

## **Support Services Overview and Scrutiny Panel**

**Monday 19 November 2012**

### **PRESENT:**

Councillor Murphy, in the Chair.

Councillor Bowyer, Vice Chair.

Councillors Casey, Churchill, Gordon, James, Rennie, Stark and Stevens.

Apologies for absence: Councillors Martin Leaves and Parker

Also in attendance: Tim Howes (Assistant Director for Democracy and Governance), Richard Woodfield (Corporate Information Manager), Mike Hocking (Risk and Insurance Manager), Dave Saunders (Lead Officer), Gemma Pearce (Team Leader – Democratic Support).

The meeting started at 3.30 pm and finished at 5.30 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.*

### 36. **DECLARATIONS OF INTEREST**

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

### 37. **MINUTES**

Agreed the minutes of the meeting held 1 October 2012.

### **CHAIRS URGENT BUSINESS**

### 38. **Lead Officer**

The Chair welcomed Dave Saunders, Strategic Manager (Customer Services) as Lead Officer to the Panel and expressed thanks to Simon Arthurs for his work with the panel during his time as Lead Officer.

### 39. **Discretionary Rate Relief Paper**

The Chair advised members that the paper on discretionary rate relief circulated to panel members by email would be submitted to the next meeting for discussion under part II.

40. **GOVERNMENT POLICY CHANGES**

Tim Howes, Assistant Director for Democracy and Governance briefed the panel on the impact of the 'Localism Act' and of the 'Local Authorities (Executive Arrangements) (Meetings and Access and Access to information) England Regulations 2012' on service provision.

With regard to the Localism Act –

- (a) under the general power of competence, a council could do anything that isn't unlawful, this had little effect on this Council as current powers could generally be found to do anything;
- (b) the main change affecting this Council was the abolition of the Standards Committee and Standards Board for England. This change meant that the worst that could happen to a member who had acted contrary to the code of conduct was a letter from the monitoring officer and attendant publicity;
- (c) an independent person would need to be appointed to review complaints. Officers were looking at the best way to appoint an independent person;
- (d) a new type of interest – 'disclosable pecuniary interests' had come in to effect and a completed form for all members had been published on the Councils website;
- (e) 'Community Right to Challenge', where members of the public could bid to run Council services had created additional work for the Legal and Procurement teams however this work had been absorbed into the existing workload. Any successful bids would create a large amount of unplanned work that had not been budgeted for;
- (f) work around 'Assets of community value', a process which offers greater protection to community infrastructure which is considered to be of community value, had been absorbed by the Legal Services Team;
- (g) any referendum on excessive council tax increase would be managed by the Council and then recharged to the precept authority;
- (h) the act had also seen changes to the planning process however these had not impacted on Democracy and Governance.

In response to questions the Monitoring Officer advised that -

- (i) at present members of this council were only required to declare the statutory minimum information on their register of interests however, this would be looked at as part of the code of conduct review and there was potential to include a requirement to declare membership of closed societies such as freemasons;

- (j) there had been no requirement to use the general powers of competence as of yet;
- (k) officers proposals on the new code of conduct would be reviewed by the constitution working group, the Leader and Shadow Leader before submission to Council for final approval.

With regard to the Local Authorities (Executive Arrangements) (Meetings and Access and Access to information) England Regulations 2012 -

- (l) the regulations had come into effect with little warning having been laid before parliament on 8 June 2012 and coming into effect on 1 July 2012. It was felt across the country that this new legislation was an answer to a problem that hadn't existed;
- (m) there had been concerns about the need to publish all officer decisions, which could run into hundreds of thousands. Guidance was sought from the Department for Communities and Local Government who advised that only decisions specifically delegated by the Cabinet to officers would need to be published;
- (n) changes had been absorbed by existing staff within the Democratic Support Team;
- (o) the law only affected Cabinet meetings and did not apply to other committees such as scrutiny;
- (p) due to the requirement to give 30 days' notice of items which would be considered by the Cabinet under part II, officers have found themselves in the position where they need to make a best guess about whether an item may or may not need consideration under part II.

Agreed -

- (1) to request an update on the effects of the Localism Act on the Planning Service;
- (2) to request that the monitoring officer email advice to all members on how the Local Authorities (Executive Arrangements) (Meetings and Access and Access to information) England Regulations 2012 affected committees.

#### 41. **SHARED SERVICES PROGRAMME REVIEW**

The Panel received a briefing note which updated them on progress with the Shared Services programme review.

Agreed to request clarification on when the programme would come to the panel for pre-decision scrutiny.

#### 42. **GOVERNANCE OF THE CAPITAL PROGRAMME**

The Lead Officer took the panel through the flow chart in the agenda pack which outlined the process for putting a project onto the Capital Programme.

Members commented that there was very little opportunity to

Agreed to request that Councillor Lowry provide further evidence on how Member involvement could be built into the process.

#### 43. **SCHOOL ACADEMY TRANSFER**

The panel received a copy of the Cabinet report on traded services with schools and welcomed the recognition there will be services that Plymouth City Council cannot continue to support. With regard to services that would be traded the panel stressed the importance of taking a proactive approach to ensure that Plymouth City Council was not overtaken by competitors.

Councillor Rennie advised the panel that Children and Young People overview and Scrutiny Panel had given this issue consideration and that to avoid cross over it would be advisable to raise concerns with the Chair of this panel so that they could be raised with the Chair of the Children and Young Peoples Overview and Scrutiny Panel.

Agreed -

- (1) to request information on which services are being offered to schools from outside City. Reassurance that a proactive approach is being taken to ensure that business is not lost;
- (2) that the Democratic Support officer circulate (by email) the minutes of the Children and Young Peoples Scrutiny Panel meeting at which this matter was considered.

#### 44. **REVENUES AND BENEFITS MONTHLY POSITION STATEMENT**

The Panel received the Revenues and Benefits monthly position statement for information.

The Chair informed the panel that she had recently undertaken some observation at first stop and in the Revenues and Benefits customer area at the Civic Centre. She had been concerned at what she had witnessed and the feedback received from customer in relation to wait times with some people commenting that they had to wait up to two hours. The Chair had also learnt that customers could be prevented from joining the queue to be seen at 3pm if the queue was too long to clear before 5pm.

The panel were concerned that this could get worse with the upcoming changes brought on by the welfare reform.

Agreed to request a report on wait times and customers satisfaction levels in relation to revenues and benefits customers at the Civic Centre.

#### 45. **FREEDOM OF INFORMATION TARGETS**

The Corporate Information Manager and the Head of Corporate Risk and Insurance presented a report on Freedom of information (FOI) targets. Members were informed that the Council was not meeting targets and whilst there were plans in place to rectify this situation the Council could come under the scrutiny of the Information Commissioners Office.

In response to questions raised by panel members the officer informed the panel that -

- (a) many of the questions submitting under the Freedom of Information Act were complicated and had to be picked apart before the information needed could be collated
- (b) FOI requests were not chargeable until the total time to respond was 18 hours or more. Time was charged at £25 per hour and there was an upper charge limit of £450;
- (c) vexatious or repeated requests could be rejected by the Information Manager in consultation with the relevant Assistant Director;
- (d) the definition of a freedom of information request was any request which made reference to the act;
- (e) There were a number of specific exemptions under which requests for information could be refused;
- (f) Work was underway to transfer documents from a physical to an electronic format and this would assist with the retrieval of information in the future

Members suggested that more detailed records could be kept in relation to requests and that this could help to assess the impact of responding on resources and help to improve response times.

Agreed to request that the officers return to the panel in around six months time with a progress report on the ongoing work to improve response times.

46. **TRACKING RESOLUTIONS AND FEEDBACK FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

Members received the tracking resolutions document which contained information previously requested.

Following a vote by show of hands it was agreed to keep the issue of the legal advice on the listing of the civic centre on the tracking document. All other completed items should be removed.

47. **WORK PROGRAMME**

The panel considered its work programme.

Agreed to request that the Team Leader (Democratic Support) advise members as the extent to which they could consider election costs without crossing the boundaries of propriety.

48. **EXEMPT BUSINESS**

There were no items of exempt business.