

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Tuesday, 1 September 2009.

PRESENT

Mr. S. J. Galton CC (in the Chair)

Mr. A. D. Bailey CC
Mr. R. Blunt CC
Mr. G. A. Boulter CC
Mrs. R. Camamile CC
Mrs. J. A. Dickinson CC
Dr. R. K. A Feltham CC

Mr. Max Hunt CC
Mr. P. G. Lewis CC
Mrs. P. Posnett CC
Mrs. J. Richards CC
Mr. R. J. Shepherd CC

In Attendance:

Mr. J. T. Orson JP CC (for Minute 10)

1. Appointment of Deputy Chairman.

RESOLVED:

That Dr. R. K. A. Feltham be appointed Deputy Chairman for the period ending with the Annual Meeting of the County Council in 2010.

2. Minutes of the meeting held on 15 April 2009.

The minutes of the meeting held on 15 April 2009 were taken as read, confirmed and signed.

3. Question Time.

Mr Andre Wheeler, a resident in Barwell, asked the Chairman the following question under Standing Order 35:-

- “1. Why has the Steering Committee of George Ward Community Centre project not sought charitable status?
2. Will any member of the Steering Committee be paid an allowance when the Centre is operational?
3. As there appears to be no finalised business plan and no details of income, could I be advised of how many local Barwell groups have expressed an interest in using the Centre?
4. Will any short-fall in funding be met by the County Council now and in the future, or will the County Council expect the Barwell Parish tax payers to pay?

5. Why have the County Council decided to start this project without a robust Financial Business Plan in place as the Leader of the Council indicated that this would not happen in a letter to me dated of 5th March 2009?”

The Chairman replied as follows:-

- “1. The charity commission is in the process of establishing the new status of Charitable Incorporated Organisation (CIO), which should remove the need for joint registration as a charity (for charitable purposes) and as a company limited by guarantee (to protect trustees financially). The Committee has deliberately held back in order to try and become a CIO as this will save both money and time. However the date for the introduction of CIO status keeps slipping and therefore the Committee has agreed that they will seek charitable status (in whatever form is available and appropriate) 3 months prior to completion of the building subject to; legal advice, financial advice and board approval.
2. No. The only payments made to members of the Steering Committee will cover expenses incurred on behalf of the project. Staff, including Centre Managers, will be recruited via an open and independent recruitment process. The only other situation in which Steering Committee members could be paid an “allowance” would be in the exceptional circumstance of a Committee member providing holiday cover for a paid member of staff.
3. A draft Business Plan has now been produced for the Community Centre which sets out anticipated income and expenditure. The income includes usage income figures based on figures from similar facilities in the County and on the needs analysis conducted by the Committee last year. These estimates are conservative - initial income is based on a utilisation little in excess of 35%, rising by 10% year on year for years 2, 3 and 4. The maximum occupancy level accepted for this type of building is 70%.

Although it is hoped that some local groups will use the Community Facility as a base for their meetings/activities, it has become clear that much of the income will be derived from service providers using the building to deliver essential services to the community, for example adult learning, job search support, training and services to support young people.

The Committee has been conscious from the beginning of the need to minimise the impact on existing facilities in Barwell by attracting new users to the facility and not taking them away from existing buildings such as the Village and Church Halls. There are a number of individuals and groups who have expressed an interest in setting up new groups and classes.

4. The County Council has invested considerable time and money in making sure that the Centre will become sustainable after a reasonable period of time. In projects such as this the County Council would usually

be working closely with the local Parish Council to look at ways of maximising the income to the facility (including from all tiers of local government). I understand that in the case of the Barwell Community Facility, both the County and Borough Councils are actively supporting the Committee but there has been no support from the local Parish Council, despite the fact that the vast majority of local people support the project and are looking forward to it opening next year.

The County Council will continue to support the facility and ensure that it meets the needs of the Barwell tax payer and is a thriving and vibrant Community Centre.

5. Staff from the County Council have been working alongside the Committee to develop the Business Plan and the County Council has paid for consultancy support to assist the group in making the Business Plan as robust as possible. In recognition of the fact that the Community Centre will, as is usual with this type of building, take time to build up its user and client base, the Council has sought additional external funding for the build which will enable some of the interest earned on the capital since 2004 (when The Cedars was sold) to be used to meet the initial shortfall until the end of Year 2 when the Centre should start to break even. The Business Plan, as stated previously, is based on conservative estimates of income and worse case scenarios in terms of many of the expenditure items.

The decision to start on site took into account the fact that a draft Business Plan is now available (and has been made available to the Parish Council) and that this presents a realistic projection of the income and expenditure for the community centre. In addition, each quarter we delay the start on site sees the cost of the project increase which will affect the long term viability of the project.”

Mr. Wheeler asked the following supplementary question:-

“Will the full financial needs of the Centre come solely from the tax payer for four years?”

The Chairman replied that he would ensure that Mr. Wheeler was provided with a written response to his supplementary question.

4. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

5. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.

There were no urgent items for consideration.

6. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

The following members declared a personal and non-prejudicial interest in respect of the item entitled 'County Council Final End of Year performance Report for 2008/09' as members of the district/borough councils that were involved in the partnership activities summarised in the report (minute 11 refers):

Mr. A. D. Bailey CC
 Mr. R. Blunt CC
 Mr. G. A. Boulter CC
 Mrs. R. Camamile CC
 Mr. S. J. Galton CC
 Mr. Max Hunt CC
 Mr. P. G. Lewis CC
 Mrs. P. Posnett CC
 Mrs. J. Richards CC
 Mr. R. J. Shepherd CC

The same members also declared a personal and non-prejudicial interest in respect of the item entitled 'Operation of the new Overview and Scrutiny arrangements' as some of the proposed Review Panel topics would involve district/borough council input (minute 13 refers).

7. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

8. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

9. Petition: To request that Leicestershire County Council revoke its policy preventing the use of blind-spot mirrors.

The Commission considered a report of the Director of Highways, Transportation and Waste Management concerning a petition that had been presented to the former Environment Overview and Scrutiny Committee at its meeting on 16 April 2009. Under the new scrutiny arrangements, it was within the Commission's remit to deal with matters that did not fall within the remit of either the Adult Social Care Overview and Scrutiny Committee or the Children and Young People's Service Overview and Scrutiny Committee. A copy of the report, marked 'B', is filed with these minutes.

With the agreement of the Chairman, Mr. J. T. Orson JP CC – who had presented the petition to the Environment Overview and Scrutiny Committee – spoke on the matter. Mr. Orson explained that there were several locations where people in his electoral division had wished to erect a blind-spot mirror near the junction of concealed entrance/exits on particularly dangerous stretches of rural road, despite it being County Council policy since 1975 not to provide mirrors on the highway. Mr. Orson felt that the County Council should consider reviewing its policy in the interests of safety, as there was a need for blind-spot mirrors in some rural areas.

Arising from discussion, the following principal points were noted:

- County Council officers advised that there was no evidence to suggest that mirrors had a positive effect on road safety;
- It was important that drivers had clear and understandable signage on the highway;
- County Council policy was consistent with Government advice and approval would have to be obtained from the Department for Transport for installation of a mirror.

As the Council's policy on this matter was now somewhat dated, Members felt that the issue would benefit from further investigation and it was proposed that this work may fall within the remit of the Review Panel on Road Safety Measures that was being proposed in report 'E1' (minute 13 refers).

It was moved by Mr. Shepherd, seconded by Mr. Lewis and carried "That the matter of the use of blind-spot mirrors be considered within the context of a wider review of road safety measures."

RESOLVED:

That the matter of the use of blind-spot mirrors be considered within the context of a wider review of road safety measures.

10. County Council final end of year performance report for 2008/2009.

The Commission considered a report of the Chief Executive concerning the contents of the Annual Performance Report for 2008/09 covering the final Comprehensive Performance Assessment position, Medium Term Corporate Strategy and Local Area Agreement 1 (LAA) performance and progress on LAA2, along with relevant new National Performance Indicators. A copy of the report, marked 'C' is filed with these minutes.

The Commission also received a power point presentation on the key issues within the Report. A copy of the slides used in the presentation is also filed with these minutes.

The Commission was advised that benchmarking statistics contained in the Annual Performance Report were unaudited and therefore only provisional at this stage.

The view was expressed that the overall picture was very encouraging and the Authority appeared likely to be the highest performing area in the country, despite having one of the lowest net budgeted spends.

In regard to LAA1 partnership reward targets, it was clarified that the authority had so far achieved £4.4 million of a potential £8 million reward grant. The Government's targets had been particularly stretching.

RESOLVED

- (a) That the end year 2008/09 performance position summarised in the Report be noted;
- (b) That the statement on page 20 of the Annual Performance Report, which states that 'the average % of debt written off as compared to annual revenue over the last five years was '28%' be clarified further.
- (c) That PricewaterhouseCoopers be invited to present their findings on comparative and benchmarking data to a future meeting of the Budget and Performance Monitoring Panel.

11. Medium Term Delivery Plan (MTDP).

The Commission considered a report of the Chief Executive concerning the current position with regard to the Medium Term Delivery Plan. A copy of the report, marked 'D', is filed with these minutes.

The Chief Executive reported that, due to the current financial downturn, it was not currently possible to provide a meaningful report on the Council's delivery priorities until the Medium Term Financial Strategy had been agreed.

Members indicated that, at the appropriate time, consideration be given to inviting the Cabinet Lead Member for Resources to explain how the County Council proposes to deal with the likely implications of its budget on the current economic downturn and increased public borrowing.

RESOLVED:

That the current position be noted.

12. Operation of the new Overview and Scrutiny arrangements.

The Commission considered a report of the Chief Executive concerning the outcome of discussions with the Scrutiny Commissioners concerning the operation of the new scrutiny arrangements. A copy of the report and supplementary report, marked 'E' and 'E1' respectively, is filed with these minutes.

Arising from the discussion, the following principal points were noted:

Review Panels

- Panels that the Adult Social Care and Health Overview and Scrutiny

Committee or the Children and Young People's Service Overview and Scrutiny Committee wished to establish would be reported in the first instance to the Commissioners and then to the Commission. The Children and Young People's Service Overview and Scrutiny Committee Chairman and Spokesmen had indicated that they would wish to set up a Review Panel to look at sex and relationship education and impact on teenage pregnancy rates;

- Binge drinking was a current public concern and it was felt that it would be beneficial to carry out a 'light touch' review on this issue in order to establish whether it would be worthy of a full review;
- Panels would be chaired by Deputy Commissioners;

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- The Commission's role would be one of overview and it would decide where to direct resources within scrutiny;
- It was hoped that by having less items on the agenda the Commission would be able to dedicate more time to high priority issues;
- Members stressed the need for the Commission to make clear recommendations to the Cabinet in future in order that the Cabinet be better equipped to comment, rather than merely 'note' them;
- It would be important for members of the Commission to receive regular feedback on meetings between the Commissioners.

RESOLVED:

- (a) That the draft job descriptions for Commissioners, Deputy Commissioners and Chairmen and Deputy Chairmen of Overview and Scrutiny Committees be approved;
- (b) That the proposed arrangements for the Budget and Performance Monitoring Panel be noted;
- (c) That in regard to Scrutiny Review Panels:
 - (i) The changes proposed for conducting Scrutiny Reviews as outlined in Appendix D to the report be noted;
 - (ii) It be agreed that the following be established:
 - Review Panel on Concessionary Travel
(to be chaired by Mr. G. A. Boulter CC)
 - Review Panel on Bus Services
(to be chaired by Mrs. P. Posnett CC)
 - Review Panel on Road Safety Measures
(to be chaired by Mr. R. J. Shepherd CC)
 - Review Panel on Flooding
(to be chaired by Mrs. R. Page CC)

- (iii) It be agreed that the following 'Light Touch' reviews be established:
 - The Council's Arts Collections (to be led by Mr. P. G. Lewis CC)
 - Binge Drinking (to be led by Mr. Max Hunt CC)
 - (iv) A letter be circulated to all non-Executive members seeking expressions of interest to serve on the agreed Panels;
 - (v) Commissioners be requested to discuss with the Director of Highways, Transportation and Waste Management the timing and scope for a future review of the procurement of waste treatment facilities.
- (d) That the indicative scrutiny work programme as outlined in Appendix E to the report be agreed.

13. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on Wednesday 28 October 2009 at 2.00pm.

2.00 pm - 4.00 pm
01 September 2009

CHAIRMAN