

**OVERVIEW AND SCRUTINY
MANAGEMENT COMMITTEE
27 NOVEMBER 2014**

PRESENT: COUNCILLOR P J O'CONNOR (CHAIRMAN)

Councillors Mrs A M Newton (Vice-Chairman), C J T H Brewis, A Bridges, Mrs J Brockway, M Brookes, P M Dilks, A G Hagues, A J Jesson, C E D Mair, Mrs M J Overton MBE, R B Parker, Mrs A E Reynolds and T M Trollope-Bellew.

Added Members

Church Representatives: Mr S C Rudman and Mrs G Wright.

Officers in attendance:-

Steve Brookes (Lincolnshire Broadband Programme Manager), Simon Evans (Health Scrutiny Officer), David Hair (Team Leader - Scrutiny and Member Support), Cheryl Hall (Democratic Services Officer), Tracy Johnson (Scrutiny Officer), Naomi Nutting (Project Support Officer), Louise Tyers (Scrutiny Officer), Nigel West (Democratic Services Manager) and Richard Wills (Executive Director for Environment and Economy).

29 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors B Adams, C E H Marfleet, C L Strange and Mrs C A Talbot and Added Members: Mr C V Miller, Mrs E J Olivier-Townrow and Mr P Thompson.

30 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interests.

31 MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
30 OCTOBER 2014

RESOLVED

That the minutes of the meeting held on 30 October 2014 be agreed and signed by the Chairman.

32 CONSIDERATION OF CALL-INS

No Call-Ins had been received.

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No proposals for Scrutiny Reviews had been received.

34 LINCOLNSHIRE BROADBAND PROGRAMME - UPDATE

Consideration was given to a report and presentation by Steve Brookes (Lincolnshire Broadband Programme Manager) and Naomi Nutting (Project Support Officer), which invited the Overview and Scrutiny Management Committee to consider the latest position with regards to the Lincolnshire Broadband Programme.

It was noted that the implementation of Superfast Broadband was one of the Council's designated priority activities and scrutiny responsibility for monitoring this particular activity rested with the Overview and Scrutiny Management Committee.

Detailed information was provided by way of a presentation, covering the following areas: -

- Overview;
- Map showing the post rollout broadband coverage;
- Objectives;
- Funding;
- Current status; and
- The Future.

The Lincolnshire Broadband Programme covered 156,667 business and residential premises deemed eligible under State Aid. To ensure the Programme was manageable in terms of its delivery, the project had been split into eight phases of work and it was hoped that the project would be completed by April 2016. BT was delivering the implementation under the Broadband Delivery UK (BDUK) Framework Agreement.

The Programme was currently running to plan and had delivered approximately 58,900 premises that could now benefit from the upgraded infrastructure. This equated to a little over 35% of the overall total for the programme. The programme had already completed the build of 242 roadside cabinets, with an additional 70 cabinet 'shells' provided in advance of work to update. At this point in time, the Programme was currently providing faster broadband to an average of 1,760 additional premises per week.

Consideration was now being given to the process of establishing the most effective way to deliver the second phase of the programme, utilising the additional Government funding (Approximately £2.35 million) that had been allocated. It was also noted that Lincolnshire County Council had added a further £1.8 million, with additional European Union money currently being sourced. The target delivery was for 95% Superfast coverage by 2017 and it was hoped that there would be Phase Three of the programme to cover the remaining 5%. However, as the remaining 5%

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would be those hard to reach areas, it was anticipated that any new emerging technology would be used as part of this phase.

Members were provided with an opportunity to ask questions, where the following points were noted: -

- There was a mechanism in place to charge neighbouring counties if they were to benefit from the use of cabinets located within Lincolnshire. The same would apply if Lincolnshire was to make use of one of the neighbouring county's cabinet;
- It was noted that West Lindsey District Council had awarded a three-year contract to Quickline Communications to install wireless internet within 32 hubs, to improve internet access across its district;
- In answer to a question, Members were advised that through the delivery of the Lincolnshire Broadband Programme, 90.32% premises would be covered by superfast broadband within the district of West Lindsey;
- The definition of Superfast Broadband was internet speeds of 24mbs or above. However, the further away the premise was from its associated cabinet, the slower the internet speed;
- There was new emerging technology currently being trialled nationally and it was hoped that this new technology would work wirelessly;
- Ofcom was currently investigating the issue of providers restricting internet speeds for their customers;
- Members were advised of what the procurement process was for the contract for the Lincolnshire Broadband Programme;
- It was queried whether the Economic Scrutiny Committee could explore and quantify the benefits of Lincolnshire Broadband Programme on the Lincolnshire economy; and
- It was suggested that a further update on the Lincolnshire Broadband Programme, in particular the progress with phase 2, was provided to the Committee in six months.

The Chairman thanked those officers present for their detailed update.

RESOLVED

- (1) That the report, presentation and comments be noted.
- (2) That a further update on the Lincolnshire Broadband Programme, in particular the progress with phase 2, be provided to the Committee in six months.

35 REVIEW OF THE COUNCIL'S CONSTITUTION

Consideration was given to a report by Nigel West (Democratic Services Manager), which provided the Committee with an update on the work of the Constitution Review Working Group. The purpose of the report was for the Committee to consider the Working Group's proposals to amend Part 5 and elements of Part 4 of the

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Constitution. In addition, the Working Group had highlighted further amendments to Part 2, which require the Committee's attention.

The Democratic Services Manager went through the proposed changes to the Constitution, making particular reference to: -

- Replacement Members (Page 4/5);
- Members' and Officers' Codes of Conduct (5/7 to 5/24); and
- Petitions Scheme (5/57 to 5/66).

It was proposed that the changes agreed by the Committee would be recommended to Council for approval on 19 December 2014.

Replacement Members

Members were advised that the working group had proposed that a valid nomination, in accordance with paragraph 5 in the Constitution (page 4/5), must be in the possession of the Chief Executive, or an officer authorised by the Chief Executive to act on his/her behalf, before the start of the meeting to which the nomination related.

Members were advised that 'an officer authorised by the Chief Executive' would be the Democratic Services Officer clerking the meeting to which the nomination related to.

The Democratic Services Manager reported that a suggestion had been made, prior to the meeting, by a Member of the Committee that the word 'replacement' should be included within the first paragraph under 'Appointment of Fixed Term Members of Committees and Sub-Committees', as follows: -

"The Chief Executive (or an Officer authorised by the Chief Executive to act on his or her behalf) will appoint *Replacement* Councillors to Overview and Scrutiny, Regulatory and Other Committees and Sub-Committees in accordance with nominations made to him or her in writing by the appropriate Group Leader, Deputy Group Leader or Group Whip".

Members discussed the proposed amendments by the Working Group, including the suggestion by a Member of the Committee, and it was agreed that the proposed amendment by the Working Group covered the issue of replacement members and therefore supported this proposed amendment, as written in the report.

Members' and Officers' Codes of Conduct

The Committee was directed to the Members' Code of Conduct at page 5/7. It was proposed that the wording under this section would incorporate the Council's Values Statement and Good Practice Guide to Meeting the Values of the Authority in the Members' Code of Conduct meaning that a breach of those values could be investigated by the Monitoring Officer and potentially amount to a breach of the Members' Code.

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Members were also directed to the new wording in the Code under the heading "RESPECT". The intention of both forms of wording was to widen the scope of the Code to include an element of interpersonal relationships.

It was agreed that under the heading "RESPECT", the following wording would be included: -

"Any alleged failure to comply should be dealt with under the Council's Local Arrangements."

It was agreed that a copy of the Council's Local Arrangements would be emailed to Members of the Committee for information.

Members supported the proposed changes to the Members' and Officers' Codes of Conduct.

It was recognised that Added Members should be treated the same as County Councillors and it was therefore agreed that the Constitution would include a general statement to the effect that Added Members be treated as Councillors, except where the provision specifically related to Councillors.

Petitions Scheme

The Democratic Services Manager directed the Committee to the proposed new wording in the Petitions Scheme, as detailed at page 5/57. The effect of the proposed changes which had been recommended by the Working Group would be to remove the signature thresholds for a debate at Council and calling a chief officer to give evidence at a scrutiny committee meeting. The Working Group had also recommended that petitioners present their petition for five minutes, rather than three minutes. In addition, the Working Group had also recommended the introduction of a minimum of 3,500 signatures for petitions to be presented to Council.

Members were advised that the working group, prior to making the proposed changes to the Petitions Scheme, had looked at the requirements of the Petitions Schemes of other local authorities. The Working Group had chosen a threshold of 3,500 signatures for petitions to be presented to Council, as it based on 0.5% of the population of Lincolnshire.

During the discussion on the proposed changes to the Petitions Scheme, the following points were raised by Members: -

- It was felt that the proposed removal of the signature thresholds for a debate at Council and calling a chief officer to give evidence at a scrutiny committee meeting and the inclusion of a threshold of 3,500 signatures for petitions to be presented to Council, would make the process difficult for constituents to raise local community concerns with the Council;
- It was also felt that the threshold of 3,500 was too high and could be deemed as a barrier. It was suggested that this figure should be much lower and in the region of 100-200;

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- The recommendation that the petitioners presenting their petition were allocated five minutes, rather than three minutes was supported; and
- Members were advised that a submitted petition was not always necessarily presented to a meeting of Council, as it was at the discretion of the petitioner as to whether they would like to present it to Council or pass it to the relevant department for consideration.

During debate, the following amendment was moved and seconded: -

"That the wording within the County Council's Petitions Scheme remains as was currently written within the County Council's Constitution, with the addition of a threshold of 150 signatures for petitions to be presented to County Council and petitioners being allocated five minutes, rather than three to present their petition to a meeting of County Council."

Upon being put to the vote, the amendment was carried.

RESOLVED

That the Working Group's proposed amendments (including the Committee's amendments) to Parts 4 and 5 of the Council's Constitution be presented to the meeting of County Council on 19 December 2014 for approval.

36 OVERVIEW AND SCRUTINY WORK PROGRAMME

Consideration was given to a report by David Hair, Team Leader (Scrutiny and Member Support), which provided the Committee with an opportunity to consider its work programme and the work programmes of the Scrutiny Committees. Copies of the individual work programmes were appended to the report and the following updates were received:-

i) Overview and Scrutiny Management Committee

The Team Leader (Scrutiny and Member Support) reminded Members that the Informal Meeting of Scrutiny Chairmen and Vice-Chairmen which was scheduled for the afternoon of 27 November 2014 had been cancelled, as business for that meeting did not materialise as anticipated. It was hoped that a meeting of the Group would be arranged for the foreseeable future.

It was noted that one of the items which would have been mentioned at that meeting was the opportunity for peer mentoring for committee chairmen. This was something that was successfully trialled during the last Council Term to launch this opportunity in this Council Term. The Councillor Development Group also agreed that in the first instance, this offer would be to sitting chairmen of scrutiny and regulatory committees. The Team Leader (Scrutiny and Member Support) would email all chairmen providing further detail.

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In addition, it was noted that a training session on 'Successful Meetings' was scheduled to take place on 12 February 2015, and was open to all councillors and added members. The session would be facilitated by David McGrath from Link UK.

Further to Minute 34 as above, Members were reminded that a further update on the Lincolnshire Broadband Programme would be added to the work programme for six months' time.

ii) Adults Scrutiny Committee

The Health Scrutiny Officer advised that there were no changes to the Committee's work programme.

iii) Children and Young People Scrutiny Committee

The Scrutiny Officer advised that there were currently no amendments to the work programme. The Committee was scheduled to meet on Friday, 28 November 2014 and the agenda was set out on page 194 of the report.

iv) Community and Public Safety Scrutiny Committee

The Chairman advised Members that there were currently no changes to the work programme.

The Committee would be holding an additional meeting on Tuesday, 27 January 2015 to undertake pre-decision scrutiny on the 'Future Shape of Library Provision', which was due to be considered by the Executive on Tuesday, 3 February 2015.

v) Economic Scrutiny Committee

The Chairman advised that there were no amendments to the work programme. However, it was noted that the Committee's meeting on 9 December 2014 would be an all-day meeting. The Committee would consider the agenda, as set out on page 198 of the report, which included receiving a presentation from the Executive Director for Environment and Economy on the new senior staff structure in Economy and Place and an update report on the Greater Lincolnshire Local Enterprise Partnership.

vi) Environmental Scrutiny Committee

The Scrutiny Officer advised that there were no changes to the work programme at this time.

vii) Health Scrutiny Committee for Lincolnshire

The Vice-Chairman highlighted the following items:

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The item on Peterborough and Stamford Hospitals NHS Foundation Trust, which related to the Redevelopment Proposals for Stamford and Rutland Hospital, would now be taken at a later meeting.

14 January 2015

There were no changes to the list of items for 14 January 2015.

11 February and 11 March 2015

The items on the list for the meeting on 11 February 2015 on the 'Process for Updating the Joint Strategic Needs Assessment' and the 'Joint Health and Wellbeing Strategy' would now be taken at the meeting of the Committee on 11 March 2015. Also at the meeting on 11 March 2015, the Committee was scheduled to receive an update from United Lincolnshire Hospitals NHS Trust on its latest position with regard to the Care Quality Commission Re-inspection in February 2015, as well as Cancer Care; Outpatients; Recruitment and Retention; and Finance.

Working Group Activity

The first meeting of the Congenital Heart Disease Standards and Specifications Work Group had taken place on 24 November 2014. The Working Group comprised of Councillors Mrs C A Talbot (Chairman); C J T H Brewis (Vice-Chairman); Miss J Frost; Dr G Samra; and Dr B Wookey from Healthwatch Lincolnshire. The Working Group was scheduled to hold a further meeting on 2 December 2014 to finalise the Working Group's response to the national consultation, which had to be submitted by 8 December 2014.

In response to a question, Members were advised that the Committee was scheduled to receive a report on Winter Pressures at its meeting on 17 December 2014.

viii) Highways and Transport Scrutiny Committee

The Vice-Chairman advised that there were no changes to the Committee's work programme at this time.

ix) Value for Money Scrutiny Committee

The Vice-Chairman advised that there were no changes to the Committee's work programme.

RESOLVED

- (1) That the work programmes for the Overview and Scrutiny Management Committee and the Council's other Scrutiny Committees (Appendices A and B) be approved, subject to any amendments identified above.

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(2) That the working group activity set out in Appendix C be noted.

(3) That the Forward Plan of Key Decisions from 1 December 2014 be noted.

The meeting closed at 12.50 pm.