

# Overview and Scrutiny Commission

Tuesday 23 June 2009

## PRESENT:

Councillor James, in the Chair.

Councillor Viney, Vice Chair.

Councillors Coker, Fox, Pattison and Roberts (Substitute for Councillor Mrs Watkins).

Apology for absence: Councillor Mrs Watkins.

The meeting started at 10.00 am and finished at 12.15 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.*

## 15. DECLARATIONS OF INTEREST

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

## 16. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

## 17. DECISION CALLED IN: RIVAL MARKETS POLICY (Pages 1 - 8)

The Commission considered the call in of the Cabinet decision, Rival Markets Policy (minute 8 refers).

The Commission heard from –

- one of the Members who had called the decision in -
  - Councillor Mrs Aspinall;  
  
(Councillors Smith and Vincent sent their apologies for their absence);
- the decision maker -
  - Councillor Bowyer, Cabinet Member for Finance, Property, People and Governance. (Also in attendance – Andrew Jarrold (Assistant Head of Asset Management) and Sally Perdrisat (Markets and Street Trading Manager)).

Resolved that the resolution and recommendations included in section 6 of the Commission's report (attached as an appendix to these minutes) is accepted.

## 18. DECISION CALLED IN: ACCOMMODATION STRATEGY (Pages 9 - 16)

The Commission considered the call in of the Cabinet decision, Accommodation Strategy (minute 9 refers).

The Commission heard from –

- one of the Members who had called the decision in -
  - Councillor Evans;  
  
(Councillors Smith and Vincent sent their apologies for their

absence);

- the decision maker -
  - Councillor Bowyer, Cabinet Member for Finance, Property, People and Governance. (Also in attendance – Adam Broome (Director for Corporate Resources) and Chris Trevitt (Head of Corporate Property)).

Resolved that the resolution included in section 6 of the Commission's report (attached as an appendix to these minutes) is accepted.

19. **EXEMPT BUSINESS**

There were no items of exempt business.

**OVERVIEW AND SCRUTINY COMMISSION  
CALL-IN  
23 JUNE 2009**



## **DECISION CALLED-IN:**

### **RIVAL MARKETS POLICY (CABINET MINUTE 8 09/10)**

**Plymouth City Council**

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## **1. The Panel**

1.1 Members of the Commission present at the meeting held on Tuesday 23 June 2009 to hear the called in Cabinet decision were –

- Councillor James (Chair)
- Councillor Viney (Vice-Chair)
- Councillor Coker
- Councillor Fox
- Councillor Pattison
- Councillor Roberts (Substitute for Councillor Mrs Watkins)

1.2 Council officers at the meeting were Andrew Jarrold, Assistant Head of Asset Management, Sally Perdrisat, Markets and Street Trading Manager, Ross Cook, Democratic and Member Support Manager and Helen Wright, Democratic Support Officer.

## **2. Reasons for Call-Ins**

2.1 The following Cabinet decision was called in:

- Rival Markets Policy

The reasons for the call-in were as follows:

- insufficient consultation with providers, market operators, charities and the third sector;
- no alternative options had been considered or consulted upon;
- failure to assess the impact of the decision on voluntary groups contrary to the third sector compact.

## **3. Scrutiny Approach**

Procedure followed in the call-in meeting (as included in the agenda)

3.1 The Members who called in the decision were asked to explain why they had done so and what they felt should be reviewed. (The Members making the call-in were allowed up to 15 minutes to present their case). The decision-makers could then respond (15 minutes allowed).

3.2 After each presentation, Commission Members could ask questions to clarify any points made by the speakers (the speakers would not have an opportunity to cross-examine one another).

3.3 The Commission would then discuss the matter and might ask further questions of the Members making the call-in or the decision makers during the debate.

- 3.4 When the Chair considered that the matter had been debated for a reasonable length of time, the decision maker would be offered the opportunity to make any final comments on the matter. One of the Members making the call-in would also be offered the opportunity to sum up. Each side would be allowed five minutes for this purpose.
- 3.5 The matter would then move to the vote and the options were as follows:
- a) Did Members wish to refer the decision for further consideration? If Members voted no at this stage, the call-in was ended. The matter was not referred back and the original decision could be implemented.
  - b) If Members voted in favour of referring the matter for reconsideration, they must decide the following:
    - i) Where to refer the matter back for reconsideration -
      - directly to the original decision maker (ie the Cabinet or a Cabinet Member)
      - to the City Council with a request that they decide whether to refer the matter back to the original decision maker for reconsideration.
    - ii) Reasons for referring the matter back – Members must agree on the factors the decision maker (or Council) were to be asked to consider.
- 3.6 The matter could not be referred for reconsideration without reasons being given.

#### **4. Witnesses**

Members heard from the following people –

Members who called the decision in:

- Councillor Mrs Aspinall and Councillor Evans (Councillors Smith and Vincent had given their apologies).

Decision maker:

- Councillor Bowyer, Cabinet Member for Finance, Property, People and Governance with Andrew Jarrold (Assistant Head of Asset Management) and Sally Perdrisat (Markets and Street Trading Manager).

#### **5. Findings**

##### **5.1 Call-in**

In order to support the reasons why this Cabinet decision was called in, Councillor Aspinall informed the Commission that –

- the report did not refer to whether consultation with providers, market operators, charities and the third sector had taken place, even though Plymouth City Council had implemented a third sector compact which clearly outlined the process by which the Council and its partners would work with this sector;
- no impact assessment on the implementation of the Rival Markets Policy had been undertaken;
- no reference had been made in the report as to whether alternative options had been considered.

5.2 In order to support the reasons why this decision had been taken, the Cabinet Member for Finance, Property, People and Governance informed the Commission that -

- a policy was needed in order to –
  - ▶ enforce the rights vested in Plymouth City Council by the Royal Charter to hold markets within 6 2/3 miles of Plymouth City Market;
  - ▶ provide a clear framework in which the Council could authorise and control rival markets;
  - ▶ address public protection, health and safety and food safety issues;
  - ▶ protect the commercial viability of the City Market;
- further consultation with providers was currently being undertaken and the implementation of the policy would be deferred to allow assessment of the feedback received.

5.3 In order to support the reasons why this decision had been taken and address some of the concerns highlighted by the Members calling in the decision, the Assistant Head of Asset Management and Markets and Street Trading Manager informed the Commission that –

- the policy had been adopted from the model used by the National Association of British Market Authorities and other local authorities across the country;
- it was not unreasonable for the Council to put in place a mechanism to ensure operators of rival market operated to the same standards and regulations that applied to the City's Market which was also in the interest of the public;
- the policy would be policed by trading standards officers;
- the policy would provide a clear framework which would prevent unauthorised markets from being held;

- in recognition that insufficient consultation had been undertaken, further consultation with providers was being carried out;
- the charging mechanism within the policy allowed for charities not to be charged, if evidence could be provided that the proceeds were being received by the registered charity;
- the Royal Charter would not be invoked in neighbouring local authority areas.

5.4 The Commission then debated the issues and Members' comments included -

- Members were concerned -
  - ▶ that the proposals to restrict the number of car boot sales within a 12 month period to 12 with not more than one market being held on a Sunday in any 28 day period –
    - would have an adverse affect on charities, organisations and the local community;
    - conflicted with planning permission;
- at the lack of consultation that had been carried out and in particular the lack of understanding of the third sector compact.

5.5 In order to support the reasons why this Cabinet decision should not be called in, the decision makers summed up as follows –

- further consultation with providers was currently being undertaken and the implementation of the policy would be deferred to allow assessment of the feedback;
- it was in the Council's interest to protect the City Market operators who operated within the required standards, regulations and legislation.

5.6 In order to support the reasons why this decision should be called in, Councillor Aspinall summed up as follows –

- the Council had signed up to the third sector compact and as such it should be adhered to;
- more meaningful consultation should be undertaken with the third sector;
- raised concerns that officers were unaware of the third sector compact and that this information should be disseminated to all levels of the authority.

## 6. Decisions

6.1 Members of the Committee resolved to refer the decision back to Cabinet for reconsideration and that the original Cabinet Decision (Rival Markets Policy) should not be implemented for the following reasons –

- (1) insufficient consultation with providers, market operators, charities and the third sector;
- (2) no alternative options had been considered or consulted upon;
- (3) failure to assess the impact of the decision on voluntary groups contrary to the third sector compact;

(An unanimous vote was recorded)

## **7. Recommendations**

7.1 Resolved that the following recommendations are submitted to the Cabinet -

- (1) clarification is sought on the impact on charities, organisations and the local community on the proposal to restrict the number of car boot sales within a 12 month period to 12 with not more than one market being held on a Sunday in any 28 day period and planning permission issues;
- (2) further consultation with providers, charities and the third sector is undertaken and the implementation of the policy is deferred to allow the assessment of the feedback;
- (3) raise awareness throughout the authority of the third sector compact.

## **8. Background Information**

8.1 Listed below is the relevant background information to this report -

- Cabinet decision minute no. 8 09/10 (Rival Markets Policy);
- Cabinet report 2 June 2009 – Rival Markets Policy (Part 1).

The web link to the above documents is as follows -

<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieListDocuments.asp%3FCId%3D254%26amp%3BMId%3D3620%26amp%3BVer%3D4> (Cabinet 2 June 2009).

*These minutes and report will be confirmed at the next meeting of the Overview and Scrutiny Commission.*

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**OVERVIEW AND SCRUTINY COMMISSION  
CALL-IN  
23 JUNE 2009**



## **DECISION CALLED-IN:**

### **ACCOMMODATION STRATEGY (CABINET MINUTE 9 09/10)**

**Plymouth City Council**

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## **1. The Panel**

1.1 Members of the Commission present at the meeting held on Tuesday 23 June 2009 to hear the called in Cabinet decision were –

- Councillor James (Chair)
- Councillor Viney (Vice-Chair)
- Councillor Coker
- Councillor Fox
- Councillor Pattison
- Councillor Roberts (Substitute for Councillor Mrs Watkins)

1.2 Council officers at the meeting were Adam Broome, Director for Corporate Support, Chris Trevitt, Head of Corporate Property, Ross Cook, Democratic and Member Support Manager and Helen Wright, Democratic Support Officer.

## **2. Reasons for Call-Ins**

2.1 The following Cabinet decision was called in:

- Accommodation Strategy

The reasons for the call-in were as follows:

- the process by which the decision was made was deficient. Resources and Performance scrutinised the Accommodation Strategy but declared it should be linked to the People Strategy and the ICT Strategy and that symmetry should be achieved. Resources and Performance reserved judgement until the other two strategies had likewise been scrutinised. Resources and Performance has seen the revised ICT Strategy but the People Strategy has yet to be seen. Given the comments made at Resources and Performance about Flexible Working and workforce planning (supported by officer presentations) and their impact on accommodation needs producing a final Accommodation Strategy without proper consideration of these details would seem remiss;
- the decision maker failed to consider alternative courses of action. There is no options appraisal and there are no SMART targets. There are no cost forecasts to consider nor is there a proper method described for determining staff/space ratios ie no alternative levels of provision other than the stated 10-8 desk reduction. Alternatives to outright purchases of buildings is not properly stated eg there is an un-costed commitment to purchase a new Civic Centre at Bretonside but no scientific approach to calculating desk needs thus no consideration of re-scoping within existing buildings or the lease/rent of other vacant buildings in the city.

## **3. Scrutiny Approach**

Procedure followed in the call-in meeting (as included in the agenda)

- 3.1 The Members who called in the decision were asked to explain why they had done so and what they felt should be reviewed. (The Members making the call-in were allowed up to 15 minutes to present their case). The decision-makers could then respond (15 minutes allowed).
- 3.2 After each presentation, Commission Members could ask questions to clarify any points made by the speakers (the speakers would not have an opportunity to cross-examine one another).
- 3.3 The Commission would then discuss the matter and might ask further questions of the Members making the call-in or the decision makers during the debate.
- 3.4 When the Chair considered that the matter had been debated for a reasonable length of time, the decision maker would be offered the opportunity to make any final comments on the matter. One of the Members making the call-in would also be offered the opportunity to sum up. Each side would be allowed five minutes for this purpose.
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    - ii) Reasons for referring the matter back – Members must agree on the factors the decision maker (or Council) were to be asked to consider.
- 3.6 The matter could not be referred for reconsideration without reasons being given.

#### **4. Witnesses**

Members heard from the following people –

Members who called the decision in:

- Councillor Evans (Councillors Smith and Vincent had given their apologies);

Decision maker:

- Councillor Bowyer, Cabinet Member for Finance, Property, People and Governance with Adam Broome (Director for Corporate Support) and Chris Trevitt (Head of Corporate Property).

## **5. Findings**

### **5.1 Call-in**

In order to support the reasons why this Cabinet decision was called in, Councillor Evans informed the Commission that –

- the Accommodation Strategy could not be looked at in isolation as it needed to be considered in conjunction with the People and ICT strategies;
- the revised ICT Strategy had been scrutinised by the Resources and the Performance Overview Scrutiny Panel but the People Strategy had yet to be scrutinised;
- the strategy did not identify how it could improve efficiencies by integrating service delivery, such as developing a payroll system with other public sector partners;
- no analysis had been provided on the estimated saving of £600,000 with the allocation of eight workstations to ten people;
- no consideration had been given to –
  - ▶ the impact of joint venture working such as the Devon Audit Partnership which had been formed with the Council's neighbours in Torbay and Devon;
  - ▶ a commission policy for the corporate buildings;
  - ▶ the future working patterns of the Council;
  - ▶ partnership working;
  - ▶ alternatives to outright purchase of buildings;
  - ▶ an options appraisal, cost forecasts or SMART targets.

### **5.2 In order to support the reasons why this decision had been taken, the Cabinet Member for Finance, Property, People and Governance informed the Commission that -**

- this was an overarching strategy which set out the proposed future uses of the corporate office accommodation and had been developed in conjunction with the ICT and People Strategies;

- for clarification the People Strategy had been approved by Cabinet on 10 February 2009 which had commended the Resources and Performance Overview Scrutiny Panel to comment on it; the strategy had been published on the website and clearly set out how the Council's approach to human resource management and workforce planning would make its contribution to delivering the Council's vision;
- the principal drivers for change were outlined, as follows –
  - ▶ reshaping the council
  - ▶ staff wellbeing and Health and Safety
  - ▶ increased partnership working
  - ▶ sustainability and environmental matters
  - ▶ culture change
  - ▶ Gershon efficiencies
  - ▶ government challenge
- as the strategy was delivered issues would be dealt with on an individual bases and supported with a business plan.

5.3 In order to support the reasons why this decision had been taken and address some of the concerns highlighted by the Members calling in the decision, the Director for Corporate Resources and the Head of Corporate Property informed the Commission that –

- cost forecasts would form part of a business plan;
- the strategy clearly outlined the way forward and identified deficiencies and areas that needed improvement;
- the approximate saving of £600,000 was based upon a reduction to 8 workstations per 10 staff across the main office buildings, this was the minimum figure that could be achieved; audits had been carried out and analysis of this information had indicated that 45% was the lowest occupation figure, so 80% occupation was the minimum saving that could be achieved;
- the People Strategy was approved by Cabinet on 10 February and formed part of the budget scrutiny process by the Resources and Performance Overview Scrutiny Panel on 16 and 18 February 2009;
- alternative options would be considered as part of a business plan.

5.4 The Commission then debated the issues and Members' comments included -

- there was evidence to suggest that the performance of staff was increased by an improved working environment;
- recognition of changing times with the advancement in technology, improved integrated partnership working, hot desking, touchdown centres, home working and flexible work patterns;

- the strategy seemed to confuse the provision of a flexible work space and flexible working which were two separate issues;
- concerns that future redeployment of government departments could not be accommodated within the corporate estate;
- the strategy made no reference to the cost implications, the linkage with the Corporate Plan or the CIPs and SMART targets.

5.5 In order to support the reasons why this Cabinet decision should not be called in, the decision makers summed up as follows –

- at this stage, there was no figure on the relocation costs for the Civic Centre; the Council was continuing to negotiate with English Heritage on the development brief;
- this was an overarching strategy and was not a detailed business plan; the strategy sets out the way forward to achieve the Council's vision.

5.6 In order to support the reasons why this decision should be called in, Councillor Evans summed up as follows –

- the background papers within the report had not identified whether the ICT or People Strategies had been used whilst formulating the Accommodation Strategy;
- the strategy was a facilities management wish list with the introduction of standard desks, décor and corporate signage;
- this was not an overarching strategy for the whole of the corporate estate, as it did not apply to schools, libraries, storage buildings or conference facilities.

## 6. Decision

6.1 Members of the Committee resolved not to refer the decision back for reconsideration and that the original Cabinet decision (Accommodation Strategy) is to be upheld and implemented as outlined below:

- (1) the strategy is adopted as a way to reduce the Council's future accommodation costs.

(A majority vote was recorded)

## 7. Background Information

7.1 Listed below is the relevant background information to this report -

- Cabinet report 2 June 2009 – (Accommodation Strategy);
- Cabinet decision minute 2 June 2009 – Accommodation Strategy (Part 1).

The web link to the above documents is as follows -

<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieListDocuments.asp%3FCId%3D254%26amp%3BMId%3D3620%26amp%3BVer%3D4> (Cabinet 2 June 2009).

*These minutes and report will be confirmed at the next meeting of the Overview and Scrutiny Commission.*