

DURHAM COUNTY COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

At a Meeting of the Overview and Scrutiny Committee held at the County Hall, Durham on **Thursday 5 April 2007 at 9.30 a.m.**

PRESENT:

COUNCILLOR N WADE in the Chair

Councillors:

Armstrong, Barker, Bowman, Burlison, C Carr, R Carr, Carroll, Coates, Douthwaite, Ebbatson, N C Foster, Gray, Holroyd, Meir, Ord, Porter, Priestley, Stradling and Williams.

Cabinet Member:

Councillor Myers

Co-opted Members:

Ms M English, K Ibbotson, Reverend A Letby and Mr P Thompson.

Apologies for absence were received from Councillors Bell, Southwell and Young.

A1 Minutes

The Minutes of the meetings held on 24 January and 12 February 2007 were confirmed as a correct record and signed by the Chairman.

A2 Declarations of Interest

Councillor Coates declared a personal interest in his capacity as Chairman of the Corporate Parenting Panel and as a member of the Pension Fund Committee.

Councillor Barker declared a personal interest as a member of the Corporate Parenting Panel.

A3 Revision of the Constitution

The Committee considered a report of the Acting Director of Corporate Services seeking the Committee's views on proposed revisions to the County Council's Constitution (for copy of report see file of Minutes)

Members were informed that the Constitution was last revised and reprinted in May 2005, however since then a number of developments had occurred and decisions made which necessitate an updating of the document, in particular the major organisational restructure which took place in 2006. In addition, recommendations are made for further changes to improve the Council's decision-making process and to amend and rationalise the Council's policy framework to reflect changes in Central Government requirements.

The Committee was informed that many of the proposed changes are of a minor or drafting nature to reflect legislative changes or changes consequential on Council decisions. A series of substantive changes were then outlined to Members.

In relation to paragraph (ix) the scheme of Officer Delegations, Members were informed that this had been updated and incorporates a number of suggestions aimed at streamlining the work of the Cabinet and enabling members to maintain a focus on strategic and policy issues.

The changes are:

- (a) an increase in the amount up to which a Chief Officer can accept a tender where the competitive process has taken place from £6,000 (current limit) to £10,000 as suggested.
- (b) an increase in the level of compensation payments associated with highway and other public works which the Director of Corporate Services is authorised to settle from £10,000 to £50,000.
- (c) delegation to the Acting Director of Corporate Services in consultation with the local member and relevant Cabinet portfolio holder to dispose of property where it is surplus to requirements of the service for which it is held and no other service is interested in taking it over.

In addition it was highlighted that two new Council bodies had been added as follows:

- (a) **A newly created Audit Committee.** This has come about as a result of discussions with the External Auditor and again links to the CPA process.
- (b) **A Corporate Parenting Panel.** It had been felt for some time that the work of this group of members and officers should be given a higher profile and its role recognised in the Constitution.

- (c) Provision will need to be made for special responsibility allowances for the Chairs and Vice-Chairs of these bodies and also the Pension Fund Committee in order to regularise the position. This will be incorporated into the revised Members' Allowance Scheme.

Councillor Armstrong expressed concern in relation to paragraph (ix) (b) of the report, an increase in the level of compensation payments associated with highway and other public works which the Acting Director of Corporate Services is authorised to settle from £10,000 to £50,000. He continued by suggesting that members need more information as to why there is such a large increase in the payment figure. In addition he requested clarification as to whether a risk assessment had been undertaken in relation to the level of the increase.

In relation to the proposals for creating/establishing an Adult Committee and a higher profile for the Corporate Parenting Panel he highlighted his support for these proposals and suggested that in relation to the Corporate Parenting Panel all members should be given an opportunity to serve on the Panel via a rota system.

Councillor Ebbatson continued by highlighting that there is a need for members to know the rationale behind the proposed increase in the payment level subject to delegation by Chief Officers.

Members were informed that a high percentage of the reports currently considered by Cabinet relate to minor contracts and the aim of increasing the monetary figures in relation to Chief Officer's delegations is to try and ensure that Cabinet reports deal with more strategic issues, enabling members to maintain a focus on strategic and policy issues.

Councillor N C Foster highlighted the need for Chief Officers when using their delegated powers to consult with the relevant Cabinet portfolio holder as the relevant Cabinet member will know the political arena and local views regarding any proposed action.

He continued that in relation to the Corporate Parenting Panel, this requires a high level of enthusiasm on the part of those members who serve on this Panel and he felt that members should not be forced to serve on the Panel via the implementation of a rota system.

Councillor Carroll continued that there is a need for local members to be kept informed of issues within their local areas by officers of the Authority.

Members were informed that the Constitution (page 56 May 2005 revision Conditions of Delegation) currently states that Chief Officers will (a) consult: (i) the Leader or in his absence the Deputy Leader and/or the responsible Cabinet member where, in the opinion of the Chief Officer, the taking of the action has policy implications, (ii) any relevant: local member where appropriate.

However the variety of issues where delegated powers are used by Chief Officers is wide and Chief Officers would have to apply 'common-sense' as to whether the issue warranted consultation and at what level that consultation should take place.

Councillor Porter suggested that Chief Officers should be reminded of the need to consult with the Local Member in relation to issues affecting their local area.

Councillor Stradling suggested that in relation to the issue raised, consultation with Cabinet Members, the wording of the Constitution should be changed to ensure that Chief Officers consult with the appropriate Cabinet Member.

Councillor Burlison emphasised the need to promote the role of the Corporate Parenting Panel and suggested that there is a need to involve a wider audience by recruiting young people, foster carers and residential care workers to serve on the Panel.

Councillor Coates commented that with reference to the Corporate Parenting Panel, the Panel is always looking at ways of improving how it operates and welcomed the suggestions regarding extending Membership of the Panel.

Councillor C Carr confirmed his support for the creation of the Audit Committee and requested clarification as to whether the level of Special Responsibility Allowance will be the same for all Chairs and Vice-Chairs.

Members were informed that the general understanding is that all Chairs and Vice-Chairs will be paid the same financial remuneration.

Councillor Coates continued by requesting clarification as to how the work of the Audit Committee will fit in with the work of Overview and Scrutiny in relation to budgets, will their work overlap.

The Committee was informed that the Terms of Reference of the Audit Committee had been discussed with the Head of Overview and Scrutiny to ensure that there is no overlap in relation to the work undertaken. It was emphasised that the functions of the Committees are separate however there will be close liaison in relation to work schedules.

Councillor Coates requested clarification as to whether Overview and Scrutiny Committee Members would be excluded from Membership of the Audit Committee.

It was confirmed that the Audit Committee would be constituted from Non-Executive Members and Co-opted Members.

The views of the Committee were then summarised as follows:

- **Issue in relation to the delegation of powers to Chief Officer**
 - With reference to paragraph (ix)(b) of the report, the increase in the level of compensation payments associated with highway and public works which the Acting Director of Corporate Services is authorised to settle from £10,000 to £50,000. It was proposed by Overview and Scrutiny that Chief Officers should share a brief rationale with the Cabinet portfolio holder and the appropriate local member, capturing any associated risk to justify the decision.
 - That chief officers are reminded about the section of the constitution so that they comply fully with the 'Conditions of Delegation'.

- **Corporate Parenting Panel**
 - There is a need to look at the process of involvement over and above that of Members of the Authority i.e. extend membership of Panel to include both public sector, voluntary and community sector bodies either as members or advisers.
 - Members welcomed the idea of giving the Panel a higher profile by recognition in the Constitution.

- **Audit Committee**
 - Members welcomed the establishment of an Audit Committee and agreed the proposed composition.

- **Clarification in relation to remuneration**
 - There is a need to state clearly in the Constitution that the remuneration for Chairs and Vice-Chairs (Special Responsibility Allowance) are of the same level.

Resolved:

That the above views be taken to Cabinet on the 19 April as the views of the Non-Executive Members in relation to the revised Constitution.