



**Barry Keel**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 9 December 2011

Please ask for: Mrs Katey Johns, Democratic Support Officer  
T: 01752 307815 E: [katey.johns@plymouth.gov.uk](mailto:katey.johns@plymouth.gov.uk)

## **OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

### **'TO FOLLOW' REPORTS**

**Date:** Wednesday 14 December 2011  
**Time:** 2 pm  
**Venue:** Warspite Room, Council House

**Members:**

Councillor James, Chair

Councillor Nicholson, Vice Chair

Councillors Mrs Aspinall, Mrs Bowyer, Browne, Coker, Lock, Lowry, McDonald, Stark, Thompson and Wildy.

**Co-opted Representative:**

Mr D Fletcher (Chamber of Commerce)

*PLEASE FIND ATTACHED REPORTS FOR CONSIDERATION UNDER AGENDA ITEM NOS. 11, 13, 14, 15 AND 16.*

Barry Keel  
Chief Executive

# **OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

## **11. URGENT EXECUTIVE DECISIONS (Pages 1 - 8)**

Members will receive a schedule of executive decisions that have been deemed urgent with the agreement of the Chair of the Overview and Scrutiny Management Board.

## **13. RECOMMENDATIONS (Pages 9 - 10)**

To receive and consider recommendations from panels, Cabinet or Council.

## **14. BI-ANNUAL REPORTS (Pages 11 - 14)**

To consider the bi-annual reports submitted on behalf of the scrutiny panels and the Management Board.

## **15. WORK PROGRAMMES (Pages 15 - 20)**

To consider and approve work programmes for each of the Panels, to include a progress update from each of the Chairs.

## **16. PROJECT INITIATION DOCUMENTS (PIDS) (Pages 21 - 24)**

To consider proposals for task and finish groups submitted by the overview and scrutiny panels.

**REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER**

**Delegated Decision Reference Number – FPP9 11/12**

<b>Decision</b>	
<b>1</b>	<b>Title of Decision: Recognition of UNISON to local collective bargaining arrangements</b>
<b>2</b>	<b>Decision Maker: Councillor Ian Bowyer – Cabinet Member for Finance, Property &amp; People</b>
<b>3</b>	<b>Decision author and contact details: Mark Grimley, Assistant Director HR &amp; OD</b>
<b>4</b>	<p><b>Decision to be taken:</b> Plymouth City Council shall voluntarily recognise Unison for collective bargaining purposes subject to the following conditions being satisfied:</p> <ol style="list-style-type: none"> <li>1. UNISON confirms its acceptance of the proposed new collective agreement by signing the said agreement by no later than 14<sup>th</sup> September 2011.</li> <li>2. GMB and UNITE, the existing local collective bargaining unit, agree to the recognition of UNISON for collective bargaining purposes and its reinstatement to the local collective bargaining unit as of 14<sup>th</sup> September 2011.</li> </ol> <p>The recognition of UNISON for collective bargaining purposes shall be on the same terms and on the same basis as existed immediately prior to the Council's decision to de-recognise UNISON on 17<sup>th</sup> August 2011.</p> <p>Provided Conditions 1 and 2 hereinabove are complied with, the recognition of UNISON for collective bargaining purposes shall come into effect contemporaneously with its authorised representative signing the proposed new collective agreement on behalf of UNISON by no later than 14<sup>th</sup> September 2011.</p>
<b>5</b>	<b>Reasons for decision:</b> Financial delivery of savings and reducing litigation risk

6	<p><b>Alternative options considered: To achieve £18 million workforce savings the following options were considered and rule out for time, cost, legal and service impact reasons:</b></p> <ol style="list-style-type: none"> <li>1. Major number of redundancies</li> <li>2. Continued negotiations</li> <li>3. Imposition of new contracts</li> <li>4. Dismissal and re-engagement of workforce</li> <li>5. Signature of existing bargaining unit (GMB and UNITE)</li> </ol>			
7	<p><b>Financial implications:</b> To achieve savings for terms and conditions of around £400k in 2011/12 and £1.2 million in a full year.</p>			
8	<b>Is the decision a Key Decision?</b>	Yes		(if ticked, complete section 9)
		No	X	(If ticked, proceed to section 10)
9	<b>Date added to the Forward Plan?</b>			
10	<b>Please specify how this decision is linked to the policy framework and/or budget:</b>	The Council's budget delivery plans include £700k for savings linked to the workforce. Terms and Conditions have been negotiated that achieve this saving.		
11	<b>Is the decision a case of special urgency?</b>	Yes	X	(if ticked, ensure that the Chair of the Overview and Scrutiny Management Board signs the report at section 11a and section 11b is completed)
		No		(if ticked, proceed to section 12)
11a	<b>Signature</b>			<b>Date</b>
	<b>Print Name</b>	Councillor David James		
11b	<b>Reason for urgency:</b> Significant risk of financial savings not being achieved and risk of legal action.			
<b>Consultation</b>				
12	<b>Are any other Cabinet Members affected by the decision?</b>	Yes	X	(if ticked, complete sections 13 and 14)
		No		(if ticked, proceed to section 15)
13	<b>Which other Cabinet Member is affected?</b>	Affects the workforce within all portfolios.		

14	Has this Cabinet Member been consulted?	Yes	X	Cabinet Planning have been briefed.					
		No							
15	Which Corporate Management Team member has been consulted?	Corporate Support Management Team have agreed this course of action.							
16	Please include the sign off codes from the relevant departments consulted:	Democratic Support (mandatory)			TH				
		Finance (mandatory)			AB				
		Legal (mandatory)			DVS				
		Human Resources			MG				
		Corporate Property			N/A				
		IT			N/A				
		Procurement			N/A				
<b>Other Information</b>									
17	Is the decision in accordance with an Equalities Impact Assessment?	Yes	X	<i>(For further advice, contact Assistant Director for Safer Communities, ext. 4388)</i>					
		No							
<b>Background Papers</b>									
18	State how the decision in accordance with an Equalities Impact Assessment?	Full E.I.A's undertaken during negotiations process with Trade Unions.							
19	Please list all background papers relevant to the decision in the table below. <i>(If not attached, indicate where it can be accessed either electronically or in hard copy. Any confidential (Part II) information should be included in background papers only and <u>not</u> in this delegated decision template. If the background paper is Part II, please indicate why the background paper is not for publication by virtue of Exemption Paragraph(s) (E1 – E7) of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in the table).</i>								
Title		Part I	Part II	Exemption Paragraph Number					
				1	2	3	4	5	6

<b>Cabinet Member Signature</b>			
<b>19</b>	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy, Corporate Plan and Medium Term Financial Plan.		
<b>Signature</b>		<b>Date</b>	
<b>Print Name</b>	Councillor Ian Bowyer		

## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Delegated Decision Reference Number - FPPI2 11/12

<b>Decision</b>	
1	Title of decision: 41 Estover Close (First Floor), Estover, Plymouth PL6 7PL – Acquisition of lease
2	Decision maker (Cabinet Member): Councillor Ian Bowyer, Cabinet Member for Finance, Property and People
3	Decision author and contact details: Ian Gillhespy, Senior Valuation Surveyor, Finance Assets and Efficiencies, Corporate Support Email: <a href="mailto:ian.gillhespy@plymouth.gov.uk">ian.gillhespy@plymouth.gov.uk</a> Tel: 01752 305566
4	Decision to be taken: Approval to the Council accepting a transfer of the lease, to which the Council is already guarantor, of the first floor of 41 Estover Close, Estover.
5	Reasons for decision: Corporate Plan 2011-14: Provide Value for Communities Customer satisfaction with all public services and the Council offering Value For Money. Obtaining maximum value for money from the £150,000 Targeted Capital Funding from the Department for Children Schools and Families expended on the purchase of equipment and the payment of a lease premium.
6	Alternative options considered: <p>A) The lease be transferred directly to another party. By taking a transfer of the lease the Council can exercise direct control over the future occupation of the premises, including the terms of occupation and thereby better mitigate any liability which may accrue to the Council as existing guarantor. The Council will be able to control the transfer or subletting of the premises to another party or occupy for Council purposes.</p> <p>B) The Council guarantee to underwrite a minimum level of room hire income to support the current tenant to continue to trade. There is no budget available or justifiable rationale for supporting the current tenant to the extent required. The costs to the Council of occupying the whole of the premises, including rent, service charge, business rates and outgoings are estimated to be less than the guarantee required by the current tenant. The external hiring of meeting / training rooms is contrary to the Council's adopted Corporate Accommodation Strategy which seeks to maximise the use of meeting / training facilities directly provided by the Council.</p>

7	<p>Financial implications:</p> <p>As guarantor of the lease the Council is already ultimately liable for the rent, service charge, outgoing and other costs attributable to the lease in default by the tenant. Following any transfer of the lease to the Council, the Council could mitigate any costs by endeavouring to transfer the lease or sublet the premises to a third party or by occupying for Council purposes. Revenue costs for negotiating and documenting any subletting of the premises will be met from within existing revenue budgets.</p> <p>Services for Children and Young People (SCYP), as controlling Department for the leased premises, have expressed a continuing short term need for suitable and sufficient meeting / training rooms due to the closure of the training facilities at the former Southway Community College and pending the refurbishment of Windsor House and other Council accommodation as part of the Corporate Accommodation Strategy. Budget provision has been identified by SCYP which could be used to pay the revenue costs of the premises.</p> <p>VAT is payable in respect of the lease costs and the Council should therefore 'opt to tax' the premises if the lease is transferred to it. This would mean that any subtenant would be charged VAT on sublease costs (which would be a direct cost to the subtenant if it is not VAT registered).</p> <p>An initial lease premium was paid funded through the Council's Capital Programme from Targeted Capital Funding from the Department for Children Schools and Families. The financial benefit of a reduced initial rent until 19 August 2013 resulting from the payment of the lease premium would be best protected by the Council initially taking a transfer of the lease.</p> <p>The lease contains a provision for the tenant only to terminate the lease on 20 August 2013 subject to the service of appropriate written notice.</p>			
8	Is the decision a Key Decision?	Yes		(if ticked, complete section 9)
		No	X	(If ticked, proceed to section 10)
9	Date added to the Forward Plan?	Not applicable		
10	Please specify how this decision is linked to the policy framework and/or budget:	Corporate Plan 2011-14: Provide Value for Communities		
11	Is the decision a case of special urgency?	Yes	X	(if ticked, ensure that the Chair of the Overview and Scrutiny Management Board signs the report at section 11a and section 11b is completed)
		No		(if ticked, proceed to section 12)
11a	<u>Signature</u>			<u>Date</u>
	<u>Print Name</u>			



11b	Reason for urgency: The Directors of HealthTec propose to cease trading and wind up the company imminently. Any delay in the Council accepting a transfer of the lease could result in control of the lease, and the financial benefit of the reduced rent resulting from the payment of the lease premium, being taken away from the Council and passing to a liquidator which could expose the Council as guarantor to the lease to potentially greater financial risk.			
<b>Consultation</b>				
12	Are any other Cabinet Members affected by the decision?	Yes	X	(if ticked, complete sections 13 and 14)
		No		(if ticked, proceed to section 15)
13	Which other Cabinet Member is affected?	Councillor Samantha Leaves, Children and Young People		
14	Has this Cabinet Member been consulted?	Yes	X	
		No		
15	Which Corporate Management Team member has been consulted?	Adam Broome, Director for Corporate Support  Bronwen Lacey, Director for Services for Children and Young People		
16	Please include the sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DSO381112	
		Finance (mandatory)	AM ChS0359	
		Legal (mandatory)	JTR13130	
		Human Resources	N/A	
		Asset Management		
		IT	N/A	
		Procurement	N/A	
<b>Other Information</b>				
17	Is the decision in accordance with an Equalities Impact Assessment?	Yes	X	<i>(For further advice, contact Assistant Director for Safer Communities, ext. 4388)</i>
		No		
18	State how the decision supports the City and Council Priorities.	Corporate Plan 2011-14: Provide Value for Communities		

<b>Background Papers</b>									
19	Please list all background papers relevant to the decision in the table below. <i>(If not attached, indicate where it can be accessed either electronically or in hard copy. Any confidential (Part II) information should be included in background papers only and <u>not</u> in this delegated decision template. If the background paper is Part II, please indicate why the background paper is not for publication by virtue of Exemption Paragraph(s) (E1 – E7) of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in the table).</i>								
Title	Part I	Part II	Exemption Paragraph Number						
			1	2	3	4	5	6	7
HealthTec Plymouth Project – Acquisition of premises – Delegated Decision and Briefing Paper – FPPG 7 09/10  www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieDecisionDetails.aspx%3FID%3D1851		X			X				
41 Estover Close (First Floor), Estover, Plymouth PL6 7PL – Acquisition of lease – Briefing Paper	X								
41 Estover Close (First Floor), Estover, Plymouth PL6 7PL – Acquisition of lease – Briefing Paper (Part II)		X			X				
<b>Cabinet Member Signature</b>									
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy, Corporate Plan and Medium Term Financial Plan.								
<u>Signature</u>					<u>Date</u>				
<u>Print Name</u>									

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD – 30 NOVEMBER 2011**

**RECOMMENDATIONS**

<b>Date/min number</b>	<b>Resolution / Recommendation</b>	<b>Explanation (if required)</b>
<b>Support Services Overview and Scrutiny Panel</b>		
Minute 52 24/11/11	<b>Sickness Policy Review – Present and Productive Workforce</b> <u>recommended</u> that the Overview and Scrutiny Management Board review the results of the interim staff survey 2011 when they become available and determine whether the Support Services Overview and Scrutiny Panel should take any further action.	Members were encouraged that staff sickness had been reducing and felt that the responses to the staff survey had helped with this. They wished that the O&S MB review the interim staff survey and determine whether there still exists any issues that need further scrutiny by the SS OSP.
Minute 58 24/11/11	<b>Work Programme</b> The Panel received their draft work programme for 2011-2012 and <u>recommended</u> to the Overview and Scrutiny Management Board that - (1) School Transfers to Academies is added as an item onto the work programme for a future meeting after April 2012; (2) Lord Mayoralty issues is added to the work programme for the 19 January 2012 meeting.	The panel were recommended to further review the School Academy Transfers after April 2012 by officers as a clearer picture on the level of buy back services and income for 2012-2013 will be known. Members were concerned about recent media attention on the Lord Mayor’s budget and wished to review this issue further particularly in relation to the budget cuts that were promised in the 2011 – 2012 budget setting process.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Bi-annual Scrutiny Report  
**Committee:** Overview and Scrutiny Management Board  
**Date:** 30 November 2011  
**CMT Member:** Director for Corporate Support  
**Author:** Katey Johns, Democratic Support Officer  
**Contact:** Tel: 01752 307815  
Email: [katey.johns@plymouth.gov.uk](mailto:katey.johns@plymouth.gov.uk)  
**Ref:** OSMB 111/12  
**Key Decision:** No.  
**Part:** 1

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**Executive Summary:**

This report sets out a review of the Overview and Scrutiny Management Board for the period June 2011 – October 2011.

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**Corporate Plan 2011 – 2014:**

The Overview and Scrutiny Management Board provides management of strategic scrutiny of all Corporate Improvement Priorities and is the lead scrutiny body for the Corporate Plan.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

None.

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**Other Implications: e.g. Community Safety, Health and Safety, Risk Management and  
Equality, Diversity and Community Cohesion:**

The Management Board has scrutinised the revenue and capital budgets, and Corporate Improvement Priorities relating to the above during the period of this report.

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**Recommendations & Reasons for recommended action:**

To note the report.

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**Alternative options considered and reasons for recommended action:**

N/A

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**Background papers:**

Overview and Scrutiny Management Board Terms of Reference  
Reports submitted to panel meetings  
Minutes

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**Sign off:** N/A

**1. Overview and Scrutiny Management Board Bi-annual Report**

**1.1 Introduction**

This report sets out the progress of the Overview and Scrutiny Management Board for the period of June 2011 to October 2011 which includes the following meetings –

- 29 June 2011
- 11 and 12 July 2011
- 27 July 2011
- 7 September 2011
- 21 September 2011

**2. Scope of the Overview and Scrutiny Panel**

2.1 The Overview and Scrutiny Management Board is primarily responsible for managing the workload of the Council’s five scrutiny panels, namely –

- Health and Adult Social Care
- Customers and Communities
- Growth and Prosperity
- Children and Young People
- Support Services

2.2 The detailed terms of reference for the Overview and Scrutiny Management Board are contained within the Council’s Constitution.

2.3 The Board, through its strategic management of the council’s scrutiny function, including monitoring of finance and performance, focuses on the role of the following cabinet members and corporate management team officers –

<b>Title</b>	<b>Name</b>
Cabinet Member for Finance, Property and People	Councillor Bowyer
Cabinet Member for Transformation, Performance and Governance	Councillor Ricketts
Leader of the Council	Councillor Mrs Pengelly
Chief Executive	Barry Keel
Director for Corporate Support	Adam Broome

**3. Membership and Attendance**

<b>3.1 Name</b>	<b>Attendance (5 meetings)</b>
Councillor James (Chair)	5
Councillor Nicholson (Vice-Chair)	3*
Councillor Mrs Aspinal	4*

Councillor Mrs Bowyer	2*
Councillor Browne	4*
Councillor Coker	4*
Councillor Lock	4*
Councillor Lowry	3*
Councillor McDonald	5
Councillor Stark	5
Councillor Thompson	4
Councillor Wildy	5
Mr D Fletcher (Co-opted Representative)	2*
Mr J Paget (Co-opted Representative)	1 (resigned June 2011)
Ms V Gillespie (Co-opted Representative)	2 (appointed July 2011)
Giles Perritt Lead Officer	5
Katey Johns Democratic Support Officer	5

\*The meeting on 11 and 12 July 2011 was a Task and Finish Group at which these members were not required

#### **4. Key Achievements during the period of June 2011 to October 2011**

- 4.1 The Board has made a positive and constructive contribution to support the strategic and operational overview, in particular the following achievements have been made –
- appointment of an additional co-opted representative from City College to broaden the Board's experience and knowledge;
  - monitoring the Finance and Performance Report;
  - monitoring progress against budget scrutiny recommendations from 2010/11;
  - holding the Leader and Chief Executive to account to ensure that high quality services were being delivered to local people within budget efficiencies;
  - keeping a watching brief on changes to legislation particularly around the creation of health and well-being boards and introduction of police and crime commissioner panels;
  - following a review of Localities and Neighbourhood Working, making recommendations to Cabinet and City Council which it was hoped would further improve the Council and its partners approach to understanding and responding to the needs of our communities across the city;
  - monitoring the Forward Plan and urgent executive decisions.

#### **5. Future Issues for the Panel**

- 5.1 Over the new few months the Board will –
- undertake post-decision scrutiny of the decision to derecognise Unison;
  - meet on 12, 16 and 18 January 2012 to scrutinise the council's budget setting arrangements for 2012/13, along with those of its Police and Health partners;

#### **6. Recommendation**

- 6.1 That progress of the Overview and Scrutiny Management Board be noted.









Work programme	J	J	A	S	O	N	D	J	F	M	A
Winter Maintenance				8/ 15							

**Key**

\* **New item**

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Support Services Overview and Scrutiny Panel

**Work Programme 2011 - 2012**

Proposed work programme	J	J	A	S	O	N	D	J	F	M	A
<b>Business Transformation</b>											
Accommodation Strategy											
Office/Building rationalisation	23										
Pounds House update		21		15	27	24					
Corporate Transformation Progress Review											
Invest to Save projects								19			
Cashiers and Pay Point review				15							
<b>Finance</b>											
Embedding VFM ethos across the council – Quarterly report	23			15		24				15	
Procurement service update								19			
<b>ICT</b>											
ICT Strategy											
Social Networking and Communication Review								19			
<b>Human Resources and Organisational Development</b>											
People's Strategy											
Terms and Conditions		21									
Senior Management Restructuring		21									
Redeployment Policy		21									
School Academy Transfer update		21		15							→

Proposed work programme	J	J	A	S	O	N	D	J	F	M	A
Staff sickness review						24					
Appraisal Process review						24					
Management of agency staff						24					
<b>Democracy and Governance</b>											
Coroner's Service review				15							
Member Learning and Development											
Lord Mayoralty								19			
<b>Assistant Chief Executive</b>											
Local Strategic Partnership Resource Plan											
<b>Policy and Performance</b>											
Local Carbon Framework Review				15							
<b>Other Issues</b>											
Budget and Performance Report	23					24				15	
Review Data Sharing between agencies (referred by O&S Management Board 2010/11 – OSMB 97a (2) refers)											
<b>City and Council Priorities</b>											
Value for Communities											
<b>Task and Finish Groups</b>											
Revenues and Benefits, Cashiers, Incomes and Creditors and Customer Services				TBC							

**Key:**

New Item
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Deleted Item
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### Request for Scrutiny Work Programme Item

1	<b>Title of Work Programme Item</b>	Identification of lessons to be learned from the process of de-recognition of UNISON from collective bargaining arrangements
2	<b>Responsible Director (s)</b>	Adam Broome, Director of Corporate Resources
3	<b>Responsible Officer</b>  <b>Tel No.</b>	Mark Grimley, Assistant Director for Human Resources and Organisational Development
4	<b>Aim</b>	To identify whether there are any lessons to be learned from the process leading to the de-recognition and re-recognition of the trade union Unison during August and September of 2011, which will benefit the Council's industrial relations arrangements in the future
5	<b>Objectives</b>	To understand why the decision to de-recognise UNISON was taken To identify any learning points to inform future negotiations
	<b>Benefits</b>	Any learning points identified may be applied in future negotiations to avoid the need for de-recognition of Trade Unions Scope may be identified for agreed actions to improve industrial relations within the Council

	<b>Beneficiaries</b>	The signatories of Plymouth City Council's collective bargaining agreement		
6	<b>Criteria for Choosing Topics</b>	Public interest issue covered in the local media Connected with significant budgetary commitment		
7	<b>Scope</b>	The process leading to the conclusion of the Collective Agreement, including the initial failure to sign the agreement, the decision to derecognise Unison and the decision to re-recognise		
	<b>Exclusions</b>	The benefits or disbenefits of the Collective Agreement itself		
8	<b>Programme Dates</b>	One meeting date during January 2012		
	<b>Timescales and Interdependices</b>	What	Who	When
		Agreement of work request	Management Board	December 2011
		Task and Finish meeting	Support Services nominees	February 2012
		Report Submitted to Management Board	Management Board	March 2012



9	<b>Links to other projects or initiatives / plans</b>	Corporate Plan Budget Delivery Plan Medium Term Financial Strategy
10	<b>Relevant Overview and Scrutiny Panel</b>	Support Services
11	<b>Lead Officer for Panel</b>	Paul Chapman
12	<b>Reporting arrangements</b>	Report to Scrutiny Management Board
13	<b>Resources</b>	Officer, witness and Councillor time Meeting and documentation preparation Meeting time Compilation and agreement of report
14	<b>Budget implications</b>	None in addition to resources above
15	<b>Risk analysis</b>	Issue for scrutiny now concluded, so no specific risk of non-delivery Future industrial relations risks may be mitigated depending on outcome of work item
16	<b>Project Plan / Actions</b>	As timescale above

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