Special Meeting of the Scrutiny Committee

Members of the Scrutiny Committee:

Mrs M Dewsbury (Chairman)
Mr T Lewis (Vice Chairman)
Mr T Blowfield
Mrs F Ellis
Mr C Foulger
Ms J Hardinge
Mr R McClenning
Mrs L Neal
Mr A Pond
Mr G J Watt
Mr M Windridge

Group Meetings
Conservatives: 1.30 pm
Kett Room
Liberal Democrats: 1.30 pm
Chapman Room

If any member of the public wishes to speak on a non-confidential item, they may do so at the discretion of the Chairman

Agenda

Date
Monday 20 February 2012

Time
2.00 pm

Place
Colman Room

South Norfolk House
Long Stratton
Norwich
Norfolk
NR15 2XE

Contact
Caroline Heasley tel (01508) 533685
South Norfolk District Council
Swan Lane
Long Stratton Norwich
NR15 2XE
Email: democracy@s-norfolk.gov.uk

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available
AGENDA

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately two hours.

1. To report apologies for absence and to identify substitute members;

2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;

3. To Receive Declarations of Interest from Members;
   (Please see guidance form and flow chart attached – page 6)

4. Call-in of “Community Empowerment” Delivering the Localism Agenda in South Norfolk;
   (Cabinet Agenda - page 178)

MEMBERS ARE REQUESTED TO BRING THEIR COPIES OF THE 6 FEB 2012 CABINET AGENDA

Decision of the Cabinet meeting held on 6 February 2012:

RESOLVED: To agree:

a) To pilot an innovative scheme by developing the role of the neighbourhood boards to be the catalyst for community empowerment to encourage communities, individuals and relevant organisations to influence and improve service delivery and increase social capital as outlined in this report;

b) To incorporate the operation of the pilot scheme into the fy 2012/13 revenue budget;

c) The ground rules set out in Appendix C of the report, and to delegate further amendments that become necessary as the scheme develops, to the Chief Executive in consultation with the portfolio holder until the detailed, final arrangements are agreed at the full Council meeting in May 2012.

d) That any changes to the constitution are agreed at the full Council meeting in May 2012

e) To give authority to the neighbourhood boards to commence participatory budgeting, as the recognised mechanism for demonstrated local engagement in defining priority areas for enhanced service delivery.

Calls-in by Cllrs Gray, Allen, Bell, Lewis, McClenning and East
**Type of Call-in:** Partly Suspensive and Partly Non-Suspensive

The callers-in fully support the principles behind community empowerment, but believe that the project may be initially over-ambitious and also requires further work.

**SUSPENSIVE CALL-IN OF APPENDIX B (page 190)**

1. A sum of £560,000 is allocated for 2012-13. The report (page 196) foresees that this in fact unlikely to be spent in that year, and that carry-forwards will arise (and should be permitted). Thus, if the pilot scheme survives into a second year, the sums available will be £800,000 plus any sums carried forwards. It is submitted that it is doubtful that the capacity will exist at neighbourhood level to deliver worthwhile projects of these values in that time.

2. While a justification is made to the division of funds between boards, other criteria could be suggested - in particular, a deprivation element has been suggested. However, it is submitted that, in the early stages, the process should be more demand-led. If one board can put forward a supportable scheme that would take it beyond its funding allocation, while other boards are unable to use their allocations on supportable schemes, then that is how it should be. The price of local participation is that response may well be slow and patchy - for instance, to try to compel volunteering is self-contradictory.

Therefore, the callers-in propose instead:

(a) that the sum allocated for 2012-13 is reduced from £560,000 to £440,000.
(b) that each board be allocated the same amount of certain funding of £60,000, totalling £300,000.
(d) that a reserve of £140,000 be set up for in-year use, for use on a competitive basis by the boards (as a change to recommendation 2(b) of the Cabinet's decision on Agenda item 8 regarding the Revenue Budget and Council Tax for 2012-13).
(e) that the basis for allocations for 2013 onwards be decided as part of the next budget process should the scheme continue.

It is noted that this is a budget issue, and that no suitable Scrutiny Committee meeting will occur before the Council meeting of March 22nd. It is therefore expected that the matter will be decided at the Council meeting, in line with article 1.6.5 of the Constitution, which states that, in respect of a called-in item, 'a Cabinet decision cannot be implemented or take effect until one of the following circumstances has occurred:… (e) the full Council has decided the matter.'

While it forms no part of the call-in, the Liberal Democrat group advises that it will therefore move an amendment to the Council budget resolution to use the £120,000 to be taken from the budget for a one-off reduction in Council Tax of 2% for 2012-2013 only.

**NON-SUSPENSIVE CALL-IN OF APPENDIX C, 7. One-off-Payments, pp 195-196**

**NON-SUSPENSIVE CALL-IN OF RESOLUTIONS (c) and (d).**

The callers-in submit that the matters still unresolved concerning the pilot are substantial enough to make it sensible for issues to be brought back to the Scrutiny family for debate before submission to May Council, rather than being delegated to the Chief Executive and the portfolio holder. Any constitutional change should first go before Accounts, Audit and Governance Committee, as should any other governance issue. Given the objective of finalisation at the May 22nd Council meeting and the lack of any planned meeting of Accounts, Audit and Governance Committee between 15th March (which may be too early) and 22nd May, a special meeting may be needed.
Discussions at Cabinet, Group Meetings and the 'launch meeting' on 8th February have teased out issues that would benefit from clarification and debate at either the OSC or main Scrutiny. These include the following (and other issues may arise):

- Clarification re Appendix C, One-off payments of the different routes and different criteria for capital grants
- Clarification re Appendix C, One-off payments, as to how the example given of the purchase of a lawnmower could be 'of a revenue nature'
- Discussion as to whether the Grants panel should retain a separate identity
- Procedures and entitlement where a proposal affects more than one (but not all) Board area (the suggested in-year reserve may be helpful)
- Clarification regarding projects that seek to compensate for the withdrawal of a service by another provider, especially the County Council
- Clarification of the ability for a project to be funded in year 1 for year 2 as well, noting that it is expected that many projects will not get to the stage of funding release until towards the end of year 1.
- Further to the above, suggesting that, even though the scheme is a pilot, schemes should be allowed to seek security of funding (possibly subject to reviews) for up to three years.
Working Style of the Scrutiny Committee and Overview Sub-Committees

Independence
Members of the Scrutiny Committee and Overview Sub-Committees will not be subject to whipping arrangements by party groups.

Member leadership
Members of the Committees will take the lead in selecting topics for and in questioning witnesses. The Committees will expect members of Cabinet, rather than officers, to take the main responsibility for answering the Committee’s questions about topics, which relate mainly to the Council’s activities.

A constructive atmosphere
Meetings of the Committees will be constructive, and not judgmental, accepting that effective overview and scrutiny is best achieved through challenging and constructive enquiry. People giving evidence at the Committees should not feel under attack.

Respect and trust
Meetings will be conducted in a spirit of mutual respect and trust.

Openness and transparency
The Committees’ business will be open and transparent, except where there are sound reasons for protecting confidentiality. In particular, the minutes of the Committee’s meetings will explain the discussion and debate, so that it could be understood by those who were not present.

Consensus
Members of the Committees will work together and, while recognising political allegiances, will attempt to achieve consensus and agreed recommendations.

Impartial and independent officer advice
Officers who advise and support the Committees will give impartial and independent advice, recognising the importance of the Scrutiny Committee and the Overview Sub-Committees in the Council’s arrangements for governance, as set out in the Constitution.

Regular review
There will be regular reviews of how the overview and scrutiny process is working, and a willingness to change if it is not working well.

Programming and planning
The Scrutiny Committee will have a programme of work, in conjunction with the Overview Sub-Committees. The Committee will agree the topics to be included in the work programme, the extent of the investigation to be undertaken in relation to resources, and the witnesses to be invited to give evidence.

Managing time
The Committees will attempt to conclude the business of each meeting in reasonable time. The order of business will be arranged as far as possible to minimise the demands on the time of witnesses.
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether the interest is a personal one only or one which is also prejudicial. The declaration should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote. If it is a prejudicial interest, a member has the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. A member can participate fully where the interest is shared with the majority of residents in that particular ward. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<table>
<thead>
<tr>
<th>Is (or should) the Interest be registered in the Register of Members' Interests?</th>
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<tbody>
<tr>
<td>If not, whose well being or financial position is affected to a greater extent than the majority of other people in the ward?</td>
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<tr>
<td>Your own</td>
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<tr>
<td>Any person or body who has employed or appointed your family member/close associate</td>
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<tr>
<td>Any firm in which your family member/close associate is a partner or company of which they are directors</td>
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<tr>
<td>Any company in which your family member/close associate has shares with a face value more than £25,000</td>
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<tr>
<td>Any of the following in which you hold a position of general control or management: outside organisations, other public authorities, charities, pressure groups, political parties or trade unions</td>
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<tr>
<td>Does the interest:</td>
</tr>
<tr>
<td>(a) affect your financial position or the financial position of a person or body described above? <em>(If Yes the interest may be prejudicial)</em></td>
</tr>
<tr>
<td>(b) relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described above? <em>(If Yes the interest may be prejudicial)</em></td>
</tr>
<tr>
<td>(c) relate to scrutiny by the Overview and Scrutiny committee of a decision you were party to? <em>(If Yes the interest is prejudicial)</em></td>
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<tr>
<td>(d) relate to the functions of the council in respect of housing (except your tenancy), statutory sick pay, an allowance, payment or indemnity given to members, any ceremonial honour given to members, or setting the council tax or a precept under the Local Government Finance Act 1992. <em>(If Yes the interest is NOT PREJUDICIAL)</em></td>
</tr>
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</table>

PREJUDICIAL INTEREST

If you answered Yes to (a) or (b) is the interest one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that that it is likely to prejudice your judgement of the public interest? *If Yes the interest is PREJUDICIAL*

If you answered Yes to (c) the interest is PREJUDICIAL

If prejudicial do you intend to attend the meeting to make representations, answer questions or give evidence?

*FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF*
DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

What matters are being discussed at the meeting?

Do any relate to my interests?

A. Does it affect my entries in the Register of Interests?

OR

B. Does it affect the well being or financial position of me, my family or close associates; or my family's or close associates'

- employment, employers or businesses;
- companies in which they are a director or where they have a shareholding of more than £25,000 face value;
- business partnerships; or

C. Does it affect the well being or financial position of the following organisations in which I hold a position of general control or management:

- other bodies to which I have been appointed or nominated by the council;
- other public authorities;
- charitable bodies;
- bodies whose main purpose is to influence public opinion or policy

More than the majority of other people in the ward?

D. Is Overview and Scrutiny considering a decision I made? If so you have a prejudicial interest.

The interest is not prejudicial you can participate in the meeting and vote

Is the interest financial or relating to a regulatory issue e.g. planning permission?

Yes

The interest is prejudicial withdraw from the meeting by leaving the room (after making representations, answering questions or giving evidence). Do not try to improperly influence the decision

No

The interest is prejudicial

Would a member of the public – if he or she knew all the facts – reasonably think that personal interest was so significant that my decision on the matter would be affected by it?

Yes

No

You may have a prejudicial interest

Disclose the existence & nature of your interest

You have a personal interest in the matter

P rejudicial Interest

P ersonal Interest