

# Overview and Scrutiny Management Board

Wednesday 27 October 2010

## PRESENT:

Councillor James, in the Chair.

Councillor Ball, Vice-Chair.

Councillors Browne, McDonald, Nicholson, Ricketts, Stevens, Thompson and Wildy.

Apologies for absence: Mr. D. Fletcher and Mr. J. Paget (Co-opted Representatives).

Also in attendance: Phil Mitchell, Localities Manager for the north-west of the City, Mark Rich, LSP/Localities Co-ordinator, Mike Hocking, Head of Corporate Risk and Insurance, Paul Cotter, Claims Inspector, Lynne Skelton, Senior Liability Claims Officer, Giles Perritt, Lead Officer, and Katey Johns, Democratic Support Officer.

The meeting started at 2 p.m. and finished at 4.15 p.m.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 47. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Wildy	53 - Urgent Executive Decisions	Partner is a contractor with Devonport Regeneration Partnership	Personal
	54 - Forward Plan	Trustee of Keyham Community Partnership	Personal
Councillor Thompson	54 - Forward Plan	Director of Plymouth Community Homes	Personal
Councillor McDonald	54 - Forward Plan	Director of Plymouth Community Homes	Personal
Councillor Nicholson	54 - Forward Plan	Director of YMCA	Personal
Councillor Browne	52 - Insurance Compensation Costs	Chair of Corporate Health, Safety and Welfare Committee	Personal

48. **MINUTES**

In response to his query regarding 'invest to save', Councillor Thompson was informed that it was discussed at the meeting on 22 September, however, a satisfactory response had not been received.

Agreed -

- (1) that the matter would be included in the tracking resolutions schedule and a more satisfactory response followed up by the Lead Officer;
- (2) the minutes of the meetings held on 22 September and 6 October, 2010.

**CHAIR'S URGENT BUSINESS**

49. **Diary Dates**

The Chair informed Board Members of the following important dates for their diaries:

- 29 November, 2010 All-day workshop to consider the future of scrutiny/governance arrangements
- 22 December, 2010 Provisional meeting date to be used as workshop to prepare for budget scrutiny
- 5 January, 2011 Provisional meeting date to be used to discuss consultation with partners on budget scrutiny

50. **Councillor Call for Action - Budshead Trust**

Further to minute 45, the Chair invited the Localities Manager for the north-west of the City to update the Board on progress. A copy of the interim report was tabled for Members' information, highlights of which included that –

- (i) focus was on identifying £15,000 to secure the Trust's future through to March 2011. It was hoped that this could be achieved through a number of actions including via the Community Grant Scheme (CGS) and a potential reduction in rental costs;
- (ii) in order for ward councillors to be able to donate their portion of the CGS to the Trust, the scheme's criteria for allocating funding would have to be changed and this would require a portfolio holder decision;
- (iii) the Budshead Trust had prepared a paper setting out details of costs in 2010/11 and the services it delivered to help potential funders gain a better understanding of their work;
- (iv) discussions with a number of potential funders were ongoing, including –
  - Services for Children and Young People, through the 'Locality Alcohol Support Initiative'
  - Community Safety Partnership
  - The Police

- Ballard Trust

- (v) the Children and Young People's extended service had offered to meet with the Budshead Trust with a view to undertaking a funding search to help inform future bids;
- (vi) Plymouth University was able to offer commissioned services through Plymouth Business School to prepare funding bids and undertake a cost benefit analysis, however, this was unlikely to be followed up due to the current lack of finances;
- (vii) the Budshead Trust did not actively fundraise and should be encouraged to do so;
- (viii) the position regarding the possible temporary lease of the disused University sports pitches remained unchanged;
- (ix) Plymouth Community Homes had agreed a peppercorn rent on Budshead Trust's office premises;
- (x) potentially half of the £15,000 required had been identified to date.

A query was raised in regard to use of the CGS and whether, because the services of the Budshead Trust benefitted other wards in the north-west locality and not just Honicknowle, other ward councillors should be encouraged to donate their funding allocation. In response, Members were advised that officers would be happy to take this on board, however, this would be subject to the change in the allocation criteria being approved by the portfolio holder.

The Board thanked the officer for his report and congratulated him on the progress made to date.

Agreed that –

- (1) a further report be submitted to the next meeting of the Board on 24 November, 2010;
- (2) as a matter of urgency, the portfolio holder responsible for the Community Grant Scheme be requested to reconsider the eligibility criteria in order that it can be used for core funding.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above items of business because of the need to inform Members).

51. **TRACKING DECISIONS**

The Board considered a schedule of previous decisions made. It was reported that with regard to -

- (i) 20 – Proposed Legislative Changes – there was a role to play for the non-chair members;

- (ii) 39 – Quarterly Scrutiny Reports – the first draft of the revised format was due for consideration in January 2011.

## 52. **INSURANCE COMPENSATION COSTS**

Further to minute 10, the Head of Corporate Risk and Insurance, Claims Inspector, and Senior Liability Claims Officer were in attendance to report on the level of costs of insurance compensation payments incurred by the Council. The report –

- (i) summarised the number, cost and most common types of claims per annum for Public Liability and Employer's Liability since the Council had become a unitary authority in 1998;
- (ii) included information about the structure of the Council's insurance programme, how claims were investigated and managed and how the costs were funded.

In response to questions raised, Members were advised that –

- (iii) the Council was responsible for paying all claims under £100,000 and the first £100,000 of claims in excess of this amount;
- (iv) the Council had previously had to deal with a number of third party property claims from housing tenants, however, the transfer of housing stock to Plymouth Community Homes meant that it was no longer responsible;
- (v) claims due to surface defects on footways, carriageways and open spaces accounted for the majority of insurance claim costs;
- (vi) time was taken to discuss claims with highways so that their repair and maintenance programme was informed. The frequency of inspections varied from between 3, 6, 9 and 12 months depending upon the condition of the roads;
- (vii) the cost of the Council's in-house service equated to a charge of £126.50 per claim compared to the average across 65 other unitary authorities of £266.50;
- (viii) the contract for the Council's insurance provider was due for renewal in April, 2011;
- (ix) Plymouth City Council was looking to form a mutual insurance with 23 other authorities but, to date, had not considered sharing insurance services with its partners;
- (x) consideration would be given to offering use of the Council's in-house services to neighbouring authorities, such as Cornwall and Torbay;
- (xi) Officers would be happy to participate in the forthcoming Growth and Prosperity task and finish group looking at highway maintenance;

- (xii) the Council took a proactive approach in monitoring insurance claims to ensure that trends in any one particular area were identified. Issues were therefore routinely brought to the attention of operational managers both during and after the investigation of each claim so that any necessary repairs, training or equipment identified were acted upon;
- (xiii) information on the number and cost of Employer's Liability claims and the associated risk management activity was reported to the Corporate Health, Safety and Welfare Committee.
- (xiv) written responses would be provided in regard to –
  - whether the Council had sufficient budgetary provision for the delivery of statutory health and safety training
  - the cost of the Council's insurance contract

Agreed that –

- (1) Officers explore the possibility of selling the Council's in-house insurance services to neighbouring authorities and of pooling insurance resources with its partners;
- (2) the issues raised around prevention and investing to save future claims be further explored as part of the 'Review of Highway Maintenance' Task and Finish Group being undertaken by the Growth and Prosperity Overview and Scrutiny Panel, and its findings considered as part of the budget scrutiny process.

(Councillor Browne declared a personal interest in respect of the above item).

### 53. **URGENT EXECUTIVE DECISIONS**

The Board considered the decision taken in respect of the 'Final sign-off of Devonport Regeneration Community Partnership (DRCP) Succession Strategy' and the reasons for urgency, supplemented by the information circulated separately to Members by the Chair.

Concern was expressed at the reasons for urgency and a request for post-decision scrutiny was put to the Board.

Agreed that post-decision scrutiny on the matter would take place.

(Councillor Wildy declared a personal interest in respect of the above item).

(Councillor Wildy's proposal for there to be post-decision scrutiny on the matter, having been seconded by Councillor Thompson, was put to the vote and declared carried).

### 54. **FORWARD PLAN**

The Board noted the new additions to the Forward Plan.

(Councillors McDonald, Nicholson, Thompson and Wildy declared personal interests in respect of the above item).

## 55. **RECOMMENDATIONS**

The Board considered recommendations from the Customers and Communities and Growth and Prosperity Overview and Scrutiny Panels. It was agreed that with regard to –

- (1) Customers and Communities Minute 38, the recommendations arising from consideration of the Three Year Review of the Licensing Act 2003 Statement of Licensing Policy including the Cumulative Impact Policy, be referred to Cabinet;
- (2) Growth and Prosperity Minute 43, the recommendations be taken alongside the task and finish group report being considered later on the agenda (see minute 56b).

## 56. **WORK PROGRAMMES**

### **(a) To consider and approve work programmes for each of the Panels**

The work programmes of the Overview and Scrutiny Management Board and Panels were considered and noted. In addition, Councillor Wildy sought to table a project initiation document in respect of Assylum Seekers in Care in order that a task and finish group could take place in December. However, as it was currently good practice not to table documents at meetings, the Chair refused its submission. It was therefore agreed that approval of the project initiation document be delegated to the Board's Lead Officer in consultation with Chair, Vice-Chair and Councillor Wildy.

### **(b) To agree Project Initiation Documents / Task and Finish Groups**

The Board considered the following task and finish group reports –

- Modernisation of Adult Social Care
- Review of Community Events and Road Closure Policy

With regard to the report on Modernisation of Adult Social Care, Councillor Ricketts reported that -

- (i) subject to Management Board referral, the report would be presented to Cabinet on 16 November, 2010;
- (ii) the task and finish group had looked at three big issues, namely –
  - Short breaks for people with learning disabilities
  - Fairer contributions policy, charging within a personalised system
  - Modernisation of Older People's Services
- (iii) the review had received media interest with a number of articles having appeared in the press;
- (iv) a summary of all the consultation data received was attached as a supplement to the agenda.

Whilst concern was expressed by some Members that the consultation might not have captured enough views and that individual care needs may not be taken into account, all Members were pleased to note that no permanent resident of Frank Cowl House would be forced to move, which was in line with Council policy.

With regard to the Review of Community Events and Road Closure Policy, Councillor Nicholson reported that –

- (v) the Council's current mechanism for charging for community events and road closures was arbitrary and unfair;
- (vi) a large element of the cost charged related to the advertisement process.

In response to questions raised, Members were advised that –

- (vii) the allocation criteria for the Community Grants Scheme (CGS) would have to be checked but it was possible that it could be used as a funding contribution towards such schemes;
- (viii) some local authorities did not advertise road closures but this contrary to current legislation and those authorities were at risk of legal action. Further investigation was under way to establish whether it would be possible to advertise on the website rather than have to place an advert in the local press.

The Chair asked that the Board's congratulations be passed to both panels for the work undertaken in carrying out their respective task and finish groups.

Agreed that with regard to –

- (1) Modernisation of Adult Social Care, the report and its recommendations be commended to Cabinet;
- (2) the Review of Community Events and Road Closure Policy, the report and its recommendations be commended to the Cabinet Member for Transport.

(Councillors McDonald, Stevens and Wildy abstained from voting in respect of the Modernisation of Adult Social Care item).

## 57. **EXEMPT BUSINESS**

There were no items of exempt business.