1. SUMMARY

In accordance with Article 6.03(c) of the Constitution of Mansfield District Council, an Annual Report is produced outlining the activities and experiences of the work of Select Commissions.

2. BACKGROUND

This Authority functions with three Select Commissions comprising of non-executive Council Members. Historically, until recently, each Commission has been allocated tasks by the Select Commission Coordinating Committee thereby managing an equitable balance of work.

Select Chairmen 2006 - 2007

Select Commission 1
Cllr S. J. Stendall

Select Commission 2
Cllr T. Appleby

Select Commission 3
(May 2007) Cllr B Answer
(June to October 06) Cllr D Rumley
(November 06 to May 07) Cllr L. Carter

Select Commission Coordinating Committee
Cllr T. Appleby

In March 2005 a full time dedicated Overview and Scrutiny Officer was appointed to Democratic Services. Although this appointment was not an additional post it aligned responsibility and support for all the work associated with the Commissions. It soon became evident that Overview and Scrutiny had a recognised focal point and that quality and consistency improved.

In February 2006 the Officer left Mansfield District Council and a new appointment was made in May 2006 to the post of Overview and Scrutiny Officer. The administrative achievements made in the previous year continued and further improvements and successes followed. Concerted efforts have been made to improve the interaction of the Overview and Scrutiny process within the diverse functions of the Authority by not only raising the profile of the Commission's work but by proactively endeavouring to improve the understanding and appreciation of their role and responsibilities.
In May 2006, at the start of the administrative year, all three Select Commissions were engaged on work which was well advanced.

**Select Commission 1**

Select Commission 1 was nearing completion of an 18 month investigation into on-street parking, with extensive consultation and research in every Ward in the District. The broad consultation process had involved the community including for example Area Assemblies and also the emergency services. A parking questionnaire was produced, publicised and distributed which facilitated participation across a much wider spectrum.

The final Report to Cabinet, in September 2006, contained many recommendations for Government, Mansfield District Council and for Nottinghamshire County Council to consider. These recommendations still require a formal response.

In July 2006 Disability/Equality Issues were referred to Select Commission 1. It was apparent that there was a significant amount of information and advice available. With the assistance of the Equality and Diversity Officer Members were briefed on the implications of the new Disability legislation that would become mandatory from 4th December 2006. To be Disability Discrimination Act compliant the Council was obliged to publish a Disability Equality Plan having undertaken constructive consultation with local disability individuals and groups within our Community. Equality issues are an ongoing rolling self improvement process and the Commission’s role has been one of over-viewing Council strategies as the Authority moved towards its successful improved reclassification at Level 3 of the Equalities Standard by way of outside accreditation.

The Commission enjoys a working partnership role with the Equality & Diversity Officer in particular. The Commission’s perceived less confrontational approach has achieved a more cohesive, informed and productive joint endeavour. Equality overview is a continuing responsibility for the foreseeable future with an objective to achieve even higher Equalities Standard accreditation.

In August 2006 Select Commission 1 overviewed the Council’s ICT Strategy. Although the document was written in a language that pertained more to the digital world of Information Technology, the attendance of the IT Manager at the Commission’s meetings provided the best opportunity for the vision and expectations of the Strategy to be explained fully to Members. The Commission subsequently recommended the ICT Strategy to Cabinet without amendment.

In March 2007, the Council’s Best Value Performance Plan 2007- 2008 was initiated with a briefing from the Council Improvement Officer. The Commission considered the proposed Key tasks for the forthcoming year and again the overview process has realised an informed close working partnership which has benefited from having previously undertaken the same work last year. The advantage of experience and adopting a more “independent but mentor” role has not adversely affected the Commission’s ability to remain impartially objective.
In March 2007 the Commission started work on the Overview of the Decent Homes Improvement Plan which had attracted significant adverse publicity earlier in the year in relation to a budgetary shortfall that had been reported in the media in a way that avoided much of the positive aspects of this major re-construction project. It is perhaps a reassuring indication of how more integrated and accepted the Overview and Scrutiny process has become that this referral was proposed as a suggestion by the Portfolio Holder for Housing and seconded by the Portfolio Holder for Resources that the Commission should work with these Portfolio’s “monitoring progress and implementation”.

To date, meetings have been focussed on preparing an Action Plan for the forthcoming overview which is expected to last until the scheme’s completion after 2011.

**Select Commission 2**

In May 2006 Select Commission 2 was finalising a Report on Youth Issues, which was subsequently referred to Craig Bonar, Head of Policy Performance and Research, for further consideration and work with a view to exercising wider consultation within the Community on the issues raised and in the longer term making the resulting Youth Strategy an integral component of the Community Strategy which was also being reviewed and up-dated at this time by our LSP.

Select Commission 2 had already gained valuable fiscal experience in previously working on Budget proposals. In July the informal process started again and in September the Commission was assessing the Medium Term Financial Strategy, the Revised Capital Strategy and the Asset Management Plan. Members took opportunities to request more supportive information and to engage in briefings which were of a more informal nature in such areas as Service Developments. Members were able to gain a much more conversant perspective on the issues which were then more confidently assessed and prioritised. The interaction between Members and Officers again cultivated a strengthened trust and understanding which culminated in a Budgetary Report being presented to Council punctually and with Select Commission support since many of their recommendations had already been accepted and included.

The first draft of the Culture Strategy was circulated in September to a small working group of Select Commission 2 chaired by Councillor Jill Usher. Subsequent meetings of the Working Group and a revised Strategy helped to bring an understanding of the issues between Members and the Officers. The Select 2 working group acted as a “sounding board” to the revisions of the Strategy. Members comments considered during the overview process were subsequently absorbed into the final report which was presented to Cabinet in April 2007.

In October the Licensing Act 2006 presented an opportunity for Members to be briefed on the implications of the Act and assess the extensive consultations that had taken place during the earlier part of the year.

Towards the end of 2006 the much awaited revised Community Strategy was circulated by MASP. The document reflected consultations with its partner member
groups and with the wider community by way of questionnaires. Select Commission 2 overviewed the document and suggested amendments relating to the clarity, the language and the lack of specific Action Plans that supported the Strategy itself.

Select Commission 3

Select Commission 3 maintained its small Working Group on Performance Management which is an ongoing rolling overview of the Council’s Performance Target monitoring processes. Experience has demonstrated that this complex subject is more easily and readily understood by those Members who have developed an appreciation, through familiarity with the methods and the principles involved.

This Commission was also involved in assessing the Car Parks Efficiency Review, which included achieving savings and also reconciling the accounts which had provoked debate since the presentation of the actual figures had incurred a misunderstanding which was amicably resolved. Previous approved changes in the presentation of budgetary information into specific activity areas of Town Centre Operations which extended beyond Car Parks which is in itself an element of Town Centre Management only served to confuse matters. Similarly the differentiation between Town Centre Management and Town Centre Operations also further compounded the confusion. There was general agreement that the presentation of financial information could be revisited to facilitate an easier appreciation of the detail.

In July 2006 Select Commission 3 re-visited the question of Council policy in relation to Section 106 Agreements. This matter had previously been subject of a Select Commission 2 Report in 2004 the recommendations of which had “remained on file”. The remit of the investigation was to ensure that our transactions were open and transparent, that consultation with the Community and Members was always undertaken and that the revenue from these agreements was invested more broadly and more imaginatively.

The scrutiny process coincided with the commissioning of a new electronic system within the Planning Department which tracked the entire Section 106 Agreement process giving access by Members which would now allow them greater information concerning future developments and associated Agreement progress. A report was tendered in April 2007 outlining recommendations that would ensure that Section 106 Agreements would be open, responsive to local need and be expended within the parameters of the existing Local Plan.

In October 2006, the proposed Fees and Charges for 2007-2008 were reviewed by Select Commission 3. Again, building on previous successful arrangements, information was presented early in a more easily understood format which helped enormously. A series of briefings and meetings were held with Finance Officers and this partnership approach produced a more refined and focussed document that attracted more universal support.

Following a decision by the Executive Mayor to pursue a lock-out agreement with a developer to examine the potential of the Chesterfield Road Recreation Ground in
conjunction with the development of an Arena on the site, the decision was “called in” during March 2007. Select Commission 3 sought advice and briefing from the Monitoring Officer and the Executive Mayor was also called to respond to questions.

A Report has been prepared in which the Commission has recommended:-

(i) That the Cabinet Minute No.07/38 to enter into a lock-out agreement with Luna Ventures Group Limited be not implemented

(ii) That the Cabinet decision of 8th May 2006 be implemented, as this would lead to a competitive, open and transparent process.

(iii) That due diligence assessments be conducted at an early stage with all potential developers on schemes or partnerships involving the Council.

(iv) That protocols be devised and implemented to formalise meetings between elected representatives, Officers and developers and that overview of a Select Commission be sought.

Select Commission 3 had been tasked at the beginning of the year to consider the anticipated Waste Management Agreement which involves Nottinghamshire County Council and a commercial operator. To date, the Agreement remains outstanding, although assurances have been given that matters are still under confidential negotiation by Nottinghamshire County Council.

Select Commission Coordinating Committee

The Select Commission Coordinating Committee met regularly to oversee the workings of the three Select Commissions providing a forum for Chairmen to exchange information and to share experiences on their respective work. With the exception of one recent item all the work of the Commissions was allocated through this Committee enabling an equitable distribution commensurate with existing work-loads.

The Constitution has been re-visited and advice sought on the question of allocating work to Select Commissions. The consensus is that it is not within the purview of the Coordinating Committee to undertake allocations. Agenda items can be proposed by Members directly to Select Commissions, which is how the latest item has been considered and accepted by Select Commission 3. It is perhaps worthy of note that all the referrals for Agenda items have been made by Members of this Council, none have come from the public.

Quantifying the performance and capabilities of Overview and Scrutiny in Mansfield District Council was actively considered resulting in I&DeA being requested to undertake a “health check” on our functions from September 2006. Two facilitators/mentors, a Member and an Officer, have worked closely with the Scrutiny Commissions to assess performance and to proffer advice.

The relationship between the Overview and Scrutiny function and officers was identified as an area where a more informed understanding was needed which
resulted in a series of briefings for selected Managers, Directors and the Managing Director. The feedback from these sessions has been positive and encouraging. It is considered important that this proactive approach should be continued and further in-house briefings should be held to broaden the appreciation of Overview and Scrutiny work.

The rapport between the Executive and Overview and Scrutiny also caused concern which was addressed in two informal meetings facilitated by the two I&DeA representatives with Members of the Executive, Chairman, Vice Chairmen of the Commissions, the Managing Director and the Executive Mayor. These sessions again proved productive in that there was frank and open exchanges of views and experiences which will hopefully help to develop a more harmonious and constructive partnership.

A report from the I&DeA representatives on Overview and Scrutiny within Mansfield District Council is overdue (January 2007) and is still awaited.

Mansfield Ashfield Joint Health Committee

Nominated Members from Ashfield and Mansfield District Councils met formally as a joint Committee to consider health related issues delegated by Nottinghamshire County Council. The group decided to examine an issue which applied across both Authorities, namely access to GP’s using the appointment system and the “out of hours” facilities available for patients.

The Committee met with representatives from the Mansfield and Ashfield PCT which proved to be an invaluable source of information and assistance. The PCT were able to organise practitioners for local health care to brief the Committee, they also arranged for Members to visit Byron House, the “out of hours” facility which again proved most beneficial.

The Joint Committee produced and presented their Report to the Mansfield and Ashfield PCT at their last board meeting in September, before the national PCT restructuring absorbed this board into the Nottinghamshire PCT. The Committee made several recommendations based on their research and from their findings from a public questionnaire which had been widely circulated within both Districts. Although the Mansfield Ashfield PCT no longer exists, assurances were given that a formal response to the Committee’s conclusions and recommendations would be given. A reply is still awaited.

3. THE FUTURE

The work of Overview and Scrutiny has functioned against a challenging background which was more evident at the beginning of the current administrative year. This phenomenon was recognised and faced with proactive constructive dialogue with Members and Officers. There have been misconceptions by Officers, on the work of the Commissions which have also been challenged by endeavouring to build constructive partnerships. It is hoped that the Select Commissions are now perceived in a more positive light. There is an improving more tangible ambience of
cooperation and team working than had previously been the case. Many of the Reports received by Cabinet and Council in the last year have attracted a much more favourable reception and productive outcome.

4. **RECOMMENDATIONS**

It is imperative to build on the achievements of 2006 - 2007 with Overview and Scrutiny raising its profile and impact to a wider audience outside and within the Council.

The following issues require addressing:

(a) Greater appreciation by employees of the work and potential benefits that the Overview and Scrutiny processes can bring to service delivery especially in relation to the Council’s priorities.

(b) Take positive action to bring Overview and Scrutiny to the attention of the public and our partners in order that they can exploit its capabilities.

(c) Improve communication and awareness through media, web sites and community briefings.

(d) The trend towards more partnership working should attract a greater priority exploring the potential and the implications of both formal and informal arrangements.

(e) Regeneration is fundamental to the economic future of the District and initiatives that have already been taken or are planned should be examined to ensure that the benefits are realistic, achievable and sustainable.

(f) There is evidence that over several years, the Executive has merely “noted” many of the recommendations from Select Commissions. There is an explicit need to develop a formal arrangement whereby the Executive is required to provide a structured response to Select Commission Reports. It is hoped that the improving relationship with the Executive will provide the catalyst for this much needed development.

The above recommendations conceal a significant investment in time and resources that without the tacit support of the Council, Overview and Scrutiny will just flounder as an internal, isolated, under-utilised component of the democratic process.

5. **BACKGROUND PAPERS**

Appendix 1 - List of Reports 2006 - 2007 for each Select Commission

Report Author - John Johnson
Designation - Overview and Scrutiny Officer, Democratic Services
Telephone - 01623 463135
E-mail - jjohnson@mansfield.gov.uk
Select Commissions 2006 – 2007: Published Reports

Select Commission 1

- Alleviation of on-street Parking: Recommendations noted by Cabinet
- IT & Communication Strategy: Strategy recommended
- Best value 06/07: Recommendations accepted, included in Report
- Disability/Equality: On-going overview

Select Commission 2

- Culture Strategy: To Cabinet with recommendations
- Budget 07/08 Inc. Medium Term Financial Strategy, Service Developments Asset Management Capital Strategy: Recommendations included in Reports
- Community Strategy: To Cabinet with recommendations
- Licensing Act (Casino): Overview of agreed arrangements

Select Commission 3

- Performance Management: On going overview
- Fees & Charges: Recommendations accepted
- Section 106 Agreements: Report to Cabinet 10.4.07
- Call-in Arena: Report to Mayor by 18.4.07