

Overview and Scrutiny Management Board

Wednesday 5 September 2012

PRESENT:

Councillor Mrs Aspinall, in the Chair.

Councillor Tuffin, Vice Chair.

Councillors Bowie, Casey, Churchill (substitute for Councillor Bowyer), Sam Davey (substitute for Councillor Philippa Davey), James, Monahan, Murphy, Nicholson and Wiggins.

Apologies for absence: Councillors Bowyer, Philippa Davey and Mrs Nelder.

Also in attendance: Pete Aley (Head of Safer Communities), Nicky Allen (Product Portfolio Manager), Tim Howes (Assistant Director for Democracy and Governance), Councillor Penberthy (Cabinet Member for Cooperatives and Community Development), Giles Perritt (Head of Policy, Performance and Partnerships) and Helen Wright (Democratic Support Officer).

The meeting started at 4pm and finished at 6pm.

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.

33. DECLARATIONS OF INTEREST

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

34. MINUTES

Agreed that the minutes of the meeting held on 25 July 2012 are confirmed as a correct record.

35. CHAIR'S URGENT BUSINESS

The Chair provided a progress update on the additional meeting of the Health and Adult Social Care Panel scheduled for 26 September 2012 to consider the issue of regional pay.

The Chair further advised that it had been the intention for the city's MPs to attend the provisional meeting of the Board scheduled for 19 September 2012. However, due to a defence debate in the House of Commons on that day, Alison Sebeck MP would not be able to attend. It was therefore proposed to reschedule the meeting for Friday 21 September 2012 at 9am to 10am to allow both Alison Sebeck MP and Oliver Colville MP to attend.

The Board agreed to hold the meeting with the city's MPs on Friday 21 September 2012 at 9am to 10am.

36. **TRACKING DECISIONS**

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

The Board agreed that youth unemployment (how successful young people with special educational needs and disabilities were in gaining employment) is removed from the work programmes for the panels of Children and Young People and Growth and Prosperity and is included on Board's work programme.

37. **CALL-INS**

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

38. **URGENT EXECUTIVE DECISIONS**

There were no urgent executive decisions to consider at this meeting.

39. **FORWARD PLAN**

The Board noted the new additions to the Forward Plan, as follows –

- investment in customer transformation and ICT core infrastructure;
- strategy for the procurement of the Council's energy requirements for the next four years;
- to procure a framework for emergency repairs and statutory compliance for Plymouth City Council corporate property;
- commissioning plan for the Plymouth Domestic Abuse Partnership;
- tenancy strategy;
- school funding reform.

The Chair expressed disappointment that the consultation period for several of the new forward plan items did not allow for pre decision scrutiny to be undertaken. Subsequent to the meeting the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012 had been implemented. Key decisions would be published 28 clear working days before the decision was made instead of 14 days.

The Board agreed that the Tenancy Strategy is included on the Customers and Communities Overview and Scrutiny Panel's work programme for its meeting scheduled for 7 November 2012.

The Board recommended that the Cabinet Member is requested to consult with all councillors regarding the Tenancy Strategy in order for councillors' feedback to be forwarded to the Customers and Communities Panel meeting on 7 November 2012.

The Board agreed to receive a briefing paper on the School Funding Reform.

40. **RECOMMENDATIONS**

The Board endorsed and agreed the following recommendations –

Children and Young People's –

- (1) (minute 19) to include the following items on the work programme –
- primary school attainment to include secondary school attainment;
 - school transport to be brought forward to September 2012;
 - hospital appointments for children and young people and the co-ordination of consultants when seeing patients.

Health and Adult Social Care –

- (2) (minute 19) delegated authority is given to the Board's Lead Officer, in consultation with the Chair, Vice Chair and the opposition lead member to agree the project initiation document for the alcohol strategy.

The Board noted the recommendation from Cabinet that the development of the policy and processes for the Community Right to Challenge would be submitted to overview and scrutiny for a pre decision.

41. **COMMUNITY RIGHT TO CHALLENGE**

The Assistant Director for Democracy and Governance submitted a report and guidance on community right to challenge which outlined the following –

- (a) part of the Localism Act 2011 relating to the community right to challenge came into effect on 27 June 2012; at the same time, both the supporting regulations were enacted and draft guidance was published;
- (b) the community right to challenge required the council (as a relevant authority), to consider expressions of interest in carrying out a relevant service from relevant bodies; where the expression of interest was accepted, the council had to carry out a procurement exercise for the service;
- (c) the Act did not give an automatic right to the organisation expressing an interest to deliver the service, nor was it guaranteed that the organisation would be successful in any procurement exercise;
- (d) the relevant bodies that would be able to submit expressions of interest are –
- a voluntary or community body;

- a body of persons or a trust established for charitable purposes only;
 - a parish council;
 - two or more city council employees;
 - any other person or body specified by the Secretary of State;
- (e) following the Cabinet decision on community right to challenge taken at the meeting held on 14 August 2012, it agreed that pre decision scrutiny would be undertaken on the development of the policy and process in four specific areas –
- the production of a comprehensive and workable timetable for submitting expressions of interest;
 - the determination of what additional information would be required of those submitting expressions of interest;
 - the setting of a timetable for making a decision on expressions of interest;
 - the setting of a timetable for a procurement exercise.

Questions were raised by the Board which assisted in the formulation of the recommendations relating to the five specific areas as follows –

- (f) the timetable for the receipt of expressions of interest - there were a number of options for a timetable –
- have no timetable and take expressions for any service at any time;
 - set specific dates for an expression of interest for any service;
 - set specific dates for different services;

some authorities had a single period (generally a month) once a year; others had two opportunities a year;

- (g) the evaluation of expressions of interest –

it was good practice for the evaluation of tenders for example (as an administrative process) to be undertaken by officers; the evaluation of expressions of interests was a similar exercise but a political input would be helpful as a means of challenge;

(where the expression of interest had a particular impact on a specific ward, then the ward councillors should be consulted);

the Monitoring Officer would also seek advice from other officers including representatives from Finance, HR, Procurement, Property and others as appropriate to the particular expression of interest;

- (h) did the council want to request additional information to be included in an expression of interest –

it was open to the council to request additional information, although under the law, the person or body submitting an expression of interest was not obliged to respond to them;

one area for further questioning surrounded the promotion of the social, economic or environmental well-being and how an expression of interest would comply with the council's corporate plan and vision for the city;

- (i) setting the maximum time for responding to an expression of interest –

in the absence of additional resources to respond to any expressions of interest, officers would need the maximum time to respond; the maximum allowed time was, 30 days from the closing of the period for submissions of expressions of interest;

- (j) what was the time period between accepting an expression of interest and the starting of the procurement exercise;

the time period before commencing a procurement exercise would depend on the type and complexity of the service involved, how it was packaged and what procurement regimes applied (eg do the EU rules apply).

The Board agreed to recommend approval of the following recommendations to Cabinet -

- (1) the council receive expressions of interest for any service twice a year (in the months of February and August);
- (2) the expressions of interest are approved, rejected or amended by the Monitoring Officer in consultation with the Cabinet Member for Cooperatives and Community Development; where the expression of interest has a particular impact on a specific ward, then the ward councillors should also be consulted;
- (3) the expression of interest should include the following additional requests for information -
 - (a) explain how a local (city based) workforce would be maintained and guaranteed;
 - (b) identify what are the positive impacts to be brought to the local economy;
 - (c) state where the contract would be managed from;
 - (d) how would the bid ensure compliance with the Public Services (Social Value) Act 2012;

- (e) explain how it would support the council's corporate plan and vision for the city;
- (4) the maximum response time for responding to expressions of interest will be 30 days from the end of February/August;
- (5) in setting the time for the commencement of the procurement exercise, the council follows its current procurement rules which are appropriate for the particular expression of interest;
- (6) that the policy and process is reviewed after 12 months.

42. **WELFARE REFORM**

The Chair advised that she had asked the Panel Chairs to consider the particular impact that the Welfare Reform Act would have on their areas of responsibility.

- (a) the Chair of Children and Young People reported on the areas which would be impacted by the reform –
 - an increase in free school meals (budgetary issues);
 - increase in debt at school level (meals/visits);
 - homelessness (young people);
 - domestic violent increase;
 - increases in children in care;
 - childcare (inability to pay only a proportion is funded through Early Years);
 - school organisation, access and services to schools;
- (b) the Chair of Support Services reported on the areas which would be impacted by the reform –
 - revenue and benefits service (major changes proposed in this area that will impact area the benefit cap, housing/local housing allowance, localisation of council tax benefit, localisation of business rates;
 - legal services (increase in unpaid debts such as council tax leading to increased court cases;
 - customer services (impact on increased demand for frontline services for advice services);
 - communications (extensive communications with staff and customers);
 - training requirements (extensive training requirements for staff, awareness raising, specialist and technical systems);

- ICT (implementing and updating new systems and training for staff on operating new systems);
- (bb) a number of 'pledges' related to addressing and minimising the impacts of the reform, such as –
- a campaign on budget cuts and the involvement of the public in subsequent budget choices;
 - to provide access to council services at more suitable times;
- (c) the Chair of Growth and Prosperity reported on the impact of the reform, which included –
- economic development plans for jobs;
 - the housing strategy (which would affect the delivery of the Plymouth Plan);
 - worklessness (improved cooperation and links across the authority following the recommendation from the task and finish group);
 - items on the work programme would continue to be reviewed;
- (d) the Chair of Customers and Communities reported on the areas which would be impacted by the reform, such as –
- crime;
 - family break ups;
 - budget monitoring;
 - Social Fund;
 - family intervention services;
 - prison (not have the support required);
- (e) the Chair of Health and Adult Social Care reported on the areas which would be impacted by the reform, such as –
- delayed discharge if the Social Fund prevents the move out of hospital;
 - suicide rate;
 - mental health service review;
 - charging for adult social care;
 - impact on direct payment regime.

43. **WORK PROGRAMMES**

The work programmes of the Overview and Scrutiny Management Board and scrutiny panels were considered and agreed as submitted, subject to the inclusion of dates for the Management Board to meet with the Leader and Chief Executive on a quarterly basis.

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

The Board considered and agreed the following project initiation document –

- Review of subsidised bus routes and through ticketing.

45. **EXEMPT BUSINESS**

There were no items of exempt business.