

APPENDIX 'A'

DRAFT ANNUAL REPORT – OVERVIEW AND SCRUTINY FUNCTION - 2003/04

1. The Overview and Scrutiny function in Runnymede is undertaken by the Review Board. The Board's Terms of Reference are set out in Article 6 of the Council's Constitution, which is attached at Appendix '1'.
2. The remainder of this report summarises the areas of the Council's activity looked at by the Board from 1 April 2003 to 1 April 2004.

A. WORK PROGRAMME

1. At its September 2003 meeting the Board agreed the following work programme for the remainder of 2003/04 and early cycles in 2004/05:-
 - 5 Year Financial Forecast 2004/5 to 2008/9
 - Leader's Position Statement 2004
 - Progress on Net Revenue Reduction Targets
 - Rail Transport in the Borough (particular regard to stations as "gateways")
 - Benefit Fraud – looking at Council Tax and Housing Benefit (after Best Value process has been completed)
 - Annual Personnel Report 2003
 - Anti-social Behaviour – effectiveness of multi-agency working
 - Parks and Open Spaces – possible cost savings.
2. The first two items listed above have already been considered. The Board will receive periodic reports on the Council's progress in achieving Net Revenue Reduction Targets.
3. An outside facilitator from South East Employers provided a briefing to Members of the Council on the evening of 15 March 2004, drawing on experience of other "alternative arrangements" or "fourth option" authorities, i.e. authorities who had not adopted an arrangement whereby they had a separate Executive for their decision making. The Board was also advised by the Chief Executive of Brentwood Council of Overview and Scrutiny practice at another fourth option authority. In the light of the advice received on that evening, it is felt that a reassessment of the Board's work programme should take place with a view to the Board looking at a few items in greater depth. During the course of the year, the Board did look at three topics in depth, a "called-in" item on Air Transport in the UK: South East Consultation, Car Parking in Addlestone (where members of the public were invited to speak) and the fence at Riversdell Close, Chertsey where an extensive number of people were invited to speak ranging from relevant agencies to members of the public and a scrutiny format was adopted for the review.

B. CENTRE FOR PUBLIC SCRUTINY - REPORT ON OVERVIEW AND SCRUTINY - GUIDANCE FOR FOURTH OPTION COUNCILS

1. A number of the Council's existing practices concerning Overview and Scrutiny and the issues that the Board has considered over the last few years are highlighted in a report produced by the Centre for Public Scrutiny entitled "Overview and Scrutiny Guidance for Fourth Option Councils" (2004).
2. The report makes reference to the following matters relating to Runnymede:-
 - i) Holding decision - makers to account by examining minutes, agendas and any forward plans regularly
The report notes that the Board comments on the Leader's Annual Position Statement.
 - ii) Scrutiny of Budget Issues
In connection with financial monitoring, the report observes that the Board monitors budgets and will be receiving periodic reports on progress made by Service Committees in meeting savings targets.

- iii) Community Leadership
The report states that external scrutiny is important in responding to issues of public concern and demonstrating community leadership and cites the example of the Board's review of the response to flooding in the Borough by various agencies, including the Environment Agency.
- iv) Partnership Working
As an example of partnership working, the report notes that the Board proposes to carry out a review of the effectiveness of multi-agency approaches to anti-social behaviour.
- v) Learning from experts and other authorities
All Members of the Council were invited to a briefing evening on 15 March 2004 facilitated by South East Employers. Members were also informed of the arrangements for Overview and Scrutiny at another fourth option authority at that evening. The report sees learning from experts and other authorities as a key part of understanding the Overview and Scrutiny role.
- vi) Ownership and development of work programme
Each year the Board develops the work programme and produces an annual report on its activities over the previous twelve months. This is seen by the report as an important element in managing the Overview and Scrutiny process.

C. AIR TRANSPORT IN THE UK: SOUTH EAST

1. In February 2003, further to a reference from Council, the Board looked at the merits of the decision of the November 2002 Economic Development Committee on an appropriate response to the Government on a consultation paper on proposals for air transport in the UK and the potential expansion of Heathrow airport in particular, in view of its direct effect on the Borough. The Board also considered the feasibility of decisions on responses on all important consultation papers being taken at full Council. Further to the Board's consideration of this, the Council has subsequently adopted a new provision allowing 30% of the members of a Committee to require that a decision be made at Full Council which would otherwise fall within the delegated powers of a Committee. On balance, the Board supported the Committee's response to support Heathrow expansion, subject to conditions.
2. The initial consultation paper regarding the future of Air Transport in the UK (South East) had asked for comments by the end of 2002. That had been followed by a successful judicial challenge on the grounds that it was unreasonable to exclude Gatwick airport from the options for future expansion. Therefore, a second consultation paper, which included options at Gatwick airport, was issued inviting comments by 30 June 2003.
3. The second consultation paper was debated at the meeting of full Council on 10 June, when a comment on the general issues had been unanimously agreed. While expansion of Heathrow was supported, the comments referred to the need for the Government to mitigate the effects of increased pollution, to provide better transport and infrastructure links, and the need to preserve the Green Belt. The Economic Development Committee on 12 June had formulated a detailed response containing additional comments relating to environmental issues (which had been settled on the second vote of the Chairman) and which had not been forwarded to the Government as it had been "called in", in other words, action on the decision had been suspended, pending review by the Board.
4. The two Members making the call-in request had expressed the views that (i) the Council Constitution did not empower the Economic Development Committee to alter, change, add to or dilute the resolution already made in response to the consultation paper by full Council, (ii) the report to the Economic Development Committee did not identify any factors which indicated how further expansion of Heathrow would be of economic benefit to the Borough residents or businesses compared with the cost and practical implications of tackling environmental challenges and (iii) that support of further development at

Heathrow airport based on social and economic benefits may be challengeable under the Human Rights Act 1998.

5. In considering this issue at its July meeting, the Board noted that the Economic Development Committee had considered a detailed response on the questions raised in the consultation paper in exercise of its delegated power, taking into account comments earlier made by the Planning Committee. Nothing in the resolution of the Economic Development Committee contradicted the Council resolution. The Council resolution needed no adoption or endorsement by any service Committee.
6. The Board also assessed economic and environmental factors resulting from any further expansion of Heathrow, which was the second point referred to in the call-in. A majority of Board members considered that extensive available evidence illustrated that while there was widespread recognition that economic advantage did derive from airports, clearly there were also environmental impacts.
7. The Board noted that the Human Rights Act was designed to ensure that when organisations made decisions they considered all the issues before them properly, and made balanced decisions. The Board was advised that it was difficult to see how a Human Rights challenge could be mounted on the basis of what the Council had decided on the airport consultation, in view of the wide-ranging nature of the issues being discussed, and the fact that it would be the Government, not the Council, that would make any eventual decision.
8. The Board noted that the Council's position with regard to the expansion of Heathrow was gradually changing. While on balance supporting the development of Heathrow, the Council was giving greater recognition to the environmental issues associated with expansion and the need to ameliorate those difficulties. The majority of Members of the Board therefore concurred with the Economic Development Committee response on this issue.

D. CAR PARKING IN ADDLESTONE

1. In September, the Board considered a request from some of the Addlestone Councillors that the Board consider recommending to the Council that further public car parking facilities should be found and provided in Addlestone in view of the impending redevelopment of the Addlestone Community Centre building on the present public car park (Garfield Road) and also after the building had been completed.
2. The Board noted the information in the Officer report which set out the background to the current proposals and contained an assessment of the availability and demand for spaces and the results of surveys. In view of the extent of local interest in this issue, the Chairman of the Board allowed three members of the public who traded in Addlestone to make presentations of about 3 minutes each. A number of members of the Council also gave their views.
3. Having considered the above information the Board recommended to the Economic Development Committee that Officers again look at the problem of finding additional spaces by, for example, challenging the measurements for the road width and the numbers of spaces that could be provided in the proposals for extra bays in Station Road, possibly providing decked or multi-storey parking at the Civic Offices or elsewhere in Addlestone, investigating the use of private parking areas by the general public at certain times, seeking to provide more disabled bays, re-examining arrangements for the building period in Garfield Road Car Park, and enquiring about the Addlestone Post Office Sorting Office long term plans for parking and access.

E. RIVERSDELL CLOSE - FENCING

1. At its meeting in February 2004, the Review Board was requested by Full Council to review and report to Council via the Leisure and Environment Committee on the merits of the decision made by the Leisure and Environment Committee on 20 November 2003 to erect a fence at Riversdell Close, a residential road adjacent to Gogmore Farm Park in Chertsey. There was an alley at the end of the Close, which was used as a pedestrian

route between Chertsey town centre, Gogmore Farm Park and Cowley Avenue and Pycroft Road beyond. The residents of Riversdell Close, had, for over ten years, reported problems with young people, who regularly used the alley on their way to and from the town centre, behaving in an antisocial way when doing so. Having considered this matter, the Leisure and Environment Committee had agreed that a fence be erected along the boundaries of the park where it adjoined Riversdell Close consisting of a 1.8 metre high 'weld mesh' fence with associated planting of thorny shrubs on the park side. This would block the direct route from the park to the alley and would be designed to deter the use of the alley as a cut through. The Committee had agreed that the fence should be installed for a trial period until November 2004 and in the meantime, other possible options available to improve the situation in the area would continue to be looked at. Although the Council supported the review it had also agreed that this should not have the effect of delaying the erection of the fence. The fence had accordingly been erected on 12 and 13 January 2004.

2. At the Council Meeting on 11 December 2003, a petition containing over 400 and signatories had also been submitted by Councillor P.A. Greenwood in the following terms which had been referred to the Leisure and Environment Committee:-

"We the undersigned are very concerned about the proposed restrictions in the access and egress from Gogmore Farm Park via Riversdell Close, Chertsey. We feel the proposals are a serious disadvantage to vulnerable members of the community who have not been consulted on these changes. Many of the disabled users of the park and older members find alternative footpaths extremely difficult to negotiate. Children will be forced to use areas that do not have clear vision from park to roadway and roadway to park causing distress and concerns about hidden dangers. Therefore, we urge the Council to re-examine the decision to close this access of the park and refer the matter to the Review Board Committee enabling greater consultation and representations with all sections of the community".

3. The Board adopted a scrutiny format for the Review. They noted the background to the review, the extensive written representations received from the public, the evidence of anti-social behaviour incidents at Riversdell Close, the history of the problem, the meetings and discussions which had taken place, the alternative routes available, and the legal remedies against anti-social behaviour. At the Board meeting statements were made by and questions asked of the Chairman of Leisure and Environment Committee, the Tenant Representative on Housing and Community Services Committee, a representative of the Runnymede Access Liaison Group, the spokesman for the petitioners, residents of the Close, a representative of the Community Alternative Transport Association, the local County Councillor, Ward Members, the Police, the Safer Runnymede Manager, the Surrey Youth Service and the Head of Leisure Services. The Board also undertook a site visit prior to the meeting.
4. Having taken all these matters into account, the Board recommended to the Leisure and Environment Committee that the Surrey County Council Local Committee be formally requested to make arrangements for a submission to the Secretary of State seeking the closure of the Riversdell Close alleyway as a matter of urgency, that Runnymede Borough Council Committees should always comply with the Council's new Consultation Strategy in future, that the Leisure and Environment Committee consider constructing a path along an alternative route identified by the Board and if this route was approved it should be opened before the proposed new youth facility was opened at Gogmore Farm Park and that the police be urged to implement their new penalty notice powers under the Criminal Justice and Police Act 2001 as soon as possible.
5. A majority of the Board Members also considered that, on balance, the Leisure and Environment Committee made the right decision at its meeting on 20 November 2003.

F. NET REVENUE REDUCTIONS

1. Over the course of the year, the Board has considered the Council's net revenue reduction targets.

2. The Board has considered how further net reductions could be achieved and discussed various potential courses of action to make up the shortfall. The Board recommended to the Corporate Management Committee that a Task Group be set up under the direction of the Leader of the Council to look at ways of achieving savings and in particular to consider whether some existing services could be combined or if discretionary and statutory spending could be reduced. The Board also recommended that the provision of the new Civic Offices be reviewed and that it should be considered whether any savings could be made on that project. The Corporate Management Committee recognised the useful nature of the Review Board's comments and recommendations but emphasised that it had been agreed that Service Committees would be responsible for progressing the revenue reduction initiatives and the identification of any items necessary to achieve the target figures. The Corporate Management Committee did, however, resolve to request the Review Board to review the progress being made by the Service Committees as part of the revenue reduction exercise and so therefore the Review Board will be receiving periodic reports on this matter.
3. While the Board recognised that net revenue savings had been found and were being found across the whole range of the Council's services and appreciated the commitment of Officers and Members to this process, the Board took the view that the total amount of the savings so far identified did not mean that the Council was on track to achieve its savings targets. If the Council failed to meet those targets it would have to utilise more of its reserves or receipts. The Board noted when the Council had approved the Financial Forecast, it had been agreed that the cost of new initiatives should be offset by further revenue savings. The Board did not think that this measure was always being applied by Service Committees. In some cases, in their view, extra spending had been authorised, but matching savings had not been offered up. The Board agreed that reducing spending by a fixed level across the board was not a realistic measure. The Board accordingly recommended to the Council that if Service Committees approved proposals beyond their Committee budget projections, they should be required, in the first instance, to identify compensating savings from within their own resources. The Board's recommendation was approved by the Council at its meeting on 9 March 2004.

G. ENFORCEMENT OF PLANNING CONTROL - PROGRESS REPORT

1. Throughout the year, the Board has continued to be advised and updated on the latest circumstances on sites where Committee authorisation to take planning enforcement action has been obtained and where there are matters still outstanding.
2. The Board noted that the level of resource that Runnymede provides for planning enforcement is greater than for most other local authorities of a comparable size. This has sometimes led to a high level of public expectation that breaches of planning control could be quickly remedied by the Council. However, the public were not generally aware of the legal delaying tactics that could be employed by transgressors and the fact that there was no "cut off" point, at which further appeals could not be allowed. It was noted that the Planning Committee had agreed to a priority order for enforcement cases. The Council's policy was always initially to negotiate with the persons in breach of planning control with a view to the breach ceasing without recourse to legal measures, because it was a swifter way of dealing with a problem than serving an enforcement notice, to which there was a right of appeal. The Government was enacting proposals to extend the scope of local authorities in dealing with planning enforcement.

H. RAIL TRANSPORT IN THE BOROUGH

1. The Board has considered a proposal from their former Chairman that railway stations in the Borough be reviewed as "gateways" to Runnymede with the aim of improving transportation in the borough and thus enhancing the quality of life. The Board agreed that the review would require a range of survey work and co-operation from outside bodies and the input of the wider community was vital. The Board has set out the scope of the review which will follow a scrutiny format and will be receiving a further report on taking the project forward.

I. LEADER'S POSITION STATEMENT

1. At its October meeting, the Review Board gave detailed consideration to the Leader's Position Statement setting out the Council's aims and objectives. The Board's comments were referred on to the Corporate Management Committee for consideration.

J. BUDGETARY ITEMS

1. A number of budgetary items have been considered over the course of the year. At its meeting in July, the Board considered the Council's Final Accounts for 2002/03. The Board concluded that the presentation of the accounts was clear and comprehensive. In October, the Board considered the Financial Forecast covering the period up to the 2008/09 financial year and the target budget for 2004/05 and noted an estimated breakdown of the 2003/04 budget between statutory and discretionary spending. In December the Board noted a budget monitoring and summary financial statement, and a report on capital schemes exceeding £100,000.

K. BEST VALUE PERFORMANCE PLAN 2003/04

1. The Board received and noted the Council's Best Value Performance Plan (BVPP), agreed by Full Council on 19 June 2003 and produced to meet the requirements of the Local Government Act 1999 as well as the Council's Corporate Best Value Strategy.

L. COUNCIL'S TEN PRIORITY INDICATORS OF PERFORMANCE

1. The Board considered the outturn position for the Municipal Year 2002/03 on the Council's ten priority indicators of service delivery performance. The Board noted the improvements in the processing of benefit claims and that better performance would be sought on the payment of invoices and the prompt answering of telephones. While there was a view that results on some of the ten priority areas could be improved, the Board was generally content with the outturn reported and the way that the information had been presented.

M. GENERAL SATISFACTION SURVEY

The results of a General Satisfaction Survey of 776 local residents conducted in June 2003 were noted in September by the Board.

N. HOUSING STRATEGY DRAFT STATEMENT 2003 - 2006

1. The Review Board considered the proposed Housing Strategy Statement including the proposals for financing the various measures and their comments were forwarded on to the Housing and Community Services Committee.
2. The three main priorities in the strategy were first, to provide more affordable homes including supported housing and housing for essential workers, second, to ensure that housing owned by the Council, or a Registered Social Landlord, met the Government's Decent Homes Standard and third, to identify private unfit property and seek to improve it, with particular emphasis on Houses in Multiple Occupation and empty properties. The Board agreed that the importance attached to each was appropriate and that the Council's consultation process on the Strategy was particularly effective. The Board commended the partnership working contained within the Strategy.
3. The Board also discussed:
 - i) the Council's target of 750 new affordable housing units by 2005;
 - ii) the poor quality of some private accommodation for students in Englefield Green and proposed measures to alleviate this;
 - iii) the question of single residents under-occupying Council houses and measures aiming to reduce this;
 - iv) the issue of "key worker" housing and how this term might be defined;
 - v) the new allocations policy for social housing; and
 - vi) the cost and the burden of the Housing Needs Survey upon the Council.

O. COMMUNICATIONS STRATEGY

1. The Board considered a copy of the Council's proposed Communications Strategy and the recommended timescale from the Council's Consultants and were asked if they wished to identify any areas which might be investigated by the Working Group which was considering the consultant's proposals. The Board decided that they did not wish to impinge upon the Working Group's task, but they would await the outcome of the Working Group's deliberations with interest.

P. ANTI-SOCIAL BEHAVIOUR

1. The Board has noted a report updating them on legislative and other developments in the field of anti-social behaviour as background to their scheduled review in their work programme. The Anti-Social Behaviour Act 2003 brought further refinements to the existing anti-social behaviour legislation, which would have resource implications for Councils, including new proposals for Councils to serve notices requiring heights of domestic hedges to be reduced. "Anti-Social Behaviour" was a general term to cover the range of undesirable activities contained within the Act. In the context of Anti-Social Behaviour Orders it meant conduct by a person aged over 10 years in a manner likely to cause harassment, alarm or distress to people outside his or her own household. An Anti-Social Behaviour reporting system is due to be launched this year by the Government. The Board particularly welcomed the mechanisms introduced to encourage parents to take responsibility for their children's behaviour.

ARTICLE 6 - OVERVIEW AND SCRUTINY COMMITTEE (REVIEW BOARD)

APPENDIX '1'

6.01 Terms of Reference

The Council will appoint an overview and scrutiny Committee to discharge the functions conferred by regulations under Section 32 of the Local Government Act 2000. In Runnymede, the overview and scrutiny committee is titled the Review Board.

The Review Board will have nine Members, or as the Council may decide.

6.02 General Role

Within this Constitution, the Review Board may:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Full Council and/or any Committee in connection with the discharge of any functions;
- (iii) consider any matters affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by any Committee.

6.03 Specific Functions

(a) **Policy development and review.** The Review Board may:

- (i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of policy Committees and Chief Officers about their views (in the case of Officers, professional views) on issues and proposals affecting the area; and
- (v) 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.

(b) **Scrutiny.** The Review Board may:

- (i) review and scrutinise decisions made by, and performance of, policy Committees and Council Officers, both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Members of policy Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the appropriate policy Committee and/or Council arising from the outcome of the scrutiny process;
- (v) 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; and
- (vi) question and gather evidence from any person (with their consent).

(c) **Finance.** The Review Board may be allocated funding for its role by the Council, and will exercise overall responsibility for the finances made available to it.

(d) **Annual Report.** The Review Board must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 The Review Board may form sub-committees from amongst its membership, or advisory panels from any suitable persons whether its Members or not.

6.05 **Proceedings of Review Board**

The Review Board will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.