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Date: 24 January 2012

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## **OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

**Date:** Wednesday 1 February 2012

**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.

Members are invited to attend the above meeting to consider the items of business overleaf.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel  
Chief Executive

# OVERVIEW AND SCRUTINY MANAGEMENT BOARD

## AGENDA

### PART I – PUBLIC MEETING

#### 1. APOLOGIES AND SUBSTITUTIONS

To receive apologies for non-attendance submitted by Overview and Scrutiny Management Board Members and to note the attendance of substitutes in accordance with the Constitution.

#### 2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

#### 3. MINUTES (Pages 1 - 10)

The Management Board will be asked to agree the minutes of the meetings held on 22 November and 14 December 2011.

#### 4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

#### 5. SCRUTINY PERFORMANCE (Pages 11 - 22)

The Board will consider a report by the independent advisor prepared following a series of training and observation events.

#### 6. SCRUTINY OF BUDGET PRIORITIES AND CORPORATE PLAN 2012 (TO FOLLOW)

The Board will consider the draft report arising from scrutiny of the budget priorities and corporate plan.

#### 7. TRACKING DECISIONS (Pages 23 - 24)

The Overview and Scrutiny Management Board will monitor progress on previous decisions.

#### 8. CALL-INS

Members will be advised of any executive decisions that have been called in.

**9. FORWARD PLAN (Pages 25 - 32)**

To receive new items from the Forward Plan with a view to identifying items for scrutiny.

**10. RECOMMENDATIONS (Pages 33 - 34)**

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

**11. PROJECT INITIATION DOCUMENTS**

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

**12. TASK AND FINISH GROUP REPORTS / UPDATES**

To receive for consideration any Task and Finish Group reports or updates on those currently in progress.

**13. WORK PROGRAMMES (Pages 35 - 44)**

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

**14. EXEMPT BUSINESS**

To consider passing a resolution under Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

**PART II (PRIVATE MEETING)**

**AGENDA**

**MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

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## Overview and Scrutiny Management Board

Tuesday 22 November 2011

### PRESENT:

Councillor James, in the Chair.

Councillor Nicholson, Vice-Chair.

Councillors Mrs Apsinall, Browne, Coker, Lock, Lowry, McDonald, Thompson and Wildy.

Apologies for absence: Councillors Mrs Bowyer and Stark and Doug Fletcher (Co-opted Representative).

Also in attendance: Councillor Michael Leaves, Cabinet Member for Community Services (Street Scene, Waste and Sustainability), Councillor Evans, Councillor Peter Smith, Councillor Vincent, Jayne Donovan, Assistant Director for Environmental Services, Chris Randall, Finance Client Manager – Capital and Major Projects, Giles Perritt, Lead Officer, and Katey Johns, Democratic Support Officer.

The meeting started at 10 am and finished at 12 noon.

*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.*

55. **DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the code of conduct.

56. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

57. **CALL-IN: VEHICLE REPLACEMENT - REFUSE COLLECTION VEHICLES X15**

The Overview and Scrutiny Management Board, in considering the call-in, heard from –

- (a) Councillors Evans and Vincent, having called the decision in with Councillor Smith, on the grounds that the decision maker had failed to give serious consideration to alternative courses of action and that the contract could have adverse financial implications.
- (b) Councillor Michael Leaves, Cabinet Member for Community Services (Street Scene, Waste and Sustainability), Jayne Donovan, Assistant Director for Environmental Services, and Chris Randall, Finance Client Manager (Capital and Major Projects), who responded that –
  - alternative courses of action had been investigated such as leasing and short-term hire but these options had been evaluated as more expensive

than outright purchase;

- the purchase of these vehicles was the first phase of a more strategic approach to analyse the council's entire fleet of vehicles, plant and equipment and determine the most cost-effective solution to resolving their current state of repair/condition.

Agreed that the matter is not referred back to the decision-maker and the original decision is implemented.

58. **EXEMPT BUSINESS**

No matters of exempt business relating to this item were considered at this meeting.

## Overview and Scrutiny Management Board

Wednesday 14 December 2011

### PRESENT:

Councillor James, in the Chair.

Councillor Nicholson, Vice-Chair.

Councillors Bowie (substitute for Councillor Wildy), Mrs Bowyer, Coker, Lock, Lowry, McDonald, Stark and Thompson.

Co-opted Representative: Mr D Fletcher.

Apologies for absence: Councillors Mrs Aspinall, Browne and Wildy.

Also in attendance: Councillor Bowyer (Cabinet Member for Finance, Property and People), Malcolm Coe (AD for Finance, Assets and Efficiencies), David Northey (Head of Finance), Patrick Hartop (Senior Policy Performance and Partnership Advisor), Judith Shore (Democratic and Member Support Manager), Giles Perritt (Lead Officer) and Katey Johns (Democratic Support Officer).

The meeting started at 2 pm and finished at 4 pm.

*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.*

### 59. **DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the code of conduct.

### 60. **MINUTES**

Agreed the minutes of the meetings held on 7 and 21 September 2011.

### 61. **CHAIR'S URGENT BUSINESS**

The Chair –

(a) reminded Members of the dates of the upcoming budget scrutiny process as follows –

- budget scrutiny workshop - 21 December 2011
- budget scrutiny day 1 – 11 January 2012
- budget scrutiny day 2 – 16 January 2012
- budget scrutiny day 3 – 18 January 2012

(b) sought approval to the appointment of the following three advisors to the Board to help in the budget scrutiny process –

- Deb Lapthorne, Joint Director of Public Health
- George Plenderleith, Chair, Community and Social Action Plymouth
- David Parlby, Chief Executive, Chamber of Commerce

(c) sought approval to the following changes to the agenda for this meeting –

- bringing forward of item 9 for consideration after agenda item 5;
- deferral to the next meeting of agenda item 7.

The Board agreed the proposals put forward by the Chair at (b) and (c) above.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above item of business in order to inform and consult with Members).

## 62. **PERFORMANCE AND FINANCE REPORT**

The Board considered the second monitoring report for 2011/12 which outlined the performance and finance monitoring position of the Council, as at the end of September 2011, and included an update on the Capital Programme.

Members were informed that the overall performance position continued to have no highly critical issues with the 2011/12 budget delivery plans being 90% on track. A number of positive outcomes were quoted such as –

- the success of the America's Cup World Series event;
- the completion and opening of the Eastern Corridor Phase I scheme.

In response to questions raised, Members were advised that –

- (a) the Council continued to actively pursue the recovery of its total Icelandic investments and was hopeful that 100% of monies in Glitnir and 95% of monies in Landsbanki would be returned along with a percentage of interest;
- (b) significant in-roads had already been made in reducing staff sickness across the authority and these efforts would continue until the 6% target was reached. A breakdown of the savings cost to the Council of 1 working day per FTE and the total savings cost should the 6 day target be achieved would be circulated to Members in writing after the meeting;
- (c) there had been a slight improvement in performance following the restructuring of the revenues and benefits section, however, time taken to



process claims remained unacceptable. The Support Services Overview and Scrutiny Panel would shortly be undertaking a task and finish group to look at this;

- (d) the money received from the sale of Citybus had been amalgamated into the capital receipt programme. This had avoided the need for the Council to take out unsupported borrowing. Invest to save projects continued to be delivered such as the Accommodation Strategy, upgrade of the MRF, West Hoe Pier and replacement of refuse collection vehicles;
- (e) a breakdown of the £158m spend over the next four years, together with an indication of whether or not it was on track, would be circulated to Members in writing after the meeting.

63. **LORD MAYORALTY BRIEFING PAPER**

The Board considered a briefing paper on the Lord Mayoralty services as presented by the Democratic and Member Support Manager.

Agreed that –

- (1) a task and finish group is set up to look at the overall budget provision for the Lord Mayoralty service, the criteria for attending events and engagements and to undertake a review of how this had been working since the criteria had been introduced;
- (2) Membership of the task and finish group will comprise Councillors James, Nicholson, Stark, Mrs Aspinall, Coker and McDonald;
- (3) approval of the Project Initiation Document is delegated to the Lead Officer, in consultation with Chair and Vice-Chair.
- (4) additional information relating to the number invitations received for events out of the City, how many had been attended and how this compared to previous years be circulated to Members in writing after the meeting.

64. **DEVONPORT REGENERATION COMPANY PARTNERSHIP (DRCP) SUCCESSION STRATEGY**

As agreed at minute 61 above, this item was deferred for consideration at next meeting.

65. **TRACKING DECISIONS**

The Board considered the schedule of decisions made and noted the latest position.

66. **CAPITAL PROGRAMME APPROVALS**

Further to City Council minute no. 59, the Cabinet Member for Finance, Property and People and the Assistant Director for Finance, Assets and Efficiencies were in attendance to explain how the Capital Approval Board operated and the manner in which schemes were brought forward. Members were advised that –

- (a) the funding of the capital programme was constantly under review by officers as funding streams become more certain and the outcome of grant bids were determined;
- (b) it was important that the most efficient use of the Council's resources was made and this required review and flexibility of the use of both borrowing and capital receipts, linked with grant and S106 funding. A schedule of S106 funding had recently been shared with the Growth and Prosperity Overview and Scrutiny Panel and arrangements would be made for it to be circulated to members of the Board;
- (c) consideration was currently being given to expanding membership of the Capital Approval Board to include two members of Cabinet;
- (d) departments would submit proposals to the Capital Approval Board and, if endorsed, would then need to prepare a detailed business case for submission to and approval by Cabinet and finally Council;
- (e) the Capital Programme was not a wish list and only those schemes with secured funding would be included. Schemes for which the Council had had no realistic chance of delivering would not be considered.

67. **CALL-INS**

There were no call-ins for consideration at this meeting.

68. **URGENT EXECUTIVE DECISIONS**

The Board noted that two urgent decisions had been taken since its last meeting, namely –

- Recognition of Unison to local collective bargaining arrangements
- Acquisition of Lease – 41 Estover Close (First Floor)

69. **FORWARD PLAN**

The Board noted that there had been fifteen additions to the Forward Plan since its last meeting, namely –

- Services for Children and Young People Basic Need Programme
- Plymouth Argyle Football Club
- Business Improvement District for Plymouth Waterfront
- Community Infrastructure Levy: Draft Charging Schedule
- Local Development Framework: Hoe and East End Sustainable Neighbourhoods Consultation

- Local Development Framework: Planning Obligations and Affordable Housing Supplementary Planning Document Second Review
- Council Tax Base 2012/13
- Contract Award: Supported Living Services Adults with a Learning Disability and who have Complex Needs
- Contract Award: Supported Living Services Adults with a Learning Disability and who are at risk of Perpetrating Harmful Behaviour
- Policy Framework Item: Corporate Plan 2012-15
- Policy Framework Item: Local Development Framework: Submission of Derriford Road and Seaton Area Action Plan
- Budget Item: Setting the 2012/13 Budget and the Council Tax
- Budget Item: Medium Term Financial Strategy
- Services for Children and Young People Primary Basic Need Programme
- Mount Edgcumbe Country Park – Sale of Picklecombe Cottage

70. **RECOMMENDATIONS**

With regard to recommendations from –

- (a) Growth and Prosperity relating to apprenticeships, this recommendation was withdrawn.
- (b) Support Services relating to Lord Mayoralty issues, this recommendation was not approved as the matter was to be considered by the Overview and Scrutiny Management Board.

The Board endorsed and agreed the following recommendations –

Customers and Communities Overview and Scrutiny Panel

- (1) **Strategic Framework for Information and Advice Services Framework**  
the adoption of the Strategic Framework for Information and Advice Services is commended to Cabinet;
- (2) **Work Programme**  
the issue of provision of training for councillors outside of normal working hours should be reviewed;

(3) **Plymouth Life Centre and Leisure Related Projects Programme Update**

that other scrutiny panels and the Health and Wellbeing Board consider the wider benefits to the community of the Plymouth Life Centre in delivering the city's priorities;

Children and Young People's Overview and Scrutiny Panel

(4) **Progress Update on Previous Tracking Resolutions**

that Matthew Currie is invited to be a young person co-opted representative on the Children and Young People's Overview and Scrutiny Panel;

(5) that the panel undertake a task and finish group on the Youth Service;

Support Services Overview and Scrutiny Panel

(6) **Sickness Policy Review – Present and Productive Workforce**

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;

(7) **Work Programme**

School Transfers to Academies is added as an item to the work programme for a future meeting after April 2012.

Cabinet

(8) a review of the Waterfront BID proposals be added to the work programme of the Overview and Scrutiny Management Board with a view to making a recommendation to the City Council regarding exercising its power of veto.

71. **BI-ANNUAL REPORTS**

The Board noted the Bi-Annual Scrutiny reports as submitted.

72. **WORK PROGRAMMES**

The work programmes of the Overview and Scrutiny Management Board and scrutiny panels were approved as submitted, subject to recommendation (8) at minute 70 above.

73. **PROJECT INITIATION DOCUMENTS (PIDS)**

The Board considered and agreed the following Project Initiation Documents –

- Identification of lessons to be learned from the process of derecognition of UNISON from collective bargaining arrangements (nb – task and finish group on this issue to be referred to Support Services Overview and Scrutiny Panel)
- Youth Unemployment in Plymouth (tabled as a result of motion on notice no. 15 to City Council on 5 December 2011) – Membership to comprise Councillors Nicholson, Coker, Stark, Wildy and K Foster, with another member to be identified by the Labour Group.

74. **TASK AND FINISH GROUP REPORTS / UPDATES**

The Board considered task and finish group reports from the Children and Young People and Growth and Prosperity Overview and Scrutiny Panels.

With regard to –

- (a) the Children’s Emotional Well Being and Mental Health, the report was endorsed and referred on to a future meeting of Cabinet;
- (b) Winter Maintenance Preparation (Gritting), the report was noted, having already been submitted to Cabinet.

75. **EXEMPT BUSINESS**

There were no items of exempt business.

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# Report of Independent Adviser to the Overview and Scrutiny Management Board - 1<sup>st</sup> February, 2012

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## Executive Summary of Issues and Recommendations

(i) The training sessions I was engaged to deliver prior to each Panel meeting were poorly attended – but the concept of the arrangement is to be applauded.

(ii) The remit of Panels is clear but there is the potential for duplication which needs to be managed by OS Management Board or the relevant Chairs

(iii) The majority of your business seems to be conducted in a formal meeting setting along traditional meeting lines. Task and finish activity appears limited.

**Recommend – reconsider the location of meetings relevant to their purpose and the balance of routine and task and finish review business.**

(iv) Lack of opportunity to call executive members to account was raised as an issue but I witnessed missed opportunities in this respect. **Recommend – that Panel members be reminded of their “calling to account” role and encouraged to engage in positive, constructive but robust challenge where necessary.**

(v) Lack of corporate buy-in was alleged and lack of clarity over which officers are available to advise Panels. **Recommend – informal consideration by OS Management Board with Chief Executive and senior management including the importance of OS as a statutory function and clarity over level of access to officers.**

(vi) Much valuable information gained through questioning of contributors/visiting experts/professionals. In review context this information is identified in report of the review. In routine Panel business there seems to be no routine method of disseminating the information. **Recommend – OS Management Board to consider information policy related to overview and scrutiny to include media management arrangements.**

(vii) Little evidence of robust pre-decision scrutiny through monitoring of the Executive Forward Plan (EFP) which contains limited information about key decisions only. **Recommend – that the content of the EFP be expanded to include all executive forthcoming decisions within the 4 month statutory (or extended) period and that this be available to Panel Chairs in draft form prior to publication**

(viii) OS leadership needs to be able to respond quickly when urgent review or comment is required. **Recommend – that the OS Management Board consider what actions should be identified for Chair of Panel delegations in terms of commissioning or triggering OS intervention in cases where normal meeting cycles are inappropriate.**

(ix) In terms of the leadership roles of the OS Management Board, these should be focused on the issues identified at para 41 of the report. It would be more appropriate for such roles to be performed outside of formal meetings and dealt with informally between leading members, the Chief Executive and senior management. **Recommend – that the OS Management Board considers conducting its functional leadership roles at informal meetings with the Chief Executive and senior management while retaining its strategic and corporate review functions within its formal arrangements.**

/full report on following pages



# Report of Independent Adviser to the Overview and Scrutiny Management Board - 1<sup>st</sup> February, 2012

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## **Introduction and Background**

1. Following consultation with members, I was commissioned to deliver specific training sessions at the start of a number of OS Panels, followed by an objective review of the meetings I had observed and the overview and scrutiny (OS) processes of Plymouth City Council represented by those meetings. I have submitted written reports in relation to each of the Health and Adult Social Care, Support Services and Customers and Communications Panels
2. The training sessions were not well supported and therefore, in my view, not cost effective overall for the authority. This is a pity since I believe the approach you had pursued for OS member development was both creative and practical. One of the issues impacting on this low turnout was I believe the level of substitute members turning up for the Panels rather than the core membership who had chosen the training subjects.
3. That said, the discussions with those members who did attend gave me a clearer understanding of your processes and priorities and of the issues that concern members about their engagement in the OS process.
4. In addition to observing the meetings/processes, I was invited to critically analyse the role of the Chair. I have submitted personal and confidential reports to each of the three Chairs whose performance I observed. I refer later in this report to general matters regarding chairing.
5. I attended 3 Panel meetings and delivered training sessions on chairing/leadership; scoping reviews; outcome focused approach and evaluating and weighting evidence. The Children and Young People Panel and the Growth and Prosperity Panel opted not to receive the training and observation assessment.
6. In the following paragraphs I offer my views on the structures and processes you are operating, based on evidence from members and my own experiences in the senior management and development of the overview and scrutiny function. I am a practitioner not an academic. My reflections are intended as a guide. It is of course for members of the Plymouth City Council to decide the approach and practices that best suit their needs.

## Structure and Remit of Panels

7. Plymouth City Council operates on a structure of 5 x Panels and a Management Board of members which includes the Chairs of the Panels.

8. The Panels are:

- Children and Young People
- Health and Adult Social Care
- Growth and Prosperity
- Customer and Communication
- Support Services

9. Looking at the agenda material for these Panels over the last few cycles, their remit in most cases is clear to the un-informed reader. Based on the meetings I attended, I would just say that there could be areas of duplication or missed opportunity in the member consideration of performance information. A specific member concern was raised at the Customer and Communications Panel but was not taken further because it was considered to be a matter for the Support Services Panel to address. That to me was a missed opportunity. There is a risk that legitimate member concerns can be overlooked in this reference process, especially if the member with the concerns is not able to voice those concerns at the other Panel. This however is not an issue unique to Plymouth. I noted from one tracking report that where potential duplication had been identified, the relevant Chairs and lead officers would discuss and identify a way forward.

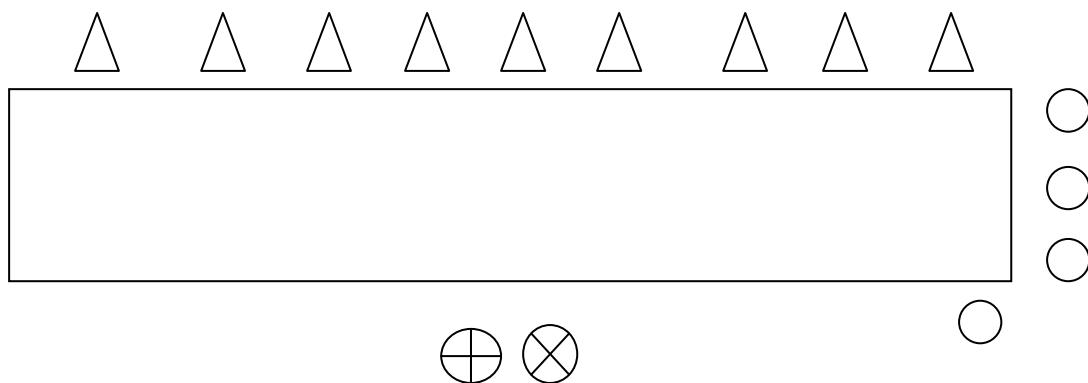
10. I appreciate that my attendance has been limited both in terms of range and duration. However, it seems that the **majority of your Council's OS business is conducted in formal meetings** with formal structured agendas and reports, rather than the more engaging task and finish review activity. I was made aware of an earlier consideration by the OS Management Board about restructuring along the lines of more task and finish activity with such groups reporting to a central OS body. Such an approach would, in my view, enable non-executive members to choose to have some involvement in the direct review of Council services and community needs, building on their individual and collective experience; knowledge and interests.

11. Certainly in developing the member approach in Bath and North East Somerset Council I gained the support of leading members to engage members more in review activity and less in routine business management.

### Venue for Meetings

12. Reinforcing my concerns over the formality of your OS meetings, there is for me an issue over the location of Panel meetings. All meetings that I observed were held in the Warspite Room at the Civic Centre. The furniture in this room is not apparently capable of being moved and this results in a very formal set up for meetings.

13. All of the Panels I attended questioned visiting officers, experts and members. In all cases the seating arrangement was as shown on the diagram below.



○ = visiting members/officers/experts

△ = Panel members

⊗ = Chair

⊕ = Vice Chair

14. The disadvantage of this arrangement is that Panel members (a) cannot easily see each other and (b) are, in the main, seated at the most extreme distance from witnesses/visitors. There is however a clear advantage for the Chair who is able to see all members and thereby manage the discussion more effectively. On more than one occasion however members commented that they could not hear what visitors (or indeed each other) were saying.

15. Given the fixed nature of the furniture, and the desire for overview and scrutiny to be both open and engaging, I would strongly suggest that a **more suitable venue is found** in which to hold such sessions, especially when engaging with witnesses/visitors. Such a venue need not be located within the corporate HQ building and, depending on the business, may be located at specific community premises e.g. Customer and Communication Panel at Plymouth Life Centre.

### **Engagement with the Executive/Culture of the Council**

16. A number of members commented that they do not routinely have **access to executive members** in order to call them to account over services or decisions.

Another comment related to the apparent lack of corporate buy-in to the OS function. These issues go to the heart of the culture of the Council and its approach to overview and scrutiny.

17. There are several mechanisms for calling members and officers to account. One is the **call-in rights** of non-executive members – a process that is used sparingly and only where there is a validated case to answer over an executive decision. The call-in blocks implementation of the decision pending a time-limited review by overview and scrutiny.

18. More common is the exercise of the right to call the Leader or relevant Cabinet Member to Panel meetings to answer questions about a particular matter or decision. In most cases the member will be accompanied by the lead officer, who incidentally may also be called before the Panel to answer questions. In some cases though, the attendance of Cabinet Members and Officers will be a routine aspect of Panel business rather than as a result of a specific request. Such co-operation between the executive and OS is to be encouraged.

19. I was surprised to observe the **critical analysis of sickness policy and related statistics** at a meeting of the Support Services Panel. My surprise was not at the item, which was of course a perfectly legitimate issue for OS to examine. It was more at the approach of the Panel which addressed all of its questions to the professional lead officer rather than to the Cabinet Member. Some of the issues raised would in my view have been more directly relevant to the policy maker rather than the operational manager. *(I do not imply here that the Cabinet Member should have been challenged or was in any way vulnerable in his arguments or actions. It is merely an observation following the concern of members expressed beforehand that they do not get the opportunity to call executive members to account – they had the opportunity here but did not take it.)*

20. There was a similar situation over the questioning about the Plymouth Life Centre which was in the main directed at the management team. The cabinet Member was able to give an undertaking to “continue to look at...” a matter relating to transport and this was noted. Given the concerns of the Panel I was expecting more challenge on this issue and more pressure to report back with actions.

21. Turning to the allegation about **lack of corporate buy-in**, I believe it is vital that commitment must be shown at the highest officer levels in the Council to supporting OS which is of course a statutory function of the Council. I fully applaud the leading role that key officers played in the meetings I observed. They offered both practical advice and support and direction where required. If members feel

there is a shortfall in the level of corporate commitment then I would urge that this is addressed.

22. My approach to this in B&NES was to discuss and agree with the Chief Executive his personal attendance at the member level management board for the OS function. His direct involvement gave a clear message to others that there was high level buy-in to, and support for, the leadership of the OS function in the same way as for executive functions.

23. It may be that any perceived "blocking" of members' wishes by officers is not so much to do with lack of commitment but more related to their **capacity to support OS work** alongside other commitments and more acute resource levels. Had I delivered to the Management Board a session on leadership, a key message would have been your role in setting realistic work programmes that address the capacity of both members and officers to support the objectives. My key message here is that a manageable programme of OS work can add real value to the Council and the local community.

24. A relevant issue is access by OS to the **right level of officer** advice and information. The Council needs to be clear about the rights of Panels to access strategic policy advice and information as well as high level operational information. This means that a Panel might seek the attendance of an officer at Director level or at senior operational level. In agreeing an approach for this, if one does not already exist, the Council should balance the information needs of the Panel with the right of senior officers to determine appropriate officer attendance at a Panel.

25. A final issue in this section is about **what happens to the valuable information gathered** by the Panel through its questioning of visitors. This was particularly relevant in the questioning of health professionals at the Health and Adult Social Care Panel about aspects of the dementia care strategy and at the Customer and Communities Panel about the Plymouth Life Centre. The questioning process was very effective in both cases in clarifying aspects of the policies and approach – clarification that might be useful for both practitioners and service users. Members of the Panels now have this clarity but what happens next? Apart from the extensive minutes of the meetings, I wonder if there is any mechanism to disseminate the information within the wider Council and its associates? I would suggest that there is an opportunity to review your own communication arrangements.

26. In both cases, it might have been more appropriate to conduct these sessions in an environment/location where greater public attendance/involvement could be encouraged.

### Pre-decision scrutiny

27. I had an interesting discussion with members about their opportunity to engage in pre-decision scrutiny. It is my belief that OS can add real value by getting involved in helping to **shape new policies and secure better decisions** but this requires early involvement. Again there is an issue of capacity but the work programme should focus on aspects where OS involvement can add value and be a worthwhile investment for members.

28. The main mechanism for pre-decision scrutiny is the **executive forward plan**. This is published monthly and sets out, albeit in scant detail, the significant executive decisions planned over the next four months. It is a rolling programme of work. Members expressed to me their concerns that there was a failure to analyse effectively the executive forward plan.

29. Lead members of the OS function, and by this I mean principally Chairs of Panels, need to be **monitoring** not just the published forward plan but the plan in its emerging or draft state. This must be accessible to members through your intranet arrangements and should be available well in advance of the 1st of the month formal publicity.

30. It is for the lead members to identify from the plan opportunities where OS involvement can add value – probably by focussing on the later items in the programme that will give time and capacity for OS engagement. The selection of items from the programme should then be discussed with the relevant executive member(s) and the nature of OS involvement agreed.

31. I believe such opportunities should form a significant consideration in setting the OS work programme and can cement **constructive working with the executive**. After all, OS is not an opposition function – it is a complementary function to executive working.

32. To make such arrangements really effective, I would also suggest that the Council considers the **length of time covered by each executive forward plan** and the **business reflected in those plans**. There is no reason in law why a forward plan should not cover a period longer than the statutory 4 months and no reason why it should not contain an account of all known forthcoming executive business – key and non-key matters. I say this because some non-key executive business can be of some local importance but may not be of high monetary value.

### Rapid response activity

33. I have also picked up member concerns that the OS process does not have the **capability to react swiftly** to local issues of concern. This may be due in part to the legal framework surrounding formal meetings e.g. access to information requirements and your own rules about how the OS function is conducted. I stress

here I am not referring to emergency situations where the Council's civil emergency plans will be triggered.

34. There has to be a **balance between open local government and effective local government**. There should be no circumstances in which legitimate and legal intervention by OS is constrained. The Council needs to put in place robust arrangements to facilitate this.

35. My suggestion would be for **clear authority to be given to Panel Chairs** to instigate a relevant OS response mechanism within the remit of their Panel, without the need to convene formal meetings to launch such a response – it is the convening process that is perceived to be one cause of delay.

36. I am not referring here about authority to commit the Council. I would consider **the following procedural steps might be delegated** to Panel Chairs to engage the relevant OS mechanisms when urgent circumstances arise. Such measures might include (a) sanctioning a task and finish group; (b) agreeing task and finish group membership and (c) bringing members together informally to consider issues - reporting into the formal and public processes at the appropriate time. Such measures will help ensure that OS remains responsive to community concerns.

### **The OS Work Programme and Tracking**

37. It is encouraging to see that all Panels are asked each time to track previous resolutions and references from the OS Management Board. I firmly believe that there should be some mechanism for **Panels and task and finish groups to give closure to review activity** by receiving feedback on their outcomes.

38. The tracking reports are very comprehensive and should be used by Panels to monitor activity and progress their concerns.

39. Similarly, Panels receive each time a schedule representing their work programme which shows the volume of activity for forthcoming meetings. There is little detail in these programme reports so the public will not know with certainty what the items will address. This might need to be addressed to make the items clearer and the information more meaningful.

40. These work programmes are agreed at the OS Management Board. What is not clear is the point at which **capacity to deliver an effective programme** across the board is considered along with a balanced programme of issues.

41. **The OS Management Board** has its own work programme which appears to comprise many strategic and corporate issues, including Leader/Chief Executive reports. Given this is the body which acts as the member leadership for the OS statutory function, **I would be looking for evidence that the Board**

- challenges and monitored the capacity of members to deliver effective outcomes through their programmes of work;
- resolves disputes or areas of potential duplication;
- prioritises the functional workload;
- engages in strategic liaison with the executive;
- seeks to balance (a) level of OS activity that complements the executive in delivering corporate objectives of the Council with (b) consideration of issues that are of concern to local people but where OS intervention can add value;
- engages in media management for the OS function;
- champions the OS function within the Council and outside;
- accounts to the Council for the performance of the OS function;
- setting standards expected of review leadership (*e.g. integrity of the review process; effective review chairing; member development requirements; management of the review; interaction with the public and contributors; effective questioning.*)

42. There are two elements here – the Board’s own work programme as a formal OS body addressing the more corporate and strategic issues and the functional leadership roles. I believe the latter need not (and perhaps should not) be conducted in a formal meeting setting but informally in discussion with senior management and when necessary with political leadership. In B&NES, that is how my leading members and I dealt with functional leadership – an 8 x weekly meeting of lead members, the Chief Executive and myself as lead OS officer.

### Chairing

43. As I have mentioned, each of the Chairs I observed have received from me a private review report. In general, I found there to be:

- respect for the office of chair and for the incumbent;
- good overall control of proceedings;
- effective leadership of the event;
- evidence that chairs knew what was required of the meeting and worked to deliver this; and
- effective summarising.



44. Lead by the actions of the Chairs in all cases, there was **active listening** with members demonstrating an interest in what was being told to them and acknowledging contributions made.

### **Task and Finish Group Activity**

45. It is unfortunate that I have not been able to observe a task and finish group activity, especially since much of the training was directly related to review leadership and practical issues such as review scoping.

46. This may be inaccurate (and if so I apologise), but I gained the impression that **direct review activity was limited** at the time of my involvement, and that there was some delay in kick starting one particular task and finish group on social media.

47. I believe members are likely to gain **more added value** in their roles by participating in direct service and policy review activity, rather than traditional committee meetings. Such activity, prioritised and steered by members, will enable non-executive members to develop a fuller understanding of local issues, project and service delivery and of the community impact of policies and strategies.

48. There does appear to be a proper process for agreeing the scope of a task and finish activity through the Board's approval of Project Initiation Documents (PIDs) and this is to be welcomed. My perception though is that the **balance of member commitment is weighted towards review by committee.**

### **Conclusions**

49. The level of OS activity will always be governed by the capacity of members and officers to deliver an effective programme of work. There is significant activity illustrated on the rolling work programmes – whether this is the most relevant or engaging activity for members and for the community is possibly questionable.

50. Leadership of the function is important as is effective dialogue and liaison between OS leadership and executive leadership. I have no evidence on which to base firm conclusions as to the effectiveness of leadership and liaison but the building blocks are certainly in place for effective working.

51. I very much appreciate the opportunity to examine and comment upon your systems and hope that the above report and my other submissions will be of some assistance to the Council in developing overview and scrutiny to maximum effect for local people and for members.

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**OVERVIEW AND SCRUTINY MANAGEMENT BOARD  
1 FEBRUARY 2012**

**TRACKING DECISIONS**

Grey = Completed

OVERVIEW AND SCRUTINY MANAGEMENT BOARD 2010/11 DECISIONS

Minute number	Decision	Date agreed	Action by	Progress	Target date
63	<p><b>Lord Mayoralty Briefing Paper</b></p> <p>(1) a task and finish group is set up to look at the overall budget provision for the Lord Mayoralty service, the criteria for attending events and engagements and to undertake a review of how this had been working since the criteria had been introduced;</p> <p>(2) Membership of the task and finish group will comprise Councillors James, Nicholson, Stark, Mrs Aspinall, Coker and McDonald;</p> <p>(3) approval of the Project Initiation Document is delegated to the Lead Officer, in consultation with Chair and Vice-Chair;</p> <p>(4) additional information relating to the number invitations received for events out of the City, how many had been attended and how this compared to previous years be circulated to Members in writing after the meeting.</p>	14/12/11	<p>OSBM T&amp;F Members</p> <p>Lead Officer</p> <p>Democratic &amp; Member Support Manager</p>		

Minute number	Decision	Date agreed	Action by	Progress	Target date
70 (6)	<p><b>Recommendations</b></p> <p>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;</p>	14/12/11		Added to work programme	
(8)	<p>a review of the Waterfront BID proposals be added to the work programme of the Overview and Scrutiny Management Board with a view to making a recommendation to the City Council regarding exercising its power of veto.</p>			Added to work programme	

**RIVERSIDE PRIMARY SCHOOL BASIC NEED - PROVISION THROUGH EXISTING PFI CONTRACT****First included in plan: January 2012****Nature of the decision:**

To consider the construction phase for Riverside School. This will allow officers to proceed with the proposal for the expansion of Riverside Primary School to 3 forms of entry, by utilising the existing Private Finance Contract (PFI). This is not a new contract it is an instruction to PYRAMID Consortium (by way of variation), to build and deliver the project in accordance with the existing PFI contract. The existing contract facilitates the provision for the proposed additional works to Riverside Primary School.

**Who will make the decision?** Cabinet (on the recommendation of Councillor Sam Leaves)

**Timing of the decision?** 7 February 2012

**Who will be consulted and how?**

Persons to be consulted with:

Headteacher, School Governors, Pyramid, Interserve and Council officers.

Process to be used:

Formal meetings with school, implementation of approved variation procedure as detailed in the PFI contract with PYRAMID Consortium.

**Information to be considered by the decision makers:**

Cabinet paper reference MC.JEG/SL (CAB) (96) (27/01/11)

**Documents to be considered when the decision is taken**

Cabinet paper reference MC.JEG/SL (CAB) (96)(27/01/11).  
Contract Award paper (amended to a Contract Variation paper).

**Representations:** In writing by 23 January 2012 to -

1. Director of Services for Children and Young People
2. Councillor Sam Leaves (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: Ian Baker, Contract Manager

Email: [ian.baker@plymouth.gov.uk](mailto:ian.baker@plymouth.gov.uk) Tel: 01752 307421

## LIBRARY SERVICE REVIEW

First included in plan: February 2012

### **Nature of the decision:**

To review the Library Service following consultation

**Who will make the decision?** Cabinet (on the recommendation of Councillor Jordan)

**Timing of the decision?** September 2012

### **Who will be consulted and how?**

#### Persons to be consulted with:

Cabinet (27 March 2012) /Officers / external partners and organisations (including Sentinel, JobCentrePlus, Europe Direct, University, Marjon, NHS and Old Plymouth Society) / Customer and Communities Overview and Scrutiny Panel(May-June 2012) / library users and non-users.

#### Process to be used:

Consultation documents, focus groups, workshops, correspondence.

### **Information to be considered by the decision makers:**

Draft Cabinet Report, Scrutiny recommendations, feedback from consultation.

### **Documents to be considered when the decision is taken**

as above for decision maker

**Representations:** In writing by 31 July 2012 to -

1. the Director of Corporate Services
2. Councillor Jordan (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: James Coulton, Assistant Director for Culture, Sport and Leisure

Email: james.coulton@plymouth.gov.uk Tel: 01752 307013

## **STRATEGIC MRF SOLUTION**

**First included in plan: February 2012**

### **Nature of the decision:**

To approve the strategic direction of a replacement Materials Recycling Facility (MRF) service or facility being taken forward into a formal procurement process.

**Who will make the decision?** Cabinet (on the recommendation of Councillor Michael Leaves)

**Timing of the decision?** 27 March 2012

### **Who will be consulted and how?**

#### Persons to be consulted with:

Environmental Services Programme Board; Capital Delivery Board, officers in environmental services, finance, legal and procurement; external MRF service providers; Defra Waste and Resources Action Programme support and neighbouring local councils.

#### Process to be used:

Monthly meetings of Environmental Services Programme Board and Capital Delivery Board; internal officers through regular meetings and project involvement; external providers through soft market testing exercise and questionnaire; meetings and Waste and Resources Action Programme consultation.

### **Information to be considered by the decision makers:**

Outline Business Case and associated documentation, soft market testing briefing paper.

### **Documents to be considered when the decision is taken**

Cabinet Report and Outline Business Case.

**Representations:** In writing by 12 March 2012 to -

1. the Director of Place
2. Councillor Michael Leaves (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: Barry Ashbee, Waste Project Manager

Email: [barry.ashbee@plymouth.gov.uk](mailto:barry.ashbee@plymouth.gov.uk) Tel: 01752 304087

**CAPITAL INVESTMENT DELIVERY FOR MARINE ACADEMY PLYMOUTH**

**First included in plan: February 2012**

**Nature of the decision:**

To confirm the preferred bidder and delegation arrangements for letting the construction contract for works to the Marine Academy Plymouth.

**Who will make the decision?** Cabinet (on the recommendation of Councillor Sam Leaves)

**Timing of the decision?** 21 February 2012

**Who will be consulted and how?**

Persons to be consulted with:

Finance, Legal, and Property. Sponsors of the academies. Decision based on the recommendations of the project board.

Process to be used:

Internal officers are consulted through internal meetings, Sponsors are consulted through joint meetings with Partnership for schools.

**Information to be considered by the decision makers:**

Capital monitoring reports.

**Documents to be considered when the decision is taken**

Capital investment delivery for Marine Academy Plymouth and All Saints Academy, Plymouth. Cabinet 18 October 2011.

Memorandum of Understanding between the authority and Partnership for Schools, Memorandum of Understanding between sponsors and the authority.

**Representations:** In writing by 6 February 2012 to -

1. the Director of Place
2. Councillor Sam Leaves (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: Gareth Simmons, Project Director for Buildings and the Learning Environments

Email: [gareth.simmons@plymouth.gov.uk](mailto:gareth.simmons@plymouth.gov.uk) Tel: 01752 307161



**CAPITAL INVESTMENT DELIVERY FOR UNIVERSITY TECHNOLOGY COLLEGE PLYMOUTH**

**First included in plan: February 2012**

**Nature of the decision:**

To consider the arrangements for combining the University Technology College (UTC) with the procurement of the Marine Academy Plymouth and adding the funding to the capital programme.

**Who will make the decision?** Cabinet (on the recommendation of Councillor Sam Leaves)

**Timing of the decision?** 21 February 2012

**Who will be consulted and how?**

Persons to be consulted with:

Finance, Legal, and Property. sponsors of the academies. Decision based on the recommendations of the project board.

Process to be used:

Internal officers are consulted through internal meetings, sponsors are consulted through joint meetings with Partnership for schools.

**Information to be considered by the decision makers:**

Capital monitoring reports.

**Documents to be considered when the decision is taken**

Capital investment Capital investment delivery for Marine Academy Plymouth and All Saints Academy, Plymouth. Cabinet 18 October 2011.

Cabinet Paper History Centre and UTC 17 November 2011

**Representations:** In writing by 6 February 2012 to -

1. the Director of Place
2. Councillor Sam Leaves (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: Gareth Simmons, Project Director for Buildings and the Learning Environments

Email: [gareth.simmons@plymouth.gov.uk](mailto:gareth.simmons@plymouth.gov.uk) Tel: 01752 307161

**CAPITAL INVESTMENT DELIVERY FOR ALL SAINTS ACADEMY,  
PLYMOUTH**

**First included in plan: February 2012**

**Nature of the decision:**

To confirm the preferred bidder and delegation arrangements for letting the construction contract for works to the All Saints Academy Plymouth.

**Who will make the decision?** Cabinet (on the recommendation of Councillor Sam Leaves)

**Timing of the decision?** 27 March 2012

**Who will be consulted and how?**

Persons to be consulted with:

Finance, Legal, and Property. Sponsors of the academies. Decision based on the recommendations of the project board.

Process to be used:

Internal officers are consulted through internal meetings, sponsors are consulted through joint meetings with Partnership for schools.

**Information to be considered by the decision makers:**

Capital monitoring reports.

**Documents to be considered when the decision is taken**

Capital investment delivery for Marine Academy Plymouth and All Saints Academy, Plymouth. Cabinet 18 October 2011.

Memorandum of Understanding between the authority and Partnership for Schools, Memorandum of Understanding between sponsors and the authority.

**Representations:** In writing by 12 March 2012 to -

1. the Director of Place
2. Councillor Sam Leaves (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: Gareth Simmons, Project Director for Buildings and the Learning Environments

Email: [gareth.simmons@plymouth.gov.uk](mailto:gareth.simmons@plymouth.gov.uk) Tel: 01752 307161

**ADULT SOCIAL CARE PERSONAL BUDGET POLICY**

**First included in plan: February 2012**

**Nature of the decision:**

To consider the draft Adult Social Care Personal Budget Policy

**Who will make the decision?** Cabinet (on the recommendation of Councillor Monahan)

**Timing of the decision?** 7 February 2012

**Who will be consulted and how?**

Persons to be consulted with:

We have used appreciative inquiries with a variety of stakeholders over the last 2 years to shape our approach to personalisation.

Process to be used:

We intend to review this policy in September 2012 and in the interim we will continue to survey each person receiving a personal budget, and this will influence the development of the policy.

**Information to be considered by the decision makers:**

Personal budget report.

**Documents to be considered when the decision is taken**

Written report.

**Representations:** In writing by 3 February 2012 to -

1. the Director for People
2. Councillor Monahan (Cabinet Member)

Contact details available from Plymouth City Council Tel: 01752 668000

Further information – Availability of Documents:

For further information contact: Pam Marsden, Assistant Director for Adult Health and Social Care

Email: [pamela.marsden@plymouth.gov.uk](mailto:pamela.marsden@plymouth.gov.uk) Tel: 01752 307344

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## OVERVIEW AND SCRUTINY MANAGEMENT BOARD – 1 FEBRUARY 2012

### RECOMMENDATIONS

Date/min number	Resolution / Recommendation	Explanation (if required)
<b>Children and Young People's Overview and Scrutiny Panel</b>		
Minute 57 05/01/12 (6)	<b>Progress update on previous tracking resolutions</b> <u>Agreed</u> that – the Youth Service task and finish is deferred to the next financial year.	
<b>Growth and Prosperity Overview and Scrutiny Panel</b>		
Minute 61 9/1/12	<b>Article 4 Direction for Houses in Multiple Occupation</b> <u>Agreed</u> that the panel propose to the Cabinet Member for Planning, Strategic Housing and Economic Development, through the Overview and Scrutiny Management Board, that, taking into account the consultation responses received, he should confirm the Direction.	

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**Work Programme 2011/12**

Topics	J	J	A	S	O	N	D	J	F	M	A	M
Budget Scrutiny								11, 16 & 18				
Cabinet response to budget scrutiny recommendations				21						28		
Performance and Finance Report	29			21		30			1			
Medium Term Financial Strategy										28		
Scrutiny Bi Annual / Annual Scrutiny Report	29			21						28		
Leader and Chief Executive	29			21		30				28		
Review of Progress on the Joint Strategic Needs Assessment (min 67(2) refers)									1			
Devonport Regeneration Company Partnership (DRCP) Succession Strategy – Review of Succession Arrangements (Mins- 53 and 116 refers)									1			
Localities and Neighbourhood Working Task and Finish Group		11 & 12										
Procure to Pay Progress Report (arising from Budget Scrutiny Recs)										28		
Minutes of Public Sector Board (when available)												
Capital Programme Approvals (referred from City Council)						30						
Lord Mayor T&F*												
Waterfront BID* (referred from Cabinet 15/11/11)												
Review 2011 Interim Staff Survey Results (Minute (70 (8) refers)*												

\* New Item

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**Children and Young People's Overview and Scrutiny Panel  
Work Programme 2011/12**

Topics	J	J	A	S	O	N	D	J	F	M	A	M
<b>Commissioning, Policy and Performance</b>												
Performance and Budget - Delivering growth - Raising Aspiration - Reducing Inequalities - Value for Communities		14			13			5		1		
<b>Learner and Family Support</b>												
Hospital School (Review July 2011)				8								
School Transport (under regular review)								5				
Locality Review								5				
<b>Lifelong Learning</b>												
Commission on School Libraries (Written Report)				8								
Primary School Attainment (Written Report)								5				
Work Experience		14										
Adult Learning												
<b>Children's Social Care</b>												
Independent Foster Placement Costings/Recruitment of Foster Carers (Under regular review)						10						
Adoption Inspection				8								
<b>Children's Health</b>												
Child Poverty						10						

Topics	J	J	A	S	O	N	D	J	F	M	A	M
<b>Task and Finish Groups</b>												
Young Carers Task and Finish Group – review of recommendations (Sept 2011)				8								
Apprenticeships (New Year)												
Children’s Mental Health to inc Emotional Wellbeing and Mental Health Strategy and Emotional Health of Children					11 & 12			5				
Youth Service #												
<b>Updates</b>												
Policy Updates/Legislative Changes		14		8		10		5		1		
Quarterly Scrutiny Reports										1		
Update from Children and Young People’s Trust		14		8		10		5				
Update from Corporate Parenting Group						10				1		
Update from Local Safeguarding Children’s Board		14		8				5				
Update from relevant LSP Theme Groups		14				10				1		
<b>Strategies and Plans</b>												
Children and Young People’s Plan (Action Plan) (July 2011)					13							
Youth Justice Action Plan (Review July 2011)						10						
<b>Training and Development</b>												
Development Session for panel members												

**Key:**

<b>New Item = #</b>
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Work programme	J	J	A	S	O	N	D	J	F	M	A
Driving Speeds on the Hoe (held pending Councillor Call for Action) <b>(not scrutinised 2010/11)</b>											
Winter Maintenance				8/ 15							

**Key**

\* **New item**



<b>Work programme</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>
Review into role of Community Infrastructure and Community Anchor <i>(referred to the Panel from the Overview and Scrutiny Management Board 27 July 2011)</i>										12	
Review of Communications Methods around Neighbourhood Working <i>(referred to the Panel from the Overview and Scrutiny Management Board 27 July 2011)</i>										12	
<b>Task and Finish Group</b>											
Councillor Call for Action – Anti Social Behaviour in Compton Vale						28					
Social Media											
<b>Other</b>											
Bi Annual Scrutiny Reports						21				12	
Appeal Against Council's Response to Petition				12							
Joint Finance and Performance Monitoring						21		23		12	
<b>City and Council Priorities</b>											
Reduce Inequalities											
Value for Communities											

\* This/These items appear on the Work Programme for the first time.