

Overview and Scrutiny Management Board

Wednesday 5 August 2009

PRESENT:

Councillor James, in the Chair.

Councillor Mrs Watkins, Vice Chair.

Councillors Coker, Fox, Purnell, Stark (substitute for Councillor Roberts), Thompson, Viney and Wildy.

Apologies for absence: Councillor Roberts.

Also in attendance: Councillors Ball, Bowyer and Jordan.

The meeting started at 2.00 pm and finished at 5.50 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.

1. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Stark	Minute no. 2 Minutes: Call-in minutes and report: Plymouth CityBus Limited Shareholding	Director of Plymouth CityBus Limited	Personal (as no discussion)
Councillor Viney	Minute no. 2 Minutes: Call-in minutes and report: Plymouth CityBus Limited Shareholding	Director of Plymouth CityBus Limited	Personal (as no discussion)
Councillor Coker	Minute no. 5b Call-ins: To monitor actions from Call-ins	Member of Devonport Regeneration Communities Partnership	Personal

2. MINUTES

Resolved that the following Overview and Scrutiny Commission minutes and reports be approved:

- 23 June 2009 (a.m.) – Call-in minutes and reports: Rival Markets Policy and Accommodation Strategy;
- 23 June 2009 (p.m.) – Call-in minutes and report: Transfer of Brickfields Management;
- 24 June 2009 – Call-in minutes and report: Plymouth CityBus Limited Shareholding;
- 2 July 2009.

(Councillors Stark and Viney declared personal interests in the above item.)

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

4. TRACKING RESOLUTIONS SCHEDULE

Members considered a schedule of tracking resolutions brought forward from Overview and Scrutiny Commission and Resources and Performance Overview and Scrutiny Panel and noted the following –

- Commission Minute 9 (09/10), resolution (1) (Plymouth CityBus Limited Shareholding) 'the progress of the project be monitored by the Growth and Prosperity OSP who could consider inviting the Chair and Vice-Chair of the Support Services OSP – this item should be included in the Growth and Prosperity OSP work programme; the Chair of the Overview and Scrutiny Management Board (and the Support Services OSP) should be invited to join a Growth and Prosperity OSP task and finish group and a Project Initiation Document should be prepared for the Management Board;
- Commission Minute 33, resolution (1) (Governance and Accountability of Local Strategic Partnership) 'the above comments (see minute 21 (i)-(xii)) be referred to Cabinet for consideration – the LSP Executive had considered the draft governance arrangements, and scrutiny arrangements were to be added to that, the Cabinet had not yet considered this and a report should be able to be provided to the next Management Board meeting;
- Commission Minute 33, resolution (2) 'the Audit Commission guidance be emailed to Members of the new O & S Management Board by the Head of Corporate Planning, bullet point format if possible' – booklets and briefings from the Audit Commission were to be circulated to Management Board Members shortly; Panel Chairs could request guidance on how to take these forward through Panels and Theme Groups;
- the progress column on the tracking resolutions schedule should be kept updated;
- in view of the Council's senior management restructure, a revised organisational chart should be republished and circulated to all Members.

Resolved that a web link to the Audit Commission governance guidance be emailed to the Management Board Members and a set of the booklets and briefings be placed in the Members' library.

(This item was moved up the agenda in order to facilitate good management of the meeting.)

5. **CALL-INS**

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

The Head of Policy, Performance and Partnerships advised that no Cabinet or Cabinet Member decisions had been called in.

b. To monitor actions from Call-ins

Cabinet minutes 20 and 21 responding to Commission recommendations in respect of Cabinet decisions regarding Rival Markets and Transfer of Brickfields Management referred back by the Commission were submitted.

In respect of Rival Markets Policy, the Cabinet Member for Finance, Property, People and Governance advised that –

- consultation was ongoing;
- there was a need to protect the interests of market traders, covered by a Royal Charter and balance those with unregulated car boot sales, etc, which included a public protection issue;
- the third sector compact had been cascaded to all staff;
- the decision was being reconsidered and revised and would be taken again in due course.

In respect of Transfer of Brickfields Management, the Cabinet Member for Leisure, Culture and Sport advised that –

- he had consulted with major stakeholders who, in principle, were happy with the proposal;
- it was now for the Devon Leisure Trust to take forward further consultation if they

wished to support the proposal following their examination of potential options;

- Cabinet held the view that the issue had been considered already so there was no need to implement the Commission's recommendations.

Members raised questions and received the following responses from the Cabinet Member –

- some consultation had been undertaken by the Council and some would be by the Devon Leisure Trust which included local residents;
- this item was included in the Forward Plan so elected Members had been consulted;
- discussions had taken place with the three major stakeholders and they supported the proposal but would not give a written assurance at this time;
- the Cabinet decision was taken in Part 2 and if Commission had been willing to move into Part 2 at its meeting, more detail could have been discussed.

Resolved that the Cabinet Members be thanked for their attendance.

(Councillor Coker declared a personal interest in the above item.)

6. WORK PROGRAMMES

a. To agree how to effectively prepare for future meetings.

Members considered how best to prepare for future meetings.

Resolved that planning meetings for all Management Board Members be held shortly after meeting agendas were published.

b. To consider and approve work programmes for the Management Board and each of the Panels:

The work programmes of Overview and Scrutiny Management Board and the five Overview and Scrutiny Panels were submitted and considered.

Members commented that –

- half-term was not a good time to hold the two day budget scrutiny in February;
- the revised Corporate Plan should be considered in advance of the two day budget scrutiny in February;
- the general, though not unanimous, view was that the Capital Strategy and Asset Management Plan should be considered at the same time as the Budget 2010/11, but discussions should take place with the Corporate Management Team and Cabinet to consider how to present the two days scrutiny as this might be an appropriate opportunity to make changes;
- the monitoring of Plymouth Citybus Limited should be added to the Growth and Prosperity OSP work programme, as previously agreed;
- there had been a delay in taking forward the approved Project Initiation Document (PID) for the Adult Protection/Safeguarding Adults review but, as the Chair of Health and Adult Social Care OSP had been assured that funding was now available, this would be commencing soon, including site visits to Bolton and Sheffield;
- the Health and Adult Social Care OSP had received a written response regarding the four-year backlog of adaptations; this was an issue which involved partners, e.g. Housing Associations;
- there was concern about the delay in achieving adaptations as some patients died while waiting for them;

- there was also a problem with children's adaptations;
- Management Board Members required finance training.

Resolved that –

- (1) the format of the work programmes be standardised;
- (2) the timetable of key dates for the cycle of drafting the budget and Corporate Plan be submitted to the Management Board;
- (3) a table of consultation events with public and partners in respect of the budget 2010/11 be submitted to the Management Board;
- (4) budget and performance monitoring be added to the Panels' work programmes;
- (5) the Health and Adult Social Care OSP be requested to consider the budget for adaptations and identify what the backlog was and report back to the Management Board;
- (6) the Children and Young People's OSP be requested to consider children's adaptations at a business meeting and report back to the Management Board;
- (7) the monitoring of the Plymouth CityBus Limited Shareholding project be added to the work programme of Growth and Prosperity OSP;
- (8) the Leader and the Chief Executive be invited to attend Management Board meetings on a quarterly basis.

c. To consider and approve additions to work programmes.

Councillor Ball submitted a 'Councillor call to action' request in respect of anti-social behaviour problems in Compton Vale. He reported that –

- he had attended a Partnership and Communities Together (PACT) meeting at which there were about 100 residents from Higher Compton who had raised their concerns about anti-social behaviour issues in their area;
- police advised that 263 incidents had been recorded since 1998 and if the view that only 1 in 10 incidents were recorded was correct, then this represented about 2,500 incidents in a 10 year period;
- he requested that the Customers and Communities OSP scrutinised this issue, with involvement from police, residents and Ward Councillors.

Members discussed the merits of this proposal and their varying views included –

- most other wards in the city would have exactly the same problem and this should be tackled as a city problem, not a ward issue;
- this particular problem was a ward issue and it could not be seen that scrutiny was the correct avenue;
- included in the paperwork submitted to the Management Board were a number of recommendations for further discussion areas and it would seem that these had not been followed up, e.g. not all Ward Councillors involved had been involved in any discussions about the issue, no fence had been erected as suggested;
- other wards with similar problems had benefitted from extra resources, e.g. police teams working with residents on problem solving;
- scrutiny was not able to allocate budgets;
- scrutiny would be a 'sledgehammer to crack a nut';
- this problem represented a failure due to certain parties not getting together;
- this 'Councillor call for Action' was new ground and its purpose was to allow for intractable problems to be brought to the fore; as such this request should be

allowed and used as a pilot;

- o scrutiny would be able to ensure that cohesive and co-operative action was taken;
- o the Customers and Communities OSP could consider this under the anti-social behaviour item already on its agenda for the September meeting, with the Compton problem provided as an example;
- o the problems had been identified but the resources had not.

Resolved that –

- (1) the Customers and Communities OSP consider anti-social behaviour at their September meeting, referring to this particular problem in Compton Vale as an illustration of the Anti-Social Strategy as a whole;
- (2) the Cabinet Member for Street Scene, Waste and Sustainability and the Director for Community Services be informed of this scrutiny item and asked to employ their best efforts to resolve the particular problems outlined in this 'Councillor call for action' before the meeting on 28 September;
- (3) a letter containing these resolutions be provided to Councillor Ball.

d. To receive new items from the Forward Plan for 1 August to 30 November 2009 with a view to identifying items for scrutiny.

New items from the Forward Plan 1 August to 30 November 2009 were submitted for Members' consideration with a view to identifying items for scrutiny. None were identified on this occasion.

e. To agree Project Initiation Documents / Task and Finish Groups.

A Project Initiation Document (PID) was submitted in respect of Localities Working.

Members commented that –

- Localities proposals had been considered by Health and Wellbeing OSP a year ago and it was appropriate that all Councillors should have an opportunity to contribute;
- Children's and Young People's OSP had taken the lead on the Localities Strategy;
- it was not clear what was meant by the resources being provided – Strategic Housing and LSP staff; did this mean they would be providing researchers, committee administration?
- it was essential that support for the review was properly resourced;
- it was not understood why this task and finish group needed to report back to Management Board as early as 2 September if Cabinet was not to consider the matter until 10 November 2009;
- this was an issue that involved several Panels, e.g. Customers & Communities OSP, Health & Adult Social Care OSP, Children's Services & Young People's OSP and Growth & Prosperity OSP (with regard to the implications for neighbourhood working).

Resolved that –

- (1) the Localities Working PID be agreed, subject to resolution (2) below, and allocated to the Customers and Communities OSP to host and set dates, inviting Members from other Panels to be included in the task and finish group;
- (2) the date on which the task and finish group report was to be submitted for approval to Management Board be amended to 7 October 2009.

f. To receive updates on Task and Finish Groups.

The following updates were provided.

- the Chair of Children and Young People's OSP advised that the newly appointed chair of Safeguarding Board would be meeting with the Panel;
- the Chair of Growth and Prosperity OSP advised that –
 - there was to be a site visit to the Hoe Foreshore on 17 August 2009 and the West Hoe was not being considered in this scrutiny;
 - the skateboarding bylaw would be considered in September;
 - it was intended to hold a review of the City Development Company in March.

g. Quarterly reports

Resolved that quarterly scrutiny reports be added to the work programmes of all Panels, with the first quarterly report to be considered by Panels at their September meetings and submitted to Management Board on 7 October 2009.

7. PERFORMANCE MONITORING

a. To receive the bi-monthly Finance and Performance Report and to identify issues for further review / monitoring by Panels.

The report submitted to Cabinet on 14 July 2009 by the Corporate Management Team was received by the Management Board.

The Cabinet Member for Finance, Property, People and Governance, and representatives of the Director for Corporate Support and Head of Policy, Performance and Partnerships advised that –

- the aim of the report was to link finance and performance information, looking for outcomes, e.g. improvement in education attainment levels as a result of spend on schools;
- the report was strategic, not including too much detail, with a focus on expenditure of at least £250,000;
- Cabinet was interested to know what the Support Services OSP role would be in the monitoring of finance and performance;
- two particular topical issues contained in the report were regarding the reduction in the value of assets as a result of the recession which impacted on the capital programme and also treasury management functions;
- reporting in future would be more forward looking.

Members commented that –

- the Chairs of each Panel would be held to account to monitor issues from the report;
- it would be helpful if the information in the report was presented in such a way that the general public could understand it;
- in view of the CIP 8 'improving skills and educational achievement' attainment indicators at Key Stages 2 and 4, which fell under the stretch target 'improve the life chances of looked after children', educational attainment of 'looked after children' should be included on the Children and Young People's work programme;
- 'looked after children' fell within the remit of the Corporate Parenting Group;
- regarding CIP 13 'supporting the Council to perform better', the development of role profiles should be added to the work programme of Support Services OSP;

- under-performance against NI 117 'Not in education, training or employment' (NEETs) might be worse due to the current economic climate but this target had been underperforming for a very long time;
- the Children and Young People's OSP included NEETs on its work programme and would be able to provide Management Board with an update on the issue;
- identified risks must be considered by the OSPs and most were already reflected in the work programmes;
- stretch targets were challenging and Theme Group members should be called in by Panels to assist with their scrutiny of them;
- they appreciated the explanation provided to them by the finance officer regarding Minimum Revenue Provision (MRP), i.e. that repayment of Council loans used to be 4 per cent each year but this had now changed with an element of flexibility for unsupported borrowing and a new requirement to use an annuity method as a result of the requirement to bring the Private Finance Initiative (PFI) schemes on to the Balance Sheet from 2009/10.

Resolved that finance training be provided to all Management Board Members.

(This item was moved up the agenda to facilitate good management of the meeting.)

b. To monitor performance against Local Area Agreement targets and to identify issues for further review / monitoring by Panels.

See minute 7a above.

c. To receive updates from Panels on actions / progress on issues previously identified.

No further updates were provided.

d. To monitor performance against the Scrutiny Improvement Plan / development of Protocols.

There was nothing to monitor at this stage.

8. LOCAL STRATEGIC PARTNERSHIP / OVERVIEW AND SCRUTINY PANELS UPDATES

a. To receive updates from each Panel on ongoing / completed work with the related LSP Theme Groups.

The Chair summarised discussion points raised at the scrutiny and theme group chairs' 'breakfast' meeting on 16 July 2009, as follows –

- there was a need to establish rapport between the panel and theme group chairs and a more appropriate venue for these informal meetings was required;
- there were complex areas in the city to be addressed and resourcing for scrutiny was an issue;
- partners were of the opinion that scrutiny and partnership working would work better if non-political;
- there should be meetings between panels and theme groups and partners attending the 'breakfast' meeting were asked to request theme groups to express what they wanted from scrutiny;
- the actions agreed were –
 - ✓ meetings between Management Board Members and Theme Group Chairs should take place on a quarterly basis, to take place in an informal setting, and a timetable for these should be drawn up by the Management Board;

- ✓ a draft report on protocols was to be drawn up by the Head of Policy, Performance and Partnerships for consideration by a working group comprising theme group and OS Panel Chairs;
- ✓ scrutiny work programmes to be developed to include theme group issues;
- ✓ theme groups to be invited to submit requests for topics they considered relevant to the city to be scrutinised;
- ✓ Councillors to ensure that underlying political points were excluded from theme group and scrutiny joint working.

Members commented that inevitably they would have different political perspectives, though agreed that scrutiny should not be party political. They also expressed their thanks to staff for facilitating the meeting.

b. To agree further meetings / discussions with the LSP Theme Groups.

See minute 8a above.

9. APPOINTMENT OF CO-OPTEEES

a. To agree the appointment of a co-optee to the Management Board.

Members were asked to consider and agree the appointment of a co-opted representative to the Overview and Scrutiny Management Board.

Resolved that Douglas Fletcher, Chair of the Chamber of Commerce, be invited to be the co-opted representative on the Overview and Scrutiny Management Board.

b. To agree the appointments of co-optees to each Panel.

Members were asked to consider and agree the appointments of co-opted representatives to each of the Panels.

Members indicated the following –

- Children and Young People's OSP – there should be no change to the existing membership;
- Customers and Communities OSP – consider inviting a third sector representative;
- Health and Adult Social Care OSP – should be deferred;
- Growth and Prosperity OSP and Support Services OSP – consider at the next Panel meetings.

10. RECOMMENDATIONS FROM PANELS / REFERRED FROM CABINET

a. To receive and consider recommendations from the Panels for Management Board, Cabinet and Council / resolutions referred from Cabinet to Scrutiny.

Members received and considered recommendations from the Panels and Cabinet resolutions.

Regarding Sustainable Communities Overview and Scrutiny Panel's minute no. 4, Members noted that consideration of health and safety improvements to the Hoe Foreshore had taken place, with a recommendation that remedial work to the Tinside diving boards should be dealt with as a matter of urgency, and that a site visit was to take place early in August to assess progress of works. The Chair of the Growth and Prosperity advised that the task and finish group would look at the area of West Hoe when they undertook their site visit.

Resolved that –

- (1) regarding Cabinet minute 22, Plymouth City Centre Business Improvement District proposals, a review of these proposals with a view to making a recommendation to the City Council regarding exercising its power to veto be added to the Growth and Prosperity Overview and Scrutiny Panel's work programme;
- (2) regarding Cabinet minute 30, Residential Care: update of modernisation of older people services 2005-2015, a review of the results of consultations be added to the Health and Adult Social Care Overview and Scrutiny Panel's work programme;
- (3) regarding Health and Wellbeing Overview and Scrutiny Panel's minute 5, the Protocol for establishment of joint Health Overview and Scrutiny Committee be approved and submitted to the City Council for confirmation and adoption;
- (4) regarding Safer and Stronger Overview and Scrutiny Panel's minute no. 72, Emergency Response Plan, the Panel's recommendation to Cabinet that funding in the sum of £11,000 is allocated over two years for the provision of external training for members of staff be approved and forwarded to Cabinet.

b. To monitor actions against recommendations made to Cabinet / Council.

The Overview and Scrutiny Commission minutes (7 (2) and 10 (1) regarding tagging Forward Plan items involving capital projects in future and resources for dedicated scrutiny support were to be considered by Cabinet on 11 August 2009.

11. COMMUNICATIONS

a. To receive reports of any press coverage.

The Head of Policy, Performance and Partnerships advised that there was a need to be more pro-active and provide advanced press briefings to the Herald in order to promote scrutiny. It was his intention to be the facilitator for this.

Members commented that –

- advanced press briefings could be considered at the Management Board's planning meetings;
- the press could be advised that at the Management Board's first meeting, a 'Councillor call for action' had been considered;
- the work of scrutiny should be reported in the Plymouth People, with a focus for each panel in different issues.

b. To consider any communication plans.

See 11a above.

12. EXEMPT BUSINESS

Resolved that under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

13. WRITTEN RESPONSE TO QUESTION (E3)

Resolved that the written response to the Overview and Scrutiny Commission's question (Commission minute no. 9 (2) (09/10)) regarding Coypool Action Plan be noted.