

CITY OF DURHAM

COUNCIL  
12 September 2006

REPORT OF THE DIRECTOR OF LEGAL AND ADMINISTRATION SERVICES

**1. Constitution – Responsibility for Executive Functions**

It is considered appropriate to make provision within the Constitution for mandatory and discretionary licensing schemes in the private sector.

At the present time the Portfolio for Environment and Leisure includes the exercise of functions in respect of strategic licensing issues and the Constitution contains a list of matters which are included within this delegated authority. To ensure that responsibility for houses in multiple occupation is specifically included, it is proposed to add a reference to mandatory and discretionary licensing schemes in the private sector including houses in multiple occupation to the list of functions at item 9 on page 37C.

**2. Development Control Committee – Membership**

Correspondence has been received from Councillor Lodge indicating that Councillor Dickie would like to step down from the Development Control Committee and that he replaces his colleague on this Committee.

Council are asked to agree to Councillor Lodge replacing Councillor Dickie on the Development Control Committee for the ensuing Municipal Year.

**3. Terms of Reference – Standards Committee**

Council at its meeting in November 2005 considered the issue of terms of reference for the Standards Committee. This was pursuant to a request by the Standards Committee that the terms of reference be extended to include the following provisions:-

- a. Monitoring and reviewing performance under the Council's corporate complaints procedure and monitoring investigations conducted by the Local Government Ombudsman.
- b. The overview of the Council's confidential reporting policy.

The decision of Council at that time was that the terms of reference of the Standards Committee should remain unchanged but that these could be reviewed at Annual Council in May 2007.

The decision of Council was reported to Standards Committee who expressed disappointment at the decision. Members of the Standards Committee were advised that under the City Council's procedure rules a notice of motion in similar terms to one to which had been rejected at a meeting of the Council in the previous six months could not be moved unless the notice of motion or amendment was signed by a minimum of 25 members of the Council. The effect of this council procedure rule has meant that the request of the Standards Committee that Council reconsider their initial request could not be brought back to Full Council until the six month period had elapsed.

The matter was considered again by the Standards Committee at their meeting on the 16 May. At that meeting Members resolved that the Council be requested again to extend the terms of reference of the Committee in line with the previous request. It was also resolved that one of the City Council members of the Standards Committee should be requested to speak in support of the request at the meeting when the request was considered.

Members instructions are requested.

COUNCIL

12<sup>th</sup> SEPTEMBER, 2006

REPORT OF DIRECTOR OF STRATEGIC RESOURCES

**1. CAPITAL STRATEGY AND ASSET MANAGEMENT PLAN**

Members will recall that the City of Durham had produced a Capital Strategy and Asset Management Plan in 2003. These strategies and plans were assessed as good by Government Office North East.

The City Council's Capital Strategy and Asset Management Plan has been revised and now reflects:

- ◆ the three key strategic aims of Flourishing Communities, Quality Public Services and Capital City
- ◆ the extensive plans to refurbish and replace existing facilities, outlined in 'Achieving the Vision'. This includes a new Swimming Pool
- ◆ the establishment of the Flourishing Communities Funds and Community Chests, which will invest in the regeneration of our communities
- ◆ revised arrangements for the management of the capital programme, including the introduction of project management
- ◆ more robust arrangements for the management of the Council's assets
- ◆ improved consultation with the public and key stakeholders

These plans are now closely aligned to the Council's Corporate Performance Plan, Medium Term Financial Plan and Business Plans.

Consultation has taken place with representatives of the business community and members of the View Point Panel, acting as representatives of the public. This took the form of focus groups, which allowed greater exploration of these plans and their underlying issues. Both groups were generally supportive of the Council's proposals and recognised the challenging environment in which the Council operates.

A copy of the revised Capital Strategy and Asset Management Plan has been placed in the Members Room.

**Recommendation**

Council is requested to approve the Capital Strategy and Asset Management Plan.

**2. MEDIUM TERM FINANCIAL PLAN**

The Council has for many years forecast its resource requirements over the medium term. A formal Medium Term Financial Plan has now been produced. This is closely aligned to the Council's Corporate Performance Plan, Capital Strategy, Asset Management Plan and other key strategies and service plans of this Council.

This Medium Term Financial Plan sets out the overall shape of the Council's budget by determining how available resources will be allocated between services, reflecting council priorities and therefore provides a framework for the preparation of annual budgets. It sets out the current projected revenue and capital plans for 2005-2011 to support the Council's Corporate Plan, recognising the announcements made in the government's 2004 Spending Review.

Consultation has taken place with representatives of the business community and members of the View Point Panel, acting as representatives of the public. This took the form of focus groups, which allowed greater exploration of these plans and their underlying issues. Both groups were generally supportive of the Council's proposals and recognised the challenging environment in which the Council operates.

A copy of the revised Medium Term Financial Plan has been placed in the Members Room.

**Recommendation**

Cabinet is requested to approve the Medium Term Financial Plan.

**COUNCIL**

**12<sup>th</sup> SEPTEMBER, 2006**

**JOINT REPORT OF DIRECTOR OF LEGAL & ADMINISTRATION SERVICES AND  
DIRECTOR OF STRATEGIC RESOURCES**

**1. REVIEW OF TERMS OF REFERENCE OF AUDIT OVERVIEW COMMITTEE**

**1.1 Background**

When the Audit Overview Committee was established in January 2002, the Council agreed the following terms of reference, as set out on Page 5a of the Constitution:

“An Audit Overview Committee has been established comprising six Councillors, to independently ensure sound corporate governance, strong internal controls, probity and the effective use of resources. The Committee will meet quarterly.

The Audit Overview Committee will have the following roles and functions:

- ◆ to promote internal control by systematically appraising and monitoring internal controls and reviewing financial procedures;
- ◆ to develop an anti-fraud culture by receiving annual reports on the systems and controls in place to prevent fraud, periodic reports on the extent of fraud and reports of special investigations;
- ◆ to focus audit resources by approving audit plans and monitoring audit delivery;
- ◆ to monitor audit performance by ensuring Auditor/Officer collaboration, securing timely preparation and response for audit reports, monitoring the finalisation of annual accounts and ensuring the implementation of audit recommendations.”

The City of Durham was one of the first local authorities to establish an Audit Committee. This Committee has been very effective in strengthening internal controls, monitoring audit performance, focusing audit resources and developing an anti-fraud culture. The Committee's role has also developed. It has provided a robust challenge to the Executive, has reviewed the Statement of Accounts very effectively and in some detail annually, and has ensured that a sound Statement of Internal Control, and the supporting assurance framework, has been put in place.

The Committee in its operations, now fulfils the main requirements of an Audit Committee. Its membership has increased, drawn from all parties. Its Chair and Vice Chair are no longer members of the Executive, and only 2 members of the Executive sit on this Committee (25%). It continues to meet regularly, at least quarterly, and acts in an apolitical cross party manner. As such, it demonstrates its independence.

CIPFA has recently prepared new guidance on the role, including the purpose and terms of reference of Audit Committees. This Audit Committee in practice undertakes these responsibilities, and is generally developing its activities in the direction laid out by CIPFA. The Audit Commission has incorporated these requirements in its revised 'Use of Resources Assessment'. This sets out the following requirement for any authority wishing to achieve a Level 4:

“An Audit Committee has been established that is independent of the executive function with terms of reference that are consistent with CIPFA’s guidance. It provides effective challenge across the Council and independent assurance on the risk management framework and associated internal control environment to members of the public and can demonstrate the impact of its work.”

It is therefore appropriate that the Council should ensure that it continues to comply with best practice for its audit arrangements and amends the Constitution to do so.

## **1.2 Recommendation**

The Council is recommended to amend its Constitution and the section covering the Audit Overview Committee on Page 5a, so that this reads as follows:

### **Audit Overview Committee**

An Audit Overview Committee has been established. Its purpose is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment and to oversee the financial reporting process.

The Audit Overview Committee has the following terms of reference:

#### **◆ Audit Activity**

- To consider the Head of Internal Audit’s annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements
- To consider summaries of specific internal audit reports as requested
- To consider reports dealing with the management and performance of the providers of internal audit services
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance
- To consider specific reports as agreed with the external auditor
- To comment on the scope and depth of external audit work and to ensure it gives value for money
- To liaise with the Audit Commission over the appointment of the Council’s external auditor
- To commission work from internal and external audit

#### **◆ Regulatory Framework**

- To maintain an overview of the Council’s Constitution in respect of contract procedure rules, financial regulations and code of conduct and behaviour
- To review any issue referred to it by the Chief Executive or a Director or any council body
- To monitor the effective development and operation of risk management and corporate governance in the Council
- To monitor Council policies on ‘Raising Concerns at Work; and the anti-fraud and anti-corruption strategy and the Council’s complaints process
- To oversee the production of the authority’s Statement of Internal Control and to recommend its adopted

- To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice
- To consider the Council's compliance with its own and other published standards and controls

◆ **Accounts**

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts

The Audit Overview Committee will comprise eight Councillors. Its Chair and Vice Chair will be independent of the Executive and will not be members of the Scrutiny Committee. To ensure its independence, no more than 25% of its members will be drawn from the Cabinet. This Committee will meet regularly, at least quarterly. The Committee will prepare an Annual Report on its activities for submission and approval of Council.

**Background Papers:**

- ◆ Establishment of an Audit Overview Committee, Report to Council 7.1.02
- ◆ Establishment of an Audit Overview Committee, Report to Cabinet 8.10.02
- ◆ Audit Commission Publication 'Called to Account – The Role of Audit Committees in Local Government'
- ◆ CIPFA Publication 'Audit Committees – Practical Guidance for Local Authorities'
- ◆ Audit Commission publication 'Use of Resources'

CITY OF DURHAM

SCRUTINY ANNUAL REPORT

2005 – 2006



# **SCRUTINY ANNUAL REPORT 2005/2006**

## **Introduction**

During 2005/2006, City of Durham Council continued to develop its Scrutiny process and build on the success of previous years. Improvements were made possible by both the continued investment in enhanced administrative support, provision of guidance and encouragement by the Improvement and Development Agency (IDeA) and the involvement of all political parties.

## **Background**

In October 2004 a survey was carried out with Members to identify the perceived strengths and weaknesses of the Council's Scrutiny processes. The survey identified both processes considered to be robust and those which, in the opinion of Members, were weak and required attention.

In May, 2005, the Chairman of the Scrutiny Committee directed Democratic Support Staff to explore possible measures that could be introduced to meet the concerns of Members and which would form the basis of an improvement plan.

The year has subsequently seen significant developments in Scrutiny at the City of Durham with Scrutiny Members being involved in a development initiative which included specific Scrutiny Workshops as part of the Council's Member Development Programme.

The Workshops were facilitated in conjunction with Democratic Support Staff and the IDeA and resulted in suggested improvements to the Scrutiny Function outlined below.

Now that a genuine aspiration and intent, seeking ongoing improvement to the Scrutiny Function, has been initiated, it is the intention that over the coming years, further expectations for improvement will be met.

## **Democratic Support**

April, 2005 saw the implementation of a major restructure of the Council. One result of this was the establishment of a new Democratic Support Team and Officers from the Team were allocated, as part of their duties, to support the Scrutiny Committee and Scrutiny Panels.

This has led to more structured support for the Scrutiny Function in general and Democratic Support Officers have been fully involved in developments pursued in conjunction with the IDeA.

However, with the continuing development of Scrutiny at the City of Durham and with the possibility of Legislation leading to increased responsibilities for Scrutiny, Members will continue to monitor the situation with regard to Officer support.

## **Training**

As part of the Council's Member Development Programme, a series of Workshops were held during September, 2005, in conjunction with the IDeA, specifically in relation to Scrutiny Members. The first session included a "Scrutiny Health Check" at which Members discussed and recorded perceived strengths and weaknesses within the Scrutiny process.

The second session focussed on the skills needed for Chairs and Vice Chairs and the final session, which was also attended by members of OMT, was based around a Draft Improvement Plan, prepared from the perceived strengths and weaknesses identified in the first session.

## **IMPROVEMENTS TO THE SCRUTINY PROCESS**

Following the final Scrutiny Workshop it was agreed that a Scrutiny Improvement Plan, based upon the findings of Members, be developed.

A "Balanced Scorecard" evaluation had been prepared, which identified four areas of Scrutiny activity; Process, Challenge, Community and Delivery. The Balanced Scorecard evaluation highlighted improvements needed in each area, under the three central issues of increasing the Profile of Scrutiny, the establishment of a Budget for Scrutiny and the Ownership of the Scrutiny process by Members.

A number of measures which needed to be taken to achieve overall improvement were identified from each of the Balanced Scorecard areas.

From the Balanced Scorecard Evaluation, a series of actions were identified, in the form of 20 individual projects. Five projects were identified from each Balanced Scorecard area. The reasons for each project and their required outcomes were also identified.

A time limit was given to each project, from those which were already ongoing, to those scheduled for completion by April 2007. It was clear that the differing nature of the projects would require differing timescales.

The 20 projects identified were incorporated into a Scrutiny Action Plan for delivery. The Plan set out the individual project numbers and description, to whom responsibility for the individual projects had been assigned and the target date for delivery.

Following subsequent discussions with the IDeA, it was identified that priority should be given to the development and production of a "Scrutiny Handbook", defining the roles of Members and Officers involved in Scrutiny and describing the overall Scrutiny process at City of Durham, and to the development and implementation of a structured mechanism for liaison with and feedback from Cabinet.

The Scrutiny Handbook has been completed and will be issued to Members as a Guide and a Courtesy.

## **FUTURE PLANS**

In addition to the internal improvements sought and outlined above, Members will also monitor the progress of current proposed Legislation.

Possible developments contained within the Local Government White Paper and in the Criminal Justice Bill specifically with regard to the Government's "Respect Agenda" may lead to new powers, increased responsibility and an extension of the remit of Scrutiny.

Clearly, this situation will be monitored closely.

## **OTHER DEVELOPMENTS**

Over the past year Scrutiny at City of Durham has attempted to involve an increased number of Partner Agencies in individual Scrutiny studies.

Witnesses have included, in addition to the Council's own Officers, Officers from other Local Authorities and external Agencies and from Professor Fred Robinson from St. Chad's College, University of Durham, in relation to the Scrutiny of SRB6. This has had a positive effect on the

Scrutiny studies in that they have been informed from a variety of areas of expertise. It is the intention to expand our inter-agency working, including, wherever possible or relevant, working directly with neighbouring Authorities.

It is also the intention to pro-actively seek out involvement from the general public and Community Groups and where possible to target specific groups who may have a particular interest in a specific Scrutiny Study.

To this end, Democratic Services Officers are working with Officers from the Community Development Section in the establishment of a database of Community Groups, Consultancy Groups etc, specifically for the purpose of identifying possible potential partners in future Scrutiny studies.

## **PROGRESS**

The Scrutiny Action Plan, as previously mentioned is ongoing, and the intention is that wherever possible, all individual projects contained within it will be completed by April, 2007.

The differing nature of the projects identified has allowed progress to be made swiftly on some and these have been completed and are in place. The majority are currently being progressed and will be completed in accordance with the Action Plan and the Democratic Services Business Plan.

An update of the Scrutiny Action Plan, showing the current status of the individual projects is attached at Appendix A.

# REPORTS OF SCRUTINY PANELS

# **REPORT OF THE ECONOMIC SCRUTINY PANEL**

## **Membership for 2005/2006**

**Councillors Hopgood, Colledge, Cowper, Gill, Graham, McDonnell, Pape, Rochford, Shaw, Simmons, Simpson, and Stoddard and Thomson**

## **BACKGROUND**

There have been changes in the Chairmanship of Economic Scrutiny Panel this municipal year. Councillor Pape took over the Chair of Scrutiny Committee in May 2005 when Councillor Lightley (the previous Chair), became Mayor.

In October, 2005, Councillor Pape became Vice Chair of the panel, thus allowing the previous Vice Chair, Councillor Hopgood to become panel Chair.

The Panel have undertaken two scrutiny topics this municipal year, the first was Leisure Services – 5 Year Plan, but because of the large amount of information and the diverse area of the topic it was sub-divided into four main areas. The headings of the sub-divisions were as follows, Stocktake, How we work with young people, Accessibility and Exercise Referrals.

The Panel started to scrutinise SRB 6 in February, 2006 looking at what has been accomplished through SRB programmes.

## **LEISURE SERVICES 5 YEAR PLAN**

The panel looked at The Leisure Services 5 Year Plan, and decided that due to the scale of the scrutiny it would be beneficial to tackle the topic in four main stages, Stocktake, Provision for Young People, Accessibility and Exercise Referrals. The Panel invited the Leisure Services Manager to give information on the current facilities provided by the sports centres and their value for money. Also, the Community Safety Officer for the Authority attended several meetings to give information relating to 'hotspots' of anti social behaviour throughout the district. A guest speaker from Durham Chester le Street Lifestyle Initiative attended a meeting and answered the Panels questions relating to exercise referrals.

The Panel made eight recommendations to this scrutiny;

- That the Council operated Sports Centres continue as main hubs for the development of various leisure activities. Leisure Services continue to make the provision of facilities and activities more accessible and at reasonable rates.
- That other community assets identified from the stock-take are communicated to members of the public. That the use of communal halls and community centres are actively encouraged as centres of delivery and to take activities offered in Sports centres out into the community where possible.
- That there is a greater synergy between Leisure Services and Community Safety to provide up to date information on 'hotspot' areas and develop positive communications and programmes for interaction with young people.
- That Community Development carry out a consultation to determine the types of activities requested the possible venues and the frequency of activities.
- That time be given for the recommendations put forward by the Head of Environment & Leisure Services in the Lifestyle Initiative to be put into practice.

- That promotion of programmes offered/available under the umbrella of the Lifestyle Initiative are publicised in Durham City News to raise Exercise Referrals.
- That a representative from Leisure Services continue to participate in PCT partnership meetings relating to exercise referrals
- That a review of the exercise referrals and the continued use of facilities after being referred by a GP take place in due course.

## **SRB 6**

The Panel were tasked with scrutinising Single Regeneration Budget 6 looking at the successes and what lessons could be learned for future. The Economic and Community Development Manager together with the Head of Community Services attended all of the meetings. Panel meetings were also attended by the Chair of SRB, the Secretary of the 12 Villages and a representative from the 12 Villages and also Professor Robinson of St. Chad's College University of Durham.

Professor Robinson has been carrying out an evaluation of SRB; he informed members that over the course of several years 40 programmes had been evaluated. The Panel discovered that targets had been met and exceeded in most programmes supported by the City of Durham.

The Panel made seven recommendations to this scrutiny:-

- That the success of SRB be publicised throughout the organisation
- That future application procedures are clearly monitored and guidance issued to applicants.
- That there is uniform approval across district
- That Members were content with the governance arrangements between Central Government, One North East, County Council and City of Durham Council.
- Awareness was raised about the subjective nature of projects and the difficulty in quantifying success.
- That future funding is publicised at an early stage.
- Outcomes are to be reviewed following the evaluation carried out by University of Durham.

## **LOOKING FORWARD**

The Panel will undertake a number of reviews in the next municipal year on topics which have been scrutinised to check that processes that are in place are adequate for the purpose.

The topics that are due to be reviewed in the next municipal year include;-

- Review of GP Provision (Due to commence June, 2006)

# REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL

## Membership for 2005/2006

**Councillors Howarth, Griffin, Hepplewhite, Hopgood, Kinghorn, Moderate, Norman, Robinson, Taylor, Walton, Wolstenholme and Young**

Between 1 April 2005, and 30 April 2006, the Community Services Scrutiny Panel met on 15 occasions and held one site visit.

The topics scrutinised were:-

- The Letting of Council Garages
- Empty Property Strategy
- Playing Pitch Strategy

The Panel also reviewed:-

- Council House Repairs and Re-let Times (September 2005 and March 2006)
- Decent Homes Standard
- Allocations Policy (this review was detailed in the 2004/2005 Annual Scrutiny Report, but was not presented to Cabinet until 9 May 2005)

## THE LETTING OF COUNCIL GARAGES

Scrutiny of this topic was in progress at the time of the Annual Scrutiny Report (2004-2005).

The Letting of Council Garages had been referred to scrutiny because of concerns that some garages were being misused to run businesses or to store unsuitable and hazardous materials.

### **The Aims of the Scrutiny followed three strands:-**

#### (a) Current Situation

The Panel proposed to investigate the number of garages owned by the City Council; their location across the District; the number of void garages and their locations; the level of rent charges; and importantly, the tenants' use of the garages.

#### (b) Tenancy Agreement and Policy

The Panel wished to examine the Tenancy Agreement and if suitable, to use the findings as a basis for formulating a Policy to govern the letting and use of Council Garages.

#### (c) Future Provision

Members were to consider whether it was necessary to retain all garages in all or some areas of the City, particularly where there were high levels of voids and a lack of demand.

The cost and managing the garages was also to be scrutinised to determine the financial practicalities of letting garages.

## **Summary of Actions and Outcomes**

Information from Housing Services included the number and locations of City Council garages, rent charges and repair costs. Members concluded that there was a favourable balance between

income and expenditure in relation to Council garages, but that rents and standards of maintenance needed to be regularly reviewed.

Members considered waiting lists and queried the location and numbers of voids. It was discovered that some garages were unsuitable to re-let due to disrepair and/or vandalism and that in other instances, garages were inconveniently situated for prospective tenants.

The Panel looked in detail at the terms of the Tenancy Agreement and agreed that it should be updated to emphasise permitted use of the garage and the Council's right, on giving reasonable notice, to inspect the garage premises.

It was discovered that of a range of other Local Authorities contacted, none had a Policy on Garage Lettings. The Panel agreed that such a Policy was required to regulate the use of garages, and define the responsibilities of both the Authority and garage tenants. Proposals for the Policy content were recommended accordingly.

### **Recommendations**

The Panel recommended that a policy be written regarding the letting and use of Council garages, and that alterations be made to the Tenancy Agreement, specifically relating to the permitted use of the garages.

The report and recommendations were approved and adopted by Cabinet on 3 October 2005.

### **EMPTY PROPERTY STRATEGY** (Scrutiny of the updated document began 14 June 2005)

The Strategy was first presented to Cabinet in May 2004. Because of its relevance to Housing Services, the Community Services Scrutiny Panel requested that it be referred to the Scrutiny Committee prior to it being adopted by Cabinet. The Strategy was allocated to the Community Services Panel but its scrutiny was delayed to allow updating.

On 14th June 2005 the Scrutiny was introduced with a presentation on the revised Empty Properties Strategy given by Officers to all Members of the Council. A sample of questions and answers can be found in the minutes of that meeting. It was agreed that the Strategy and an Outline Action Plan should go to the Community Services Scrutiny Panel.

On 12th July 2005 the Officers who had presented the Strategy answered supplementary questions and went through the Action Plan in some detail. The Panel was satisfied with both documents, recommended that they be referred to Cabinet for adoption, and that progress be reviewed by Scrutiny in October 2006.

On 24th October 2005 Cabinet agreed that the Empty Properties Strategy and Action Plan be formally adopted.

### **PLAYING PITCH STRATEGY** (Scrutiny of the Revised Strategy began on 11 October 2005)

#### **Background**

The Playing Pitch Strategy was referred to Scrutiny prior to its adoption by Cabinet in January 2005. It had been commissioned in 2001 and carried out by outside consultants. An overview of the original document was presented to the Community Services Panel in March 2005, when it was agreed that it should be subject to further consultation with interested parties and come back for scrutiny when updated.



The Panel subsequently reviewed the revised Strategy and agreed that it was appropriate for it to be referred to Cabinet along with Scrutiny Report. Cabinet agreed that the recommendations in the Strategy and the Report be approved and adopted in December 2005.

The Panel was to continue to scrutinise certain aspects, identified in The Playing Pitch Strategy.

## **Aims**

In discussion with the City Council Policy and Regeneration Manager, the Panel reviewed the Revised Strategy and Recommendations. Members concluded that it would be beneficial for the Scrutiny to focus on weaknesses as identified in the SWAT analysis it contained.

These formed the terms of reference for the scrutiny and included:-

- Shared use of pitches
- Trespass, dog fouling, and use of motorcycles on pitches
- Availability of changing facilities
- Condition of pitches (including drainage)
- 

The Panel also wished to open up further dialogue with other agencies about the City Council Strategy and to consider ways in which the Council could best work with them to fulfil and secure playing pitch needs across the District.

Accordingly, there were two main areas of enquiry:-

- Physical problems e.g. drainage, trespass, changing facilities
- Links with other organisations

## **Summary of Actions and Outcomes**

The Scrutiny Panel invited a wide range of witnesses to its meetings. These included a number of City Council Officers who were able to provide evidence of the condition and maintenance of pitches and changing facilities. They also outlined existing links with partner agencies. Additionally, representatives from the County Council, Durham School Sports Partnership, the University of Durham, the Primary Care Trust and local Sports Clubs attended the meetings, joining in discussion and contributing much useful information from a variety of perspectives. Portfolio Holders for Leisure Services also attended.

The Panel made site visits to look at a range of Council Playing Pavilions and Changing Rooms. Facilities were discussed with Officers, on and after the visits, and Comments are attached to the Scrutiny Report.

Throughout the course of the Scrutiny Members established that:

- Some pitches lacked changing facilities and the standard of provision varied markedly across the District. Facilities for females and people with disabilities were poor. Better facilities prompted more considerate use.
- Some pitches had drainage problems which the Council was attempting to address. Some were under used.
- There was a need for increased efforts to deter intrusion on pitches by people, animals and vehicles and to prevent problems such as littering. The use of abusive language by users, during matches, was also a cause for concern.
- There was scope for increased co-operation between the Council and other agencies to promote healthy lifestyles and participation in sports. A shortage of sports coaches was a prime area where joint working could be beneficial.

## Recommendations

These were detailed and addressed many relevant aspects of The Playing Pitch Strategy and City Council Facilities. Reference to the Scrutiny Report is recommended for comprehensive coverage.

However, they encompassed:

<b>City Council Pitches</b>	- current and future use, and monitoring.
<b>Changing Facilities</b>	- short and long-term needs, inspection, raising standards and extending provision.
<b>Maintenance and Drainage</b>	- condition of pitches, need for an action plan for improvement, and availability of appropriate funding.
<b>Code of Conduct on Playing Pitches</b>	- inspection of grounds, improved signage, drafting of a Code of Practice to include conditions of use of pitches and changing rooms.
<b>Working with other Organisations</b>	- building on links with agencies such as Durham County Council and Schools, Durham University, Private Clubs.

There was an overwhelming view among Panel Members that as part of a healthy lifestyle there is a need for people of all ages to have the opportunity and incentive to engage in more physical leisure pursuits. This is particularly important for young people and can encourage community development. We therefore recommended:

- That all playing pitches in City of Durham ownership be retained for recreational use.
- That through City Council initiatives and communication with partners, encouragement should be given to incorporate playing pitches into cohesive provision that reflects local and district needs. This will require that the Playing Pitch Strategy is periodically updated and the use and development of pitches is incorporated into an overall strategy for the leisure use of open spaces.
- That the Community Services Scrutiny Panel reviews progress towards improvements to pitches and facilities, including a site inspection by Members, in March 2007.

The Report and Recommendations were approved and adopted by Cabinet on 17th May 2006.

## REVIEW OF COUNCIL HOUSE REPAIRS - 23rd September 2005

Council House Repairs and the Re-letting of Void Properties had last been scrutinised in September 2004 and January 2005 respectively. Members had expressed concern about delay in the completion of repairs and an increase in re-let times.

On September 23rd 2005 Council Officers and the Portfolio Holder for Housing answered questions submitted before the meeting and taken from the floor. Issues were discussed at some length. Questions and answers are recorded in the minutes.

## Recommendations

- That continued effort is made to improve the operation of the Council Infosystem.
- That the training needs of repair system operators, now and in the future, be satisfactorily addressed.
- We question whether workforce numbers are adequate to meet repair demands. We therefore urge the Council to review staffing quotas in order to improve the service and alleviate potential stress. All efforts need to be made to recruit and retain staff.
- That the acquisition of the most suitable, effective, one code, modern electronic system is progressed as a matter of urgency.
- That the scheduled review of Re-let Times, due in January 2006, be broadened to monitor progress in all relevant aspects of Repairs to Council Properties.

The Report and Recommendations were approved and adopted by Cabinet on 5th December 2005.

### **REVIEW OF COUNCIL HOUSE REPAIRS** including Re-let Times of Void Properties - 15th March 2006

Due to the time scale between Scrutiny Panel approval and presentation of the previous report to Cabinet, further review of Council House Repairs did not take place until 15th March 2006. Council Officers and the Portfolio Holder for Housing advised Panel Members as to progress made on the recommendations in their previous report, and also discussed other problems and possible solutions.

#### **Recommendations**

Recommendations were made regarding staff training, the telephone system, re-let times and the computer management system.

The Report and Recommendations were approved and adopted by Cabinet on 17th May 2006.

### **REVIEW OF DECENT HOMES STANDARD**

The Panel Reviewed the Decent Homes Standard on 15th March 2006 when Members were told that even though the percentage of houses externally assessed as non decent was higher than the Property Services assessment, the Council is still on course to achieve the DHS target set for 2010.

#### **Recommendations**

- That the measures necessary for the Council to achieve its 2010 DHS target be pursued.
- That progress towards the required DHS target is rigorously monitored, continues to be reported at Performance Clinics, and is reviewed again by the Community Services Panel in March/April 2007.

The Report and Recommendations were approved and adopted by Cabinet on 17th May 2006.

The next Scrutiny to be carried out by the Community Services Panel will be into a Housing Report Option to create one additional Gypsy/ Traveller Site in the Durham City District.

On behalf of the Panel, the Chairman and Vice-Chairman wish to thank all Council Officers, Portfolio Holders, and External Witnesses who have contributed to Community Services Scrutiny over the past year. There has been a wide range of input, all of which has been much appreciated.

We are very grateful to the Democratic Support Team for their valuable assistance, with particular thanks to the Panel's Dedicated Officer.

# REPORT OF THE ENVIRONMENTAL SCRUTINY PANEL

## Membership for 2005/2006

Councillors Wolstenholme, Simpson, Carr, Colledge (from April 2006), Davison (until February 2006), Dickie, Graham, Kinghorn, McDonnell, Marsden, Pitts, Simpson, Turnbull and Walton.

## BACKGROUND

The Environment Scrutiny Panel has had a year with a full workload involving the subjects of Biodiversity and Unauthorised Parking on Council Owned Land. The topics ultimately proved larger and more complicated than thought upon first inspection, but as borne out through the Panel Reports, both Topics benefited from the extra attention of Panel Members.

The Chairman and Vice Chairman wish to thank the Members of the Panel and all other Members who have attended the Panel meetings for their contributions which have made the meetings interesting, enjoyable and useful. The input from these Members has enriched the Scrutiny process. They also wish to thank all those Officers of the Council who attended the Meetings and witnesses from external organisations. Lastly, thanks go to the Democratic Support staff for their roles in research, minute taking and the organisation of the meetings.

## BIODIVERSITY

### Aims

It was the remit of the Panel to consider the impact of allowing areas of grassland to grow freely and the affects of this on biodiversity within these sites.

### Actions / Outcomes

Members were informed that vermin do prefer the cover that long grass provides *but only* where a suitable food source was nearby. Therefore, it is the *potential* problems of rubbish and food waste dumping on and around the biodiversity sites (or setting up a biodiversity site near to an existing food source) that are of the most concern.

It was quickly realised that the issue of Biodiversity stretched far beyond the issue of allowing sections of grassed areas to revert to a natural state. The City of Durham had recently created the post of Sustainable Development Manager and a brief presentation was given to Members on the subject of Biodiversity and Sustainable Development. Members were encouraged by the quality of the presentation and the knowledge of the newly appointed Officer. The Sustainable Development Manager has previous experience of working in this role and was confident of taking the City of Durham forward with this wide-ranging, cross-cutting topic.

### Recommendations

The Panel agreed that Biodiversity was a subject that required periodic review and there were the following recommendations made:-

1. Biodiversity should continue.
2. All sites set aside for biodiversity (current sites and proposed sites) should be checked for problems with rats and other vermin.
3. Signs / notice boards should be displayed at all sites explaining the fauna and flora in those areas.

4. That the Environmental Scrutiny Panel revisits the subject of Biodiversity in 12 months or when deemed necessary in the meantime.

## **UNAUTHORISED PARKING ON COUNCIL OWNED LAND**

### **Aims**

It was the remit of the Panel to consider the problems associated with nuisance and unauthorised parking on Council owned sites. These are namely enforcement where vehicles are parked without authorisation, and the provision of additional parking to try to alleviate and prevent such parking problems.

### **Actions / Outcomes**

#### Enforcement

Current procedure involves the City of Durham Neighbourhood Wardens working in conjunction with the Police and other organisations to ensure that offending members of the public are made aware of their nuisance parking, and encouraged to refrain from doing so. If the problems persist, Community Support Officers and Police Officers can issue fixed penalty notices. As a last resort, the Legal Department are then requested to take any appropriate action (more commonly a case of Trespass against a vehicle owner) to protect the Council's interests and recoup any costs incurred regarding reinstatement taken. Prevention is better than cure and it may be possible to provide fencing, landscaping or signage to help prevent parking on a site.

#### Provision of additional parking

Whilst schemes are undertaken, there is no formal system of sorting bids for funding for parking provision schemes. Joint schemes have been undertaken between other Local District Councils and the Durham County Council with some notable success. Members wished to set up a joint Schedule of Works with the County Council, with an Officer with the relevant experience from the City Council being utilised to coordinate funds and put in place the requisite procedures within the City of Durham.

### **Recommendations**

#### Enforcement

1. That the current approach to enforcement is sufficient in the majority of cases, and seems to be the most practical approach given budgetary and workload constraints. It is noted however, that local Members should be contacted as a matter of course prior to any situations escalating beyond a certain level, i.e. letters to whole streets / estates, as this has led to difficulties in the past.
2. That as regards the minority of cases that cannot be resolved easily, the Legal department should look into the possibility of other means by which to bring resolution. This could include methods of increasing the ability to gather quality evidence for prosecutions, the creation of suitable by-laws (and the necessary signage and enforcement methods) and, as a final option, the creation of clamping zones, serviced either by City of Durham staff, or by "contracting out" to an external company. The cost of the necessary signage and initial set-up being set-off against revenue generated from the release fees to produce a cost-neutral scheme.
3. That through an increased public awareness of what constitutes unauthorised or nuisance parking (from a City, County and Police point of view) the problems with such parking could

be reduced and to this end, press releases, notices and articles within the Durham City News publication may aid in having a positive impact on the general public.

#### Provision of additional parking

1. The provision of additional parking needs to be prioritised, co-ordinated and funded jointly between all of the interested parties. These would include the City of Durham, the County Council (in their capacity as Highways Authority), Parish Councils, local City and County Members and all Officers that may have funds available within their budgets. This must be undertaken in plenty of time to allow for funds to be allocated within annual budgets of all the relevant parties and regular joint meetings would be of great value and benefit. The City of Durham would be best represented, in such joint initiatives in this respect, by an Officer from the Council's Property Services Department. The seemingly appropriate Officer would be the City's Senior Engineer. The Panel recognises that this is, of course, subject to workloads and other duties carried out within this Department, but that ultimately such a joint approach and procedure could allow for forward planning of such works creating a more transparent, workable system. In addition, Neighbourhood Wardens have drawn up a list of sites that they have identified as having problems with unauthorised and nuisance parking. Some of these would require additional parking provision others may simply require more active enforcement, this would need to be determined.
2. That a budget of £50,000 be set aside specifically to aid such works, with the mind that such an investment could help secure a similar sum from the Highways Authority. This £50,000 to be divided into £5,000 "blocks" so that more schemes can be instigated, though multiple "blocks" could be accessed for larger schemes. This should ensure a fairer distribution of funds and should have a greater positive impact than ad-hoc allocations from various pots of money that are currently available, though these could still be utilised in conjunction with this specific allocation.

#### **ONGOING TOPICS**

Currently, the Panel are looking at the connected topics of Fly-Tipping, Recycling and Litter Picking. On the topic of Fly-Tipping, a Report of the Environment Scrutiny Panel has been submitted for to Scrutiny Committee for consideration. A Draft Report has been drawn up for consideration by the Environment Scrutiny Panel on the Topic of Recycling. Similarly a Draft Report is to follow for comments of the Environment Scrutiny Panel in due course on the Topic of Litter Picking.

Upon clearing these Topics, having drawn up suitable recommendations and review dates, there are reviews scheduled for the Topics of the Temporary Road Closure Policy and Biodiversity.

A "mini-review" of Unauthorised Parking on Council Owned Land is also scheduled with the purpose of the mini-review being to see how links are being established between the City of Durham and the County Council in this regard. A joint approach to the provision of additional parking should, as previously stated, hopefully enable the most cost-effective provision of additional parking for Residents of the District. Also the joint approach should ensure a fair distribution of schemes, based on a common weighting system for applications for additional parking provision.

## **REPORT OF THE POLICY SCRUTINY PANEL**

### **Membership for 2005/2006**

**Councillors Simmons, Cowper, Freeman, Gibbon, Gill, Hepplewhite, Moderate, Norman, Pitts, Syer, Thomson and Walker.**

### **BACKGROUND**

The Panel began the year with the on-going scrutiny of Sickness Absence

### **SICKNESS ABSENCE**

Subsequent to looking at the Corporate Performance Plan, the Panel gave consideration to the issue of Sickness Absence, specifically the incidence, level and areas of Sickness Absence throughout the Authority. The aims were:

To identify any specific areas of concern, and identify individual causes of absence.

To identify any problems with the effectiveness or the management of the current Sickness Absence Procedures.

To recommend any measures considered necessary to achieve an improvement in Sickness Absence levels.

Members considered in detail the figures in respect of, the ratio of Long/Short Term Sickness, absence by Department and Section, categories and patterns of absence, days lost and comparison with neighbouring Authorities.

The procedures which were in place to monitor and manage Sickness Absence throughout the Authority were also considered in detail. A report containing the findings and recommendations of the Panel, with regard to Sickness Absence was submitted to and agreed by the Scrutiny Committee in September, 2005, and was approved and adopted by Cabinet in October, 2005.

It was agreed that this Scrutiny would be reviewed in 2006.

### **FLOURISHING COMMUNITIES FUND EVALUATION CRITERIA**

In accordance with the wishes of Members of the Policy Panel, Cabinet had referred the Evaluation Criteria back to the Panel for consideration, before formal adoption by the Council.

Members gave detailed consideration to the Evaluation Criteria Document and a number of amendments to the Criteria were suggested. In order to assist the Flourishing Communities Executive Board with its timetable for consideration of bids, a schedule, setting out the suggested amendments was prepared and the subsequent Panel Meeting brought forward to enable further consideration.

In October, 2005, the Scrutiny Committee agreed that the suggested amendments to the Evaluation Criteria be submitted to Cabinet for consideration, before formal adoption of the Evaluation Criteria Document. Cabinet subsequently accepted some but not all of the amendments suggested by the Panel.

## **FLOURISHING COMMUNITIES FUND APPLICATION PROCESS**

The Panel was asked to consider the Applications Procedure in relation to requests for funding from the Flourishing Communities Fund.

Members considered the Applications Process, were advised on support available to Applicants and subsequently suggested amendments both to the format of the Process Flow Chart and to the detailed process information contained within it. The material was subsequently amended, incorporating the suggestions made by the Panel.

The Panel also considered the written material made available for Applicants ie the Application Form and supporting Guidance Notes. Again, Panel Members suggested a number of amendments/additions to the material, for the purpose of increasing clarity, for the benefit of Applicants. The suggested amendments/additions were subsequently incorporated into the final documentation.

The Panel recommended that the amended Application Form and Guidance Notes be issued immediately, in order to progress pending and new applications and a Recommendation was made to the Scrutiny Committee requesting confirmation of this course of action. This was confirmed by the Scrutiny Committee in April, 2006, and the final Report and Recommendations of the Panel were submitted to Cabinet for approval and adoption.

## **TELEPHONE COMMUNICATIONS SYSTEM**

This topic was suggested as Members had experienced problems, both of their own, and as reported from members of the public regarding the length of time of responses to telephone calls and voicemail messages.

There were two separate issues to this topic and Members looked at the Telephone System itself and also at the internal procedures for handling call traffic.

Three general areas were identified and considered,

- The monitoring of response times
- Measures to gauge Customer Feedback
- Utilisation of the Voicemail Facility

In due course, a Report would be submitted to the Scrutiny Committee.

## **PARISH COUNCIL RELATIONS**

This topic was allocated to the Panel, by the Scrutiny Committee, in April, 2006, and is currently ongoing.



## **SCRUTINY WORKING GROUPS**

### **Council Procedure Rules Working Party**

The Council Procedure Rules Working Party originally reported their findings to Council in 2005. Their report, however, was referred back for further consideration.

The Working Party has been reconvened and is currently giving the topic further consideration.

## **ADDITIONAL MEETINGS**

### **Swimming Pool Risk Register**

All Councillors were invited to an additional meeting of the Scrutiny Committee, which was held on 17<sup>th</sup>. February, 2006. The Meeting was arranged in response to a request from Members of the Scrutiny Committee for a briefing on the Risk Register and Project Management Methodology in regard to the Swimming Pool project.

The Executive Director attended the Meeting, guided Members through the Risk Register document and responded to queries regarding the overall management of the project.

### **Budgets 2006/2007**

An additional meeting of the Scrutiny Committee was scheduled for and held on the 20<sup>th</sup>. February, 2006 in order to discuss the proposed Annual Budget.

All Councillors were invited to the Meeting, had been issued with blank question forms and were invited to submit written questions to the Director of Strategic Resources, prior to the Meeting.

Members of OMT and Heads of Service were also in attendance.