

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
SCRUTINY COMMITTEE

HELD ON TUESDAY, 20 NOVEMBER, 2012 AT 4.00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT:
Councillors

Kraujalis, J. T. (Chairman)
Bernard, J. D. (Vice-Chairman)

Bernard, Mrs. A. F.	Morgan, C.W.J.
Cartwright, Mrs. S.	Pearson, A.
Davies, D. N.	Stretton, Mrs. P. Z.
Freeman, Miss M.	Sutherland, M.
Grice, Mrs. D.	
Lovell, A.	

By invitation: Councillor J. Toth, Environment
Portfolio Leader

14. Apologies

Apologies for absence were received from Councillors M. R. Grocott, Mrs. D. Grice and Ms. J. L. Jones.

15. Declarations of Interests of Members in Contracts and Other Matters and Restrictions on Voting by Members and Party Whip Declarations

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Kraujalis, J. T.	Corporate Member of Chase Leisure Centre	Personal

No party whip declarations were made.

16. Minutes

RESOLVED:

That the Minutes of the meeting held on 10 September, 2012 be approved as a correct record and signed.

17. Update on Cannock Park

Consideration was given to the Briefing Note of the Head of Policy and Head of

Environmental Services (Enclosure 4.1 – 4.2).

The Head of Environmental Services summarised the key issues relating to Cannock Park. He explained that a further meeting attended by Council Officers, Park Attendants and Police Officers had been held on 3 October, 2012 to discuss introducing a protocol detailing the various roles and responsibilities of the Council and its partners and the practical application in dealing with a range of issues within Cannock Park. A further meeting had been held on Friday, 16 November, 2012 to consider the draft protocol. It was anticipated that a further copy of the protocol would be completed by the end of January, 2013 and this would be reviewed with the Crime and Partnerships Portfolio Leader and Culture and Sport Portfolio Leader. When finalised it could be utilised within other managed parks in the District

18. Legal Powers of the Scrutiny Committee

The Legal Services Manager gave an overview of the legal powers of Scrutiny Committee, both through legislation and as agreed by Council.

He explained that the Local Government Act, 2000 placed the requirement on the Council to have at least 1 Overview and Scrutiny Committee.

The Committee had the power to:

- Review or scrutinise decisions made, or actions taken, by the Council
- Make reports and recommendations to the Council or the Cabinet with respect to Council functions
- Make reports or recommendations to the Council or the Cabinet on matters which affected the authority's area or the inhabitants of that area

The Committee, therefore, had quite a wide remit. This power was extended in respect of executive decisions that were not yet implemented. The Committee could recommend that such a decision was reconsidered by the person who made it (e.g. Cabinet), or could ask that the matter be reviewed by full Council (e.g. where it was considered that a decision was contrary to the policy framework or not wholly in accordance with the budget).

The Council had adopted procedure rules in order to allow the Committee to exercise its powers. e.g. call-in procedure that enabled executive decisions to be called-in for consideration at the Committee before they were implemented (5 Members to complete a form requesting call-in within 7 calendar days after the decision was published).

The Committee could require Members of the Cabinet, and Officers of the authority to attend before it to answer questions (the Constitution applied this to Chief Officers and above). It could also invite any other persons to attend Committee meetings.

He reported that arrangements must be made to allow Committee Members to

refer to the Committee any matter which was relevant to the functions of the Committee. Arrangements had also to be made to allow Members who were not on the Committee to be able to refer relevant matters to the Committee. The Constitution provided that Committee Members must make a request in writing at least 7 working days before the meeting at which the matter was to be considered.

Where the Committee made a report or recommendation to Cabinet, Cabinet would need to consider the report or recommendation and respond to the Committee indicating what (if any) action they proposed to take and had to publish its response.

It was explained that the Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012, came into force on 4th May 2012. The regulations gave the Committee the power to require information from certain "relevant partner authorities". The Legal Services Manager advised that Reg. 4: stated that 'A relevant partner authority must provide to a relevant committee such information as that committee may reasonably require in order to discharge its functions, being information which:

- (a) Has been requested in writing, and
- (b) Relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area.

The Committee was advised that previously, the power to require information from partner authorities only applied in relation to matters relating to local improvement targets that were specified in the Local Area Agreement. It was explained that restrictions existed and the relevant partner did not need to provide information where provision would be a breach of confidence, would prejudice the exercise of the functions of the authority or the legitimate interest of any person, would contravene the Data Protection Act or would be prohibited by any other enactment.

The Legal Services Manager explained that the relevant partner authorities were set out in the Local Government and Public Involvement in Health Act 2007 and included:

- County Council
- Fire & Rescue Authority
- A local Policing Body
- Local Probation Board
- Youth Offending Team
- The Arts Council
- English Sports Council
- Environment Agency
- Health & Safety Executive
- Historic Buildings and Monuments Commission
- Homes and Community Agency
- Chief Executive of Skills Funding

- Museum, Libraries and Archives Council
- Natural England
- Secretary of State in respect of Highways and road traffic functions, and probation services)

It was explained that there was no power to require the attendance of organisations, or their officers, at the Committee, but they could be invited to attend. It was a power to require information. The Legal Services Manager advised that the Chief of Police was excluded from the list by the regulations as noted below. The Head of Policy reported that the Council had a good working relationship with Chief Inspector Carl Ratcliffe, the Local Policing Team Commander for Cannock Chase, who has strategic responsibility for policing within the District. As members would be aware, Chief Inspector Ratcliffe has attended numerous committee meetings to date and is committed to continued dialogue with the Council and other partners in relation to crime and disorder; including attendance at meetings of Council Committees wherever possible.

The Committee was advised that under Crime & Disorder and Health, specific powers were given under the Police and Justice Act 2006, for the Committee to review or scrutinise decisions made, or action taken, in connection with the discharge by Responsible Authorities of their crime and disorder functions, and to make reports or recommendations to the Council in respect of those functions (copies of such reports/recommendations to be provided to each Responsible Authority). The Committee could also report to Council on any local crime and disorder matter referred to it by a Member.

It was explained that “crime and disorder functions” consisted of the duty for certain authorities to produce a strategy to combat crime and disorder in their area. The authorities normally co-operated on this through a crime and disorder reduction partnership/community safety partnership. Local crime and disorder matters were matters that concerned crime and disorder, or misuse of drugs or alcohol, which affected all or part of a Members Ward or any person who lived or worked there.

In respect of the Responsible Authorities Group, statutory duties were placed on the following organisations and Home Office guidance recommended the following representatives:-

- Staffordshire Police – Chief Inspector, Cannock Police LPT
- Staffordshire Fire & Rescue Services – Area Commander;
- Cannock Chase District Council – Chief Executive, Leader
- Staffordshire County Council – Portfolio Lead
- Staffordshire Fire Authority – Fire Authority Member;
- Staffordshire Police Authority – Police Authority Member;

- South Staffordshire PCT – Director of Public Health;
- West Midlands & Staffordshire Probation Service – Chief Executive;

The 'responsible authority legislation' would undoubtedly require refreshing to reflect the forthcoming changes in the Police and Health reform bills and the partnership terms of reference would need to be updated accordingly.

In addition to 'responsible authorities', the Strategic Board would also include:

- Leader of the opposition, Cannock Chase District Council;
- Portfolio Lead for Community Safety, Cannock Chase District Council
- Staffordshire County Council, District Commissioner;
- Parish Council Association Representative;
- Chase CVS;
- Cannock CAB;
- Staffordshire Wildlife Trust.

The Committee was advised that under the Crime and Disorder (Overview and Scrutiny) Regulations 2009, they had the power to request information from those authorities (including the probation board), and those authorities were under a duty to provide it. Scrutiny could also require the attendance of an officer/employee of a Responsible Authority in order to answer questions, with reasonable notice being given.

It was explained that the National Health Service Act, 2006 gave a similar framework for the County Council Scrutiny Committee to review and scrutinise NHS bodies or relevant health service providers (see Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002). The Committee was informed that these powers would need to be formally delegated to the district by the County Council before it could use them.

19. Work Programme 2012-13

Consideration was given to the Committee's Work Programme for 2012-13 (Enclosure 5.1 – 5.3).

It was agreed that at the next meeting the following items would be discussed:-

- Policing, Community Safety and the Perception of Crime
- Youth Unemployment in Cannock Chase
- Presentation on the District/Ward profile and related statistics
- Council Performance – Quarter 3
- Shared Services Progress Update

The Corporate Director explained that the Chairman of the Economic Development & Planning Policy Development Committee would be reporting on the work carried out with respect to tackling youth unemployment.

It was considered that the Crime and Partnerships Portfolio Leader should be invited to attend the next meeting with respect to the first item.

RESOLVED:

That the Work Programme be amended to reflect the above.

20. Arrangements for Training of Scrutiny Committee Members

Members were advised that Scrutiny training was to take place on Wednesday, 28 November, 2012 from 5.30 pm – 8.15 pm. Health Scrutiny Committee Members had also been invited to attend.

21. Air Quality and Industrial Emissions

The Committee received a presentation from the Environmental Protection Manager.

It was explained that Air Quality came under the Environmental Protection Act, 1995. Key pollutants were Benzene, 1,3-butadiene, carbon monoxide, Lead, nitrogen dioxide, particles, sulphur dioxide, ground level ozone, polycyclic aromatic hydrocarbon (PAH).

The Council had an obligation to review and assess air quality and report annually. They also had to designate Air Quality Management Areas (AQMA) and draw up and implement Action Plans to address exceedences. The first AQMA Action Plan issued in September, 2012 was currently out for consultation. It was proposed to designate a further AQMA in respect of a single property on the A5 and this would require approval by the Department for Environment, Food and Rural Affairs (DEFRA) of the detailed assessment prepared by the Council .

Industrial Pollution Control came under the Pollution Prevention and Control Act, 1999. This applied to defined industrial and other installations. Operators had to adopt 'best available techniques' and were regulated by either the Environment Agency (EA) or the local authority.

The EA was responsible for the Integrated Pollution Prevention and Control (IPPC) at the more complex operations, e.g. power stations, landfill sites, incinerators, petrochemical plants etc. The local authority was responsible for the smaller scale operations with lesser polluting potential.

The Council was obligated to:

- Determine applications
- Issue permits
- Set controls and emission standards

- Routinely inspect permitted installations
- Implement 'polluter pays' policy
- Institute enforcement action (where appropriate)

The Environmental Protection Act, 1990 and the Clean Air Acts, 1993 gave other pollution control measures with respect to issues which were prejudicial to health or a nuisance.

The Committee requested to be issued with the contact details for the Environment Agency which the Environmental Protection Manager agreed to do.

The Chairman explained that he had recently attended a meeting with Biffa and considered it would be beneficial for the Committee to visit the Poplars Landfill site.

RESOLVED:

That a visit to the Poplars Landfill site be arranged.

22. Performance Reports 2012-13

Consideration was given to the

- Report of the Chief Executive – Quarter 1 (Enclosure 9.1 – 9.8 of the Official Minutes of the Council)
- Report of Head of Policy – Quarter 2 (Enclosure 9.9 – 9.13 of the Official Minutes of the Council).

The Head of Policy advised that in quarter 1, 83.4% of the targets had been achieved and in quarter 2, 84.6% had been met.

Members noted that the action within the Place PDP to 'inspect and monitor all flood risk sites within the District' had been rated, raised concerns with regard to flooding and in particular that in both quarters 1 and 2 this had been rated as green. Concerns were raised regarding whether enough was being done to manage flood risks within the area. The Head of Policy explained that the Council's Priority Delivery Plans (PDPs) were initially considered by Cabinet and recommended to Council for approval on 29 February, 2012. The actions and performance indicators contained within the plans were those which had been recommended by the lead officers for each respective area of responsibility and once approved by Council, it is these actions and indicators which are subject to quarterly performance monitoring in this way.

Members considered that the Scrutiny Committee should have some involvement in the development and content of the PDPs and sought clarification on this issue. The Head of Policy advised that within the current process, save for the call-in mechanism from a Cabinet recommendation, there was not a formal opportunity for Scrutiny involvement in shaping the PDPs. The Head of Policy explained that for 2013/14, the PDPs will be redesigned and aligned to each of the eight Cabinet portfolios rather than four plans reflecting corporate outcomes as at present and therefore undertook to consider if/how the Committee and/or the Policy

Committees could be engaged in the development of these plans for future years and revert to the Committee accordingly.

The Chairman asked Members if they wanted to raise any issues relating to the Chase Leisure Centre Pool Project. Members did not raise any question on this matter.

A Member stated that the Council had little involvement in the establishment of the Tesco store in Hednesford. Officers advised that thousands of hours had been invested in the regeneration of Hednesford and the securing of the Tesco store, including the use of the Council's Compulsory Purchase Order powers, the relocation of a factory, bingo and cadet halls. Wide support had been given from the Economic Development section of the Council. Currently the Council was working with Tesco to engage approximately 80 Job Seeker Allowance (JSA) claimants as part of the employment recruitment campaign for the store.

RESOLVED:

That:

- (A) The performance information and the case studies relating to Priority Delivery Plans as detailed in the Annexes 1, 2, 3 and 4 to the Reports be noted.
- (B) The actions and indicators which were rated Red or Amber be noted and the remedial action or rescheduled delivery stated to address performance be confirmed.

23. Cabinet Forward Plans

Consideration was given to the Forward Plan of Decisions for November, 2012 – January, 2013 (Enclosure 10.1).

It was explained that only key decisions were listed on the Forward Plan and they were defined as:

- Having a threshold for expenditure or savings of 0.5% of the gross turnover of the Council, or £310k.
- A decision affecting communities living or working in two or more Wards.

The Head of Policy advised that further regulations were to be published which would change the nature of how Councils published what actions they were intending to take.

RESOLVED:

That the Forward Plan of Decisions for November, 2012 – January, 2013 be noted.

24. Agenda setting for next meeting.

Discussion took place on the setting of agendas for the next Municipal Year. The Chairman was of the opinion that it would be of benefit for the Policy & Performance Manager to attend in order that his views could be sought on which issues should be considered. He also advised that Members could ask for an urgent item to be included on an agenda.

The meeting closed at 6.05 pm

CHAIRMAN