

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET held
at The Town Hall, Hendon, NW4, on Tuesday, 15 July 2008.

PRESENT:

- *The Worshipful the Mayor (Councillor John Marshall)
- *The Deputy Mayor (Councillor Mukesh Depala)

Councillors:

*Maureen Braun	*Andrew Harper	*Sachin Rajput BA (Hons)
*Fiona Bulmer	*Christopher Harris BA BSc	PgD Law
Terry Burton	MPhil	*Robert Rams
*Anita Campbell	*Helena Hart	*Barry Rawlings
Wayne Casey BA (Hons)	*John Hart BA MA	*Hugh Rayner
MIIA	*Lynne Hillan	*Colin Rogers
Danish Chopra	*Ross Houston	*Lisa Rutter
Dean Cohen BSc (Hons)	*Anne Hutton	*Brian Salinger
*Jack Cohen	*Julie Johnson	*Kate Salinger BEd (Hons)
*Melvin Cohen LLB	*Duncan Macdonald	*Gill Sargeant
*Brian Coleman, AM, FRSA	*Caroline Margo	*Joan Scannell
*Geof Cooke		*Alan Schneiderman
*Richard Cornelius	Linda McFadyen	*Agnes Slocombe SRN RM
*Jeremy Davies BA (Hons),	*Kath McGuirk	*Ansuya Sodha MBA (Middx)
CPFA	*Andrew McNeil	Cert Ed, DipM (CIM), AMBA
*Tom Davey	*Alison Moore	*Andreas Tambourides
*Claire Farrier	*Jazmin Naghar	*Joanna Tambourides
*Anthony Finn BSc (Econ)	*Matthew Offord	*Daniel Thomas BA (Hons)
FCA	*Charlie O-Macauley	*Jim Tierney
*Mike Freer	*Monroe Palmer OBE, BA,	*Daniel Webb
*Brian Gordon, LL.B	FCA	*Richard Weider
*Eva Greenspan BA LL.B	*Susette Palmer MA	*Marina Yannoudakis BSc
(Hons)	*Bridget Perry	(Hons) MA
	*Wendy Prentice	*Zakia Zubairi

*denotes Member present

16. PRAYER (Agenda Item 1):

The Mayor's Chaplain offered prayer.

17. APOLOGIES FOR ABSENCE (Agenda Item 2):

Apologies for absence were received from Councillor Terry Burton, Councillor Dean Cohen, Councillor Danish Chopra, Councillor Gill Sargeant Councillor Wayne Casey who was in hospital and Councillor Linda McFadyen whose father had died.

Apologies for lateness were received from Councillor Julie Johnson, Councillor Agnes Slocombe and Councillor Jeremy Davies

The Worshipful the mayor, on behalf of the Council, Expressed sympathy to Councillor Linda McFadyen and her family at this sad time.

18. MINUTES OF MEETING HELD ON 13 May 2008 (Agenda Item 3):

RESOLVED – That the minutes of the meeting held on 13 May 2008 be approved

19. OFFICIAL ANNOUNCEMENTS (Agenda Item 4):

The Worshipful the Mayor expressed his sorrow in formally announcing the death of former Councillor Frederick Lockwood Tyler, also known to a number of his colleagues as Pat Tyler. Mr Tyler was a Councillor for Hendon Borough Council from 1959 to 1965 and Barnet 1964 to 1968 and 1971 to 1974. A minute silence was held in remembrance of a departed friend and colleague.

The Worshipful the Mayor, on a lighter note, announced the success of the Boroughs young athletes in the London Youth Games 2008. In total the young athletes achieved a total of 15 medals. These included 3 gold, 6 silver and 5 bronze. The squad came 22nd out of all 33 London Boroughs. The Council joined the Worshipful the Mayor in congratulating all the participants on their achievements.

20. DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS (Agenda Item 5):

The following personal and prejudicial interest was declared relating to Agenda Item 8.5, Motion in the name of Councillor Geof Cooke, Oyster Pay-As-You-Go on Barnet National Rail Services, with the Member concerned leaving the chamber and not taking part in the discussion and vote in respect of the item indicated:

- Councillor Richard Weider as he works for the Environment and Transport Department.

The following personal and non - prejudicial interests were declared relating to Agenda Item 9.1 Administration Policy Item – Barnet Plan for Jobs (Right to Work) , with the Members concerned participating in the discussion and vote:

- Councillors Brian Salinger and Kate Salinger whose son is a client of the Council's Adult Social Services Department.
- Councillor Mukesh Depala whose son is a client of the Council's Adult Social Services Department.
- Councillor Lynne Hillan whose mother lives in sheltered accommodation that is managed by Barnet Homes.

21. BUSINESS REMAINING FROM LAST MEETING(Agenda Item 6):

None.

22. QUESTION TIME FOR MEMBERS (Agenda Item 7):

Questions were put to the Leader and the relevant Members of the Cabinet. Those questions, together with the original answers provided and the text of any supplementary questions and answers are set out in an Appendix to these minutes.

23. VARIATION OF ORDER OF BUSINESS

Councillor Joan Scannell, duly seconded, moved under Council Procedure Rule, Section 1, paragraph 10.2.2, that the order of business relating to Agenda Item 8 be varied so that Motions 8.2, 8.3 and 8.6 be heard first.

Upon being put to the vote, the motion was declared carried.

RESOLVED – That the order of business be varied to allow Motions 8.2, 8.3 and 8.6 to be heard first.

24. MOTION IN THE NAME OF COUNCILLOR MIKE FREER (Agenda Items 8.2)

Motion 8.2 in the name of Councillor Mike Freer was moved. An amendment in the name of Councillor Alison Moore was moved from the floor. Debate ensued. Upon being put to the vote the amendment Councillor Moore's name was declared lost. The substantive motion was declared carried.

RESOLVED – Council congratulates Boris Johnson on his election as Mayor of London on 1 May 2008. Council believes that the voice of the suburbs has been heard. Council resolves to work constructively with the new Mayor for the benefit of all residents in the Borough.

25. MOTION IN THE NAME OF COUNCILLOR ANDREW HARPER (Agenda Item 8.3 and 14.1.11 (ii) (c))

Motion 8.3 was moved in the name of Councillor Andrew Harper. An amendment in the name of Councillor Kath McGuirk was moved.

Upon being put the vote the amendment in Councillor Kath McGuirk's name was declared lost. The substantive motion was declared carried.

RESOLVED - Council is extremely pleased of the Borough's recycling service, which has beaten Government targets and will be expanded this Autumn to include plastic and cardboard.

In addition, Council is pleased the refuse service continues to achieve above average ratings for Customer Satisfaction.

Council believes these accolades are testament to initiatives such as Compulsory Recycling, as well as the Council working in partnership with residents to encourage sustainability and waste minimisation.

Therefore, Council is adamant that this performance should not be jeopardised by cutting the number of waste collections or by levying charges on waste collection.

Council notes that, despite widespread opposition, the Labour Government is pressing ahead with plans to levy charges on households to dispose of their waste.

Council believes this proposal amounts to just another tax on hard-working residents, will do nothing to encourage waste minimisation and recycling, and may actually increase problems such as fly-tipping.

Accordingly, Council resolves to:

- 1) Requests the Chief Executive writes to the Secretary of State for Communities and Local Government, Hazel Blears MP, setting out this Council's opposition to the proposed "Bin Taxes".**

2) **Calls on Cabinet to build on the success this Borough has seen in waste management and recycling, by bringing forward proposals to work with our residents to cut the amount of refuse generated and sent to landfill.**

26. MOTION IN THE NAME OF COUNCILLOR JUILE JOHNSON AS AMENDED BY COUNCILLOR BRIAN COLEMAN (Agenda Item 8.6 and 13.1.11 (v) (f))

Motion 8.6 was moved in the name of Councillor Julie Johnson. Amendments in the names of Councillor Andrew McNeil and Councillor Brian Coleman were moved.

Upon being put the vote the amendment in Councillor Andrew McNeil was name was declared lost.

Upon being put the vote the amendment in Councillor Brian Coleman was name was declared carried. The substantive motion was declared carried.

RESOLVED - Council congratulates Boris Johnson on his delivery of an extra 440 Police Officers to safeguard transport across Barnet and London, and his ban on alcohol on tubes and buses.

Further, Council welcomes the new Mayor's tough action against knife crime through his active support for Operation Blunt 2.

Council is pleased of LBB's past work in securing more Police, and larger Safer Neighbourhood Teams for our Borough.

Council again notes that if the former Mayor, Ken Livingstone, had enacted London Assembly Conservative proposals, safer Neighbourhood Teams could have been introduced a year earlier.

Accordingly, Council congratulates the Mayor of London on his early initiatives to cut crime and disorder, and urges him to continue his campaign against disorder on our streets.

27. MOTION IN THE NAME OF COUNCILLOR JACK COHEN AS AMENDED BY COUNCILLOR ANDREW HARPER (Agenda Item 8.1)

Motion 8.1 in the name of Councillor Jack Cohen and an amendment in the name of Councillor Andrew Harper were moved and put to the vote without debate. The amendment in the name of Councillor Andrew Harper was declared carried. The substantive motion was declared carried.

RESOLVED - This Council notes the complaints from residents in West Heath Road NW3 relating to noise and disturbance arising from near by building works.

Council notes the development included the installation of temporary traffic lights on West Heath Road.

However Council understands that the installation was agreed with the site manager in the interests of safety at the development, and that if traffic lights had not been installed serious congestion and accident problems could have arisen in West Heath Road.

In addition, Council is aware developers intending to use temporary traffic signals are expected to comply with the Code of Practice for Safety at Street Works and Road Works, in addition to other regulations.

Accordingly Council resolves to work to ensure development and traffic management can be undertaken with minimum impact to nearby residents.

28. MOTION IN NAME OF COUNCILLOR ANDREAS TAMBOURIDES (Agenda Item 8.4)

Motion 8.4 in the name of Councillor Andreas Tambourides and an amendment in the name of Councillor Monroe Palmer were moved and put to the vote without debate. The amendment in the name of Councillor Monroe Palmer was declared lost. The substantive motion was declared carried.

RESOLVED - Council is proud to support the Municipality of Morphou in Cyprus, which has been in exile since the Turkish invasion in 1974.

Council notes our strong links with Morphou since 1995 which extend not only to a Formal Twinning of the Borough and the Municipality, but also through visits and solidarity such as the Morphou Rally every year.

In recognition of our ties with Morphou and the 36,000 Greeks and Cypriots living in our Borough, Council resolves to strengthen Barnet's links further by requesting one of the streets in the proposed Mill Hill East development be named "Morphou Road".

The Cabinet Member for Planning is requested by Council to formalise this proposal.

Furthermore, as a precedent has already been set by naming a road in Finchley after Chaville, Council proposes that further new roads in the Borough should also be named after Barnet's other twin towns.

29. MOTION IN THE NAME COUNCILLOR GEOFF COOKE AS AMENDED BY COUNCILLOR ANDREW HARPER (Agenda Item 8.6 and 14.1.11 (iv)(e))

Motion 8.5 in the name of Councillor Geoff Cooke and amendments in the names of Councillor Andrew Harper and Anne Hutton were moved and put to the vote without debate. The amendment in the name of Councillor Anne Hutton was declared lost. The amendment in the name of Councillor Andrew Harper was declared carried. The substantive motion was declared carried.

RESOLVED - Council believes that public transport customers should be able to use the Oyster Pay-As-You-Go Card on all national rail services in Barnet.

Council regrets the lack of real progress achieved on this front by former Mayor Ken Livingstone in his 8 years in office.

Council notes that currently, Oyster PAYG is not valid on Thameslink north of West Hampstead or on the Great Northern route north of Finsbury Park, both services operated by First Capital Connect

Council believes that residents using Mill Hill Broadway, Hendon and Cricklewood stations, and New Barnet, Oakleigh Park and New Southgate stations should be able to use their Oyster PAYG card on these services.

Council also notes that agreements with national rail operators on other lines, and at other stations on the abovementioned lines have now been negotiated to allow the use of Oyster PAYG including First Great Western stations in west London, as brokered by the new Mayor, Boris Johnson.

Council therefore welcomes the proposals, outlined by Boris Johnson, to extend Oyster PAYG to all lines during 2009.

Council therefore asks the Leader to write to the Mayor of London welcoming his plans to extend Oyster PAYG to all lines and urging him to negotiate without delay the use of Oyster PAYG on Thameslink between West Hampstead and Elstree & Borehamwood and on the Great Northern between Finsbury Park and Hadley Wood/Crews Hill.

30. MOTION IN THE NAME OF COUNCILLOR KATH McGUIRK AS AMENDED BY COUNCILLOR ANDREW HARPER (Agenda Item 8.7 and 14.1.11 (vi) (g))

Motion 8.7 in the name of Councillor Kath McGuirk and amendments in the names of Councillor Geof Cooke and Councillor Andrew Harper were put to the vote without debate. The amendment in the name of Councillor Geof Cooke was declared lost. The amendment in the name of Councillor Andrew Harper was declared carried. The substantive motion was declared carried.

RESOLVED - Council notes that there is no orbital underground or rail service in Barnet, and that train services only run north/south bound.

Council believes the best way of expanding orbital connections could be through Express Bus Links, as proposed by new Mayor, Boris Johnson.

Council believes a bus link would be more flexible than a fixed rail link, which would prove expensive and intrusive in Barnet's suburban environment, and would take very much longer to establish.

Council asks the Chief Executive to write to the Mayor of London, Boris Johnson, expressing Council's support for his proposals on Orbital Bus links, and urging him to work through TfL to progress plans for Barnet and Outer North London.

31. MOTION IN THE NAME OF COUNCILLOR BARRY RAWLINGS AS AMENDED BY COUNCILLOR RICHARD CORNELIUS (Agenda Item 8.8 and 14.1.11 (vii) (h))

Motion 8.8 in the name of Councillor Barry Rawlings and amendments in the name of Councillor Ansuya Sodha and Councillor Richard Cornelius were moved. The amendment in the name of Councillor Ansuya Sodha was declared lost. The amendment in the name of Councillor Richard Cornelius was declared carried. The substantive motion was declared lost.

RESOLVED - Council notes the Government's announcement of the government's recent announcement of a new £140m fund to help local authorities in England offer free swimming to over 60's and under 16s.

However, Council regrets that the money will be spread over three years.

In addition, Council regrets the extra cash will barely offset the rising utility costs that are affecting swimming pool operators at present.

Council is pleased that Greenwich leisure already offers a range of concessionary schemes for members, including "Kids for a Quid."

Council believes more detail of the funding package is desperately required so that LBB and its partner, Greenwich Leisure, can assess what discounts can be offered to swimmers.

Accordingly Council resolves:

- 1) To ask Cabinet to support Greenwich Leisure in every way it can to bid for money from this fund in order to help increase the number of people in Barnet taking physical exercise through swimming.
- 2) To instruct the Chief Executive to write to the Secretary of State for Culture, Media and Sport, Andy Burnham MP, requesting further details regarding the fund.

32. ADJOURNMENT OF MEETING.

In accordance with the Agenda, the Mayor adjourned the meeting for 15 minutes. The meeting reconvened at 9.00pm.

33. ADMINISTRATION POLICY ITEM: BARNET PLAN FOR JOBS (Right 4 Work) (Agenda Item 9.1)

Councillor Lynne Hillan proposed the item and moved that it be adopted.

Debate ensued on the Policy Item. Upon being put to the vote the item was declared carried.

RESOLVED - Only 10% of economically active disabled people in the Borough are in work, through MENCAP research shows that 65% of people with learning difficulties nationally would like to be in paid work.

While employment rates for the physically disabled have generally improved, those for people with learning disabilities have remained static.

This means they are the most excluded group when it comes to securing employment.

Council believes that LBB must take action to ensure that more people from this disadvantaged group are able to secure work, which would help raise skills levels and confidence, as well as increasing the diversity of the workforce, making Barnet a leader in an area of Corporate Social Responsibility that very few employers have effectively embraced. In addition, it will reduce dependence upon Adult Social Services day services which for some people have traditionally been offered for people who could have worked.

MENCAP has been working with Barnet with a view to providing increased opportunities under the WorkRight model. We are one of only 5 sites in the South East to be approached to enter into such a partnership. This partnership is funded by the Learning Disability Development Fund from the Department of Health.

A co-ordinator employed by MENCAP will work within LBB to identify suitable job vacancies, undertake job carving and match candidates to vacancies. This initiative will support the Council in achieving the Local Area Agreement target for people with a learning disability in paid employment (NI146).

In addition, the post holder will provide support to both the employee and managers on an ongoing basis and liaise with other employment groups in the Borough.

Recommendations

Council accordingly:

- Supports the Employability Barnet initiative aiming to increase employment levels for disabled people known to Adult Social Services
- Supports LBB entering into a one-year partnership with MENCAP to increase employment opportunities for people with learning disabilities.
- Requests Cabinet produce a feasibility study, outlining the benefits that could accrue to both the clients of this project and the Council itself.

34. **OPPOSITION POLICY ITEM AS AMENDED BY COUNCILLOR MELVIN COHEN: VIBRANT TOWN CENTRES (Agenda Item 9.2 and 14.1.11 (vii) (i))**

Councillor Colin Rogers proposed the item and moved that it be adopted. Amendments in the name of Councillor Kath McGuirk and Councillor Melvin Cohen were moved. Debate ensued.

Upon being put to the vote the amendment in the name of Councillor Kath McGuirk was declared lost.

Upon being put to the vote the amendment in the name of Councillor Melvin Cohen was declared carried.

Upon being put to the vote the substantive motion was declared carried.

RESOLVED - Council believes that local town centres are the lifeblood of the borough, providing retail, leisure, employment and local services to Barnet residents.

Council regrets the Labour Government's revised PPS6 Planning Guidance, which permits the siting of large superstores on the edge of town centres, providing unfair competition to small firms in the High Street. Council is proud to have signed up to the *Evening Standard's* "Save Our Small Shops Campaign" over this very issue in April 2006.

Council further regrets the mishandling of the national economy by Chancellor and then Prime Minister, Gordon Brown, which has led to the "Credit Crunch" and crippling taxes now hampering consumers and businesses, with severe implications on the retail sector in Barnet and beyond.

In contrast, Council is proud of LBB's efforts to improve the viability of our town centres, which has included the resurfacing and de-cluttering of the streetscene, the rollout of the Townkeeper service, more frequent street cleaning, and ongoing reviews of Controlled Parking Zones to check they continue to serve residents' and shoppers' needs.

Additionally, Council believes the new street trading regulations are furthering this aim by facilitating clear and accessible shopping areas for all consumers, including the disabled and those with small children.

Accordingly, Council calls on Cabinet to continue its work to enhance the vitality of all Barnet's town centres, against a backdrop of worsening economic conditions presided over by the Labour Government, and flawed national planning regulations.

35. REPORT OF CABINET (Agenda Item 10)

None

36. REPORT FROM OVERVIEW AND SCRUTINY COMMITTEES (Agenda Item 11)

None

37. REPORT OF THE STANDARDS COMMITTEE – STANDARDS COMMITTEE ANNUAL REPORT – 15 JULY 2008 (Agenda Item 12)

Council were advised by the Director of Corporate Governance that the report at Agenda Item 13.1, relating to the Report of the Standards Committee on the Standards Committee Annual Report should be dealt with at Agenda item 12, and debated in accordance with the Council Procedure rules relating to Reports from Council Committees.

Councillor Joan Scannell moved reception and adoption of the report.

Councillor Scannell thanked the Chairman of the Committee, Rev Bernd Koschland for his dedication and commitment and also the Co-opted Members and Officers. Upon being put to the vote it was

RESOLVED – That the Report of the Standards Committee dated 15 July 2008 be approved and adopted.

38. FIRST CLASS EDUCATION AND CHILDREN OVERVIEW AND SCRUTINY COMMITTEE (Report of the Democratic Services Manager – Agenda Item 14.1.1) (Council 13/5/2003 –Minute 12 and Council 13/5/08 – Minute 12 (vi))

RESOLVED - That the following be appointed to serve as co-opted Members of the First Class Education and Children Overview and Scrutiny Committee for the period ending May 2010:

Gladys Vendy - Church of England schools

Denis Carey - Roman Catholic Schools

Cathy Godlin - Persons who appoint Foundation Governors to Voluntary Aided Jewish Schools.

39. HEALTH CARE FOR LONDON CONSULTATION PAN LONDON JOINT OVERVIEW AND SCRUTINY COMMITTEE (Report of the Democratic Services Manager – Agenda Item 14.1.2)

RESOLVED – That Councillor Sachin Rajput replace Councillor Richard Cornelius as the Barnet Representative on the Pan London Joint Overview and Scrutiny Committee.

40. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT (Report of the Democratic Services Manager – Agenda Item 14.1.3)

In the case listed below the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decision proposed was reasonable in all the circumstances, was urgent and therefore has consented to the proposed decision being exempted from call-in:

- (i) The Leader of the Council approved acceptance of the tender contract sum from Willmott-Dixon Construction for the rebuild of Parkfield Primary School and The Hyde Primary School with an integrated Children's Centre, and the construction of a Children's Centre at Underhill Infants School.

The report was exempted from call-in as it was necessary to issue the notice to begin construction before 27 May 2008 to meet grant funding deadlines and minimise construction costs. The next meeting of the Cabinet and Overview Scrutiny Committee was not until the 23 June 2008.

41. LEADER'S SCHEME OF DELEGATION: (Report of the Democratic Services Manager – Agenda Item 14.1.4)

- (i) Appointment of Assistant Cabinet Member;**
(ii) Creation and Appointment of Cabinet Housing and Regeneration Committee

In accordance with the Constitution, the Leader of the Council had advised the Democratic Services Manager that he had :

- appointed Councillor Daniel Webb, Assistant Cabinet Member for Planning and Environmental Protection.
- created a Cabinet Housing and Regeneration Committee, details of which are set out in Appendix

RESOLVED – That the Democratic Services Manager make the appropriate changes to the Councils Constitution.

42. HOUSEKEEPING AMENDMENTS TO THE CONSTITUTION (Report of the Democratic Services Manager – Agenda Item 14.1.5)

This was for information only as the changes had already been implemented.

43. FUTURE OF SCRUTINY BARNET (Report of the Democratic Services Manager – Agenda Item 14.1.6)

Councillor Sachin Rajput moved reception and adoption of the report and the amendment in the name of Councillor Brian Salinger. An amendment in the name of Councillor Jack Cohen was moved. Debate ensued

Upon being put the vote in name of Councillor Jack Cohen was declared lost.

RESOLVED – That the report of the Working Group of Members on the future of the Overview and Scrutiny process in Barnet attached at Appendix C be approved subject to the amendment of recommendation 2.18 to “That the existing Overview and Scrutiny Structure is *to be* disbanded *from a date to be agreed.*”

44. HEAD OF AUDIT AND ETHICAL GOVERNANCE (Report of the Democratic Services Manager – Agenda Item 14.1.6)

RESOLVED –

- (i) That the post of the Head of Audit and Ethical Governance be no longer designated as Chief Officer Post.**
(ii) That the Democratic Services Manager be instructed to make the necessary amendments to Article 12 of the Council's Constitution.

**48. CHIEF OFFICER APPOINTMENTS PANEL – DIRECTOR OF CHILDREN’S SERVICE
RESOLVED – That the following change in the Chief Officer Appointment
Panel be approved:**

- **Councillor Jack Cohen be a Members on the Panel with Councillor
Susette Palmers as substitute.**

46. REPRESENTATION OF THE COUNCIL ON OUTSIDE BODIES

London Councils advised, in a letter dated 4 July 2008, that further to an opinion they have received from Leading Counsel, a borough must appoint a member of the Executive to the London Councils Grant Committee. This also includes deputies.

The Council, in view of the urgency, is obligated to change one of its substitutes on the London Councils Grants Committee, by replacing Councillor Christopher Harris as a nominated deputy with a Member of the Executive.

RESOLVED – That Councillor Andrew Harper replace Councillor Christopher Harris as deputy for the Council’s representative on the London Council’s Grants Committee.

47. CHANGES TO COMMITTEE MEMBERSHIP

RESOLVED – That the following changes in Committee Membership be approved.

Planning and Environment Committee

- **Councillor Caroline Margo to replace Councillor Daniel Webb as a member of the committee.**

Corporate Health & Safety Joint Negotiation and Consultation Committee

- **Councillor Daniel Webb to replace Councillor Caroline Margo as a member of the committee.**

48. COMMENTS RELATING TO THE WORK OF THE CABINET (Agenda Item 15)

Comment: Councillor Jack Cohen

I’m not sure which Cabinet Member is going to respond to me. This is about what’s been dubbed the ‘pavement tax’ in our town centres. This Council’s becoming more like the Brown government every day. This pavement tax is like the 10p income tax fiasco. Why doesn’t the Cabinet acknowledge they’ve made a mistake. All I heard in the previous debate was them blaming everybody else but themselves. This tax is wrong, it’s wrong in principle and it’s wrong in implementation. No doubt there are traders that abuse the system and Mr Mayor you know from your time on the Planning committee that when we raised things that are not quite to do with planning we are told well there was other routes of enforcement and for people that abuse the system and cause obstruction there are laws that can be enforced and people can be fined and dealt with. That’s not what we’re talking about, I think it was Councillor Rogers that made the point, it seems illogical to say you’re blocking the pavement, however if you pay £1,000 we can overlook that. It simply doesn’t work out. Whatever they say, whatever this administration says, they have got this wrong and it’s wrong in principle because the impact is going to be on the small trader. The large multiples like Starbucks and Costa Coffee, whatever they’re called, they can afford the £1,000 but not the single trader like the man who came to the Golders Green and Finchley Residents Forum and said “you charge me a £1,000 what it means is

that I'll have to either lay off a member of my staff or pay them less." It's the small business person that's going to be hit by this, by a party, a Conservative party, we thought were friends of small business. It's not too late to change this. Your own policies say we want to encourage a café culture in our town centres, we want the town centres to expand. What you're proposing will do the complete opposite. I ask you to change at this late hour and accept that you've made a mistake.

Response: Councillor Brian Coleman

Mr Mayor, Councillor Cohen has obviously not read the paper, this matter hadn't been attended to by Barnet Council since 1988 and the reason why, if he'd bothered to visit many of our town centres, such as Finchley Central springs to mind, you couldn't walk down the pavement and you certainly couldn't with a buggy, and you certainly couldn't if you were blind or partially sighted. It was because we had no powers to do anything with people trading on the pavement. Now, if I came along and set up tables and chairs in Councillor Jack Cohen's front garden, he'd tell me to push off or he'd give me a demand for rent. These are people who think they can increase the sizes of their businesses at the Council's expense. We have to sweep the pavements, we have to clear up after them. There is no profit on this, it is illegal under primary legislation to make a profit on these licences and the purpose of having licences is that they can be refused. So inappropriate obstructions from traders, who insist on having their fruit and veg so you can't get about, they will be refused a licence. The fees depend on the amount of space you're getting, just like any other commercial transaction and it is perfectly reasonable, and in one of the earliest features on town centres, I can't remember which opposition member it was said we need to reduce the clutter in our town centres. Well the total ban on A boards, the total, it was Councillor Macdonald I think said we want to reduce clutter, the ban on A boards, what is the purpose of A boards, no purpose at all except free advertising for the businesses. Why should I have to fight my way past loads of A boards blocking our high streets. This is a sensible policy in line with virtually every other London Borough and Councillor Palmer spouts off there in between her knitting, Councillor Palmer is the one who's complained about Golders Green and has walked into a number of businesses and told them to sweep the pavements up. We had no power to do that until we had this legislation, so I'm not going to listen to the hypocrisy from Councillor Palmer. This policy will tidy up our town centres, reduce street clutter and frankly deal with the many residents who have currently complained

Comment: Councillor Jeremy Davies

Firstly, may I thank the Cabinet Member for the very positive meeting that we had with Councillor Casey to discuss the issue of Uphill Road. May I ask if he has actually had the opportunity to go and visit Uphill Road and to look into the history behind the installation of the traffic humps there and will he now reconsider the decision not to reinstate the traffic humps in line with the wishes of the majority of local respondents to the recent consultation. If not, will he clarify what weight the administration places on the results of consultations in these matters as there is more than a little confusion in the public's mind

Response: Councillor Andrew Harper

I'm sure we can't possibly match the entertainment value of the last item, however, of course I'm delighted that Councillor Davies has managed to get here for this. I have not yet had an opportunity to visit that particular road and see the situation for myself. I think

the Council's policy on road humps and traffic calming measures and what happens to them after resurfacing is set out in my written answer to question 40, of Councillor Katherine McGuirk, which was taken earlier this evening. As I explained to Councillors Davies and Casey when I met them, the position is that the Council has reviewed the situation in Uphill Road, decisions were taken some time ago in the light of all the consultation results and so on, which as I pointed out to Councillors Davies and Casey at the time, they did not actually contribute to unlike the other ward Councillor there, Councillor John Hart, who gave a very clear opinion during the consultation, which was very helpful. We have introduced particular measures for vehicle activated signs which we think are appropriate under the circumstances and we have undertaken to review how successful they are in six months time

The meeting finished at 10.31pm

APPENDIX A

SCHEDULE OF NOMINATIONS RECEIVED FOR APPOINTMENT AS NON-COUNCIL (CO-OPTED) MEMBERS OF THE FIRST CLASS EDUCATION AND CHILDREN SCRUTINY AND OVERVIEW COMMITTEE IN 2008-20010

3 REPRESENTATIVES OF VOLUNTARY AIDED SCHOOLS (VOTING REPRESENTATIVES)

Name of Nominee	Nominators	Experience and Qualifications
<p>(i) <u>1 Representative of the Church of England</u></p> <p>➤ Gladys Vendy</p>	<p>London Diocesan Board for Schools</p>	<p>Miss Gladys Vendy</p> <ul style="list-style-type: none"> • Head Teacher for 26 years in CE schools in London Diocese. At St Mary’s CE Primary School, Finchley 1986-2000 which included the period in which the school relocated to the present site. • Two very successful Ofsted inspections “provides excellent model of leadership” and mentioned in HMCI report. • Retired in 2000 and became a link tutor for PGCE trainees in inner London Schools (fourth year of this). • An accredited performance management consultant. • An accredited external adviser (assists governors in setting Head Teacher objectives). • An Ofsted Section 23 inspector (RE and Worship) working in CE schools in the London Diocese. • Have acted as a consultant in two Barnet schools where there has been an acting Head Teacher (since 2000). • Governor of two church schools – primary (Barnet LEA) and secondary (Surrey LEA) – member of personnel committees and a vice chair. • Strengths – good listening skills; analytical; diplomatic.

Name of Nominee	Nominators	Experience and Qualifications
		<ul style="list-style-type: none"> Has been a co-opted Member of the Overview and Scrutiny Committee relating to Education and Children since 2004
(ii) <u>1 Representative of the Roman Catholic Church</u> ➤ Mr Denis Carey	Westminster Diocese Education Service	Mr Denis Carey has been the Roman Catholic Church's representative on Barnet's First Class Education & Children Overview & Scrutiny Committee. Until his retirement in August 2000 he was the Head Teacher of St Teresa's Primary School, where he had been a teacher for at least 17 years.
(iii) <u>1 Representative of Persons who Appoint Foundation Governors to Voluntary Aided Jewish Schools</u>	Pardes House School	Mr Deutsch is a long standing foundation Governor who has been involved with Pardes Primary for the past 20 years. His knowledge of the school as well as being a well respected member of the local Jewish Community would stand him in good stead.
Either		
Mrs Cathy Goldin	Menorah Primary School	Mrs Cathy Goldin was a representative on the Education and Children Overview and Scrutiny Committee last year. She is a qualified nursery teacher and currently a parent/governor of Menorah Primary School. She was the Voluntary-Aided Jewish School's representative on the Education and Children Overview and Scrutiny Committee last year. The family are members of the Golders Green Beth Hamedrash Hebrew Congregation.

Name of Nominee	Nominators	Experience and Qualifications
<p>Or</p> <p>Mr Davis Deutsch</p>	<p>Pardes House School</p>	<p>Mr Deutsch is a long standing foundation Governor who has been involved with Pardes Primary for the past 20 years. His knowledge of the school as well as being a well respected member of the local Jewish Community would stand him in good stead.</p>

APPENDIX B

Committee	Functions	Membership
Cabinet Housing and Regeneration	<p>To monitor the delivery of the Council's housing needs, both within and outside the regeneration schemes, including delivery through Barnet Homes, Registered Social Landlords and the regeneration development partners.</p> <p>To make recommendations on the above to Cabinet or Cabinet Resources Committee as appropriate</p>	<p>Cllr Lynne Hillan (Chairman)</p> <p>Councillor Mike Freer</p> <p>Councillor Anthony Finn</p> <p>Cllr Richard Cornelius</p> <p>Councillor Melvin Cohen</p>

APPENDIX C

Recommendation –

That a politically balanced working group consisting of seven Members be appointed to consider and make recommendations to the Council at their 15 July 2008 meeting on the future of the Overview and Scrutiny processes in Barnet and *any issues arising from the Mycroft Group Report.*

<p>THE FUTURE OF OVERVIEW AND SCRUTINY IN BARNET - THE REPORT OF THE WORKING GROUP</p>

	2/4/08	6/5/08	4/6/08	24/6/08
Sachin Rajput (Chairman)	*	*	*	*
Brian Coleman	*	\$		\$
Joan Scannell		*	*	*
Andreas Tambourides	*	*		*
Julie Johnson	*	*	\$	*
Linda McFadyen				
Monroe Palmer				
Substitute Members				
Maureen Braun				
Kate Salinger	*	*	*	*
Alison Moore				
Barry Rawlings			*	*
Susette Palmer				
Jack Cohen				

* Members attending

\$ Member absent on Council business

█ Not a Committee Member/substitute at the time

^Not a substitute Member at the time

1. EXECUTIVE SUMMARY

- 1.1 The remit of the Future of Scrutiny In Barnet Working Group was to evaluate current provision for the discharge of the Councils Overview and Scrutiny function, with a view to producing recommendations for Council to consider as to its future direction and development.
- 1.2 Meeting from April 2008 through to June 2008, the working group focused on the following key areas of work, gathering evidence from a variety of sources in order to help shape eventual outcomes:
- Consideration of new and emerging legislation, particularly in the context of the council place shaping agenda
 - Research into model of best practice undertaken in other London Boroughs and at the Greater London Assembly
 - Site visits to three selected London Boroughs
 - Conducted evidence gathering meetings with both internal and external officers and with the Centre for Public Scrutiny
 - Conducted a consultation exercise, canvassing a cross party sample range of the views of overview and scrutiny Councillors, with varying levels of experience of their roles in overview and scrutiny
- 1.3 The evidence gathered during the course of this review is set out in the body of this report and broadly follows the structure outlined in the bullet points above.

2. RECOMMENDATIONS

- 2.1 **That the existing overview and scrutiny committee structure is disbanded.**
- 2.2 **That a new, overarching overview and scrutiny committee, to be named “Policy and Performance Overview and Scrutiny Committee” is established in its place, with a Business Management Sub-committee to support its work.**
- 2.3 **That a stand alone budget and performance overview and scrutiny committee is established, to be responsible for scrutinising the budget and performance management process.**
- 2.4 **That a stand alone health scrutiny committee is established, in accordance with the requirements of the Health and Social Care Act 2001.**
- 2.5 **That the proposed Policy and Performance Overview and Scrutiny Committee will meet at least once a year to appoint its Sub-committees and panels/task and finish groups and will also set the annual work programme for panels/task and finish groups, working to set time limits.**
- 2.6 **The Business Management Sub-Committee will appoint additional Scrutiny Panels; co-ordinate and monitor the work of Scrutiny Panels/ Task and Finish Groups; consider the most appropriate arrangements for reviews, whether by politically**

balanced committees or panels, non proportional panels or a rapporteur with a cross-party reference group and, where appropriate, make recommendations to the Policy and Performance Overview & Scrutiny Committee; consider reports from Scrutiny Panels/Task and Finish Groups or rapporteurs and make recommendations to the Council, the Executive or the Policy and Performance Overview & Scrutiny Committee, as appropriate

- 2.7 That the proposed, stand alone Budget and Performance Overview and Scrutiny Committee will consider, consult upon, comment and, where appropriate make recommendations to the Executive in respect of the proposed Council budget and Medium Term Financial Strategy.
- 2.8 That the Committee will also scrutinise the management of the Council's budget and hold the Executive to account for performance in delivery of the Corporate Plan and all other plan, strategy and service objectives.
- 2.9 That the Director of Corporate Governance should be instructed to ask the Special Committee (Constitution Review) to consider an amendment to the Constitution so that the Chairman of the proposed Budget and Performance Overview and Scrutiny Committee shall have the right to speak at the budget-making and council tax setting meeting of the Council.
- 2.10 That the Head of Paid Service be asked to consider that there be a minimum team of 4.5 overview and scrutiny staff, with appropriate professional skills, to include a manager, in line with Centre for Public Scrutiny Guidance to support overview and scrutiny and that if appropriate this requirement for increased staffing be incorporated in the 2009/10 budget.
- 2.11 That the Head of Paid Service be asked to consider appropriate arrangements to ensure that the overview and scrutiny officer team is strategically positioned within the organisation.
- 2.12 That the proposed Policy and Performance Overview and Scrutiny Committee receive reports from the Council, Executive, residents forums, community and voluntary groups partnership and outside bodies and other locally constituted groups, in line with Councillor Calls for Action, if and when the relevant statutory provisions come into force.
- 2.13 That the profile, process and credibility of overview and scrutiny be raised, both internally and externally and that the Executive be asked to ensure that appropriate resources and instruction be given to facilitate communications support and publicity.
- 2.14 That a monthly programme incorporating the forward plan and other projected executive work items be reported by Cabinet to the proposed Business Management Sub-committee the stand alone Budget and Performance and Health overview and scrutiny committees.
- 2.15 That the Chairmen of the proposed Policy and Performance Overview and Scrutiny Committee, the proposed Business Management Sub-committee and the proposed

stand alone Budget and Performance and Health Overview and Scrutiny Committees, meet regularly with the Leader to discuss overview and scrutiny.

- 2.16 That in carrying out its functions, primarily through sub-committees and scrutiny panels, the proposed Policy and Performance Overview and Scrutiny Committee will, amongst other matters, have overall scrutiny responsibility for review of the policy framework and the development of policy and strategy. Involvement of the overview and scrutiny function in these areas should extend to the early and developmental stages of the process as well as at the finalisation or approval stage.
- 2.17 The proposed Policy & Performance Overview & Scrutiny Committee and the Business Management Overview & Scrutiny Sub-Committee will ensure that the work of scrutiny is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
- 2.18 That Council consider the principle embodied in some other local authorities of having a non-partisan approach to the Chairmanship and or Vice-Chairmanship of the proposed overview and scrutiny committees.
- 2.19 That the Call-in function will be carried out by the proposed Business Management Sub-committee.
- 2.20 That the Special Committee (Constitution Review) is asked to consider the criteria upon which decisions could be called in, whether call-in should only apply to Key decisions (as defined in Article 13.03 of the Constitution) and whether there should be a stated understanding of how call-in would be exercised.
- 2.21 That the Director of Corporate Governance be instructed to ask the Special Committee (Constitution Review) to consider the details of Committee and Sub-Committee membership and terms of reference and other constitutional changes necessary to implement the proposed changes.
- 2.22 That the Director of Corporate Governance be instructed to ask the Independent Remuneration Panel to review Special Responsibility Allowances relevant to the proposed arrangements at the appropriate time.

3. BACKGROUND

- 3.1 On 29th January 2008, Council resolved to establish a **‘politically balanced working group consisting of seven Members be appointed to consider and make recommendations to the Council at their 15 July 2008 meeting on the future of the Overview and Scrutiny processes in Barnet and *any issues arising from the Mycroft Group Report.*’**
- 3.2 The membership of the Future of Scrutiny In Barnet Working Group was agreed at Council on 4th March 2008 and comprised of Councillors Sachin Rajput (Chairman), Brian Coleman, Andreas Tambourides, Joan Scannell, Julie Johnson, Linda McFadyen and

Monroe Palmer. The appointed substitutes were Councillors Maureen Braun, Kate Salinger, Alison Moore, Barry Rawlings, Susette Palmer and Jack Cohen.

- 3.3 The Local Government Act (2000) introduced an Executive/Scrutiny split into local authority operations in England and Wales with the Executive determining and implementing the policy agenda and Scrutiny Committees being responsible for holding the Executive to account.
- 3.4 Barnet Council's Constitution (Article 6.02) states that the powers of Overview and Scrutiny Committees include:
- To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
 - Make reports and/or recommendations to the full Council and/or the Executive and/or any area Committee in connection with the discharge of functions.
 - Consider any matter affecting the area or its inhabitants.
 - Any Overview and Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees.
 - Two or more Overview and Scrutiny Committees may appoint Joint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees so that the Scrutiny Role may be performed in a cross-cutting way.
 - Any such Sub-Committees or Joint Sub-Committees appointed under paragraphs (d)(i) or (ii) above are subject to the rules on public meetings and political balance within the terms of the relevant legislation.
 - The Terms of Reference of any Sub-Committees or Joint Sub-Committees appointed under paragraphs (d)(i) or (ii) above must be clearly stipulated by the appointing "parent" Overview and Scrutiny Committee(s) together with a defined period for their operation and existence and must be within the powers of the appointing Overview and Scrutiny Committee(s).
 - Overview and Scrutiny Committees individually or jointly with other Overview and Scrutiny Committees may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or other groups to assist the Committees in their functions. Such groups are not Sub-Committees, are not subject to the rules on public meetings and political balance, and accordingly have no powers other than to investigate and make recommendations to the parent Committee. The Terms of Reference of such groups must be within the Committee appointing them and must be clearly stipulated, with a defined period for their operation and existence.

Overview and Scrutiny Committees – Specific Functions (Article 6.03):

- 3.5 Policy development and review- **Overview and Scrutiny committees may assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;**
- 3.6 **Conduct research, community and other consultation in the analysis of policy issues and possible options;**

- 3.7 Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;**
- 3.8 Question members of the executive and/or committees and chief officers about their views on issues and proposals affecting their area;**
- 3.9 Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.**
- 3.10 Scrutiny - Overview and Scrutiny committees may -**
- 3.11 Review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council officers in relation to individual decisions and over time;**
- 3.12 Scrutinise decisions which the Executive is planning to take and comment on them to the Executive;**
- 3.13 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;**
- 3.14 Question Members of the Executive and/or Committee and chief Officers about their decisions and performance;**
- 3.15 Make recommendations to the executive and/or appropriate committee and/or Council arising from the scrutiny process**
- 3.16 Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;**
- 3.17 Question and gather evidence from any person (with their consent).**
- 3.18 Finance - Overview and scrutiny committees may exercise overall responsibility for any finances made available to them.**
- 3.19 Annual report - Overview and scrutiny committees must report annually to full Council on their workings and make recommendations to full Council for future work programmes and amend working methods if appropriate.**
- 3.20 Officers - Overview and Scrutiny committees may exercise overall responsibility for the work programme of any officers employed to support their work.**

Agenda Items

- 3.21 Any Member of an Overview and Scrutiny Committee or sub-Committee shall be entitled to give notice to the Democratic Services Manager that he/she wishes an item relevant to the functions of the Committee or sub-Committee to be included on the agenda for the next available meeting of the Committee or sub-Committee (Overview & Scrutiny Procedure Rules 9).**

3.22 Members of the Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Council Constitution.

Reports from Overview and Scrutiny Committee

3.23 The Overview and Scrutiny Committee can report findings and any recommendations back to the Executive and/or Council.

3.24 The Council and/or Executive shall consider the report of the Overview and Scrutiny Committee at their next available meeting (Procedure Rules 9).

3.25 Currently in Barnet, there are six Overview and Scrutiny Committees. These are-

- I. First Class Education & Children Overview and Scrutiny Committee
- II. Supporting the Vulnerable in our Community Overview and Scrutiny Committee
- III. Tackling Crime and Housing Overview and Scrutiny Committee
- IV. Cleaner, Greener, Transport and Development Overview and Scrutiny Committee
- V. Resources, Performance & Partnerships Overview and Scrutiny Committee
- VI. Cabinet Overview and Scrutiny Committee

4. FINDINGS OF THE REVIEW

4.1 Scrutiny Commission meetings

The Scrutiny Commission met four times and the discussions during these meetings are summarised below.

4.2 The general structure of Scrutiny

- Some Members stated that they were interested in looking at different models of Scrutiny and how Scrutiny was structured in other Boroughs
- The need to look at how the Executive is held to account by non-Executive Members was also discussed
- The 'Overview' part of Scrutiny should be considered as there had been more focus on the critical friend role
- Members agreed that Scrutiny, if used and managed properly, could be a very effective tool
- A Member of the Scrutiny Commission stated that in his view, one of the most effective Overview and Scrutiny Committees in the past was planning, which led to innovative ideas such as the development forums
- Raising the profile of Scrutiny in Barnet was necessary
- Scrutiny has to be properly resourced - Scrutiny specialists are needed rather than Committee clerks
- Scrutiny should not be a mechanical process – it was suggested that the main issues the Scrutiny Commission should focus on are the work and structure of Scrutiny
- The possible need to change or enforce Council standing orders to ensure that Members attend meetings when requested to attend was raised

- Modernising the Scrutiny function – an overhaul of the current Scrutiny function was discussed- if the structure is right then the politics will follow, and this may involve a radical constitutional change
- Scrutiny must be responsive and flexible

4.3 **Scrutiny Committees**

- The Members of the Scrutiny Commission raised the number of Scrutiny Committees currently standing in Barnet. This was discussed at each meeting of the Scrutiny Commission.
- Scrutiny arrangements in Camden: one overarching Scrutiny Committee.
- Other Boroughs listed the items that needed Scrutiny on an adhoc basis, and then prioritised meetings around the list as required, rather than have six dates set throughout the year.
- Scrutiny must be effective – following the ‘7th July’ London bombings, Scrutiny at GLA conducted an excellent piece of work in relation to the same.
- Scrutiny has to be fit for purpose and respond to the needs of the community.
- A single Scrutiny Committee may have more impact and its decisions therefore might be more powerful; it could ask for support from each department and a more flexible working pattern could be introduced so that talented and busy Councillors would not be excluded.
- One Scrutiny Committee alone to deal with the call-in process was discussed.
- The merits of a specific Budget Scrutiny Committee was discussed
- The backing of the Executive would be necessary for any proposed changes sought by the Scrutiny Commission. The Council would decide on the composition of the Scrutiny Committee(s). If there was genuine confidence in the system of Scrutiny, the power of the Committee would be demonstrated by the votes of the Members and not by the politics of the Chairman.

4.4 **Executive/Non-Executive Members and Officer Roles**

- Officer role: a clearer understanding of their role was needed and further it was noted that it was their role to be much more responsive in fulfilling Members’ requests.
- The Performance team also had an important supportive role here
- If Scrutiny were to underpin policy development, then much more exchange should go on between Officers, Scrutiny and Members.
- It was suggested that at present Officers did not consider their interaction with Scrutiny as being positive and proactive and further did not appear to understand that they were required to support the non-Executive too.
- Members expressed concern regarding the level of officer support from some service areas, which at times they felt was unsatisfactory.
- Members stated that there was a communications problem between Officers and Councillors and a strategy was therefore considered to improve the situation.
- At the site visit to the London Borough of Harrow, it was reported that the Leader met the Chair of Scrutiny every three months to brief on key issues that were upcoming and it was considered that would obviously be very helpful, although it was noted that it did not always happen. A Cabinet Work Programme was also fed back to their Scrutiny Committees every month.
- It was agreed that this was an excellent communications strategy, quite possibly something that could be introduced in Barnet.
- Furthermore, it was stated that Performance staff at Barnet could be co-opted to support the Scrutiny Committee on specialised issues.

POLICY DEVELOPMENT & REVIEW

4.5 Scrutiny Work Programmes & Reviews

- Work programmes of the Scrutiny Committees did not necessarily reflect the issues of major importance that could be considered apparent in the Borough.
- Scrutiny could be aligned more closely with the priorities of the Executive and should cut across service boundaries where necessary.
- Work programmes should reflect the decisions and policies going through Cabinet in a timely way.
- Cabinet Members should inform respective Chairman of planned works and service priorities and respond to questions
- The Hate Crime Review was good but exceeded the timeframe for example: matters should remain time limited where possible.
- Involvement in working groups offered Members a degree of satisfaction. However, it could be said that once a report was produced it might disappear into a vacuum possibly because reports may not be timely or relevant to the agenda
- At the London Borough of Harrow, Scrutiny differentiated the issues; which were categorised as either light-touch (dealt with in a matter of days); medium-depth (weeks); or in-depth (months). The Chair was drawn from the majority Party and the Vice Chair from the major opposition Party.
- It was collectively considered that if the standing Scrutiny Committees continued, they would benefit enormously from having the following two sources of input: firstly, being kept informed of the forward planning of the Executive and secondly, being advised of issues raised at local level from Residents' Forums. Everyone present agreed that this would be a very significant development. In addition one or two of the key priorities highlighted in the Corporate Plan should also go to the relevant Scrutiny Committee each year.

4.6 Call-In

- The need for policy development was raised; Scrutiny of the Executive has been weak and call-in ineffective
- In comparison to other London Boroughs, Barnet Scrutiny Committees were calling in far more key decisions.
- Effective Scrutiny was being hampered by the sheer volume of decisions being examined, and the fact that Officers did not always respond in a professional manner to the questions referred to them.
- Effective Scrutiny required alliances to be formed across party lines but current arrangements make this very difficult.
- The role of questioning had expanded so much that it may be considered to be detracting from the important work that the Scrutiny Committees were intended to do as described in the relevant Act of Parliament.
- Improvement could be achieved if far fewer decisions were called in and more time could thus be spent doing a much more productive Scrutiny of the major decisions.
- If call-in took place four or five times during the year, and the decisions called were very significant, far more attention would be paid to the work of Scrutiny.
- This would result in Scrutiny decisions having a much greater impact on policy making than they did at present.

- A more positive position would be for the non-Executive to call in only the major decisions, while the Executive accepted that these would be examined in far greater depth, eventually having a definite effect on policy development.
- One Scrutiny Committee alone to deal with the call-in process was discussed. A decision would have to be reached about what important issues would trigger the call. For example, Scrutiny of the regeneration schemes would provide an ideal proactive model of the call-in and Scrutiny process.
- Another area which should be open to Scrutiny was any change in Council powers.

4.7 **Budget Scrutiny**

- Concern was raised about what is done with performance management information (PIs) as it was felt that this was not a productive area of work for Scrutiny. The need to look at strategies in advance before they are submitted to Cabinet and Council was discussed and it was noted that these should be timely.
- The Budget was an area which could be opened up to greater Scrutiny in a proactive way, subject to adequate reports being provided in relation to the same.
- The normal timetable for the Budget (£250 million) provided for detail to be published in February each year. However, in order to monitor such an important process, Overview and Scrutiny should begin at least six months earlier with a serious forum being provided.. This would include a thorough examination of the likely impact of budget decisions in key areas. Members considered that this was an excellent idea as there was never enough time to ask searching questions about the Budget.
- It was agreed that the Chair of a Budget Scrutiny Committee would be a very important role. Following a question from the relevant Chairman, the proposal could be sent to the Resources Committee for consideration if such a model were adopted.
- It was important for voting purposes that the political membership of the Overview and Scrutiny Committees be balanced and that it was in the interest of good partnership to ask the parties to work together productively for the good of the community.
- That the recommendations must be made wholeheartedly, as Scrutiny Committee Members believed they were engaged in work that was potentially extremely beneficial for the community.
- Cabinet Members should be asked to improve the flow of information regarding key policies to the Overview and Scrutiny Committee(s), so that planning could be improved.
- A Budget Scrutiny Committee would be able to monitor service performance more effectively than the current process: This would require an altered response from Officers who would be required to co-operate differently.
- A Scrutiny Committee dedicated to Budget and Performance would have a much higher profile among Officers and the public.

EXTERNAL SCRUTINY, PARTNERSHIPS & ENGAGEMENT

4.8 **External Scrutiny**

- External Scrutiny of partnership boards was discussed, as was the new police consultative group.
- Members felt that it was important to ensure that Overview and Scrutiny was geared up to the latter particularly given the expanding role of Overview and Scrutiny in both crime and health and safety.
- Petitions, CCA and engaging with residents was discussed- the need to have a mechanism in place to allow/encourage residents to attend Overview and Scrutiny meetings was raised.

- Nottingham's 'task and finish' groups and standing panels discussed with an emphasis placed on building good relationships with service providers.

4.9 **Community Engagement**

- The need to develop the role of Overview and Scrutiny and making members of the community aware of what can be achieved.
- Scrutiny meetings may be held at various venues in the community
- Overview and Scrutiny Committees must be publicised.
- Scrutiny required a new communications strategy to improve its profile within the Council and the community.
- It was recognised that it would be difficult but not impossible to change the current attitudes towards Scrutiny and there must be many ways in which an enhanced Overview and Scrutiny could support performance and policy development, and then perceptions would change.
- A possible model could be to focus on a local area and, through a public meeting, to find the issues requiring Scrutiny, a local Scrutiny Forum. The resulting information would then be fed back to Members.
- A PR strategy would also be required to support this exercise.
- At local Residents' Forums, chaired by local Councillors, questions are normally asked about Executive decisions. The local Scrutiny Forum model discussed could be chaired by a Cabinet Member but no further discussion on this point is required here as it is not within the remit of the Scrutiny Commission.
- Local Residents' forums were very productive, and it seemed important to retain those that were already working well.
- Issues raised at Residents' Forums should be sent straight to the relevant Overview and Scrutiny Committee(s).
- Local meetings could be very valuable because each area had its own concerns which could be very differing.

5. **MEETING WITH EXTERNAL OFFICERS**

Centre for Public Scrutiny

- 5.1 Members of the Working Group met with a representative from the Centre for Public Scrutiny namely Gareth Wall. The Centre for Public Scrutiny (CfPS) is a national body which was set up to provide training advice and guidance on all matters relating to Scrutiny across the public sector. The CfPS does extensive work with a range of public sector organisations including local authorities.
- 5.2 Gareth Wall outlined recent legislative changes such as the introduction of the Local Government and Public Involvement in Health Act 2007, Councillor Calls for Action (CCA), LINKS and other reforms, the impact of which indicates a strengthened role for Scrutiny. This continues from previous reforms to areas such as health, aimed to fulfil what was identified as the "democratic deficit". The Pitt review in response to flooding in North Yorkshire and East of England identified outcomes that water companies should be locally accountable, through for example the Scrutiny process.
- 5.3 Aligning Overview and Scrutiny to policy development and corporate priorities was important to enable a strategic approach which could act responsively and as a driver for a broad corporate whole Council approach. To illustrate, comprehensive area agreements,

local area agreements and the way in which Overview and Scrutiny could examine local targets and how these were being achieved through service implementation. A key new target looked at how satisfied customers were with services. Westminster City Council had recently established an Overview and Scrutiny unit which was aligned with its neighbourhood renewal unit. The linkage allowed for greater responsiveness and meant that Overview and Scrutiny could be well placed to enable a more comprehensive approach.

- 5.4 The placement of Overview and Scrutiny within an organisation was important. Advance notice of identified priorities ensured that Overview and Scrutiny could input into strategic policy development: To do otherwise was problematic. Gareth Wall referred to Overview and Scrutiny work undertaken by the London Borough of Enfield. Short, sharp and focused reviews had yielded positive results and support from the local community which had enhanced the profile of Overview and Scrutiny.
- 5.5 Members commented that Overview and Scrutiny had been adopted early on by the Council and that the Council had not really benefited from examples of good practice that had later developed. It was observed that persuading the Executive of the benefits of the “critical friend” approach was an issue. It was also noted that closer alignment of the Scrutiny structure to cabinet portfolios was necessary. Some models in other Boroughs had separated the Overview and Scrutiny roles, as illustrated by LB Hillingdon. Camden was another example, with one Overview and Scrutiny Committee, acting as a strategic commissioning body, which could question the Leader and initiate task and finish groups.
- 5.6 Members asked whether many Councils had co-options from members of the public. Gareth Wall gave the example of Bristol City Council which maintained a pool of 50 co-optees who would be involved in a range of local issues a recent example of which was local bus transport.
- 5.7 Resources to enable co-option, undertake task and finish groups and reviews were in place in the examples and models of working touched on during the discussion. Gareth Wall indicated that the status and credibility of the Overview and Scrutiny function was important. Getting good results that were timely and responding to topical issues enhanced the profile of Overview and Scrutiny, particularly where it has been able to demonstrate clearly that it has added value. Building on momentum, gathering interest and support and identifying local issues that have local resonance was a valuable approach.
- 5.8 Gareth Wall referred to the 2007 survey of Overview and Scrutiny in local government. This was the fifth annual review and provided a comprehensive national picture of Overview and Scrutiny. In comparing resources, Gareth Wall informed Members that Barnet was below average in terms of support staff, which generally averaged between 4-8 members of staff. He also commented that where Officers were placed within the organisation was in itself an issue of credibility. Placement within a legal and democratic services setting has a big impact on how Overview and Scrutiny is perceived in terms of the support Officers provide. It should be understood that Overview and Scrutiny Officers play a substantially different role to Committee clerks however.
- 5.9 Gareth Wall also took the view that the Audit Commission assessments can be somewhat overly critical and had noted observations which had challenged the way in which the Council delivered this service.

6. MEMBER LED SITE VISITS

- 6.1 The Working Group considered that they would like to carry out site visits with selected Boroughs as this might have aided Members in gaining greater insight into Overview and Scrutiny arrangements operated by other Boroughs. Following discussion, the London Boroughs of Camden, Harrow and Hillingdon were selected.

London Borough of Camden

- 6.2 Councillors Andreas Tambourides and Julie Johnson met with senior Officers and a Chairman of a Camden Scrutiny Committee at Camden Town Hall on 25th April 2008. The political and structural arrangements for delivering the Overview and Scrutiny function allow for five Committees: three of which are service area or directorate based. The political make up of the Council means that Chairmanships are shared across political groups with two from each of the Labour and Liberal Democrat Groups and one Conservative.
- 6.3 Member training and development was viewed by Camden as a priority. New Members received an induction and mentoring. Chairmen received separate in-house and external training. There existed a system of self-evaluation and external training and expertise was often utilised.
- 6.4 Members made the following observations:
- The Scrutiny process in Camden appeared more “natural” and there was greater interaction between Members of the Executive and Scrutiny.
 - Both oral and written reports were taken at each Council meeting on Overview and Scrutiny activities, together with any possible recommendations. These are presented by each of the Chairman on a rotating basis.
 - Each Overview and Scrutiny meeting was preceded by a 30 minute question and answer setting pre-meet to determine which questions should be asked and by whom.
 - Camden has four political parties a “no overall control” alliance with the two larger political groups.
 - Administration and opposition Members are designated as Chairman.
 - Camden held regular meetings between the chairman of Overview and Scrutiny Committees and this was viewed as a positive and useful approach.
 - Camden Members of Cabinet regularly provided oral and written reports to Scrutiny as well as Council.
 - Once a year Scrutiny Chairman meet with the Leader and Deputy Leader of the Council
 - Overview and Scrutiny Chairman have input into agenda priorities – large complicated items are always debated first in meetings with routine items following on.
 - There seems to be cross working between Committees and Chairman where there is an obvious overlap and an informal emphasis on the strategic direction of the Council. Recommendations and notes from informal meetings of Scrutiny Chairman are sometimes passed to the Executive. Very few items are called in.

- Members of the Scrutiny Commission noted that in Barnet a Member of the opposition chairs the Audit Committee. Whilst, it was observed that Camden had a sufficiently more diverse mix of opposition Members chairing Committees than simply an Audit Committee it was noted that the political structures were very different to Barnet

London Borough of Harrow

- 6.5 Councillors Julie Johnson and Kate Salinger visited Harrow on 7th May 2008 and met with Members and senior Officers to find out more about arrangement in the Council for Overview and Scrutiny.
- 6.6 It was noted that Harrow defined the role very carefully, placing emphasis on its role as a “champion of local people”, representing the concerns and aspirations of the same. In the definition, it is stated that local people have a very important part to play in the Scrutiny process.
- 6.7 Harrow views Scrutiny as an independent Councillor-led function that works with local people to improve services. It is stressed that Scrutiny looks at both Council-led and non Council-led services. The purpose of Scrutiny in Harrow is to hold decision makers to account, identify and investigate areas of concern in service delivery, point out options for improving service delivery and to assist Council and its partners to respond to the changing policy environment.
- 6.8 In terms of structure, Harrow has two Committees which each have a chairman, a vice-chairman and 4 lead Members:-
- I. Overview and Scrutiny Committee**
This can commission a sub-Committee to investigate performance issues.
 - II. Performance and Finance Committee**
This analyses local performance against various indicators. Sub-Committees can undertake investigations can be made in one of 4 ways:
 - a light-touch review
 - a challenge panel
 - a standing review
 - an in-depth review

London Borough of Hillingdon

- 6.9 Councillors Rajput and Scannell visited the London Borough of Hillingdon. The Scrutiny Commission were advised of the structure of the Committees and most specifically that only Cabinet Overview and Scrutiny Committee was chaired by a Member of the opposition.
- 6.10 Members from the working group attended a mental health working group meeting. It was noted that Hillingdon has four Policy and Overview Committees or ‘POCs’ and two

Scrutiny Committees, one looking at decisions of the Executive and the other looking at the work of external organisations (health, police etc).

- 6.11 The POCs looked at policy and performance indicator information in-depth. Members observed that the meeting was well-chaired and harmonious, with consensus. Pre-meetings determined which questions would be asked and what lines of enquiry would be explored.

7. CONSULTATION WITH OVERVIEW AND SCRUTINY MEMBERS

Background and methodology

- 7.1 The rationale behind this was that the Scrutiny Commission felt that it was important to gain a sense of what the prevailing view of Overview and Scrutiny Members was. In reaching their decision to conduct a very simple consultation Members of the Commission acknowledged that Members had been reluctant to participate in a previous consultation evidenced by the level of response achieved (the Mycroft Report, 2007).
- 7.2 It was felt that a cross-party perspective, selecting three Members from each of the political parties, with varying levels of experience of the process would assist the group in identifying key issues and concerns. Members of the working group drafted six questions that were intended to be simple and direct. These were sent to each of the political group leaders who were asked to identify three Members to respond. In total, 5 out of nine responses were returned.

Awareness and Understanding of Overview and Scrutiny

- 7.3 The responses clearly indicated a broad understanding of Overview and Scrutiny. The details however varied. The need to examine the decisions of the Executive, to scrutinise service delivery, both internal and external, to explore key issues in more depth by way of working groups and reviews and to suggest areas for improvement were all key points mentioned. One Member commented that whilst they were able to scrutinise and make recommendations it was a “complete waste of time” implying that despite their efforts the relevant Member continued to feel that the current process was unsatisfying.
- 7.4 Additional comments were more revealing, indicating that whilst Members were aware of what the remit of Overview and Scrutiny was, the full extent of what could be achieved was not apparent. None of the responses identified the “Overview” aspect of the process. Some touched on the concept of reviewing the policies of the Council. There did not appear to be an understanding that Members should be able to consider policies and strategies prior to implementation by the Council.
- 7.5 The second question followed the first question in trying to establish the extent to which Members understood their respective roles. Many of the responses encompassed the “Scrutiny” aspect of the role, i.e., challenging the Executive on the decisions it makes in respect of service delivery or to participate in reviews. Some of the responses clearly indicated that there was some understanding of the role, but these do not appear to identify the possible elements of the role that could offer greater satisfaction if appropriately pursued.

Effectiveness of the Committees

- 7.6 This question was expected to draw out individual experiences of participating in Overview and Scrutiny Committees. One response does this, citing the Members experience of Supporting the Vulnerable in our Community O&SC and indicating that the level of work and the broad brief of issues dealt with by the Committee prevented it from being as focused as it could be. From the majority of the responses it could be inferred that the Committees are not perceived to be particularly effective. One of the responses cites political reasons for this. With reference to paragraph 5.4 above, another response speculates that the Committee could be more effective if it could review policies that are in development prior to implementation, so any comments, views and suggestions can be reviewed for inclusion by the Cabinet.

Overview and Scrutiny Member Perceptions of Cabinet Members and Officers

- 7.7 Anecdotal evidence appears to suggest two key concerns: that Cabinet Members should engage better with areas being scrutinised that fall within their remit and that as ultimate responsibility rests with them they should attend meetings together with Officers.
- 7.8 Generally, Members viewed those instances where Cabinet Members did attend as positive, expressing satisfaction at the level of involvement perceived by them, which applied equally to Officers. However, one Member commented that Officers “usually supported the Members of the ruling party”.

Suggestions as to how Overview and Scrutiny can be improved

- 7.9 There were a variety of suggestions which Members felt might improve the existing process:
- Opposition chairman, to at least one Committee and that the Chairman should be non-partisan.
 - That when items are called-in the specific detail is examined and referred so that Cabinet Members are better informed to avoid the need for written responses when oral responses are insufficient.
 - Greater research and input, avoid duplication on issues that the Executive have already identified.
 - A non-political discussion about good practice and models developed by other local authorities on Overview and Scrutiny.
 - For Cabinet Members to attend Committee meetings
 - Better publicity to the media and public about the views and work of the Committee.

Overall sense of satisfaction

- 7.10 The views of Members were almost equally divided as to whether they had a sense of satisfaction from the role they undertake. Of four of the responses two felt no satisfaction whilst two were satisfied. One of the satisfied responses was interesting because it referred to related events such as workshops and other externally organised events to which Members of Overview and Scrutiny Members were invited to attend. The fifth

response, indicated satisfaction particularly when involved in conducting reviews and seeing positive outcomes and improvements.

Consultation Concluding Comments

- 7.11 The short span, basic framework of the consultation and the number of responses received, do not necessarily indicate a fully representative sample of those Members of the Council involved in Overview and Scrutiny though the responses are of course helpful. It was hoped that since the sample group was specifically targeted, this would solicit improved response rates. The aim of the consultation was to try to be inclusive, recognising that whilst the Commission were tasked with overall responsibility to conduct the review, there were additional Members who might welcome the opportunity to input into the review.
- 7.12 Responses to the consultation have revealed a number of key issues which the Commission could benefit from exploring further and which could also support final recommendations. Much of these concern how Members perceive their roles and that of the role of Overview and Scrutiny. There also appears to be wider issues which concern practical elements and the need to address issues such as media and communications, and how these could be used to raise the profile of Overview and Scrutiny.

8. CONCLUSIONS AND NEXT STEPS

- 8.1 To conclude the review, the Working Group has drafted a number of detailed recommendations for Council to consider. This reflects the extent of changes that the Working Group concluded would be required in order to effect a move that could deliver an enhanced overview and scrutiny function that was fit for purpose.

The recommendations cover the following areas:

- Placement and structure, an appropriate democratic model for Barnet
- Effective and productive dialogue between the Executive and the Overview and Scrutiny functions
- An Overview and Scrutiny function that can fulfil the “overview” aspect of the role, with a strategic input into pre-cabinet policy and strategy development
- Raising the profile of Overview and Scrutiny, both within the organisation and externally
- Improved resources and support to ensure delivery of an enhanced and credible overview and scrutiny function

- 8.2 It was accepted that any changes would have to ensure that the future direction of Overview and Scrutiny would also encompass within it new and emerging legislation. Members observed that the role of Overview and Scrutiny had changed significantly since it was introduced by the Local Government Act 2000, with the later introduction of statutory health scrutiny committees following the Health and Social Care Act 2001. This strengthened the role of local overview and scrutiny committees. The Local Government and Public Involvement Act 2007 has continued this trend and introduced significant changes such as the remit to request reports and attendance at overview and scrutiny meetings by partnership organisations.

- 8.3 The Working Group took view that many weaknesses highlighted by the report could be addressed with the changes proposed in the recommendations. They also acknowledged that there was a need to examine closely and discuss openly what could be done to ensure the residents of Barnet were able to engage with the democratic process, not only through representative Councillors but either individually or in groups. The report builds on the view that non-executive members have a significant role to play and that there is a responsibility incumbent on all members to ensure that the democratic decision making process is both transparent and accountable.
- 8.4 The Working Group achieved a consensual approach in both the gathering and effective analysis of the evidence. Members of the Working Group felt throughout their discussions that the opportunity to shape the future delivery of the overview and scrutiny function was vital.

9. BACKGROUND PAPERS

Local Government Act 2000

Health and Social Care Act 2001

Local Government and Public Health and Involvement Act 2007

Centre for Public Scrutiny – 2007 Survey

Centre for Public Scrutiny – Scrutiny Matters

Guidance for Members on overview and scrutiny – London Borough of Harrow

London Borough of Hillingdon extracts of the Constitution, Article 6

Matrix of overview and scrutiny provision in a sample of London Boroughs