £5000 to kick start the scheme. So far, there were 32 accommodation providers and 5 commercial members.

December 2008

Promotion and marketing - members were updated on the contents of a Cabinet report into

the Marketing and Promotion of Eastbourne as a premier tourist destination due on 10 December 2008.

Seminar – Environment - Members discussed the development of the second seminar into the Corporate Priority for Environment.

January 2009

Devonshire Project Action Plan – Members received an update on the progress of the Devonshire Action Plan due to be reported to Cabinet on 11 February 2009.

Devolved Budgets – Members received an update on activity in respect of devolved budgets in 2008/09 and determining the future of the scheme for 2009/10. A report would be presented to Cabinet in February 2009.

National Indicators – Members were advised that the National indicators had now been incorporated into the Corporate Plan which was scheduled for revision in April 2009, key actions and activities were being revisited, with an end of year report available in July 2009. The revised Corporate Plan would be presented to Cabinet on 1 April 2009, reviewing progress of the 2008/09 Corporate Plan, seeking approval of priorities to 2011 and the suggested key actions for 2009/10.

February 2009

DRIVE – Members were updated on the progress of the DRIVE initiative. Action Plans would be presented to Cabinet in April 2009 and provided to the

Scrutiny Chair and Deputy Chair prior to the meeting.

Councillor Call for Action – Members were updated on new legislation regarding Councillor Call for Action and further update would be provided at the next meeting.

March 2009

Councillor Call for Action – All members would be invited to attend a presentation on the new legislation relating to Democratic Participation which would be presented to the next Scrutiny Committee in April 2009. (Please see Changes to the Scrutiny process, detailed below for further information).

April 2009

National Indicators – Members were advised that as this was the

first year using the new set of indicators it was unlikely a full performance picture would be available. An updated and more detailed version of the Corporate Plan would be presented to CMT in June 2009.

Data Quality – Members were updated on the progress made against the action plan and related activity to improve the Council's Data Quality performance. Members were also advised that progress against the Action Plan was ongoing and a general improvement of and commitment to Data Quality across the authority was now in place. There had been delays to the completion of some activities due to the need for further training or the limited resources available to progress action. The refresh of the strategy and action plan would look to further improve Data Quality procedures.

Scrutiny Reviews 2008/09

During 2007/08 the Scrutiny committee conducted a total of four reviews; Traffic Enforcement, Planning Enforcement, Alcohol & Young People and the decision to charge for Airbourne. The outcome of each review is detailed below.

Traffic Enforcement

The first review conducted reviewed the lack of traffic enforcement within Eastbourne. The review was undertaken in acknowledgement of the concerns voiced by business groups within the town, notably the Chamber of Commerce, Federation of Small Businesses and Hospitality Association. The Review Group decided that the review would comprise of a number of interviews, with representatives from the Taxi trade; both Private and Hackney, the Chamber of Commerce, Hospitality Service and a representative from East Sussex County Council on behalf of NCP. The Police, Ambulance Fire Brigade were also invited but were unable to attend. As part of the review members had also requested some further information regarding the number of warning notices issued.

It was clear from the comments made that the lack of parking enforcement had a considerable impact on public transport, emergency service vehicles (anecdotal), and taxis, as well as effecting businesses in the Town Centre and seafront hotels. The lack of enforcement had also allowed dangerous repeated and continuous parking at junctions reducing visibility for both

motorists and pedestrians. Ultimately, it was felt that the introduction of the scheme would be beneficial to many people; freeing the movement of traffic and potentially reducing taxi fares due to less badly and illegally parked vehicles and there would be increased ability to have short stay parking in the Town Centre. However, it was felt that further work was needed with the car park operators to improve lighting, cleanliness and lifts within the car parks. It was also noted that further liaison with the County Council aimed at improving cycle lanes, cycle storage, motorcycle parking, the condition of the pavements and improved rail links, was also needed.

The outcome of the review saw Scrutiny requesting that the Council, in conjunction with the Disability Involvement Group, write to existing car park operators within Eastbourne, with a view to improving the car parks within the town in line with the suggestions detailed within the report.

Also that as part of the Enforcement scheme the Council urges East Sussex County Council to use any monies raised to ensure improved cycle lanes, motorcycle parking and improvements to pavements within the Borough. And finally that the Council worked closely with the local bus service looking at ways to improve the offer for those who travel during the very early morning hours.

Planning Enforcement

The second review covered review of Planning Enforcement reporting mechanisms.

The review provided further information regarding current enforcement policies and practices and considered ways of informing members of the outcomes of enforcement action taken. Members felt that they needed a better understanding of the planning enforcement process and in particular some feedback on outstanding enforcement cases and action taken against breaches in planning.

Interviews were held with a number of officers and their observations were detailed within the report.

The outcome of the review resulted in regular feedback regarding enforcement outcomes that had previously been to the Planning Committee. The updates would be given in the same format as the appeals decisions to the Planning committee the first of which was presented in December 2008. The review group also requested regular press releases highlighting the action that had been taken to show that the Council was taking a proactive approach to enforcement across the town. It was agreed that this would commence in April 2009.

Alcohol and Young people

The third and continuing review is Alcohol and Young People review examining the issues involving alcohol misuse in the Borough. The focus of the review is around young people and alcohol misuse.

The review group agreed that the issue of those defined as "problem drinkers" and "street drinkers" was being covered by the Licensing Manager, Assistant Director, Contracts and Amenities in conjunction with the Councils Legal Services Team and Sussex Police carrying out work in this area and would therefore not form part of the review.

However, any outcomes arising from this work would be reflected as part of a wider Scrutiny Action Plan, since the issues were intrinsically linked. All parties recognised that a significant amount of work had already been undertaken in this area, and that existing Action Plans and Partners played a key role in influencing the review.

A series of focus groups and associated Action Plans already existed which had significant influence and impact on the review. These included:

- Violent Crime Group
- Anti Social Behaviour Group
- Prevent and Deter Group
- Devonshire Project
- Safer Communities Plan
- Alcohol Strategy Group
- Priority Prolific Offender Group
- Youth Development Service – various groups and plans
- Play Strategy
- Intelligence gathering Forums
 - Licensing Action Group, Joint Action Group, Business Crime Reduction Partnership
- Crime Reduction Partnership

The review group agreed that the review needed to ascertain the extent of the challenges posed in relation to young people and alcohol. This was being progressed in a number of ways,

and was detailed from section 3 of the report onwards. The Review group also had the opportunity to utilise the Citizens Panel to gather public opinion on the issues highlighted.

Eastbourne has a Citizens Panel; this is externally managed and recruited at random for us by SMSR Ltd. A Citizens Panel is a group of over 1000 residents who have agreed to join and participate in consultations. The Citizens Panel is broadly representative of the population of Eastbourne. The panel provides quick and easy access to a representative sample of residents and can give improved response rates and quality of information as panel members have agreed to be consulted. The Citizens Panel will not be used when in depth qualitative responses are required

Airbourne Charging

The final major review of the year was a review of the Council's decision to charge admission to Airbourne 2008.

Members were advised that the Review Group had undertaken a review of the reasons for the reported £360,000 loss caused by the policy to charge for admission to Airbourne. The scope, as agreed by Council, was to review the impact of the decision to charge for admission to Airbourne. In particular to investigate the process of decision making, the development of the business plan and resultant outcomes.

Representatives from the following were interviewed;

- Sussex Police
- East Sussex Fire and Rescue Service
- Royal Air Force
- Chamber of Commerce
- Hospitality Association
- Convex Leisure
- Wish Tower Café
- Allchorn Boats

In addition questionnaires were sent out to other organisations and traders and interviews were also carried out with the following officers and Members:

- Civil Contingencies Officer
- Events Development Manager
- Interim Assistant Director - Economy, Tourism and Planning
- Tourism Development (& Communications) Manager
- Director of Economy, Tourism and Environment
- Portfolio Holder for Economy, Tourism and Environment
- Leader of the Council

A range of questions were asked during the interviews aimed at establishing the time line of events around the decision to charge, the development of the business case, communication, planning and the effect on traders.

Members noted that the Group were happy to report that, in spite of the dissatisfaction voiced in the interviews; all those external stakeholders interviewed were in support of the event and wanted it to continue.

The interviews highlighted several common issues around different aspects of the process and the event itself. It was clear also

that many of the recommendations made in this report were not exclusive to Airbourne and lessons could be learned across the Council.

Cabinet considered review findings at their meeting on 1 April 2009 and resolved to publish the amended and updated action plan by 9 April 2009.

Previous reviews have included; Taxi and Private Hire, elections and Voter turnout , Wheeled Bin

Collections, Abandoned Vehicles, Gypsies and Travellers, Disabled Access, Back Alleys, Airbourne, Coaching Industry, Enforcement, Benefits, Play Facilities, Taxi Ranks, an audit of the Council's Environmental Practices and Fisherman's Green / Sovereign Skate Park.

Full details for all the reviews and previous reviews conducted can be found on the Council's website;
www.eastbourne.gov.uk/scrutiny

Changes to the Scrutiny process for 2009/10

At their meeting on 6 May 2009 Full Council were asked to consider 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. 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 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.

(Minute extract Council 6 May 2009)

Conclusion

The aim of the report is to provide a factual review of the items that have been discussed by the Committee over the past year, with particular attention to the reviews that have been conducted.

In addition, the report provides a means of monitoring the Scrutiny Committee's activity year on year.