

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

Minutes of the meeting of the **Finance and Procedures Overview & Scrutiny Committee** held on **26 November 2002** when there were present:-

Cllr T G Cutmore (Chairman)
Cllr T Livings (Vice-Chairman)

Cllr D F L Flack
Cllr Mrs J R Lumley
Cllr J R F Mason
Cllr G A Mockford

Cllr C G Seagers
Cllr M G B Starke
Cllr J Thomas

VISITING MEMBER

Cllr Mrs M S Vince

OFFICERS PRESENT

P Warren - Chief Executive
R J Honey - Corporate Director (Law, Planning & Administration)
R Crofts - Corporate Director (Finance & External Services)
D Deeks - Head of Financial Services
S Fowler - Head of Administrative and Member Services
J Bostock - Principal Committee Administrator

579 MINUTES

The Minutes of the meeting held on 22 October 2002 were approved as a correct record and signed by the Chairman.

580 REVIEW OF THE CONSTITUTION

The Committee considered the report of the Corporate Director (Law, Planning & Administration) on amendment and revision to the Council's Constitution

(a) Overview and Scrutiny Procedure Rule 15

During debate it was recognised that the re-introduction of a facility for referral to Full Council would be consistent with transparency and accord with the premise that, under alternative arrangements, Policy Committees held their delegation from Full Council.

In considering proposed revisions to Rule 15, the Committee suggested amendments to paragraphs (a) and (c).

Recommended to the Policy and Finance Committee

That the replacement of Overview and Scrutiny Procedure Rule 15 with the wording set out at Appendix 1 to these Minutes be endorsed and referred to Full Council for adoption. (CD(LP&A))

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

(b) Financial Regulations

The Committee undertook page by page review of the proposed Financial Regulations.

Observations were made as follows:-

- Paragraph 3.17 - It would be appropriate to include provision for situations when the Leader of the Council may not be available to participate in virement decisions.
- Paragraph 4.8 - It was agreed that the word "reasonably" should be removed.
- Paragraph 9.6 - It was agreed that there should be provision for a minimum cost increase of £5,000.

During discussion of paragraph 18.3, the Corporate Director (Finance & External Services) advised on the internal checks in place associated with cheques drawn on the Council's bank accounts.

Recommended to the Policy and Finance Committee

That, subject to the above amendments, the proposed revisions to Financial Regulations be endorsed and referred to Full Council for adoption. (CD(LP&A))

(c) Contract Procedure Rules

The Committee undertook page by page review of the proposed Contract Procedure Rules.

Responding to Member questions, Officers advised that:-

- Labour charges were an implicit element of paragraph 1.5.2 of the rules to apply to all contracts.
- A four yearly review of the standing list of contractors was appropriate in terms of audit requirements and cost effectiveness. Records are maintained of the actual performance of contractors when undertaking work.
- The £100,000 threshold at which contracts must provide for adequate liquidated damages was considered appropriate. When seeking damages it is necessary to prove actual losses.
- The arrangements set out under paragraph 6 addressed the situation where it may be considered appropriate to accept tenders other than the most financially advantageous.

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

Recommended to the Policy and Finance Committee

That the proposed revisions to the Contract Procedure Rules be endorsed and referred to Full Council for adoption. (CD(LP&A))

581 BUDGET STRATEGY 2003/04

The Committee considered the report of the Head of Financial Services on the 2003/04 Budget Strategy.

During debate and in response of Member questions, Officers advised that:-

- The strategy of 10% tax increases had been devised against a backdrop of fixed costs with no increases in Government funding. The District Council had recognised that for a number of years a key problem had been the ranking mechanism used by Government when considering the allocation of funding. The Government had been constantly lobbied on this aspect.
- Whilst it is important for the public to be made aware of tax increase proposals as soon as possible, budget proposals were at a very early draft stage. The Council would be in a more informed position on the likely tax position during December when the Government made funding announcements. The public would be aware from previous years that, notwithstanding leisure, the authority undertook little discretionary activity. Information on the reasons for changes in Tax was designed to be as clear as possible.
- There was likely to be an element of profit share emanating from the leisure contract. The contract had three months to run before the final position would be known. Members would be supplied with information as soon as it is received.
- The budget increase of £27,000 for the Taxi Voucher Scheme accorded with recent Committee decisions.
- The costs associated with the passing on of the liquor licensing function to Local Authorities in 2003/04 had yet to be identified. An objective for this Council would be to achieve full recovery through the fee structure.
- All Members and the Parish Councils would be advised of the finalised arrangements for the trial removal of chewing gum.
- The proposed works to the pavement between Bellingham Lane and the High Street, Rayleigh was based on a specification which matched the works to other parts of the town centre. An alternative could be to ask the County Council to use some of

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

the locally determined budget for this. This would, however, reduce the monies available for other types of work.

- The security problems associated with Rayleigh Mount may be resolved in the context of work on the skateboarding issue. The Crime and Disorder reserve was currently at a figure of approximately £20,000. There was a possibility that some monies could be available through the crime reduction partnership and the drug reference group.
- It would be appropriate for the budget strategy paper to be made available at the meeting of the Finance and Procedures Overview and Scrutiny Committee on 12 December as part of the NNDR consultation process.

With regard to Rayleigh pavement work, a Member commented that, given the current financial climate, it would be inappropriate to expend monies for cosmetic reasons alone. The Committee recognised that the communication of any proposed tax increases to the public was key and that the equation associated with maintaining effective services at a minimal cost was a finely balanced one.

Resolved

That the Budget Strategy Paper be noted and that its contents be made available at the Committee meeting scheduled for 12 December as part of the NNDR consultation process. (HFS)

582 CAPITAL PROGRAMME

The Committee considered the report of the Head of Financial Services on the 2003/04 Capital Programme.

Responding to Members questions on various aspects of the report Officers advised that:-

- The Council had yet to received confirmation of the outcome of Lottery Fund grant applications relating to the Rayleigh Windill and Football Pitch drainage.
- The work to address the Clements Hall pool leak was the responsibility of the District Council. It would be appropriate to undertake repair in tandem with the other pool works to be undertaken by Holmes Place.
- Any sums not paid to Essex County Council in respect of Town and Village improvements would be carried forward. Specific contractual matters had been considered by the Environment Overview and Scrutiny Committee at its last meeting.

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

- Should the financial provision associated with 50-54 West Street not be utilised, the Capital Programme would reduce accordingly.
- The depot access road was a private road in District Council ownership.
- There had been a review of all operational assets twice in the last ten years. The authority had an asset management plan and possibilities associated with the surplus of any assets were brought forward through this. Asset Management had already been subjected to the Best Value Review process.

Resolved

That the Capital Programme paper be noted and that its contents be made available at the meeting of the Committee scheduled for 12 December as part of the NNDR consultation process. (HFS)

583 OUTSIDE BODY REVIEW

The Committee considered the report of the Head of Administrative and Member Services on the findings of the review of Outside Bodies.

The Committee endorsed the view of a Member that it would be appropriate to set up a sub-Committee for the purposes of giving detailed consideration to the findings.

On a motion, moved by Councillor M G B Starke and seconded by Councillor G A Mockford, it was:-

Resolved

That a sub-Committee of three Members be established to give detailed consideration to the findings of the review of Outside Bodies and recommend accordingly. (HAMS)

584 REVIEW OF ABSENT VOTING - CONSULTATION PAPERS

The Committee considered the report of the Head of Administrative and Member Services on the Electoral Commission's Consultation Paper on the review of absent voting in Great Britain.

Resolved

That the Officer views set out within the report be forwarded to the Electoral Commission as this Council's comments on the Consultation Paper. (HAMS)

585 RECORD OF COUNCILLOR ATTENDANCE

The Committee considered the report of the Head of Administrative and Member Services on whether the contents/presentation of the record of Councillor Attendance should be changed.

During debate the Committee endorsed the view of a Member that, to avoid a situation whereby the document could be used as a vehicle for political point scoring, it would be appropriate to publish it away from Annual Council. The Committee also agreed that it would be of benefit to be able to identify absence due to special circumstances (such as a hospital appointment or family bereavement) and attendance at other Council events/business.

Recommended to the Policy and Finance Committee

- (1) That publication of the record of Councillor attendance continue on the following basis:-
 - Once compiled and confirmed with each Member, the document should be published in the Members Bulletin and Rochford District Matters and on the Council's intranet and internet sites.
 - The columns relating to each individual Council/Committee meeting and Sub-Committee should be removed so that there is only an overall column showing possible and actual attendance (with fuller detail supplied to Members individually on request).
 - Provision to be made to take account of absence due to special circumstances (such as hospital appointments or family bereavement) and attendance at other Council events/business.
- (2) That the publication arrangements in (1) above be forwarded to the Standards Committee to assist that Committee in its process of deciding how it might monitor Members' attendance at meetings and training sessions. (HAMS)

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

The meeting closed at 9.21pm.

Chairman: _____

Date: _____

15. Call-in and referral

Call-in and referral should only be used in exceptional circumstances.

- (a) When a decision is made by a Policy Committee or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available to all Chairmen of Committees within 2 working days of being made
- (b) The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless referred to Full Council by a minimum of 3 Members or called in by an Overview and Scrutiny Committee.
- (c) During that period, the proper officer shall
 - (1) refer a decision to be taken at the Full Council if a Member(s) provides him/her with the names of three Members who require the relevant decision to be referred or
 - (2) call-in a decision for scrutiny by the relevant Overview and Scrutiny Committee if so requested by the Chairman or any 3 Members of that Committee, and in either case shall then notify the Chairman of the Policy Committee of the referral or call-in.

Having considered the decision, if an Overview and Scrutiny Committee still has concerns, then the Committee may refer the matter back to be reconsidered by the Policy Committee, setting out the nature of its concerns in writing, or refer the matter direct to the next Full Council also setting out the nature of its concerns.

- (d) Any matter referred to Full Council shall be included for debate on the agenda of the next ordinary Full Council meeting.

Call-in and urgency

- (e) The call-in and referral procedure set out above shall not apply where the decision being taken by a Policy Committee is urgent. A decision will be urgent if any delay likely to be caused would seriously prejudice the Council's or the public's interests.

Finance & Procedures Overview & Scrutiny Committee - 26 November 2002

- (f) The record and public notice of the decision shall state whether in the opinion of the policy committee the decision is an urgent one and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (g) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.