

# AGENDA

**NOTE: In the case of non-members, this agenda is for information only**

- Committee - OVERVIEW AND SCRUTINY COMMISSION**
- Date & Time - THURSDAY, 18 JUNE, 2009 AT 2.15 pm**
- Venue - THE TOWN HALL, QUEEN'S SQUARE, ATTLEBOROUGH**

**Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.**

#### Members of the OSC

Mr S.G. Bambridge	Mr M.A. Kiddle-Morris
Mr A.J. Byrne	Mr R.G. Kybird
Mr J.P. Cowen (Chairman)	Mr K. Martin
Mr K.S. Gilbert	Mrs S.M. Matthews
Mr R.F. Goreham (Vice-Chairman)	Mr J.D. Rogers
Mr J.R. Gretton	Mr B. Rose
Mrs D.K.R. Irving	Mr A.C. Stasiak
Mr A.P. Joel	

**PERSONS ATTENDING THE MEETING ARE REQUESTED TO TURN OFF MOBILE TELEPHONES**

Member Services  
Elizabeth House, Walpole Loke,  
Dereham Norfolk, NR19 1EE

Date: Tuesday, 9 June 2009

## **PROTOCOL**

### **Working Style of the Overview & Scrutiny Commission (OSC) and Other Scrutiny Bodies**

This document sets out the roles of Members and Officers, and the general principles to be adopted by the OSC and other scrutiny bodies such as Scrutiny Task and Finish Groups.

#### **Member Leadership**

Members of the OSC will take the lead in selecting topics for overview and scrutiny and will recognise that best practice identifies scrutiny as a non-executive Member-led activity. The OSC will expect Cabinet members to take prime responsibility for answering their questions about topics which chiefly relate to the Council's activities.

#### **A Constructive Atmosphere**

Meetings of the OSC will be constructive and not judgmental. The Commission recognises and accepts that effective scrutiny is best achieved through challenging and constructive enquiry. People giving evidence at should be given due respect and not made to feel under attack.

#### **Independence**

Members of the OSC/task and finish groups will not be subject to whipping arrangements by the party groups.

#### **Respect and Trust**

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

#### **Consensus**

Members of the OSC/task and finish groups will work together and, while recognising political allegiances, will attempt to achieve consensus and agreed targeted recommendations. There will be recognition that the OSC has a primary duty to scrutinise on behalf of the community.

#### **Openness and Transparency**

The OSC's business will be open and transparent, except where there are sound reasons for protecting confidentiality. The minutes of the Commission's meetings will explain the discussion and debate so that they can be understood by an outside reader.

#### **Impartial and Independent Officer Advice**

Officers who advise and support scrutiny will give impartial and independent advice, as officers support all members of the Council.

#### **Regular Review**

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

### **Programming and Planning**

It is the responsibility of the OSC and the wider non-executive to determine its work programme and to allocate specific reviews either through a dedicated task and finish group or to undertake a review itself. Before each topic/review is commenced, the O&SC will agree the scope of the exercise, what information they will need initially, and which members, officers and external witnesses they wish to see.

### **Managing Time**

The OSC will aim 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.

### **Member/Officer Roles**

Executive members will regularly be called to account for the decisions they have made and to explain progress in key areas of their portfolio – and in the case of the Council Leader – the Council as a whole. Members will be expected to produce and present a brief written account of their executive activities and will then be questioned by members of the OSC for a period no longer than 20 minutes.

### **Co-optees**

“Expert witnesses” may be co-opted onto scrutiny task and finish groups to provide technical assistance to the review. Co-optees possess no voting rights.

PART A - ITEMS OPEN TO THE PUBLIC

**PLEASE NOTE TIMINGS FOR ITEMS ARE INDICATIVE ONLY**

	<u>Page(s) herewith</u>
<p>1. <b><u>MINUTES</u></b> To confirm the minutes of the meeting held on 30 April 2009.</p>	1 - 14
<p>2. <b><u>APOLOGIES</u></b> To receive apologies for absence.</p>	
<p>3. <b><u>URGENT BUSINESS</u></b> To note whether the Chairman proposes to accept any item as urgent business pursuant to Section 100(B)(4)(b) of the Local Government Act 1972.</p>	
<p>4. <b><u>DECLARATION OF INTEREST</u></b> Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is a person or prejudicial interest.</p>	
<p>5. <b><u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u></b> To note the names of any non-members or public speakers wishing to address the meeting.</p>	
<p>6. <b><u>EXECUTIVE MEMBER PORTFOLIO UPDATE</u></b> (Time: 2.20pm ) The following Executive Member has been invited to attend the meeting to update Members on key ongoing issues and policies within their portfolio and to answer any questions:</p> <ul style="list-style-type: none"><li>▪ Mr. W.H.C. Smith – Business Transformation</li></ul> <p>Members may wish to refer to the following documents:</p> <ul style="list-style-type: none"><li>○ Governance and Performance Monitoring Quarterly Report (Quarter 4) (see report to Cabinet meeting on 23 June 2009)</li><li>○ The latest issue of the Council's Forward Plan</li></ul>	
<p>7. <b><u>ECONOMIC IMPACT OF THE RECESSION IN BRECKLAND</u></b> (Time: 2.50pm) Report of the Strategic Director (Services).</p>	15 - 20
<p>8. <b><u>SCRUTINY REVIEW - SICKNESS ABSENCE</u></b> (Time: 3.10pm ) Report of the Deputy Chief Executive.</p>	21 - 35
<p>9. <b><u>PLANNING PROTOCOL FOR MEMBERS</u></b> (Time: 3.25pm) To consider the attached Planning Protocol for Members which has been referred to the Commission from the Council meeting held on 28 May 2009.</p>	36 - 39

The document has been previously considered by the Development Control Committee and the Standards Committee.

The Standards Committee recommended to the Council that the Protocol be amended by the addition of the words shown in bold type as follows (minute 13/09 of the Standards Committee meeting held on 28 April 2009 refers):-

“..... 2 to 5 APPLY TO ALL MEMBERS

2. Lobbying of Members by Applicants/Developers/Objectors/Supporters

2.1 If you are contacted by applicants, developers, objectors **or supporters:**

- Consider referring those who approach you for planning, procedural or technical advice to the officers.
- **Apart from usual discussions with your constituents as Ward Member**, you should not normally agree to **private briefings** with applicants, developers, objectors **or supporters** unless there are very good reasons to see them – if you do wish to attend such a meeting, then an officer should also be present to take a record of what went on for the planning file.
- Members of the Development Control Committee should reveal at the discussion in Committee any meetings with or written material from applicants, developers, objectors or **supporters**.  
.....”

The Council has welcomed the introduction of the Protocol but there was some concern that the advice in relation to dealing with discussions with members of the public was unworkable. In the circumstances, the Council deferred a decision and has referred the document to the Commission for further consideration.

The Commission’s views are sought accordingly for recommendation back to the Council.

10. REGULATORY & INVESTIGATORY POWERS ACT (RIPA) - ANNUAL REPORT (Time: 3.40pm)

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Report of the Head of Legal Services.

11. TASK AND FINISH GROUPS (Time: 3.55pm )

To consider reports from Task & Finish Group Chairmen in respect of the following meetings:

- a) Affordable Housing Task & Finish Group – Unconfirmed minutes of the meeting held on 20 May 2009

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	<u>Page(s)</u> <u>herewith</u>
<b>12. <u>SCRUTINY CALL-INS (STANDING ITEM)</u></b> To note whether any decisions have been called-in for scrutiny.	
<b>13. <u>COUNCILLOR CALL FOR ACTION (STANDING ITEM)</u></b> To note any references.	
<b>14. <u>BT PAYPHONES - RESPONSE TO BT PROPOSALS FOR CASHLESS CONVERSIONS</u></b> <span style="float: right;"><i>(Time: 4.15pm)</i></span> Report of the Deputy Chief Executive.	46 - 53
<b>15. <u>WORK PROGRAMME</u></b> <span style="float: right;"><i>(Time: 4.30pm )</i></span> (a) A copy of the Commission's work programme is attached. The Commission is asked to agree any additions, deletions or amendments to the programme as appropriate.  (b) <u>Member Issues</u> : In accordance with the Commission's protocol for member leadership, which states that members of the Commission will take the lead in selecting topics for overview and scrutiny and in the questioning of witnesses, members are invited to put forward items for selection for future review.	54 - 55
<b>16. <u>NEXT MEETING</u></b> To note the arrangements for the next meeting to be held on Thursday, 23 July 2009 at 2.15 p.m. <u>Venue</u> : The Regency Room, Assembly Rooms, Market Place, Swaffham PE37 7AB	