Council Meeting 4 November 2008

REPORT OF THE DEMOCRATIC SERVICES MANAGER AGENDA ITEM 13.2

1. AMENDMENTS TO THE CONSTITUTION

(i) Amendments to Article 12 – Revised Table Of Chief Officers
As a consequence of Item 10 of the Decisions of the General Functions
Committee dated 11 September 2008, the post of Communications and
Consultation Director should be deleted from the list at paragraph 12.01(b), and that of Director of Strategy, included.

(ii) Amendments to Part 7, Management Structure

As further consequences of item 10 of the Decisions of the General Functions Committee dated 11 September 2008, in accordance with paragraph 12.01 (d) of the provisions of Article 12 of the Constitution, the Head of Paid Service has also amended part 7 of the Constitution, Management Structure.

RECOMMEND -

- That Paragraph 12.01 (b) of Article 12 be amended by the deletion of Communications and Consultation Officer and the inclusion of the Director of Strategy.
- 2. That the Democratic Services Manager be instructed to make all the appropriate amendments to the Council's Constitution; details of the revisions made by the Head of Paid Service to Part 7 having already been made in accordance with Constitutional requirements.

2. EXECUTIVE DECISIONS AND THE OPERATION OF THE CALL-IN AND URGENCY PROCESS – REVIEW

The Council's Constitution requires the Democratic Services Manager to report to the Council on the operation of the provisions of the call – in and urgency process with proposals for review if necessary.

The process was last reviewed by Council on 11 September 2007 (minute 67) who noted the situation.

With regard to the review for the year 2007/2008, set out below is the current situation. To aid comparison the situation for the period 2006/07 is set out below.

Year	No. of Cabinet Decisions	No. of Cabinet Resources Committee Decisions	No. of Cabinet Member delegated powers reports	No of Area Environment Committee Decisions
2006/2007	0	0	6	2
2007/8	0	0	5	0
2008/09 (up to and including Council meeting 4 November)	0	0	5	0

The Chief Executive is continuing, personally, to monitor requests for exemptions from the call – in process and will take immediate action if he considers that there are areas for concern, in consultation with the Chairman of the Cabinet Overview and Scrutiny Committee, as in previous years.

RECOMMEND – That the report of the Democratic Services Manager relating to Executive Decisions and the Operation of the Call-In and Urgency Process - Review be noted.

3. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT:

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decision has been implemented.

In the cases listed below, the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all the circumstances, were urgent and therefore had consented to the proposed decisions being exempted from call-in:

- (i) The Leader of the Council approved on 26 September 2008 acceptance of the tender contract sum from Norwest Holst Ltd for the Construction of East Barnet Secondary School. The report was exempted from call-in as it was necessary to issue notice to begin construction by 26 September 2008 in order to minimise constructions cost. The next scheduled meeting of the Cabinet Overview and Scrutiny Committee would not be until 3 November 2008.
- (ii) The Leader of the Council approved on 17 October 2008 acceptance of the contract sum from Kier London Ltd for the construction and remodelling works at Edgware Infants and Junior School. The report was

exempted from call-in as it was necessary to issue notice to begin construction by 17 October 2008 in order to avoid delays and increased costs. The next scheduled meeting of the Cabinet Overview and Scrutiny Committee would not be until 3 November 2008.

4. APPOINTMENT OF CO-OPTED MEMBERS TO THE FIRST CLASS EDUCATION AND CHILDREN OVERVIEW & SCRUTINY COMMITTEE.

The date of the election for this appointment of parent governor representatives, which is being conducted in accordance with legislative requirements, is 31 October 2008. The results will be set out in the Supplemental Report of the Democratic Services Manager.

5. CHANGES TO COMMITTEE MEMBERSHIP

The Conservative Group has indicated that they wish to make the following change:

RECOMMEND – That the following change in Committee Membership be approved:

Licensing Committee

- Councillor Mukesh Depala to replace Councillor Marina Yannakoudakis as a member of the Committee.
- 6. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2007/08 and 2008/2009

Attached at Appendix A is the report relating to the Work Programme

RECOMMEND - That the

- (i) highlights of the 2007/08 Overview and Scrutiny work programmes be noted;
- (ii) proposed forward plan work programmes for 2008/2009 identified by the Council's Overview and Scrutiny Committees, with the exception of the Cabinet Overview and Scrutiny Committee, be approved.

Janet Rawlings
Democratic Services Manager

Overview and Scrutiny Committees – 2007/2008 and Programme of Work for 2008/2009

The Constitution of the Council states that Overview and Scrutiny Committees/Sub-Committees will be responsible for setting their own forward work programme and in doing so should take into account wishes of Members on that committee who are not members of the political group or groups forming the administration. It is a requirement of the Constitution that these work programmes be submitted to the Council for approval.

2007/08

The 2007/08 programme was approved by the Council on 11 September 2007.

Some of the key highlights of the programme are set out below:

First Class Education and Children

- School Admission Arrangements
- The Future Direction of Library Services and Radio-Frequency Identification (RFID) self-service systems for libraries
- Summary of Ofsted inspections
- On-going monitoring of the Council's children's residential settings; a crucial area of work

Cleaner, Greener, Transport and Development

- The White Paper 'Planning for a Sustainable Future'
- A review of the quality of decisions at Planning Committees
- A review of the protection of trees in the Borough
- In response to a request by Council an urgent investigation of the Post Office's performance in the Borough; the effects of proposed Sub Post Office closures and other methods by which the services could be provided with recommendations to Cabinet and/or Council as appropriate.

Tackling Crime and Housing

- Anti Social Behaviour Strategy
- Safer Neighbourhoods Review
- Low Cost Affordable Housing for Temporary Tenancies
- The committee considered the work of the Community Protection Group

Resources, Performance and Partnerships

- Local Strategic Partnership (LSP)
- West of the Borough Customer Access Strategy Facility
- Customer Relationship Management

Supporting the Vulnerable in our Community

The Committee's work covers all aspects of supporting the vulnerable adults in the community. Required by stature to carry out scrutiny of the performance of the health sector, the Committee have built up excellent working relationships with partners in

the health sectors, for example, the Barnet PCT, the Royal Free Hampstead NHS Trust, the Barnet, Enfield and Haringey Mental Health Trust.

- LINks
- Darzi Review "Healthcare for London A Framework for Action"
- Health Impact Assessment and the Boroughs Long Term Regeneration Plans
- NHS Acute Trusts and Barnet Primary Care Trust: Substantial Variations and Health Service Developments in Barnet
- Barnet, Enfield & Haringey Clinical Strategy

Scrutiny Commission – on 4th March 2008, Council recommended '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'.

The Scrutiny Commission reported their findings and recommendations to Council in July 2008. Arising from the Council's decisions a detailed report on the implementation of the Commission's recommendations will be considered by the Special Committee (Constitution Review), for recommendation to the Council in April 2009.

2008/2009 programme

Detailed in this report are the suggested work programmes for 2008/09 for the Overview and Scrutiny Committees. This does not include the Cabinet Overview and Scrutiny Committee who are responsible for scrutinising the Cabinet and other Executive Decisions as appropriate before they are implemented by means of the call- in arrangements.

The Council's Overview and Scrutiny Committees met during June and July 2008 to discuss and agreed forward work programmes for 2008/09.; and the issues identified are appended to this item as follows:

- Supporting the Vulnerable in Our Community Overview & Scrutiny Committee-Appendix 1
- Tackling Crime and Housing Overview & Scrutiny Committee- Appendix 2
- Resources, Performance and Partnerships Overview & Scrutiny Committee-Appendix 3
- Cleaner, Greener, transport and Development Overview and Scrutiny Committee
 Appendix 4
- First Class Education and Children Overview and Scrutiny Committee- **Appendix** 5

It is important to note that these programmes are reviewed throughout the year by the Overview and Scrutiny Committees. The Committees however, may need to respond to circumstances prevailing at the time. This could result in variations to the programme such as inclusions or deletions, or reprioritising the issues.

Each Overview and Scrutiny Committee may also review and scrutinise the Council's Corporate Plan and wider performance information relevant to the committee's terms of reference and responsibilities.

RECOMMEND -

- (1) That the key highlights of the 2007/08 programme be noted.
- (2)That the work programmes for 2008/09 identified by the Council's Overview & Scrutiny Committees, with the exception of the Cabinet Overview & Scrutiny Committee, be approved.

Aysen Giritli
Overview and Scrutiny Officer

SUPPORTING THE VULNERABLE IN OUR COMMUNITY OSC 2008/09 WORK PROGRAMME

ITEMS TO BE CONSIDERED	INFORMATION
Primary Care Strategy and Focus on Redevelopment of Finchley Memorial Hospital	To inform the Committee about The Primary Care Strategy update and plans to redevelop Finchley Memorial Hospital.
Joint Strategic Needs Assessment - Barnet Health Profile	The Local Government and Public Involvement in Health Act 2007 requires PCTs and local authorities to produce a Joint Strategic Needs Assessment (JSNA) of the health and wellbeing of its local community.
Key Performance Indicators 4 th Quarter/End of Year 2007/08	The Committee to consider issues that might arise from closer examination of end of year outturn data. As during 2007/08, the Committee will receive Q2 and Q4 information for consideration at Committee. Q1 and Q3 will be circulated outside the Committee.
Supporting the Vulnerable in Our Community OSC Work Programme and Progress Schedule	The Committee to consider and agree the draft work programme for 2008/09.
Healthcare for London	Health overview and scrutiny committees in London have been asked to schedule meetings with their respective directors of adult social services, housing (or equivalent) and the PCT Chief Executive.

Adult Social Care – Annual Complaints Report	Annual report on complaints (2008/09).
Adult Social Care – Safeguarding Adults	Annual report on safeguarding adults (2008/09). This will provide a report on key activities undertaken through partnership working. Dept. of Health guidance expects local authorities to have multi-agency procedures to ensure that vulnerable adults receive appropriate support to maintain personal dignity and for which the Council has a corporate responsibility
Supporting the Vulnerable in Our Community OSC Work Programme and Progress Schedule	The Committee to consider and agree the draft work programme for 2008/09.
Commission for Social Care Inspection Key Achievements Against White Paper Outcomes	This report will offer greater focus and more detail around what has been achieved in terms of key outcomes.

A) Health		
NHS Acute Trusts and Barnet Primary Care Trust: Substantial Variations and Health Service Developments in Barnet	Standing Item The Committee has an obligation to consider consultation requests from any NHS trust where there are changes to service delivery planned such as the closure or reconfiguration of a service (see below).	To be considered as and when these arise.
LINks – New network to replace PPIFs in March 2008 (carried forward from 07/08 work programme) Barnet and Chase Farm NHS Trust	The Committee will need to consider arrangements to facilitate dialogue and communication with LINks members with the host, which has now been appointed. Maternity Services. To address issues arising from the series of reports considered by the Committee during 2007/08 and to ensure continued monitoring (see below, Maternity Services Working Group).	
Annual Healthcheck 2008/09 – to consider self-declarations from each of the following trusts: Barnet Primary Care Trust Barnet and Chase Farm Hospitals NHS Trust The Royal Free Hospital NHS Trust Barnet, Enfield and Haringey Mental Health NHS Trust	Annual Healthcheck 2008/09 – assessment of the trusts self declaration on compliance against Healthcare Commissions core standards. March has been set aside for the Committee to consider and comment.	*March (Committee to agree meeting date) – outcome is for the Committee to provide commentary on the self-declaration, to be sent to the trust for consideration.
Substantial Variation and Development Matrix	This is a suggested protocol which can be adopted by primary care trusts and local authorities when determining what changes to health service provision constitute a "substantial variation and development", under the provisions of the Health and Social Care Act 2001	This will be considered at the Adult Strategy Group at its meeting in September 2008, in advance of consideration by the Committee.
Young Carers Joint Working Group	Following a recommendation by the Leader, the following members from the Committee have been appointed to the Working Group: Councillors Rajput, Braun, Hart and McNeil.	To consider the impact of caring across all age groups, to consider what provision the Council currently makes and how this can be further developed.

Maternity Services Working Group	During 2007/08, the Committee considered three reports	To maintain a watching brief
	on Maternity Services. Provision of local maternity	on the provision of maternity
	services remains an important concern and a Working	services, in the context of the
	Group has been appointed to explore the issues in more	outcomes of the BEH Clinical
	depth. The following members have been appointed to the	Strategy.
	Working Group: Councillors Rawlings and Margo.	

B) Adult Social Care		
Choice and Independence – A Vision for Adult Social	A report setting out current performance, progress	Timing of reports TBC
Services and the commissioning strategies:	and expected levels of performance against the social	in consultation with the
 An Integrated Commissioning Strategy for Adult Mental Health 	care outcomes framework as a result of the implementation of the action plans within the	service area.
 An Integrated Commissioning Strategy for Learning Disability Services 	commissioning strategies.	
 A Commissioning Strategy for Physical and Sensory Impairment Services 		
Independence, Choice and Control: services for older people		
Corporate Monitor Reports – 2 nd and 4 th Quarter	Q2 and Q4 will be considered at committee. Q1	Timetable for 08/09 to
Performance Indicators; to now also include	and Q3 information will be circulated for	be confirmed.
information on the provision of intensive home care	comments to members for information only,	
services and social services client assessment times.	outside of the normal timetable of meetings.	
Joint meeting on Young Carers – Joint report, to be	A joint report to consider the social and educational	Joint meeting date for
considered with First Class Education OSC.	impact on young carers.	committees - to be confirmed
Adult Social Care – Commission for Social Care and Inspection (CSCI)	Consideration of the next CSCI annual report.	February 2009
Key Service Changes Around Achieving More Targeted	Report will set out key service changes developed to	Provisional Agreement
Outcomes	focus on specific outcomes which have been identified.	for *April 2009

Joint Overview and Scrutiny Committees Healthcare for London (pan London Darzi NHS Consultation)	This London wide JOSC is made up of 32 London Boroughs. JOSC Meetings took place between November 2007 and April 2008, in response to phase one of the consultation. It is anticipated that the second	
	phase of the consultation will pick up localised issues.	
Barnet, Enfield and Haringey Clinical Strategy	The NHS consultation that the JOSC was formed in response to ended in November 2007. The decision of the local PCTs was to select Option 1. The JOSC referred the decision under the Health and Social Care Act 2003. The referral has resulted in a full investigation currently being carried out by the Independent Reconfiguration Panel (IRP), to which members of the JOSC have been giving evidence. The final report of the IRP will be published at the end of July.	The IRP report will set out its recommendation and it will be for the Secretary of State for Health to determine whether to accept or reject, in whole or in part the recommendations of the JOSC.

	TACKLING CRIME AND HOUSING OSC WORK	PROGRAMME	2008/09
Items to be considered	Information	Source of report Internal (LBB) / External	Projected Outcomes / Action
Corporate Services Performance Indicators – 2007 / 08 – Quarter 4			
Report on inspection of Barnet Homes	An update on the inspection of Barnet Homes being conducted by Housing Inspectors from the Audit Commission.	Internal (Housing)	To examine the issues on the recent inspection of Barnet Homes by the Audit Commission
An update report on the recommendations of the Hate Crime Review	To receive an update of the Working Groups recommendation in relation to working with the Police to combat ASB.	Internal (Corporate Governance)	
An update report on the ASB Working Group	At the request of the chairman, a preliminary report discussing the Working Groups Progress to date towards their work and understanding of ASB in the borough	Internal (Housing)	To facilitate a better understanding of the issues surrounding low cost, affordable housing.
Work Programme 2008/2009	Members of the Committee to receive suggested items for consideration within the OSC's ToR	Internal (TC & H OSC Members / Scrutiny Officer)	,
40D D :			<u> </u>
ASB Review	Final report of the Working Groups investigations	Internal (Corporate Governance)	Review
The Barnet Crime &	The strategic assessment aims to recommend long-term	Internal (Corporate	Overview of the Council's

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Disorder and Substance Misuse Strategic Assessment 2007/2008	priority issues to be addressed. In regard to priority level recommendations, crime issues and Anti social Behaviour (ASB) issues are considered separately i.e. the document recommends a number of crime priorities <i>and</i> a number of ASB/disorder priorities.	Governance)	knowledge and understanding of Barnet's Community Safety Issues / partnership strategy
Licensing Act 2003 – Implementation of Licensing Policy	Review of the impact of the Act and the implementation of Barnet's licensing policy (which took effect on 7 February 2005).	Internal (Corporate Governance)	
Corporate Services Performance Indicators – Quarter 1			
Work Programme 2008/2009	Members of the Committee to receive suggested items for consideration within the OSC's ToR	Internal (TC & H OSC Members / Scrutiny Officer)	

Homelessness Strategy	Review updated Homelessness Strategy and implementation progress - including what further action is being taken to reduce the use of bed and breakfast and hotel annexe accommodation in favour of more acceptable forms of temporary accommodation.	Internal (Housing / Community Services)	Members to receive a review of the policy as appropriate.
Medium Term Financial Strategy	A report form the head of Strategic Development clarifying how shared ownership / shared equity schemes operate and options for dealing with residents affected as a result of estate regeneration schemes	Internal (Housing)	
Housing Associations Performance Review	Report on the performance of the seven housing associations on the council's approved development panel during 2008 / 2009	Internal (Housing / Corporate Governance)	Review
Work Programme 2008/2009	Members of the Committee to receive suggested items for consideration within the OSC's ToR	Internal (TC & H OSC Members / Scrutiny Officer)	
Corporate Services			
Performance Indicators – Quarter 3			
Draft Budget 2009/2010	Scrutiny of Housing & Corporate Governance Budget, as part of consultation with all overview and scrutiny committees on the draft service budgets for 2009 / 10.	Internal (Housing / Community Services & Corporate Governance)	
Work Programme 2008/2009	Members of the Committee to receive suggested items for consideration within the OSC's ToR	Internal (TC & H OSC Members / Scrutiny O	

Housing Revenue Account Business Plan		Internal (Housing)	To comment and receive commentary on the future
Work Programme 2008/2009	Members of the Committee to receive suggested items for consideration within the OSC's ToR	Internal (TC & H OSC Members / Scrutiny Officer)	of Council Housing in accordance with the HRA.
Items to be considered:			
Older People's Housing Strategy			
 Procurement of Housing Database 			
The Mayor's Housing Strategy			
Work Programme 2008/2009	Members of the Committee to receive suggested items for consideration within the OSC's ToR	Internal (TC & H OSC Members / Scrutiny Officer)	
Corporate Services Performance Indicators –		Cordinary Camera,	
Quarter 3 / End of Year			
Items to be considered:Housing Benefits Administration			
Estate Regeneration	Progress report on the regeneration of the four major estates		

RESOURCES, PERFORMANCE AND PARTNERSHIP OSC – 2008/09 WORK PROGRAMME

Potential Items to be considered	Information
Local Area Agreement – Agreed Targets	This report sets out the negotiated targets agreed for inclusion in Barnet's Local Area Agreement.
Customer Relationship Management End of Year Performance Monitoring data 2007/08	This report will consider the council's approach to development and proposed implementation of Customer Relationship Management as a critical element of managing the interface with service users. For the Committee to consider end of year performance management data.
Resources, Performance and Partnerships OSC Work Programme 2007/08	The committee are asked to consider and comment on areas of work that could be undertaken during 2008/09.

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FORWARD PLANNING – SUGGESTED LO	NG LIST:	
A) Value for money, use of resources		
Corporate Monitor Reports - 2 nd and 4 th Quarter	Q1 and Q3 information will be circulated for comments to	
Performance Indicators	members for information only, outside of the normal timetable	
	of meetings.	
Working Group (2)	Electoral Registration	
Asset Management	To consider council use of resources and to identified areas for	
	improvement.	
Budget / Corporate Plan	Draft Corporate Plan with headline budget information.	
B) Organisational development and partner		
Development of the IS Strategy	Outline agreement is that scrutiny members (Resources PP	
	OSC) will be involved with the development of the IS strategy,	
	starting with the brief to consultants (who will be working on	
	the strategy with officers) and be involved in the process	
	leading to final outcomes and recommendations. It is	
	envisaged that this could take up to six months. A maximum	
	of two Members would be workable.	
Working Group (1)	Local Strategic Partnership. The final report of the working	
	group was considered by Cabinet in October 2008.	
LAA Agreement Monitoring and Evaluation	Monitoring of the delivery of targets within the LAA structure	
	and strategic evaluation of the outcomes. Additionally, for	
	there to be a "first stat" style scrutiny meeting focused LAA	
	outcomes. This is intended to be a single issue meeting with	
	no other items other than the Work Programme.	
Strategic HR – To be a series of reports involving	For the Committee to consider Human Resources policies and	
directorates across the Council.	strategies that focus on health and safety provisions for	
	employees. Strategic HR is to be lead support for this item,	
	with the proviso that this work is undertaken in collaboration	
	with directorates across the Council.	
Community Engagement Strategy	For the Committee to comment on the strategy.	
Council mechanisms for consultation	Community Engagement Strategy	

CLEANER, GREENER, TRANSPORT & DEVELOPMENT OSC WORK PROGRAMME 2008/09

The theme of this committee's work programme is Looking ahead to 2016 - Barnet Council's target of 20% CO2 reduction

LONG LIST ITEMS TO BE CONSIDERED	INFORMATION
Review – The Quality of Planning Decisions	
Corporate Services Performance Indicators	
Woodland Burials	
Traffic Management in relation to persons Killed and Seriously injured (KSI)	
Trade Waste and Commercial Waste	To scrutinise the Trade Waste policy with a view to establish how the 20% target can be achieved and what the Council's responsibility is towards trade waste. To include the scrutiny of commercial trade waste policy, in relation to High street premises, supermarkets and other premises and to consider the policy when giving planning permission in terms of sustainability and how this it supported by the Council once premises start operating.
Green Waste	A review will examine current arrangements for the collection of Green waste.
Planning decisions for existing builds and extensions	To examine how these can comply with the carbon reduction targets. Also the examination of front gardens/drives with a view of council policy in this area and examination of environmental issues.
Project plans for town centres and transport within town centres	

Transport – the scrutiny of the School Travel Programme	
A review of new recycling contract	
A review of planning white paper	
Any other reviews the committee agrees to conduct during the course of the year	
Transport for London Strategy	A report on the Transport for London Strategy to investigate investment on highways in Barnet with special reference to the Henley's Corner on the North Circular Road and forward planning for the 2012 Olympics.
Street Cleansing Services	A status report on the Street Cleansing Services initiative setting out the strength and weaknesses of the current system and its practical implications across the borough to enable the Committee to determine any future actions.

FIRST CLASS EDUCATION AND CHILDREN OSC WORK PROGRAMME 2008/09

FORWARD PLANNING – LONG LIST	INFORMATION
Criminal records Bureau checks on Governors – An update report on the Safeguarding Vulnerable Groups Bill	An update report on the Safeguarding Vulnerable Groups Bill
Information on how the borough deals with Special Educational Needs	Briefing Note.
An update on the Primary Schools Capital Investment Programme	Information providing an update on the Primary Schools Capital Investment Programme
Ofsted Summary Report	The committee received a summary of all Ofsted visits and reports to Barnet schools during the Spring Term 2008.
Young people and reducing Crime	
Widening the curriculum	
An update on the Primary Schools Capital Investment Programme	
Post-16 Education	

Reducing the impact of homelessness for young people	
Ofsted Summary Report	
Working Group Review (1) Children's Centres	
Working Group Review (2) Transition from Children's to adult services, focusing on mental health services for looked after children	
Youth sexual health (male and female) – request a report from the PCT	
Unplanned Teenage Pregnancies	
Statutory Regulation 33 – Officer Visits to Barnet's Children's homes	
Key Performance Indicators Member Visits to children's homes	The committee to receive a report on the Performance Indicators covered by this committee.
Young Carers Review- Joint Working Group (First Class Education & Children OSC and Supporting the Vulnerable in our Community OSC)	