

OVERVIEW AND SCRUTINY IN TEESDALE

ANNUAL REPORT 2008/09

CHAIR, COUNCILLOR NEWTON WOOD



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FOREWORD - OVERVIEW AND SCRUTINY

Scrutiny is one of the most challenging and exciting aspects of the new democratic agenda and it offers a new dimension to decision-making in local government. Under the provisions within the Local Government Act, 2000, all local authorities were required to set up Overview and Scrutiny Committees with the role of:

- reviewing policy and assisting in policy development
- scrutinising decisions and decision-making for any council function *except* regulatory functions such as planning or licensing
- investigating other matters of local concern
- Ensuring that the council fulfils its duties in respect of best value performance
- Ensuring procedures are in place for councillors to feed in community views to policy development and decision making.

Scrutiny, therefore, has a vital role in helping to achieve some of the key aims of the enabling legislation: greater efficiency, transparency, accountability, consistency, public involvement and responsiveness to the public. The Comprehensive Performance Assessment (CPA) process has further emphasised the importance of Overview and Scrutiny. Research for the Office of the Deputy Prime Minister (ODPM) (now the Communities and Local Government), by the Evaluating Local Government Team indicates that there is a correlation between excellent authorities and a strong scrutiny function. It is therefore appropriate that Teesdale District Council exercises the powers of scrutiny effectively and to the benefit of the whole community.

The Local Government and Public Involvement and Health Bill received royal assent on 31 October 2007 and significant steps have been taken towards decentralisation of power. One of the most controversial areas the Bill was suggesting was to propose power for the secretary of state to direct councils in two tier authorities to make bids for unitary status.

Currently the Council services in County Durham are split between the County Council and the seven districts however by April 2009 the county and district

councils will be reorganised so that one unitary council will provide all of the main council services people receive.

The key features of the change are:

- By 1 April 2009, the county and district councils will be brought together to create one new unitary council for the county.
- Once established, the unitary council will provide all of the main local services people currently get from the county and district councils and will have local offices around the county.
- The number of councillors will be reduced from 375 to 126 and the council will have a cabinet of 10 councillors.
- Reorganisation will be achieved by bringing the county and district councils together, with the county council acting as a transitional authority for a year before the new unitary council is formed.
- Services will continue to be provided by the existing councils until the unitary handover in April 2009.
- In light of the reorganisation, a special election took place on 1 May 2008 when the 63 existing county councillors stood down to enable people to vote afresh for the councillors they want to set up and run the new council. The recently elected councillors people elect will decide how the new council should be developed and set its first budget. They will also run the existing county council until the handover to the unitary council in April 2009.
- Current district councillors will remain in office until the unitary handover in April 2009.

INTRODUCTION



Councillor N Wood Chairman, Overview and Scrutiny Committee

There is no doubt that this year has been a battle! Overview and Scrutiny has fought hard to be a 'watchdog' for our community but equally we have had to bring both the Executive and Officers to account. On reflection the Overview & Scrutiny Committee's contribution to the authority's improvement can be considered as outstanding.

During the last 12 months, due to lack of strategic leadership, Overview and Scrutiny had to develop its own strategy on how to deal with the CPA assessment and this is dealt with in 'The Scale of Things' report. It was necessary to recommend actions and changes that should have been the direct responsibility of the Executive Committee.

Up to July 2008 the Council's progress in respect of the CPA was 'poor' when compared to other authorities and at that stage this council was still not in the top 200 district councils out of 238 in the country.

During such testing times with the Local Government re-organisation on the horizon Overview & Scrutiny needed to care for Teesdale Council staff, the very people who work long and hard to maintain the services in Teesdale. It was necessary to question as to whether the staff needs in this period of uncertainty were being fully addressed as evidence was not forthcoming to suggest that they were.

All the members of Overview and Scrutiny have put in much time, work and effort on behalf of the electorate to ensure that services and performance within this district are as good as they are today!

As a team we have challenged against all the odds of what was a failing Council. Without the thrust and determination of the Overview & Scrutiny Committee who knows where we might be today! Indeed it has been suggested that external intervention would have been a strong possibility. As Chair, it has been an extremely challenging year both personally and within the Council. I have felt that there has been a lack of understanding and support from the leadership.

Our role and responsibility as members of the Overview & Scrutiny Committee has been to ensure that the Executive and Officers, Leader and partners have satisfied the needs of our community as the CPA 2008 had shown that this was not necessarily the case.

It was at this stage a new Interim Deputy Chief Executive was appointed and it was only then that Overview & Scrutiny were able to work with a common objective and embark upon a new era of cooperation and communication.

This change was recognised by the Audit Commission in their statement that the District Council's management had improved in the last year.

This was the very bedrock that served to reshape and address the identified weaknesses within the Council. This improvement has been recognised by the Audit Commission and Overview and Scrutiny's assessment and it clearly shows that we are now in the top 50 councils in England.

Overview and Scrutiny have completed reviews and reports which the Audit Commission have viewed as a true and honest example as to how the Overview and Scrutiny should function, indeed the Auditor has commented that the report 'The Scale of Things' was an excellent model for other Councils in the country to follow to emphasise the difficulties.

The report 'The Scale of Things Part 1' was severely criticised as being tedious and negative. This was due to a lack of understanding, by some, regarding the issue of the management and procedures. Without identifying where we were at, we had little or no chance of knowing where we were going! Having assessed where we were and the reasons why, we then had the necessary information to know where we should be going. In our effort to drive this Council forward we worked hard with the newly appointed Interim Deputy Chief Executive, Mr Paul Wilding to monitor progress within the Council.

It is beyond doubt that these procedures and actions have resulted in the significant improvement we have achieved to date. This improvement will be documented in 'The Scale of Things Part 4'.

At this point my thanks go to the Panel Chairs and Vice Chairs, particularly to David Kinch for his major contribution in interviewing, recording and analysing the information and evidence supplied for 'The Scale of Things' report. However, in Teesdale, some have had minds of their own and at times this Council has been effectively without leadership. We have had to build the foundations for this Council and at times it has taken away the focus from the very community that we represent.

The report 'The Scale of Things Part 3' identifies those areas which need to be forwarded to the new authority Durham County Council. Overview and Scrutiny has never been accepted by the leaders of this council or some of the senior officers.

Minutes of a meeting held in October 2008 with the Chief Executive and Leader of the Council stated that 'it was accepted that Overview and Scrutiny could review and/ or scrutinise decision made, or actions taken in connection with the discharge of the Council's function. This acceptance is 9 years after the Local Government Act 2000 was introduced and illustrates that the strategic leadership was not yet in the 21st century.

Overview and Scrutiny has stood its ground and I congratulate all members of Overview and Scrutiny Committee who have supported me in my role as chair

both in undertaking reviews and projects, discussing and developing strategic issues, and creating a vision for the future as clearly demonstrated in 'The Direction of Travel' prepared by the Audit Commission.

Our direction and research has been consistent with that of the Audit Commission, both drawing the conclusion that significant improvements have been made in the last year.

Finally my thanks go to Anne Lambert and Paul Wilding whose dedicated work has been exemplary and for sure, without their support and guidance, Overview and Scrutiny and the Council would not have achieved the recognition that it has received from the Audit Commission.

During the year the Overview and Scrutiny Committee have carried out a significant number of projects (listed below) in relation to the Councils performance and community engagement. The Auditor expressed the view that it was unusual for members to undertake their own research and write their own reports and complimented Overview and Scrutiny on their work.

Details of completed and current reviews and certain matters which are being monitored are listed for your information:

- Value for Money – Street Care Services
- Asset transfers to Parish Councils and Community Groups
- Performance Indicators
- Weaknesses identified in the CPA 2008 report - CPA Analysis 2008 (Parts 1, 2, 3 and 4) - Includes a recommendation to DCC to hold a referendum in the four parishes in the Gaunless Valley who are effected by the decision to be included in the Bishop Auckland AAP
- Partnerships (Value for Money)
- Internal Audit Report – ICT
- Cemetery Provision
- Rural Policing
- Annual Report 2007/08
- Job Sector/Employment Claims
- Performance Management
- Fire & Risk Assessment

- Enforcement Activity
- Helping Small Businesses
- Unauthorised Parking & Obstruction of Pavements, the use of, Provision & Maintenance of Footpaths/Pavements
- Attendance on Outside Bodies
- Proposal for Limited Free Car Parking
- Travel Vouchers
- Direct Payment Scheme

CHAIRMEN'S UPDATES



Councillor Ken Coates
Chairman, Performance Panel

In 2005, Teesdale District Council set up an Overview and Scrutiny Committee with four Panels made up of between 4 and 6 Councillors. The Panels have their own Chairmen and Vice-Chairmen, however it is the Overview and Scrutiny Committee who decide the Committee's work programme for the civic year.

The overall management of Overview and Scrutiny is undertaken by a Co-ordinating Group which consists of the Chairman and Vice-Chairman of the Overview and Scrutiny Committee and the Chairmen of the four Panels. The Co-ordinating Group meet on a regular basis and discuss the annual work programme. As a non political group I feel that the evidence that is gathered for a review and the subsequent recommendations to the Executive will make a difference to our communities.

This year the Performance Panel has concentrated on finishing an investigation, in relation to the Council's Partners, identified in the Corporate Partnership Strategy. The Panel concluded, from evidence gathered, that key partners were well organised and efficient. The final report on Partnerships has been affirmed by both the Overview & Scrutiny and Executive Committees.

I would like to express my thanks to members of the Panel for their contribution to Overview and Scrutiny during the year and I would also like to thank Anne Lambert, Scrutiny and Member Support Officer, for her assistance.

As we enter the final weeks before the new authority takes over on 1 April, I hope members will support officers in the delivery of services.



Councillor Tony Cooke
Chair, Environment Panel

The year 2008/9 has been a productive year for the Environment Panel of the Overview & Scrutiny Committee and I would like to take this opportunity to thank my Vice Chair, David Kinch for his valued support during my illness and all of the members of the panel who have worked so hard over the past civic year by attending panel and full O&S committee meetings and painstakingly gathered vital information and evidence on the project issues, both at meetings and on location visits. I would also like to say a special thank you to Cllr Newton Wood, Chair of the Overview & Scrutiny Committee who has freely given his advice and guidance in support of the panel and myself.

The community had raised concerns on the dangers of pavement obstruction by improperly parked cars being left parked on and causing an obstruction of the public highway footpaths in areas of Teesdale. This issue was taken on by the Environment Panel and the initial panel meeting identified that there were also other issues which were allied to this problem i.e. blockage/obstruction of footpaths by refuse and recycling bins, the seriously worsening condition of the urban and rural highway footpaths and public rights of way.

The initial project was therefore expanded to cover all three areas of this complaint and involved the panel holding meetings with relevant partner organisations to gain evidence and demonstrate awareness of the problems to those partner organisations.

All facts related to the community complaint were fully discussed with the partner organisations, investigated and details of the findings along with the panel recommendations were produced in a comprehensive report which was endorsed by the Executive Committee.

The final result of the panels efforts has seen Parish Council's now having guidelines set for them to deal with the obstruction of footpaths by vehicles and the police showing strong commitment to support Parish Council's in their efforts to tackle the problem. The Teesdale refuse collection service has made many improvements in the bin collection service by repositioning empty bins so that they do not obstruct footpaths and the DCC Highways Department has taken on board the concerns regarding the poor condition of some highway footpaths with many problem areas now benefiting from a total cleaned up, well maintained walkways and cleaner road information and directional signs.

Whilst there have been successes in the work of Overview & Scrutiny during the year there has been issues which personally have caused me unnecessary stress and illness.

It would appear that some Members and Officers of the authority's leadership do not readily accept the true role of Overview & Scrutiny as being a constructive tool to raise awareness of and address problem issues by robustly challenging the known facts, establishing proper procedures and finally to make constructive decisions and recommendations to correct problematic issues.

When concern is raised on an issue which has been investigated by O&S, it would appear that due to recent events, O&S are themselves becoming the scrutinised.

O&S challenges the many issues it deals with both in the interests of the Council and the Community, but it appears that authentic challenge to obtain accurate facts are being misconstrued by this authority's leadership as some form of interference and meddling and this has hindered O&S from carrying out its mandatory function, both effectively and efficiently.

At this point I would like to, on behalf of the panel, thank our support officer, Anne Lambert, who carefully took notes of the panel meetings and managed to incorporate the many amendments needed, into the final draft of the Unauthorised Parking report.



Councillor Richard Bell
Chairman, Overview and Scrutiny Finance Panel

The main activity for the Finance Panel is usually scrutiny of the setting of the annual budget. However with 2008/2009 being the last year of existence of Teesdale District Council, there was no budget setting to scrutinise!

With the demise of the Council approaching, the panel believed that the transfer of assets from Teesdale District Council to town and parishes or community groups was an important piece of work to get right. Policies on this were progressed through the Executive Committee during summer 2008, with a schedule of assets being sent to parish councils in November. Reports on the progress of the transfers have been made to both the panel and full committee.

The panel's work has centred on the subject of Value for Money, and a light touch review of Refuse Collection has been undertaken. Progress was slowed at the start of the project by the Audit Manager's departure for Stockton Borough Council, and the amount of officer time being taken up generally with Local Government Reorganisation (LGR). Comparative data from different local authorities were scrutinised with the assistance of the Corporate Accountancy Manager (Revenues), Assistant Director Environmental Services and the Street Care Manager and the panel gathered enough evidence in order for the final draft report to be presented to the final meeting of the O&S Committee on the 18 March.

2009 saw the departure of the Chief Finance Officer from the Council after many years of service.

I am grateful to David Kinch, the Council's co-opted member, for co-ordinating the panel's responses to observations made by the Comprehensive Performance Assessment following its review of council performance. My thanks go to members of the panel, Councillors M Bolden, D Metcalfe and JR Watson as well as our co-opted member Mrs Pamela Spurrell.

I would like to thank all the officers referred to above, and the Scrutiny Support Officer, Anne Lambert, for their assistance during what has been a busy year for them. The panel has worked together well, and I regret that this is the 'end of the road'.



Councillor Paul Ryman
Chairman, Services Panel

During the Civic year 2008/9, the Panel concentrated on two reviews, Attendance on Outside Bodies and Enforcement Activity.

Attendance on Outside Bodies

At a meeting of the Overview & Scrutiny Committee in August 2008, a number of issues were raised by the committee in relation to the CPA report. It was agreed that one of the areas for improvement (see below) should be reviewed by the Overview and Scrutiny Services Panel. The Interim Deputy Chief Executive suggested that we ask members for details of their attendance at meetings of partnerships and outside bodies.

Areas for Improvement

To exercise its community leadership role effectively during the transition to a new unitary council for the county of Durham, the Council should:

- *Improve the attendance and contribution of councillors at partnership groups, keeping the profile of the district and the needs of its residents as high as possible during the period of transition.*

We sent a questionnaire to all Councillors in order to gauge attendance figures. 18 responses were received, representing a 56% return. It was hoped that a higher rate of response would have led to clarification of the area for improvement, as outlined above.

The panel feels (from the responses) that the majority of members are diligent in attending meetings and we acknowledge there is no formal mechanism in place to allow representatives to report back to Council on the work of the outside body which would provide information on the progress made by outside bodies in helping to achieve the Council's aims and ambitions. In addition such feedback would help the Council further develop its strategic aims and objectives.

Enforcement Activity

In 2006 the Overview and Scrutiny Committee carried out a comprehensive review of the enforcement activities at TDC and last year the Services Panel was requested to follow this up by examining the planning enforcement options available to the Council, and the workload of the Enforcement Officer.

The Vice Chair and I met with the Interim Development Control Manager and the Enforcement Officer and we concluded that the work of the Enforcement Officer should be acknowledged and that significant progress has been made since the initial Overview and Scrutiny review in 2006. I think it is fair to say

that any outstanding enforcement cases will become the responsibility of Durham County Council from 1 April 2009.

My Vice Chair and I will be meeting the Interim Development Control Manager and the Enforcement Officer as well as two Executive Committee members, Cllrs Dreda Forster and Ossie Hedley, in order to discuss minor enforcement cases to see whether or not we will be able to write some of them off before 31 March 2009.

**Co-opted Members
David Kinch and Pamela Spurrell**

Scrutiny is defined in the Oxford English Dictionary as:

‘a careful look or examination’.

An overview is also required because, in addition to that careful examination of issues, we need to maintain an overall picture of the way the work of the Council is heading

It is apparent to us that some Officers and Members are still not fully aware of the role and function of Overview and Scrutiny.

We consider that Overview and Scrutiny is not just another committee, neither does it produce just another review. Overview and Scrutiny can and should look into areas of concern within the community, then ask why and how and when a decision has been made and provide the opportunity to shape policy to benefit all, to examine how well the Council is performing and to ensure that there is transparency within the political process, and very importantly act as a ‘Critical friend’

After nearly two years working with Overview and Scrutiny the questions that we continue to ask ourselves are

- Have we helped?
- Could we have done more?
- Have we been listened to?
- More important have we listened?

We can easily say yes to all of these questions. Our concern is that the Community, all Council Members and Officers of the Council if they are asked, reply yes.

During our involvement in Overview and Scrutiny reviews both internal and external, we found that on occasions if you attempt to take a ‘*careful look*’, you are viewed with suspicion. If an *examination* of documentation is required, then it is possible that the information that you require is very slow arriving, or you find that it is not available.

We ask that our County Councillors use their influence and ask the Unitary Authority to consider the setting up of local Overview and Scrutiny Committees or Panels which could be attached to the local AAP, our concern is that matters of a local nature that would be of concern to the local community and require some investigation could be lost or not considered important enough at County.

Our sincere thanks go to the Chairman of Overview and Scrutiny, Newton Wood, for his help and guidance, also to the members of the Overview and Scrutiny Committee, all other members of Teesdale District Council, and the Officers and staff, for the help and support and tolerance. Thanks to you all we both have been

very involved with Overview and Scrutiny at Durham County Council, which will continue with the Unitary Authority. Special thanks must go to Anne Lambert, Delyth Roberts, Gillian Robinson and Donna Harris (Democratic Services) for giving their time and assistance whenever we asked.