



CAI.14 15/16

Challenge and
Improvement Committee

1 September 2015

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Subject: To consider the question and motion referred from Full Council at their meeting on 27 July 2015

Report by:

Director Of Resources

Contact Officer:

Ruth Farningham

Purpose / Summary:

To receive and consider the requests from Full Council, arising from the question and motion, submitted to their meeting on 27 July 2015

RECOMMENDATION(S):

- 1. That Members consider the requests from Full Council and agree to establish a task and finish group of councillors to investigate the incidents of anti-social behaviour and criminal activity in the South West Ward of Gainsborough and the Council and partner agencies response to it.**
- 2. That following the conclusion of the work of the task and finish group recommendations be made to the Prosperous Communities Committee on how the council's and partner agencies response to criminal activity and anti- social behaviour can be made more effective.**
- 3. That members review the Committee's work plan to see how this work can be accommodated.**

IMPLICATIONS

Legal: None at this stage

Financial :None at this stage

Staffing : Members should give consideration to those areas of its work it might like to delay in order to accommodate this investigation

Equality and Diversity including Human Rights : None at this stage

Risk Assessment : None at this stage – although there is a risk around not tackling this issue effectively

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:
None

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Background and Introduction

1.1 Full Council, at its meeting on 27 July 2015 received a question pursuant to council procedure rule no. 9 from Councillors Judy Rainsforth and Trevor Young, Elected Members for the South West Ward of Gainsborough.

1.2 The question, together with the response, is set out below: -

“Ashcroft Rd was once a peaceful, lovely place to live. Many residents have lived on the road for 40 plus years. In the past three years there has been a dramatic decline on the road due to anti social behaviour.

As Leader of the Council would you agree that all residents in the district deserve the right to live without the fear of their personal safety?

If so, why on a weekly basis do residents on Ashcroft Road have to endure the following anti social behaviour:

1. Verbal and Physical Aggression
2. Intimidation / Threats
3. Rubbish Dumping
4. Fires
5. Vehicle Dismantling
6. Tyre Dumping
7. Speeding Vehicles
8. Large Scale Car Repairs on the road

Despite numerous requests to both the police and the authority nothing appears to be done?

As ward members we request your assistance as Leader of the Council to ensure both the Police and WLDC take the necessary enforceable action?”

1.3 Response by the Leader: -

“Cllr. Young. And Cllr. Rainsforth.
Thank you very much for your question. Depressing as this subject matter is, it is an element of our business which urgently needs addressing. I can only imagine how debilitating it can be for civilised law abiding residents living with this constant menace!

We pulled together a group of agencies to work together..... Months ago. Some of those meetings I initially attended myself and judged we had the right content within that group to resolve these recurring issues.

No matter whether you are a growing family or of later years, this type of lifestyle cannot be tolerated. The situation is creating numerous social issues, for example a range Of specific crimes, all punishable. Health issues. And perhaps worst of all, the influencing of the most

impressionable, our children, the ones who will be following in our footsteps.

Therefore this subject will go immediately for consideration by the Challenge and Improvement Committee to first analyse what has worked with past initiatives and what has not worked, identifying where an improved effort is required and finally make recommendations for a new approach.”

1.4 Full Council, at its meeting on 27 July 2015 also received a motion pursuant to council procedure rule no. 10 from Councillors Judy Rainsforth and Trevor Young, Elected Members for the South West Ward of Gainsborough.

1.5 The motion, together with the response, is set out below: -

“The residents of West Lindsey expect and deserve quality, effective and responsive services. Over the past few years we have seen some of our local communities change and more often there is a need for services outside of the normal 9-5 working day.

In the past local Police have responded very effectively with issues such as low level anti social behaviour, noise nuisance, drink related incidents however now they state it is a local authority responsibility?

West Lindsey have failed to put the necessary resources in place to deal with the impact of these changes and meeting the growing demand.

Residents are left feeling powerless, resulting in them having to report incidents the WLDC ‘Out of Hours Service’ knowing that it offers no more than a tokenistic service.

Recently one of us had experience of contacting the ‘out of hours service’ in the early hours of the morning following a disturbing incident. West Lindsey failed to respond after the initial call?

We are informed residents share similar poor experiences, very little action being offered to them and having to ‘put up’ with unacceptable situations.

Residents are having to live in fear.

We believe residents deserve better, and would like to request that an indepth review be carried out of our ‘out of hours services’, We so move.”

Cllr Trevor Young
Cllr Judy Rainsforth

1.6 Response by the Leader

“West Lindsey District Council does have an out of hours service which involves senior officers being on call to deal with Emergencies and Major incidents i.e. Flooding, earth quakes, plane crashes and domestic fire which creates the need for rehousing of victims outside of normal working hours.

Your motion appears to be centred around responses to Anti Social Behaviour and where the responsibility for such response lies. We do not currently have a 24 hour anti-social behaviour service.

I would suggest that as a council we ask our Challenge and Improvement Committee to consider looking into the serious matter in detail. It would not be appropriate to have WLDC officers trying to respond to incidents in the early hours.”

2 Next Steps

- 2.1 Committee are asked to give consideration as to how they wish to proceed with the two pieces of delegated work, together with any resources that may be required.
- 2.2 The Overview and Scrutiny Procedure Rules, as set out in Part 5 of the Constitution, offer some guidance and are attached at Appendix A. The relevant paragraphs being 7, 8 and 9.
- 2.3 Relevant Officers will be in attendance to advise on the work that may be requested by the Committee, in terms of feasibility, resources, timescales etc.

3. Other Considerations

- 3.1 If Members deem it appropriate to proceed with both, then consideration will also need to be given to revising the Committee’s current workplan to accommodate such.
- 3.2 It should also be borne in mind that this additional work may impact on the Committee’s capacity to pre-scrutinise other decisions this administrative year.

Overview and Scrutiny Procedure Rules

1. Number and Arrangements for Challenge and Improvement Committee

1.1 The Council will have one Overview and Scrutiny Committee.

‘Challenge and Improvement Committee’

It will perform all overview and scrutiny functions on behalf of the Council and will be politically balanced.

1.2 The terms of reference of the Challenge and Improvement Committee will be as detailed in Article 7 and Part IV of the Constitution.

2. Seats on Overview and Scrutiny Committee

2.1 All Councillors with the exception of the Chairman, Leader of the Council, Deputy Leader of the Council, Leader of the Opposition and a policy committee Chairman or Vice-Chairman may be members of the Challenge and Improvement Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

2.2 A member must if he/she is involved in the consideration of a matter at a meeting of the Challenge and Improvement Committee of the Authority or a sub-committee of that Committee, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Council’s –

- committees or sub-committees; or
- joint committees or joint sub-committees.

of which he/she may also be a member and took part in that decision making.

2.3 Sub-paragraph (2.2) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

3. Co-optees

3.1 The Challenge and Improvement Committee shall be entitled to appoint a number of people as non voting co-optees.

4. Meetings of the Challenge and Improvement Committee

4.1 There shall be eight ordinary meetings of the Challenge and Improvement Committee in each year. In addition, special meetings may be called from time to time as and when appropriate.

4.2 A Challenge and Improvement Committee meeting may be called by the Chairman of the Committee, by a simple majority of members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5. Quorum

5.1 The quorum for the Challenge and Improvement Committee shall be one quarter of the whole numbers of members provided that in no case shall the quorum of the committee be less than four voting members.

6. Work Programme

6.1 The Challenge and Improvement Committee will be responsible for reporting annually to the Council on both its proposed work plan and its work in the preceding year and, in doing so, shall take into account wishes of members on the Committee who are not members of the largest political group on the Council.

7. Agenda Items

7.1 Any member of the Challenge and Improvement Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.

7.2 The Challenge and Improvement Committee shall also respond, as soon as its work programme permits, to requests from the Council and policy committees to review particular areas of council activity. Where it does so, the Challenge and Improvement Committee shall report their findings and any recommendations back to the relevant policy committee and/or Council. The Council and/or the relevant policy committee shall consider the report of the Challenge and Improvement Committee at the next available meeting.

7.3 There will be a standing item on the agenda of all ordinary meetings of the Challenge and Improvement Committee which will allow for consideration to be given to the work programme.

8. Policy Review and Development

8.1 The role of the Challenge and Improvement Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budgetary and Policy Framework Procedure Rules in Part V of this Constitution.

8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budgetary framework, the Challenge and Improvement Committee may make proposals to policy committees for developments in so far as they relate to matters within its terms of reference.

- 8.3 The Challenge and Improvement Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist in this process. It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from the Challenge and Improvement Committee

- 9.1 Once it has formed recommendations on proposals for development, the Challenge and Improvement Committee will prepare formal reports and submit them to the Proper Officer for consideration by the relevant policy committee (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from, or a change to, the agreed budgetary and policy framework).
- 9.2 If the Challenge and Improvement Committee cannot agree on one single final report to the Council or the relevant policy committee as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or policy committee with the majority report.
- 9.3 The Council or policy committee shall consider any report of the Challenge and Improvement Committee at the next available meeting after being submitted to the Proper Officer.

10. Consideration of Challenge and Improvement Committee's Reports by Policy Committees

- 10.1 Once a Challenge and Improvement report on any matter which is the responsibility of a policy committee has been completed, it shall be included on the agenda of the next available meeting of the relevant policy committee.

11. Rights of Challenge and Improvement Committee Members to Documents

- 11.1 In addition to their rights as Councillors, members of the Challenge and Improvement Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part V of this Constitution.
- 11.2 Nothing in this paragraph prevents more detailed liaison between the relevant policy committee and the Challenge and Improvement Committee as appropriate depending on the particular matter under consideration.

12. Members and Officers Giving Account

- 12.1 The Challenge and Improvement Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions within its remit. As well as reviewing documentation, in fulfilling the

scrutiny role, it may require any member of a policy committee, the Head of Paid Service or a Director to attend before it to explain in relation to matters within its remit –

- (a) any particular decision or series of decisions; and
- (b) the extent to which the actions taken implement Council policy

and it is the duty of those persons to attend if so required.

More junior officers may be invited to assist the Committee.

- 12.2 Where any member or officer is required to attend the Challenge and Improvement Committee under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for presentation of that documentation.
- 12.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, and then the Challenge and Improvement Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

13. Attendance by Others

- 13.1 The Challenge and Improvement Committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions on issues within the remit of the committee. The committee may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

14. Call-In

- 14.1 Call-in should occur where members of the Challenge and Improvement Committee have evidence which suggests that the policy committee(s) for which it is responsible did not take the decision in accordance with the principles set out in Article 12.
- 14.2 Five working days are to be allowed for the call-in of decisions. The procedure is as follows –
- (a) If four members on the Challenge and Improvement Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision, this must be done within five

working days of publication of the decision, provided the issue in question has not been recorded as urgent.

- (b) Any request to call in a decision must be in writing, be signed by the four members and set out the resolution to be considered. The call-in notice should also set out the reason(s) why the decision should be reconsidered. The notice should be sent to the Chief Executive no later than 5pm on the fifth working day following publication of the decision.
 - (c) Decisions can only be called in once and must be considered at the next meeting of the Challenge and Improvement Committee unless the agenda for that meeting has already been published. If the agenda has been published, the issue will be considered at the subsequent Challenge and Improvement Committee meeting unless the matter is considered urgent by the Chairman of the Challenge and Improvement Committee, taking into account any views of the Chairman of the Committee whose decision has been called in.
 - (d) The date of publication of the decision will be deemed to be the day on which the minutes were published on the Council's website.
 - (e) If having considered the decision the Challenge and Improvement Committee may:
 - (i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
 - (ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.
- 14.3 Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.
- 14.4 Call-in does not apply to recommendations to Council nor to Council decisions themselves.
- 14.5 The Chairman of the committee whose decision has been called in shall be invited to the Challenge and Improvement Committee meeting when the item is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.
- 14.6 Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee on a called-in decision, the decision shall be referred to Council.
- 14.7 The call-in procedure set out above shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's

or the public interest. The record of the decision shall state whether, in the opinion of the decision-making committee, the decision is an urgent one and, therefore, not subject to call-in. The committee taking the decision must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The Chairman of the Overview and Scrutiny Committee shall be consulted before any matter is dealt with under this urgency procedure.

14.8 Urgency in this context goes further than the urgency provisions contained in the Local Government (Access to Information) Act 1985 relating to late reports. A report may well have been submitted to the relevant committee in good time but the implementation of the decision is nevertheless considered urgent.

14.9 The operation of the provisions relating to call-in and urgency shall be monitored annually.

15. Procedure at Challenge and Improvement Committee Meetings

15.1 The Challenge and Improvement Committee shall consider the following business –

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
- (d) (responses of the policy committee(s) to reports of the Challenge and Improvement Committee;
- (e) the business otherwise set out in the agenda for the meeting; and
- (f) the work programme.

15.2 Where the Challenge and Improvement Committee conducts investigations (eg with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all members of the Committee given the opportunity to ask questions of attendees, to contribute and speak;
- (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Following any investigation or review, the Committee shall prepare a report for submission to the appropriate policy committee and/or Council as appropriate and shall make its report and findings public

