

**SCRUTINY COMMISSION**  
**16TH FEBRUARY 2010**

PRESENT: Councillor M. Hunt (Chair)  
Councillor Hampson (Vice-chair)  
Councillors Burr, K. Jones, Jukes, Seaton, Shepherd,  
Vincent and Walker

The Interim Chief Executive attended as Lead Director for the Commission.

34. MINUTES

The minutes of the meeting held on 15th December 2010 were confirmed as a correct record and signed.

35. DISCLOSURES OF PERSONAL INTERESTS

Disclosures of personal interest were made as follows:

- (i) Councillor Vincent involved in a number of voluntary and community sector organisations and would not take part in any discussion relating to those;
- (ii) Councillor Hunt as a member of Leicestershire County Council in respect of any related matters;
- (iii) Councillor Shepherd as a member of Leicestershire County Council and as a volunteer in respect of any related matters. Councillor Shepherd also referred to his former position on this Council's Cabinet. It was appropriate for him to take part in scrutiny of matters at this meeting if that scrutiny did not relate to decisions he had taken as a member of Cabinet.

A request was made that Standards and Monitoring Officer advice on scrutiny by former members of Cabinet be sent to members of the Commission for information.

36. DECLARATIONS – THE PARTY WHIP

No declarations of the existence of the Party Whip were made.

37. SCRUTINY FEEDBACK

A report of the Acting Director of Programmes and Resources was submitted setting out any matters arising from scrutiny committees and their work programmes in order to schedule the Scrutiny Programme and effectively manage the scrutiny process (item 5 on the agenda filed with these minutes).

The Performance Scrutiny Committee had not met since the last meeting of the Commission and, therefore had not changed its work programme. However, the Chair of that Committee reported that since the last meeting of the Committee on

24th November 2010, he had agreed to a number of postponements to the items to be considered at the next meeting on 23rd February 2010, details of which were outlined. Those matters would be considered at the following meeting of the Committee in May 2010.

## **RESOLVED**

1. that the Community and Partnerships Scrutiny Committee Work Programme following its meeting on 20th January 2010, attached as Appendix 1 to the report, be noted and accepted as appropriate and that the Committee's Chair be asked to convey to the Committee that the Commission welcomes involvement of external representatives in its scrutiny work;
2. that in respect of the Investigation and Review Scrutiny Committee Work Programme following its meeting on 27th January 2010, attached as Appendix 2 to the report, the conclusion of two Scrutiny Panels be noted and the Chair of the Committee be asked to commence two further Panels from the three future Panel issues listed, subject to the Head of Democratic Services confirming whether or not a meeting of the Committee is needed before that can be done;
3. that the Head of Democratic Services be asked to consider scheduling four meetings of the Investigation and Review Scrutiny Committee in 2010/11;
4. that postponement of items on the Performance Scrutiny Committee Work Programme, as reported by the Chair of the Committee at this meeting, be noted and accepted as appropriate.

## Reasons

1. The Commission was satisfied with progress on the Committee's work programme. The Committee continued to involve a wide range of external representatives through invitations to attend meetings and assist with its scrutiny, which was providing rewarding outcomes. That approach was welcomed by the Commission and should be conveyed to the Committee.
2. The University Entrances and Parking Policies Scrutiny Panel and the Public Conveniences Panel had been concluded, with reports to be considered by Cabinet on 18th February 2010. There were three issues listed for future Panels on the Work Programme, two of which it was hoped to progress as soon as possible. Membership and terms of reference had not yet been agreed by the Committee for those Panels. Given that position, it was not known for this meeting whether the Panels could progressed prior to the next meeting of the Committee due to be held end May 2010. The Commission was keen to ensure that new Scrutiny Panels commenced as existing ones concluded so that a sufficient and useful programme of work was completed each Council year.

3. The Committee had found it difficult to co-ordinate the work of Scrutiny Panels in 2009/10 with only three scheduled meetings of the Committee. After discussion at this meeting, it was considered that an increase to four meetings in 2010/11 would be useful in this respect and until the current scrutiny review was completed and implemented.
4. The reasons why the Chair had agreed to the postponement of these items were fair and would not unduly delay progress on the Committee's work programme. It was noted that the Chair considered there had been improvement in the effective operation of this Committee at its meetings.

### 38. SCRUTINY REVIEW

A report of the Acting Director of Programmes and Resources was submitted setting out a proposed timetable for this process and providing opportunity for initial comment on what the Council's scrutiny structure should be (item 6 on the agenda filed with these minutes).

The Acting Director of Programmes and Resources and the Head of Democratic Services attended to assist consideration of this matter.

**RESOLVED** that the following views of members of the Commission be submitted to the Scrutiny Review:

- (i) the review should consider the extent to which scrutiny could both develop policy and comment on the proposals of Cabinet. Ideally, the latter to be done before decisions are taken. Also, consideration should be given to the Council's role in scrutinising outside bodies. These opportunities for scrutiny to assist needed to be taken into account when the scrutiny arrangements at Charnwood were revised;
- (ii) the review should consider the appropriate use of witnesses, including outside representatives. Such involvement would ensure thorough consideration of an issue, as occurred within the Council's existing Scrutiny Panels. A clear protocol for the use of witnesses would be of use. Professional expertise when scrutinising an issue was important and useful to the outcome;
- (iii) the matters expressed in (i) and (ii) above represented best practice. Scrutiny worked most effectively in panels rather than larger committees. An opposing view was that a membership larger than that of a Panel was needed for effective scrutiny. Panels should be open to the public wherever possible and a record of their discussions produced, currently they tended to be private meetings. However, concern was expressed that witnesses and councillors might not speak as candidly if such meetings were public. Sometimes, parties to an issue were very much opposed and needed to be listened to separately. Also, it was sensible for initial ideas/discussions not to be

public as these may be reported by the press as actions which would be taken, when it was likely that some would not be viable when considered further. A variety of ways in which panels might operate, to suit the circumstances, might be appropriate;

- (iv) it was important that the terms of reference of committees/panels under the revised scrutiny structure were clearly understood and their titles should reflect the purpose and work of a committee or panel. A scrutiny panel for each of the Council's service areas could be one approach. Public involvement in scrutiny would improve if issues being considered were clear and of interest/relevance. A scrutiny approach similar to that of the Government's select committees might be useful;
- (v) the current Performance Scrutiny Committee undertook useful and necessary work and should be retained, possibly in form of a standing panel.
- (vii) in respect of the proposed timetable for the review, an away day event to progress the review in March, April or May might not be popular given run up to General Election in the time period. It was recognised that delaying the review would delay its implementation. A rigid timetable was needed to focus the review. At the away day, there could be scrutiny structures and procedures for consideration and discussion. Officers could consider best practice and advice from external expertise, to assist that. Proposals could also be circulated for comment prior to being put forward for consideration at the away day. Elements of the existing scrutiny structure which were working effectively should be retained.

#### Reason

The Commission considered that its initial input in respect of the Scrutiny Review, as set out above, was important and would be of use to the review process.

### 39. 2010/11 GENERAL FUND AND HRA REVENUE BUDGETS

The report of the Interim Chief Executive on this matter which was to be considered by Cabinet on 18th February 2010 was submitted (item 7 on the agenda filed with these minutes). A supplementary report to be considered by the Cabinet was also submitted providing a revised section in respect of the HRA (page 68 of the Cabinet agenda and appendix 5) (copy also filed with these minutes).

The Cabinet Lead Member for Finance, Councillor Osborne, had been invited by the Commission to assist its scrutiny and was in attendance. He was assisted by the Interim Chief Executive, in his role as Section 151 Officer, and the Head of Financial Services.

## RESOLVED

1. **that the Cabinet be asked** to ensure that it receives, when it considers the 2010/11 General Fund and HRA Revenue Budgets, a full explanation of how the further £30,000 pressure on the Leisure and Environment Directorate referred to in the report will be met by additional contract income from two leisure centres;
2. that the explanation referred to in resolution 1. above also be sent to members of the Commission;
3. that officers and the Cabinet Lead Member for Finance be commended for their work on 2010/11 General Fund and HRA Revenue Budgets.

### Reasons

1. Cabinet agenda page 62 referred to this £30,000 pressure to be met by additional contract income from two leisure centres. The Commission considered that there was insufficient explanation as to how that additional income would be achieved and that needed to be available when Cabinet considered whether the 2010/11 budgets should be recommended to Council. A particular concern expressed was that the additional income might be obtained via price increases. It was briefly outlined to the Commission at this meeting that the additional income would be met by increased utilisation and greater income share.
2. This information would also be useful to the Commission, given that it considered the explanation of this matter in the report to be insufficient.
3. The Commission considered that this commendation should be given and wished it to be recorded.

## 40. GROUND'S MAINTENANCE REVIEW – PROGRESS REPORT

A report of the Director of Leisure and Environment was submitted setting out progress on the Grounds Maintenance Review (item 8 on the agenda filed with these minutes).

The Cabinet Lead Member for Culture and Leisure, Councillor Lewis, had been invited by the Commission to assist its scrutiny and was in attendance. He was assisted by the Director of Leisure and Environment, the Head of Leisure Services and the Interim Grounds Maintenance Manager.

The Chair requested that a more detailed explanation of the increased support costs and reduction in parish income referred to in the report be sent to him as soon as possible and it was agreed that that information be sent to all members of the Commission.

**RESOLVED** that the report be noted.

Reason

Having discussed service improvements resulting from the review and viewed photographic examples, the Commission had no areas of concern or actions that it wished to include as part of its decision, although an opposing view was expressed that the service had not improved, particularly tree maintenance and litter.

41. COMPREHENSIVE AREA ASSESSMENT - OUTCOME

The report of the Interim Chief Executive on this matter which was to be considered by Cabinet on 18th February 2010 was submitted (item 9 on the agenda filed with these minutes).

The Leader, Councillor Preston, had been invited by the Commission to assist its scrutiny and was in attendance. He was assisted by the Interim Chief Executive and the Head of Performance and Audit.

**RESOLVED**

1. that the report be noted;
2. that the improvement plan being produced by Leicestershire County Council to address the issues arising out of the area inspection report be included on the Commission's scrutiny programme for consideration when available and **that the Cabinet be informed** that the Commission will be considering this matter.

Reasons

1. Having considered the report, the Commission had no areas of concern or actions that it wished to include as part of its decision.
2. It would be appropriate and useful for the Commission to consider the improvement plan. Cabinet should be aware of the Commission's intention to consider this matter, particularly as, at its meeting on 18th February 2010, the Cabinet would be asked to agree to a final draft of the improvement plan being submitted to it for endorsement in due course.

42. COMMUNICATIONS SERVICE REVIEW

The report of the Director of Partnerships and Customer Services on this matter which was to be considered by Cabinet on 18th February 2010 was submitted (item 10 on the agenda filed with these minutes). The annex to the report contained exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 it was recommended that the Commission exclude the public if it wished to discuss the information in it.

A report of the Community and Partnerships Scrutiny Committee was also submitted setting out its comments and recommendations in respect of the Communications and Consultations Team (copy filed with these minutes).

The Cabinet Lead Member for Culture and Leisure, Councillor Lewis, had been invited by the Commission to assist its scrutiny and was in attendance. He was assisted by the Director of Partnerships and Customer Services and the Head of Programme Office.

**RESOLVED** that the report be noted.

Reason

Having considered the report, the Commission had no areas of concern or actions that it wished to include as part of its decision or comments that it wished to submit to Cabinet.

43. SERVICE REVIEW PROGRAMME – SCRUTINY OF REMAINING REVIEWS

A report of the Acting Director of Programmes and Resources was submitted to assist the Commission in determining how scrutiny of the remaining Service Reviews should be undertaken (item 11 on the agenda filed with these minutes).

The Acting Director of Programmes and Resources and the Head of Democratic Services attended to assist consideration of this matter.

**RESOLVED** that all of the remaining reviews in the Service Review Programme be scrutinised, with that scrutiny to be undertaken by a sub-group (or sub-groups) of five members (3 Conservative, 1 Labour and 1 Liberal Democrat), nominations for which to be agreed by the Chair and Vice-chair of the Commission.

Reason

The Commission considered that all of the remaining reviews in the Programme would benefit from scrutiny prior to decision by Cabinet. Existing scrutiny committee and Commission meetings already had a full programme of scrutiny work. Meetings of a sub-group could be arranged quickly to discuss reviews following notification of their publication on the Cabinet agenda. The make-up of the sub-group would reflect the political make-up of the Council.

44. SCRUTINY PROGRAMME

*In accordance with Council Procedure Rule 40 of the Council's Constitution, the Commission agreed to extend the length of this meeting to conclude this item of business. Under this Rule, remaining items of business on the agenda would be deferred to the next meeting of the Commission, on this occasion item 14 - Cabinet Feedback.*

A report of the Acting Director of Programmes and Resources was submitted setting out the current Forward Plan of Key Decisions and any matters referred from Scrutiny Committees or from Cabinet and Council, in order to schedule the Scrutiny Programme (item 12 on the agenda filed with these minutes).

## RESOLVED

1. that the following item be added to the Scrutiny Commission's Scrutiny Programme for consideration on 13th April 2010:

Leisure Centre Procurement (consider information to be submitted to Cabinet 18th February 2010, together with update on any progress by time of Commission's consideration of matter);

2. that the following item be removed from the Scrutiny Commission's Scrutiny Programme:

South Charnwood Leisure Centre (New Management Arrangements);

3. that the following item be rescheduled on the Scrutiny Commission's Scrutiny Programme (from 13th April 2010 to 8th June 2010):

Local Development Framework – 4 Options and Study into Open Space, Sport and Recreation Needs;

4. that the Commission proceeds on the basis of the following Scrutiny Programme, which includes all decisions made at this meeting:

### Every Meeting (not additional meetings for a specific purpose)

Issue	Notes
Matters arising from Scrutiny Committees/Committee Programmes	To enable Commission to review any issues arising from scrutiny committee meetings as part of its remit to co-ordinate the activities of the committees.
Forward Plan of Key Decisions and Future Programme	To enable Commission to be aware of key decisions to be taken by Cabinet over coming months and to programme them onto scrutiny agendas where necessary.
Commission's Scrutiny Programme	Updated programme to be produced after each meeting and submitted to following meeting as part of above item.

## Scrutiny Programme

Note: Appropriate Cabinet Lead Member should be invited as matter of course.

Issue	Notes	Meeting
Report on the new scope of the Environmental Services Contract	<p>To monitor the situation with the contract now that CNH opted in and negotiations with private landlords have been progressed.</p> <p><i>Lead Member for Environment and Director of Leisure and Environment to be invited to attend.</i></p>	13th April 2010
Leisure Centre Procurement	<p>Report submitted to Cabinet on 18th February 2010, plus update on progress since that time.</p> <p><i>Lead Member for Culture and Leisure and Director of Leisure and Environment to be invited to attend.</i></p>	13th April 2010
Older Persons' Housing Strategy – Scrutinising Implementation and Effectiveness	<p>Scrutinising Implementation and Effectiveness.</p> <p><i>Lead Member for Housing and Health and Director to be invited to attend.</i></p>	13th April 2010
Annual Scrutiny Report	2009/10 report to be considered.	13th April 2010
Local Development Framework – 4 Options and Study into Open Space, Sport and Recreation Needs.	<p>To scrutinise either as one document or as individual sections on an appropriate date so that requested changes can be accommodated prior to submission to Cabinet and Council.</p> <p><i>Lead Member for Planning and Director to be invited to attend.</i></p>	8th June 2010

Councillor Call for Action – 12 Month Review	To ensure that the mechanisms implemented were effective and to provide for any necessary amendments to be made should this be required.	8th June 2010
Comprehensive Area Assessment – Improvement Plan	Once available and before endorsement of final plan by Cabinet. Summary report of content of Plan.  <i>Leader of Council and Chief Executive to be invited to attend.</i>	To be programmed.
2011/12 General Fund and HRA Revenue Budgets	Consideration of Cabinet report prior to Cabinet decision to enable comments to be submitted.  <i>Lead Member for Finance and Section 151 Officer to be invited to attend.</i>	15th February 2011

#### Reasons

1. A report considering the commencement of this process would be considered by the Cabinet on 18th February 2010. The procurement represented a major decision for the Council and the Commission considered that its input into the process at an early stage would be useful.
2. The operation of the Centre was undertaken by partnership arrangement and the Commission considered its scrutiny of the matter was not necessary.
3. The issue of Leisure Centre Procurement required consideration at the next meeting of the Commission (13th April 2010). That meeting already had a full agenda of items for consideration. Therefore, it was necessary to reschedule an existing, less urgent item programmed for the meeting to a later meeting.
4. The Commission considered its programme and amended it to provide a useful and achievable scrutiny workload over scheduled meetings in the future. That would also enable planning for future meetings of the Commission, reports to be prepared and attendances to be arranged.

NOTES:

1. No reference may be made to these minutes at Council on 26th April 2010 unless notice to that effect is given to the Head of Democratic Services by five members of the Council no later than five working days following the publication of the minutes.
2. These minutes are subject to confirmation as a correct record of the Commission's decisions (at the next meeting of the Commission).